

Submittal of

Wayne Glen (aka Richter Property)

Conditional use application under
the Trout Creek Stormwater (TCS) Overlay District
(Sections 208-160 through 208-164)

Conditional Use Hearing: 01/05/2015

CODE COMPLIANCE ANALYSIS
Revised 1/5/15

Submitted by:

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CODE COMPLIANCE ANALYSIS

TABLE OF CONTENTS

(based upon the required narrative in the Township's conditional use application)

- A. The present use of the property, including existing improvements on it.
- B. The proposed use and any proposed improvements or additions to the property.
- C. The suitability of the property for the proposed use.
- D. Zoning bonuses requested and proposed reciprocal action
- E. How the proposed changes will impact traffic or parking in the surrounding area.

EXHIBITS

- A. CU Plan Set (last revised 7/16/14) by Pennoni Associates, Inc.
- B. Post-Construction Stormwater Management Report (last revised 7/16/14) by Pennoni Associates, Inc.
- C. Post-Construction Stormwater Management Operations and Maintenance Document (last revised 4/21/14) by Pennoni Associates, Inc.
- D. Carbonate Geology Study (last revised 7/16/14) by Pennoni Associates, Inc.
- E. Wayne Glen Mixed Use Development Transportation Impact Assessment (1/21/14) by F. Tavani and Associates, Inc.

A. PRESENT USE OF THE PROPERTY, INCLUDING EXISTING IMPROVEMENTS ON IT.

The project site described as Wayne Glen, also known as the Richter Property, (“Property”) is located at the southwest corner of Walker Road and Old Eagle School Road extending to Swedesford Road in Tredyffrin Township, Chester County, PA. Currently the Richter Property contains wooded and meadow areas. An Unnamed Tributary to Trout Creek divides a portion of the property as it flows from South to North. This Unnamed Tributary only flows during storm events, and carries offsite water from two upstream tributaries through the site. The stream flows under Walker Road through an existing culvert.

The Property is currently unimproved, but it previously had one single family home with accessory structures. The home and accessory structures have been demolished, but some remnants of the former improvements remain. In addition, there is a small telephone utility facility located on the eastern portion of the site next to Old Eagle School Road.

A full plan depicting the existing site conditions can be found on sheet CS0200.

B. PROPOSED USE AND ANY PROPOSED IMPROVEMENTS OR ADDITIONS TO THE PROPERTY

Tredyffrin Township residents within the Trout Creek Watershed struggle with increasing flood control problems as a result of upstream development with inadequate stormwater management. As a result of this issue, Tredyffrin Township commissioned the *Trout Creek Watershed Study and Stormwater Best Management Practice Analysis*, prepared by Borton-Lawson, dated January 4, 2010. The Richter Property, as one of the few large undeveloped tracts within the watershed, was identified within the 2010 Trout Creek Study as one of the few opportunities to provide a sizable stormwater management facility that could mitigate downstream flooding of Trout Creek. The developer of the Richter Property desires to construct a large regional basin on the Richter Property in order to execute the vision of the 2010 Trout Creek Study.

On October 1, 2012, Tredyffrin Township approved an Overlay Ordinance for the Trout Creek Watershed which provides development incentives in exchange for the following:

- private construction of regional stormwater facilities desired by the Township
- more stringent stormwater management regulations for the proposed development than would be required under the current Tredyffrin Township Stormwater Management Ordinance

The Property includes one parcel zoned R-1 (residential) and one parcel zoned P (professional). Both parcels are located in the Trout Creek Stormwater (TCS) Overlay District. The proposed land uses include:

- Regional stormwater management facilities:
 - Regional basin
 - New culvert under Walker Road
 - Stream bank restoration and partial realignment
- Extraordinary stormwater management facilities outside of the regional basin.
- 108 residential units (as further described in this application and exhibits, CS1001)
- 240,000 square feet of non-residential building area (as further described in this application and exhibits, CS1002)
- Structures and infrastructure improvements necessary to support the proposed uses (as further described in this application and exhibits)

C. SUITABILITY OF THE PROPERTY FOR THE PROPOSED USE

Establishing suitability of the property for the proposed conditional use under the TCS Overlay District requires demonstrating the site's ability to comply with the purpose, intent and specific criteria established in the TCS Overlay District, including the following:

208-160 Purpose.

