

**RESOLUTION #26-2023
EAST WHITELAND TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

**RESOLUTION FOR MASTER PLAN APPROVAL FOR GREAT VALLEY
CORPORATE CENTER REDEVELOPMENT**

WHEREAS, Philadelphia Suburban Development Corp. (the “Applicant”) is the record owner of a parcel of ground identified by tax parcel numbers 42-4-15.12, 42-4-15.15, 42-4-15.16, 42-4-15.17A, 42-4-51.1, and 42-4-52.1 and is located within the East Whiteland Township GVR, Great Valley Revitalization Overlay Zoning District and O/BP, Office/Business Park Zoning District (“Property”);

WHEREAS, Applicant has requested review and approval of a Master Plan prepared by Nave Newell, consisting of 14 sheets dated May 31, 2023 and last revised August 9, 2023 (“Plans”);

WHEREAS, the Applicant proposes the redevelopment of the Property as a mixed-use development, proposing a mix of office, retail, and multi-family uses to be carried out by retaining an existing 33,537 square foot office building, retaining an existing 5,582 square foot barn structure and appurtenant historic buildings, constructing 304,000 square feet of commercial research and development office space, 270 market-rate multi-family residential units in one building, 130 age-restricted multi-family residential units in two buildings, two parking garages to serve the apartments and commercial office building, and 13,400 square feet of retail space to be housed within the parking garage associated with the research and development building (Project”).

WHEREAS, the Project is proposed to be developed in two phases, as depicted on the Plans. Each phase of the Project will require subsequent approvals through the Subdivision and Land Development process;

WHEREAS, at the September 27, 2023 Planning Commission Meeting, the East Whiteland Township Planning Commission recommended Master Plan approval for the Plans contingent upon satisfaction of all the professional review letters.

NOW, THEREFORE, BE IT RESOLVED, by the East Whiteland Township Board of Supervisors, Chester County, Pennsylvania this 13th day of December, 2023, that the Plans are

APPROVED WITH CONDITIONS:

1. Administrative and Technical Completeness. The Applicant shall complete, to the satisfaction of the Township, the following administrative and technical requirements associated with the review of the Plans:

- a) The Applicant must address to the satisfaction of the Township the comments contained in the following letters, including any subsequent comments contained within review letters resulting from future resubmissions:
 - i. ARRO's review letter: (Dated August 28, 2023)
 - ii. McMahon a Bowman Company review letter: (Dated September 21, 2023)
 - iii. East Whiteland Township Staff review letter: (Dated July 13, 2023 and revised September 20, 2023)
- b) Any outstanding Township fees related to the Project, including but not limited to, all outstanding Township Engineers and Solicitor invoices, and Township administrative costs associated with the Project, shall be paid in full prior to the recording of the Final Subdivision and Land Development Plan for the Project.

- c) The Applicant must obtain any necessary approvals and reviews from all outside agencies, including but not limited to, the Chester County Conservation District; Chester County Department of Health; Pennsylvania Department of Environmental Protection; Pennsylvania Department of Transportation (“Third Party Permitting”) before recording of the Final Subdivision and Land Development Plans.

2. **Waivers and Deferrals.** Unless stated otherwise in this resolution, this Master Plan approval shall not constitute the granting of any waivers or deferrals. Any requested waivers and deferrals will be considered at the time of Preliminary Plan approval for the corresponding Subdivision and Land Development process for each phase of the Project. If the plan is not compliant with the Zoning, Subdivision and Land Development, or Stormwater Management Ordinances of the Township, then this approval does not grant permission for said noncompliance because at the time of Preliminary Plan approval, the Township will either permit the non-compliances by waivers or modifications or the Township will deny the waiver request and, possibly, deny the Preliminary Plans.

3. **Not a Preliminary Plan Approval.** The Applicant and Township agree that this Master Plan approval is not a Preliminary Plan approval and that this Master Plan approval does not vest any rights other than those provided for in East Whiteland Township Zoning Ordinance Section 200-39.3(H)(3)(b). In addition to the foregoing:

- a. The Applicant shall be required to submit both Preliminary and Final Subdivision and Land Development Plans (or combination thereof, if so agreeable by the Township) for each phase of the Project.

- b. The Applicant and Township acknowledge that the specific building footprints, site layout, and other improvements internal to the site may be subject to change during the corresponding Subdivision and Land Development process for each phase of the Project.

4. **Historic Structures.** This Master Plan approval shall not constitute the vesting of any rights to the benefit of the Applicant to alter or demolish any historic structures. All requests to alter or demolish any historic structures will be considered based on the applicable Zoning and Subdivision and Land Development Ordinances at the time of Final Plan approval. In addition, and in accordance with the recommendations of the Historic Commission during the August 16, 2023 meeting, the Project shall be subject to the following:

- a. During the Land Development review process, the Applicant shall take appropriate measures to maintain, or increase to the extent possible, visibility of the historic resources from Route 29, including, but not limited to, modifications to the proposed landscaping plan to minimize the use of evergreen trees in favor or decorative or flowering trees and other low-level landscaping.
- b. In acknowledgement that the proposed use and building configuration associated with Phase 2 of the Project may be subject to change, the Applicant shall return to the Historic Commission for approval during the Subdivision & Land Development review process for Phase 2.

