



RESOLUTION NO. 2018-38

PRELIMINARY/FINAL LAND DEVELOPMENT APPROVAL

4027-4023 WEST CHESTER PIKE

(PORSCHE DEALERSHIP)

WHEREAS, Rockhill Real Estate IV, LP and Rockhill Real Estate V, LP (collectively "Developer") has submitted plans to approve its application for Preliminary/Final Land Development for the premises at 4027-4023 West Chester Pike, approximately 1000' west of the intersection of West Chester Pike and Boot Road, in the vicinity of the existing Porsche dealership, related to the development of a new dealership building with associated parking, vehicle storage, and other improvements as set forth in grading plans entitled Preliminary/Final Land Development Plans for Porsche of the Main Line, pages 1 through 21, dated September 5, 2018 and last revised October 8, 2018 prepared by T&M Associates ("Plans");

BE IT RESOLVED that the Board of Supervisors of Newtown Township hereby resolves and conditionally approves the aforementioned application and plans, subject to and conditioned upon the following:

- 1) The applicant must comply with the following:
 - a. the comments and recommendations of the Planning Commission at the October 25, 2018 Planning Commission meeting and memorialized in a memorandum dated November 16, 2018;
 - b. the Township Engineer (Stantec) review letters of September 21, 2018 and October 18, 2018;

- c. the Fire Marshall letter of October 18, 2018;
 - d. the Delaware County Planning Department review letter of October 18, 2018;
 - e. the promises and representations of Applicant/Applicant's engineer in TM's letter of November 15, 2018;
 - f. the applicant will prepare and file deed restrictions in accordance with drawing Exhibit 16, drawing BE-1;
 - g. any representations made by applicant at the Board of Supervisor meeting and conditional use hearing of December 10, 2018;
 - h. any conditions of the special exception order of the zoning hearing board of October 11, 2018
- 2) Applicant has withdrawn the conditional use approval to allow 10 inventory parking spots with a 7.5 foot set back along the West Chester Pike right of way, in consideration for the Board allowing the landscaping and buffer required in the northern portion of the project in that area to be moved to residential properties owned by the applicant to the North, in the deed restricted areas depicted on the Plans. If the residential property is sold, the applicant agrees to enter into a maintenance agreement to maintain the buffer in those areas.
- 3) The following waivers:
- a. Section 104-14D(1) to allow for less than 50' side primary buffer located adjacent to residential zoning district, only to the extent set forth in the Plans and with the conditions set forth in this resolution
 - b. Section 148-12 for joint submission for preliminary/final land development approval

- c. Section 148-43(B)(4) to allow HDPE stormwater pipes
- 4) Approval is conditioned further upon:
- a. of the addition of sidewalk along the West Chester Pike right of way for the entire frontage of all Porsche properties both existing and to be developed, with no grass strip required between the sidewalk and the curb;
 - b. providing for a bus shelter to be placed in coordination with SEPTA and the Township to optimize its use
 - c. coordinating with the Township for slope and/or construction of retaining walls to support the construction of sidewalks, with construction on slopes of greater than 3 to 1 upon approval of the Township Engineer
 - d. applicant will pay in lieu of recreational lands per Township Code
 - e. applicant will comply in all respects with all applicable Township Codes, ordinances and regulations, as well as any applicable County, State or Federal regulations, and obtain necessary sewage planning approvals.
 - f. Applicant will provide proof of permission and/or obtain signatures on Plans and/or agreements to allow filing of same to the satisfaction of the Township Solicitor
 - g. Applicant will post financial security and execute a developers agreement and financial security agreement and post financial security pursuant to the MPC and Township Code prior to applying for or receiving permits, all of which may be executed by the Township Manager upon agreement of the Township Solicitor and Township Engineer, and

1. Preliminary/Final Approval is contingent upon payment of all outstanding professional fees/escrow replenishment, within 45 days of approval, except as properly challenged in accordance with the MPC.

RESOLVED, this 10th day of December, 2018, at a public meeting of the Board of Supervisors.



**BOARD OF SUPERVISORS
NEWTOWN TOWNSHIP**

BY: _____

John A. Nawn, P.E., Chairman

ATTESTED

Stephen M. Nease
Stephen M. Nease, Township Manager