The Trout Creek Stormwater Overlay District (TCS) is intended to provide for public stormwater improvements, in addition to the stormwater requirements of Chapter 174, the Stormwater Management Ordinance, in the Trout Creek watershed in a manner consistent with the 2010 Trout Creek Watershed Study and Stormwater Best Management Practice Analysis, as amended, and consistent with the 2009 Tredyffrin Township Comprehensive Plan, as amended. Such improvements may be stormwater management facilities, stream restoration or watershed improvements, or other related improvements deemed to be of public benefit to the community by the Board of Supervisors. The TCS is also intended to ensure that public stormwater improvements provide a clear defined reduction in the frequency and extent of downstream flooding and accelerated erosion, immediately downstream from a development site, and demonstrate improvement to impaired water bodies in the Township as defined by the Commonwealth of Pennsylvania in its current integrated list. Flexibility in granting waivers from Chapter 181, Subdivision and Land Development, to reduce impervious coverage and improve stormwater management will be encouraged.

The proposed development, as shown and described in the plans and materials accompanying this application, meets the purpose and intent of the TCS Overlay District as set forth above through its compliance with the provisions of the TCS Overlay District described herein, most specifically in its provision of public stormwater improvements in full compliance with the very demanding standards of the TCS Overlay District.

208-161. Overlay District Concept

A. The provisions of §§ 208-162 and 208-163 in the TCS District are applicable only to parcels with an elevation no higher than 400 feet from sea level to ensure that public stormwater improvements would be effective within the Trout Creek Watershed, as delineated in Appendix A, Editor's Note: Appendix A is on file in the Township offices.

Elevation on the subject parcel range from 135 feet to 182 feet above Sea level based on Datum NAVD 1988, see General Notes #7 within the plan set and the proposed grading on sheet CS1500.

(1) Provide the following minimum acreage:

(a) Nonresidential parcels have a minimum lot area of five acres;

Proposed Plan complies. Lot area of nonresidential parcel: 9.282 acres per the Net Lot Calculation on sheet CS0403 of Exhibit A: Proposed Plan Set (last revised 07/16/14)

(b) Residential parcels have a minimum lot area of 15 acres;

Proposed Plan complies. Lot area of residential parcel: 24.253 acres per the Net Lot Calculation on sheet CS0402 of Exhibit A: Proposed Plan Set (last revised 07/16/14)

(2) Provide access only to collector or arterial roads, as identified in the Tredyffrin Township Comprehensive Plan of 2009, Table 2.7.1, Roadway Functional Classification, as amended, excluding emergency access.

Proposed Plan complies. Access will be provided only to such roads: Old Eagle School Road (Major Collector)

(3) Provide public stormwater improvements that:

(a) Recharge, evapotranspirate, and/or provide on-site capture and reuse of the total volume of stormwater generated by the proposed development during the two-year/ twenty-four-hour storm;

Proposed Plan complies.

Total stormwater volume generated by proposed development: 157,891

Total stormwater volume recharged, evapotranspired or captured and reused: 157,891

The volume calculations and charts can be found in more detail in Exhibit B: PCSM Report (last revised 07/16/14). See tables 14 through 19 in the report for the full details at each point of interest.

(b) Exceed the baseline peak rate control requirements in § 174-23, Table 23.1, Stormwater Peak Rate Control and Management Standards, by at least 25% for all design storms (calculated before the application of any of the exemptions set forth in Chapter 174) from the proposed development condition; and

Proposed Plan complies.

Baseline peak rate control requirement in 174-23 Table 23.1: The 2-Year and 5-Year Storms shall be reduced to the 1-Year Storm Flows. All other storms should match the pre-developed flows. These base rates are outlined in Table 2 of Exhibit B: PCSM Report (last revised 07/16/14).

Peak rate control provided: 73.06% exceedance is the lowest exceedance of the Chapter 174 base rates. See tables 11, 12 and 13 of Exhibit B: PCSM Report (last revised 07/16/14) for the full details of each storm.

Note: All calculations made before the application of Chapter 174 exemptions.

(c) For development sites specifically identified in the 2010 Trout Creek Stormwater Study, demonstrate compliance with the proposed rate and quantity reductions identified in the final report.

Proposed Plan complies.

Rate and quantity reductions identified in the final report: 5% for the 2-Year Storm, 20% for the 100-Year Storm.

Rate and quantity reductions provided: 5% for the 2-Year Storm, 20% for the 100-Year Storm.

See Table 22 of Exhibit B: PCSM Report (last revised 07/16/14) for the full details of each storm.

208-164. Zoning Bonuses

Sites that comply with § 208-161A may be eligible for the following incentives, in addition to the incentives in §§ 208-162 and 208-163 above. To be eligible, the public stormwater improvements must meet the requirements of § 208-161A(3), and exceed the baseline peak rate control requirements in Chapter 174, Stormwater Management, by 50% for all design storms (calculated before the application of any of the exemptions set forth in Chapter 174), in addition to the requirements of § 208-117 for conditional use approval. In the case of a group or combination of buildings erected on a lot or lots in accordance with a unified plan, the group as a unit shall comply.

