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THE COUNTY OF CHESTER

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September 25, 2013

James Wendelgass, Manager
West Vincent Township
729 Saint Matthews Rd.
Chester Springs, PA 19425

Re: Proposed Conditional Use – Birchrun Village LLC
CU-9-13-8505 - West Vincent Township

Dear Mr. Wendelgass:

The Chester County Planning Commission has examined the conditional use application for West Vincent Township as a planning service, although it is not required by Act 247, the Pennsylvania Municipalities Planning Code as amended. This office received the referral for review on August 29, 2013. The application was accompanied with a plan titled "Birchrun Village LLC," prepared by Wilkinson & Associates Inc, dated December 8, 2009.

This report compares the conditional use to the requirements set by your zoning ordinance and to County policies. Compliance with the conditions set forth in your ordinance should be verified by agents of your Township. If this proposal does not meet all of the required conditions, it should not be approved. Approval of this conditional use does not imply approval of the proposed land development plan, nor release the requirement of the applicant to submit a land development plan under other Township ordinances.

Section 909.1.(b)(3), referring to Section 603(c)(2) of the Municipalities Planning Code, permits the Board of Supervisors to attach reasonable conditions and safeguards, in addition to those expresses in the zoning ordinance. We advise West Vincent Township to do so if necessary. We offer the following comments in considering the proposed land use as it relates to the consideration of the conditional use application.

CONDITIONAL USE DESCRIPTION:

The applicant proposes the construction of three two-story commercial office buildings with 34 parking spaces located on two parcels totaling 2.84 acres. The site is located on the south side of Flowing Springs Road from which the site is accessed. The site is located in the BV-Birchrunville Village zoning district and on-site water and sewer service is proposed.

BACKGROUND:

1. The Chester County Planning Commission has previously reviewed a preliminary/final land development for this site. That review, LD-12-9-1107 dated January 19, 2010 addressed the construction of three office buildings totaling 7,500 square feet sited on the same two parcels as the current submission. We also reviewed a lot consolidation and two story office building proposal for this site in 2005. Those reviews, CCPC# 11846 and 11846-2 were both dated July 21, 2005. The CCPC also reviewed a conditional use submission for this site. That review, dated May 9, 2006, proposed four buildings totaling 9,496 square feet with parking for 45 vehicles.

AREA EVALUATION:

The relevant land use planning policies and regulations that apply to the site are as follows:

- This site will be served by on-site water and sewer facilities.
- The site is zoned BV-Birchrunville Village.
- The parcel contains a two story historic schoolhouse that had previously served as the Township building and two Township maintenance buildings.

LANDSCAPES:

2. The project site is located within the **Rural Landscape** and **Natural Landscape** designations of *Landscapes2*, the 2009 County Comprehensive Plan. The **Rural Landscape** is characterized by open space, woodlands and undeveloped areas. It contains agriculture and scattered residential development on relatively large lots, or subdivisions with protected common open space. Development is primarily served by on-lot sewer and water systems. The **Natural Landscape** Overlay encompasses Chester County's network of natural resources. It is identified by stream corridors, steep slopes and forests, which are essential elements of the physical environment. While this designation does not preclude development or agricultural operations, it indicates major areas of natural resources that should be protected and be subject to only limited disturbance. The location of the proposed land development is not consistent with the guidelines of the **Rural Landscape** because of the potential for negative impacts on the existing historic resource.

WATERSHEDS:

3. *Watersheds, An Integrated Water Resources Plan for Chester County and Its Watersheds*, was adopted in 2002 as the water resources component of *Landscapes*. *Watersheds* indicates that the proposed development activity is located within the Birch Run subbasin of the French Creek watershed. The highest priority management objectives identified in *Watersheds* for consideration in land development and land use planning within the French Creek watershed include:
 - Implementation of comprehensive stormwater management,
 - Protection of water quality from nonpoint source pollutants, and,
 - Protection of vegetated riparian corridors.It is recommended that these concerns and conditions be taken into consideration in final site design decisions. Specific strategies for implementation to effectively address these items can be found in Part 8 of *Watersheds*. A more detailed listing of water resources management needs and resources to be protected within the French Creek watershed can be found in Part 10 of *Watersheds*.

PRIMARY ISSUES:

4. The site is located within the Birchrunville National Register Historic District. The Township should ensure that any development of this site does not affect the integrity and context of the existing historic resource.

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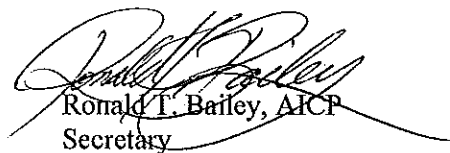
5. The plan submitted for our review generally contains the information required for a land development plan, not a conditional use submission. One of the first requirements for Conditional Uses as listed in Section 2711.A of the zoning ordinance is that the plan will include details of existing man-made and natural features within five hundred (500) feet of the subject property. This information is not shown on the plan. On sheet 2 of the plan the applicant requests a variance from the provisions of Section 2408.B related to setbacks from historic structures. We note that in Section 2711.C.2, the Standards for Review of Proposed Conditional Use, that the "...proposed use shall meet all of the specific standards and regulations for eligibility which appear in the section of this Ordinance authorizing the proposed conditional use". The submission does not meet the minimum setback requirements from historic structures. The Township should also determine if the submission is consistent with the provisions of Section 1002.B.1 related to the maximum square footage of commercial and office uses in the Birchrunville Village zoning district. The submission also does not address the need for a Historic Resources Impact Study, Traffic Impact Study, scenic roads, resource conservation and greenways.

RECOMMENDATION: West Vincent Township should not approve the conditional use application because the submission does meet the ordinance requirements.

We appreciate the opportunity to comment on this proposal.

Approval of this conditional use does not imply approval of the proposed subdivision/land development plan, nor release the requirement of the applicant to submit a subdivision/land development plan under other West Vincent Township ordinances and the Pennsylvania Municipalities Planning Code.

Sincerely,



Ronald T. Bailey, AICP
Secretary

RTB/GPB

cc: Kenneth Miller Jr., Board of Supervisors Chairman
George Martin, Planning Commission Chairman
Tammy Swavely, Planning Commission Secretary
Wilkinson & Associates Inc