Baseline peak rate control requirement in Ch. 174-23 Table 23.1: The 2-Year and 5-Year Storms shall be reduced to the 1-Year Storm Flows. All other storms should match the pre-developed flows. These base rates are outlined in Table 2 of Exhibit B: PCSM Report (last revised 07/16/14).

Peak rate control provided: 73.06% exceedance is the lowest exceedance of the Chapter 174 base rates. See tables 11, 12 and 13 of Exhibit B: PCSM Report (last revised 07/16/14) for the full details of each storm.

D. ZONING BONUSES REQUESTED AND PROPOSED RECIPROCAL ACTION

Zoning bonuses requested are those outlined in the TCS Overlay District and itemized below. Proposed reciprocal action constitutes compliance with those requirements set forth in the TCS Overlay District, as outlined in C above and demonstrated in the exhibits to this application.

208-162. Use regulations.

For sites that comply with § 208-161A, the following uses are permitted when authorized as a conditional use pursuant to § 208-117, provided that the applicant demonstrates to the reasonable satisfaction of the Board of Supervisors, following a review and submission of a recommendation or comments by the Planning Commission to the Board of Supervisors for its consideration, that the authorization will provide public stormwater improvements as required in this article.

A. For portions of the tract where the underlying zoning district is nonresidential:

(1) Any use permitted in the underlying district.

Office use is proposed and permitted in the underlying zoning district

(2) Accessory restaurant uses within a permitted office building or medical office building, provided the uses are clearly incidental and subordinate to the primary office use and do not exceed 10% of the gross floor area of the building or 10,000 square feet, whichever is less. If outdoor consumption of food is proposed, it shall meet all of the following requirements:

(a) Outdoor seating must be contiguous to the establishment preparing the food being served and shall not extend beyond the limits of the frontage.

(b) If any outdoor seating extends into any public right-of-way, an unobstructed walkway at least six feet wide shall be maintained for pedestrian circulation.

Applicant reserves the right to include a restaurant use in the proposed buildings that meet these requirements as part of a land development application.

(3) For parcels that abut expressways, as identified in the Tredyffrin Township Comprehensive Plan of 2009, Table 2.7.1, Roadway Functional Classification, as amended, or for parcels that abut one-way expressway access roads as defined in § 208-164B, hotels, including such accessory uses as recreation facilities for use only by registered hotel guests, restaurants, lounges, meeting rooms and other common areas;

Not applicable to the subject Property.

(4) Structured parking facilities designed to serve the uses on the site. Such parking facilities need not meet the requirements of § 208-103C(1), (2) and (3).

Structured parking facilities designed to serve the site are proposed.

B. For portions of the tract where the underlying zoning district is residential:

(1) Any use permitted in the underlying zoning district.

(2) Age-targeted housing in the form of single-family detached, single-family semidetached (twins) and single-family attached (townhouses).

Proposal includes age-targeted housing in the form of:

- Carriage home units:
 - o single family semi-detached (30 carriage home twins)
- Townhome units:
 - o Single family attached (78 townhouses)
- To comply with the definition of Age-Targeted Housing as defined in Code § 208-6, the proposed units shall include:
 - o Three bedrooms or less in all units
 - o Exterior maintenance by a home owners association
 - o Floor plans as follows:
 - All carriage home model offerings shall have a first floor master bedroom option.

- All townhomes with a 50'-4" depth (59 of the 78 townhomes) shall have a model offering with an elevator option.
 - Homeowners Declaration shall include the requirements and restrictions of the definition of "Age-Targeted Housing" in § 208-6

C. For any portion of the tract:

- (1) public stormwater improvements required by this section.*
- (2) Accessory uses as permitted in § 208-12G, subject to the requirements thereof, provided that in the TCS, such use may include storage within a completely enclosed building in conjunction with a permitted use.*
- (3) Signs when erected and maintained in accordance with the provisions of Article XXV and the signage requirements of the underlying zoning district.*

Proposed Plan complies and will comply with each of the above.

§ 208-163. Tract, area, bulk, height and buffer requirements.

For sites that comply with § 208-161A, every building or use shall comply with the following requirements, in addition to the requirements of § 208-117 for conditional use approval. In the case of a group or combination of buildings erected on a lot or lots in accordance with a unified plan, the group as a unit shall comply.

A. Tract setback requirements.

- *(1) Nonresidential buildings and structures must be set back from any property line a distance of at least 50 feet or a distance at least equal to the height of the building, whichever is greater.*
- *(2) Residential buildings must be set back at least 50 feet from any property line.*

Proposed Plan complies. See Exhibit A: Proposed Plan Set (Sheets CS1000, CS1001, CS1002) (last revised 07/16/14).

B. Building and impervious coverage.

- *(1) The coverage ratios of the underlying zoning district shall apply. However, when a contiguous property covers more than one nonresidential underlying zoning district, the applicant may determine permitted impervious and building coverage on a tract-wide basis by combining the allowable building and impervious coverage ratios of the underlying nonresidential zoning districts.*

Underlying zoning district(s) coverage ratios:

R-1: 30% max. impervious coverage

P: 55% max. impervious coverage

Proposed:

R-1: 24.48% impervious coverage

P: 56.12% impervious coverage (per Code § 208-164 C zoning bonus)

See "Zoning Summary - Residential District" and "Zoning Summary – Professional District" on sheet CS1000 of Exhibit A: Proposed Plan Set (last revised 07/16/14).

- *(2) For the purpose of calculating allowable building and impervious coverage, areas with public stormwater improvements may be included in lot area.*

See "Lot Area Summary" on sheet CS0402 and CS0403 of Exhibit A: Proposed Plan Set (last revised 07/16/14) demonstrating compliance with this requirement.

- *(3) For single-family attached dwellings, 200 square feet of additional impervious coverage per dwelling unit for residential decks, patios or other outside paving shall be planned for and accommodated in the initial stormwater management system and may be added after the initial occupancy of the home.*

200 square feet of impervious coverage per unit for decks is assumed and is accommodated in the stormwater management system, see "Impervious Area Tabulation – Residential District" on sheet CS1000 of Exhibit A: Proposed Plan Set (last revised 07/16/14).

C. Nonresidential zoning districts.

(1) Height.

- a. (a) *The by-right height permitted in the underlying zoning district may be increased by one story (not to exceed 14 feet).*

By-right height permitted: 3 stories, 42'

Proposed office building height: 4 stories, 56'

See "Zoning Summary – Professional District" on sheet CS1000 of Exhibit A: Proposed Plan Set (last revised 07/16/14).

- b. (b) *The height of any parking structure shall not exceed 75% of the height of the tallest principal building on the subject property.*

Proposed Plan complies. Proposed parking structure height: 42', see "Zoning Summary – Professional District" on sheet CS1000 of Exhibit A: Proposed Plan Set (last revised 07/16/14).

(2) Buffer. *Along each existing property line which directly abuts a residential district or use, a buffer area of not less than 20 feet in width shall be provided, subject to the provisions of § 208-102B. The buffer area may be within any required yard or setback.*

Proposed plan complies, See "Zoning Summary - Residential District" and "Zoning Summary – Professional District" on sheet CS1000 and CS1001 and CS1002 of Exhibit A: Proposed Plan Set (last revised 07/16/14) which also shows the required buffer.

D. Residential zoning districts.

(1) Density. *Density may be increased up to 2.3 times the rate permitted in the underlying zoning district. The rate permitted in the underlying zoning district shall be demonstrated through the submission of a by-right plan that complies with the requirements of that underlying zoning district.*

Not applicable – proposed plan utilizes the density zoning bonus per § 208-164 A below.

(2) Building size and placement. *No unit shall be less than 24 feet in width. A minimum building separation distance of at least 10 feet for single-family semidetached dwelling units (twins) and at least 20 feet for all other buildings shall be provided. No more than six units may be attached in any single building.*

Proposed plan complies.

- Single family attached (townhouse) unit width: 24', see sheets CS6002 and CS1000 of Exhibit A: Proposed Plan Set (last revised 07/16/14).
- Single family detached and semi-detached carriage home unit width: 50'-4", see sheets CS6002 and CS1000 of Exhibit A: Proposed Plan Set (last revised 07/16/14).

Minimum building separation provided:

- Single family attached (townhouse): 20'
- Single family detached and semi-detached carriage home unit (twin): 10'

See "Zoning Summary – Residential District" on sheet CS1000 of Exhibit A: Proposed Plan Set (last revised 07/16/14).

Maximum number of units attached in any single building: 6, see plan view on sheet CS1000 of Exhibit A: Proposed Plan Set (last revised 07/16/14).

(3) Height. *The height of any residential building or structure shall not exceed 35 feet, except that the height of any single-family attached building or structure shall not exceed 45 feet if the units are set back at least 75 feet from any existing property line shared by a residential district or use.*

Proposed plan complies.

Maximum height:

- Single family attached (townhouse): 45'
 - Single family semi-detached (twin): 35'
- See "Zoning Summary – Residential District" on sheet CS1000 of Exhibit A: Proposed Plan Set (last revised 07/16/14)

(4) Buffer. Along each tract property line adjacent to an existing residential use or district, a buffer area of not less than 20 feet in width shall be provided, subject to the provisions of § 208-102B. The Board of Supervisors may reduce this requirement if it is determined that a buffer of less than 20 feet in width will provide adequate protection to an abutting property or district, or if the public stormwater improvement is located within the buffer area.

Proposed plan complies, See "Zoning Summary - Residential District" and "Zoning Summary – Professional District" on sheet CS1000 of Exhibit A: Proposed Plan Set (last revised 07/16/14). Supervisors' approval is sought for any buffer reduction resulting from the public stormwater improvement including the dam facility which is subject to PA DEP approval.

E. Special development regulations. Notwithstanding the provisions of § 181-3 (Interpretation) of Chapter 181, Subdivision and Land Development, due to the public stormwater improvements required in this overlay district, the requirements of § 181-51 (Recreational facilities and open space land) of Chapter 181, Subdivision and Land Development, shall not apply.

Proposed application and plan utilize this exemption.

F. Parking. The parking regulations of § 208-103 shall apply, with the following exceptions.

(1) Office.

(a) There shall be at least one parking space for each 250 square feet of gross floor area or fraction thereof.

Proposed Plan complies. Proposed plan provides 969 parking spaces for 240,000 sf of office. This exceeds one per 250 square feet of gross floor area by 9 spaces. See "Parking Summary – Professional District" on sheet CS1000 of Exhibit A: Proposed Plan Set (last revised 07/16/14).

(b) Shared parking is permitted subject to the following requirements:

[1] Provide a parking demand analysis for each use that exceeds 2,400 square feet of gross floor area for approval by the Township Engineer that demonstrates adequate parking will be provided for the uses on site during peak hours. The analysis should generally be consistent with the published recommendations of the Institute of Traffic Engineers (ITE). Data collected from similar or comparable uses to the proposed use also may be submitted for review. For any change of use involving shared parking, a new parking demand analysis shall be submitted as determined necessary by the Zoning Officer.

[2] Demonstrate that the shared parking shall be located no further than 500 feet from the entrance to the buildings and uses they are intended to serve.

[3] Provide a written, legally binding agreement among the owners of record, their tenants and those with which parking facilities are shared for review and approval by the Township.

Applicant reserves the right to include a restaurant use in the proposed office buildings at the time of land development and will demonstrate provision of the necessary parking, as applicable, during land development.

(2) The required parking spaces shall be a minimum of nine feet wide and a minimum of 18 feet in length. On-street parallel parking spaces shall be a minimum of seven feet wide and a minimum of 22 feet in length.

Proposed Plan complies. Proposed plan provides parking spaces of the following dimensions:

- 7' x 22' for all on-street parallel parking spaces
- 9' x 18' for all 90 degree head-in parking spaces, including all garage parking spaces

See site plans on sheets CS1001 and CS1002 of Exhibit A: Proposed Plan Set (last revised 07/16/14).

(3) Off-street surface parking for nonresidential uses may be located in any required yard, except that such parking areas shall not be located closer than 50 feet to any street line for office uses. The area between such parking areas and street lines may be used for sidewalks and landscaping, as required by Chapter 181, Subdivision and Land Development.

Proposed plan provides no parking for office uses closer than 50' to any street line. (See sheet CS1002 of Exhibit A: Proposed Plan Set (last revised 07/16/14).)

§ 208-164. Zoning bonuses.

Sites that comply with § 208-161A may be eligible for the following incentives, in addition to the incentives in §§ 208-162 and 208-163 above. To be eligible, the public stormwater improvements must meet the requirements of § 208-161A(3), and exceed the baseline peak rate control requirements in Chapter 174, Stormwater Management, by 50% for all design storms (calculated before the application of any of the exemptions set forth in Chapter 174), in addition to the requirements of § 208-117 for conditional use approval. In the case of a group or combination of buildings erected on a lot or lots in accordance with a unified plan, the group as a unit shall comply.

Proposed Plan complies.

Baseline peak rate control requirement in 174-23 Table 23.1: The 2-Year and 5-Year Storms shall be reduced to the 1-Year Storm Flows. All other storms should match the pre-developed flows. These base rates are outlined in Table 2 of Exhibit B: PCSM Report (last revised 07/16/14).

Peak rate control provided: 73.06% exceedance is the greatest exceedance of the Chapter 174 base rates. See tables 11, 12 and 13 of Exhibit B: PCSM Report (last revised 07/16/14) for the full details of each storm.

A. Residential uses. *Density may be increased up to 4.5 times the rate permitted in the underlying zoning district, provided the public stormwater improvements meet the requirements of § 208-161A(3), and exceed the baseline peak rate control requirements in Chapter 174, Stormwater Management, by 50% for all design storms. The rate permitted in the underlying zoning district shall be demonstrated through the submission of a by-right plan that complies with the requirements of that underlying zoning district.*

Proposed Plan complies.

By-right density permitted in the underlying zoning district (R-1): 24,
(See sheet CS0404 of Exhibit A: Proposed Plan Set (last revised 07/16/14))

Maximum density permitted: 108 units (24 x 4.5 = 108)

Proposed density: 108 units

- 78 single family attached (townhouse) units
- 30 single family semi-detached carriage home (twin) units

B. Height for nonresidential buildings. *For parcels that abut expressways, as identified in the Tredyffrin Township Comprehensive Plan of 2009, Table 2.7.1, Roadway Functional Classification, as amended, or for parcels that abut one-way expressway access roads, the by-right building height may be increased by two stories (not to exceed 28 feet for the two stories). For purposes of this Subsection B, the term "expressway access road" shall be defined as any one-way road with direct access to or from an on-ramp or an off-ramp for an expressway. Properties will be deemed to abut an expressway if the property abuts the expressway or would abut the expressway but for the intervention of a public right-of-way including, without limitation, a walking trail or an abandoned railway.*

Not applicable

C. Building and impervious coverage.

(1) Impervious coverage may be increased up to the limits provided in Subsection C(1)(a) or (b) below, provided at least two times the amount of additional impervious cover sought is converted to porous paving that complies with current stormwater management requirements. A secondary, conventional inlet/piping system or other drainage element will be required to ensure transmission of surface water into the underground storage and infiltration bed. An operations and maintenance plan for long-term maintenance of the porous paving system also will be required to be submitted and approved by the Township Engineer, and recorded along with the stormwater management plan at the Chester County Recorder of Deeds.

See Exhibit C: Post-construction stormwater management operations and maintenance manual (revised 04/21/14) for the submitted operations and maintenance plan for long-term maintenance of the porous paving system.

(a) For nonresidential uses, impervious coverage may be increased up to 10% above the by-right limit if the conditions in § 208-164C(1) are met.

Underlying zoning (P District) by-right coverage ratios:
222,378 square feet / 55% max. impervious coverage

Maximum impervious permitted under this provision
65% max. impervious coverage

Proposed impervious coverage (with green roof credit):
226,915 square feet / 56.12%

Porous paving area need for 1.12% (4,537 sf) bonus:
9,073 square feet

Proposed porous paving coverage:
33,964 square feet

See “Impervious Area summary – Professional District” on sheet CS1000 of Exhibit A:
Proposed Plan Set (last revised 07/16/14)

(b) For residential uses, impervious coverage may be increased up to 5% above the by-right limit if the conditions in § 208-164C(1) are met.

Underlying zoning (R-1 District) by-right coverage ratios:
R-1: 316,938 square feet / 30% max. impervious coverage

Maximum impervious permitted under this provision
R-1: 35% maximum impervious coverage

Proposed impervious coverage (including non-porous and porous paving):
R-1: 258,621 square feet / 24.48%

Porous paving area needed for bonus:
R-1: 0 square feet

Proposed porous paving coverage:
R-1: 11,847 square feet

See “Impervious Area summary – Residential District” on sheet CS1000 of Exhibit A:
Proposed Plan Set (last revised 07/16/14)

(2) If a green roof is included on any building, a credit of 50% of the area of the green roof will be applied to the calculation of impervious coverage; provided, however, that the foregoing credit shall have no effect on the calculation of impervious area pursuant to meeting the requirements of Chapter 174 or the requirements for public stormwater improvements in this article.

Proposed green roof area: 42,000 square feet
Impervious credit (50% of the area of the green roof): 21,000 square feet

Plan uses credit; see “Impervious Area summary – Professional District” on sheet CS1000 of Exhibit A: Proposed Plan Set (last revised 07/16/14)

(3) Building coverage requirements in the underlying district shall not apply.

Proposed building coverage:
R-1: 16.30 % of lot area (Max. permitted by-right in underlying district: 20%)
P: 25.72% of lot area (Max. permitted by-right in underlying district: 25%)

See “Zoning Summary – Residential District” and Zoning Summary – Professional District” on sheet CS1000 of Exhibit A: Proposed Plan Set (last revised 07/16/14); plan uses this provision to enable an additional 0.72% building coverage in the P District

Section 208-150 A

(11) In the Trout Creek Stormwater Overlay District (TCS), and as part of a conditional use application, the applicant shall identify the specific public stormwater improvements being proposed. Plans and/or documentation shall be submitted in sufficient detail to:

[Added 10-1-2012 by Ord. No. HR-396]

(a) Present the proposed general layout for the tract, including the:

- *project-specific and public stormwater improvements,*
- *buildings,*
- *streets,*
- *landscaping or screening,*
- *vehicular and pedestrian circulation, and*
- *parking and*
- *explain the proposed land use(s), with a table listing the amount of total nonresidential square footage and/ or the total number of dwelling units, and*
- *a separate table listing the incentives utilized from this article and the respective improvements required for the incentives;*

See Exhibit A: Proposed Plan Set (last revised 07/16/14), most specifically sheets CS 1000, 1001, and 1002.

(b) Demonstrate how the public stormwater improvements are consistent with the recommendations contained in the 2010 Trout Creek Watershed Study and Stormwater Best Management Practice Analysis, as amended, referenced in § 208-160;

See Exhibit B: PCSM Report (last revised 07/16/14), which meets this requirement.

(c) Demonstrate how the public stormwater improvements are consistent with the purpose and meet the standards of this article, and Chapter 174, Stormwater Management;

See previous analysis of compliance with TCS Overlay District zoning provisions as part of this narrative.

See Exhibit B: PCSM Report (last revised 07/16/14) which meets this requirement.

(d) Demonstrate the applicant's ability to achieve the proposed public stormwater improvements;

See Exhibit B: PCSM Report (last revised 07/16/14) which meets this requirement.

(e) Present a long-term operations and maintenance plan that includes ownership, maintenance and funding responsibilities of all applicable parties for the public stormwater improvements and that is consistent with the requirements of Chapter 174, Stormwater Management;

See Exhibit C: Post Construction stormwater operations and maintenance manual (last revised 04/21/14) which meets this requirement.

(f) Confirm that all necessary repairs and maintenance to the public stormwater improvements are conducted within a ninety-day time frame measured from the date of written notice from the Township, or as deemed appropriate by the Township Engineer;

See Exhibit C: Post Construction stormwater operations and maintenance manual (revised 04/21/14) which meets this requirement.

(g) Commit to conduct annual inspection and maintenance of the public stormwater improvements and submit an annual certification by a professional engineer whose area of expertise is stormwater management, water resources, or hydraulics and hydrology, that they continue to perform as per the approved plans to the Township;

See Exhibit C: Post Construction stormwater operations and maintenance manual (revised 04/21/14) which meets this requirement.

(b) Demonstrate, where applicable, how continuous flow measurement data (rainfall, stream depth and flow) will be collected for a period sufficient to demonstrate compliance with the stormwater management provisions of this chapter; and

- Not applicable as continuous flow measurement data is not currently available. The proposed stormwater facilities will be designed to meet the modeled rate control performance (as required by the TCS Overlay District) of those conceptual stormwater facilities proposed on the subject property in the 2010 Trout Creek Watershed Study and Stormwater Best Management Practice Analysis, as amended.
- Applicant will install monitoring equipment in order to provide the Township with future measurement data that might be utilized for continuous flow modeling of the Trout Creek in the future.

(i) Provide other information and supporting documentation necessary to reasonably inform the Board of Supervisors and public as to how the improvements serve the best interests of the Township and provide any other information requested by the Board of Supervisors.

- Compliance demonstrated by Exhibit B: PCSM Report (last revised 07/16/14) and by Exhibit C: Post Construction Stormwater Operations and Maintenance Manual (revised 04/21/14).

Section 208-117 Conditional Uses

In any instance where the Board of Supervisors is required to consider a request for a conditional use in accordance with the provisions of this chapter, the following shall apply:

B. Criteria for review of proposed conditional use. The criteria and standards contained in § 208-150 for the review of requests for special exceptions and variance shall be considered by the Planning Commission and Board of Supervisors in evaluating a proposed conditional use.

Section 208-150 A

In any instance where the Zoning Hearing Board is required to consider a request for a special exception or variance in accordance with the provisions of this chapter, the Zoning Hearing Board shall, to the full extent permitted by law, consider the following factors where appropriate:

(1) Give full consideration to the size, scope, intent and character of the special exception or variance desired and assure itself that such request is consistent with the spirit, purpose and intent of this chapter.

The proposal is the first application under the Trout Creek Stormwater Overlay District and is consistent with the spirit, purpose and intent of the TCS Overlay in implementing the Township's goals regarding stormwater management in the Trout Creek Watershed.

(2) Consider the suitability of the property for the use desired and the extent to which the new or expanded use is susceptible to regulation by appropriate conditions and safeguards.

Both parcels (residential and office) are located in the Trout Creek Overlay District. The proposal has undergone extensive review by the Planning Commission, Township staff and Township consultants to ensure suitability of the Property of the use desired and appropriate conditions.

(3) Consider the public interest in or the need for the proposed change and determine that the proposal will serve the best interests of the Township, the convenience of the community (where applicable) and the public health, safety, morals and general welfare.

The proposal complies with the requirements of the TCS Overlay District, which was adopted by the Tredyffrin Township Board of Supervisors in order to implement the proposed public stormwater improvements for the best interests of the Township and promote the public health, safety, morals and general welfare.

(4) Consider, where pertinent, the effects of the proposed change with respect to the most appropriate use of land; conserving the value of buildings; safety from fire, panic and other dangers; adequacy of light and air; the overcrowding of land; congestion of population; and the adequacy of public and community services.

The proposal complies with the land use and zoning requirements of the TCS Overlay District and the local fire company has reviewed the proposed plan.

(5) Take into consideration the character and type of development in the area surrounding the location for which the request is made and determine that the proposed change or modification, as permitted, will constitute an appropriate use in the area and will not substantially injure or detract from the use of surrounding property or from the character of the neighborhood.

The proposal will benefit downstream residents through construction of the public stormwater improvements and will add attractive new housing stock and commercial development to the community. The larger public will benefit as a result of the elimination of flooding on Walker Road in even the 100 year storm event.

(6) Guide the development of highway frontage insofar as possible so as to limit the total number of access points, reduce the need for on-street parking and encourage the frontage of buildings on parallel marginal roads perpendicular to the highway.

The primary vehicular access point will be located on Old Eagle School Road. No parking will be located on the existing adjacent public streets and building frontage will be on internal drives within the proposed development as will additional and guest parking spaces.

(7) Consider the probable effects of proposed development on highway congestion and ensure the adequate highway access arrangements are provided in order to protect major highways from undue congestion and hazard. Each applicant for special exception or variance shall establish the effect of the proposed development on the reserve capacity of the public roads and road intersections providing access to and in the area of the subject property. No special exception nor variance shall be granted if an effect thereof will be to materially increase traffic congestion on said roads or at said road intersections.

The proposed development will provide safe means of access to public roads. Traffic from the development can be safely and adequately accommodated by the adjoining road network. The proposal will not materially increase traffic congestion on adjacent roads or intersections.

See Exhibit E: Traffic Impact Study (last revised 01/21/14).

(8) If the special exception or variance is sought in an area which has been designated as a unified development area in the Comprehensive Plan of the Township, consider whether the proposed development is substantially consistent with the criteria and objectives of said Comprehensive Plan and with the specific plan of development presented to the Board of Supervisors when any zoning change affecting the area in question was granted.

Not Applicable

(9) If a variance is sought in a Flood Hazard District Area, the Zoning Hearing Board shall follow the standards of review in § 208-15C.

Not Applicable

(10) If a special exception or variance is sought to permit the installation of a communications tower and/or antenna, the Zoning Hearing Board shall follow the standards of review in § 208-115.

Not Applicable

Section 208-150 B

In the case of a variance, in addition to any applicable standards of this section above, the more specific requirements or criteria contained in Article IX of the MPC shall apply. The Zoning Hearing Board may grant a variance, provided that the following findings are made where relevant in a given case:

Not Applicable

(1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship required by law is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.

Not Applicable

(2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

Not Applicable

(3) That such unnecessary hardship has not been created by the appellant.

Not Applicable

(4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

Not Applicable

(5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

Not Applicable

Section 208-150 C.

In granting any variance or special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of the Township Subdivision and Land Development Ordinance^[1] and this chapter, which conditions and safeguards may relate to, but not be limited to: aesthetics, screening, lighting, noise, safety and the minimizing of noxious, offensive or hazardous elements. Each special exception shall be clearly authorized by a provision of this chapter and shall comply with any more specific standards relating to such exception contained in this chapter.

[1]: Editor's Note: See Ch. 181, Subdivision and Land Development.

The proposal has undergone extensive review by the Planning Commission, Township staff and Township consultants to ensure suitability of the property for the proposed use. The Planning Commission has recommended conditions it deems appropriate.

Section 208-150 D.

In the case of a request for a special exception or variance, it shall be the responsibility of the applicant to present such evidence as is necessary to demonstrate that the proposed use or modification complies with the pertinent criteria or standards set forth in this section.

The submitted evidence demonstrates the proposal's compliance with the criteria and standards of Sections 208-160 through 208-164 (TCS Overlay District) and 208-150 of the Tredyffrin Township Code.

E. HOW THE PROPOSED CHANGES WILL IMPACT TRAFFIC OR PARKING IN THE SURROUNDING AREA.

See Exhibit E: Traffic Impact Study (last revised 01/21/14) demonstrating that the proposed development will be safely and adequately accommodated in all respects by the existing road system.

EXHIBITS

- A. CU Plan Set (last revised 7/16/14) by Pennoni Associates, Inc.**
- B. Post-Construction Stormwater Management Report (last revised 7/16/14) by Pennoni Associates, Inc.**
- C. Post-Construction Stormwater Management Operations and Maintenance Document (last revised 4/21/14) by Pennoni Associates, Inc.**
- D. Carbonate Geology Study (last revised 7/16/14) by Pennoni Associates, Inc.**
- E. Wayne Glen Mixed Use Development Transportation Impact Assessment (1/21/14) by F. Tavani and Associates, Inc.**