5. **Road Improvements.** Consistent with Section 200-39.3(J)(2), upon recordation of the first phase of the land development plan for the Project, the Applicant shall post financial security for all on-site and off-site traffic improvements associated with each phase of the

Project, as depicted on the Master Plan and as outlined in the corresponding Traffic Impact Study. The amount of financial security may be adjusted in the future based on modifications to the Master Plan that may be approved during subsequent phases of development. At a minimum, the Applicant agrees and hereby commits to installing the following road improvements, as shown on the Plans, with the understanding that any improvements to State roads are subject to PennDOT Approval and any improvements to Township roads are subject to Township approval and must be further designed and reviewed during the corresponding Land Development review process:

- a. Route 29 & Proposed Lapp Road Extension/Township Park Access (Phase 1)**
 - i. Install a traffic signal at the intersection.
 - ii. Construct a northbound Route 29 left-turn lane.
 - iii. Construct the Lapp Road Extension with an eastbound left-turn lane and a shared left/through/right-turn lane.
 - iv. Provide appropriate signal phasing.
 - v. Provide appropriate pedestrian facilities.
- b. Old Morehall Road & Lapp Road/Proposed Lapp Road Extension (Phase 1)**
 - i. Construct an eastbound Lapp Road right-turn lane.
 - ii. Improve Old Morehall Road to allow for two-way traffic flow between Route 29 and Lapp Road.
 - iii. Construct a southbound Old Morehall Road left-turn lane.
 - iv. Install a stop sign on each approach to create all-way stop control.
- c. Route 29 & Flat Road (Phase 2)**
 - i. Provide an additional southbound Route 29 through lane.

- ii. Provide an additional northbound Route 29 through lane by converting the existing northbound right-turn lane to a shared through/right-turn lane.
 - iii. Provide appropriate signal phasing.
- d. Route 29 & Great Valley Parkway (Phase 2)
- i. Provide an additional northbound through lane by converting existing northbound right-turn lane to a shared through/right-turn lane.
 - ii. Provide separate eastbound Great Valley Parkway left, through and right-turn lanes, or make appropriate improvements to the existing condition.
 - iii. Extend the existing eastbound Great Valley Parkway right-turn lane to accommodate the anticipated queue.
 - iv. Construct westbound Great Valley Parkway right-turn lane
 - v. Provide appropriate signal phasing.
- e. In addition to the foregoing, the Applicant hereby commits to providing financial assistance in the amount of up to \$100,000 to be used for feasibility studies, preparation of grant applications, preliminary design and engineering, and other related activities related to the Township's pursuit of potential off-site traffic improvements along the Route 29 Corridor. Said financial assistance shall be provided to East Whiteland Township upon request, or may be utilized by Applicant for the same scope of services set forth herein in consultation with the Township. The potential off-site traffic improvements along the Route 29 Corridor may include, but shall not be limited to, the following:

- i. Construct a third Route 29 southbound through lane starting north of the Turnpike interchange intersection and continuing south along Route 29 to connect with the third southbound through lane approaching Flat Road.
- ii. Construct a third Route 29 southbound through lane starting just south of the intersection with Great Valley Parkway and continuing south along Route 29 through the intersection with the Lapp Road Extension.
- iii. Construct a southbound Route 29 right-turn deceleration lane approaching the intersection with Great Valley Parkway.

6. **Transportation Impact Fee.** In addition to the foregoing, the Applicant hereby commits to the future payment of transportation impact fees based on the number of new weekday afternoon peak hour trips generated by the Project. The fee of \$2,862 per trip shall be determined during the corresponding Subdivision & Land Development process for each phase of the Project. The fee shall be paid in full prior to issuance of the required building permits for the project.

7. **Multi-Modal Transportation Improvements.** As contemplated on the Township's Multimodal Transportation, and as further outlined within the Design Guidelines associated with the Great Valley Revitalization Overlay, the Applicant shall construct, at a minimum, the following improvements, the specific designs for which may be further refined during the corresponding Subdivision and Land Development review processes for each phase of the Project, as noted below:

- a. Multi-use trail along the north side of the proposed Lapp Road Extension, along with connections to and from surrounding properties, including the Township's Valley Creek Park (Phase 1).

- b. Multi-use trail and linear park along the entirety of the tract frontage on Route 29 (Phase 1).
 - c. Multi-use trail (but not necessarily the linear park) along Great Valley Parkway. It is acknowledged that this specific improvement may be constructed in an interim or temporary fashion during Phase 1 so as to not unnecessarily impact the development of the Phase 2 portion of the Project (Phase 1).
 - d. Sidewalks throughout Phase 1 of the Project (Phase 1).
 - e. Temporary pedestrian connection (if feasible) between Phase 1 and the existing restaurant and future Phase 2 portion of the Project (Phase 1).
 - f. Pedestrian connections across Great Valley Parkway and Route 29 at Great Valley Parkway. It is acknowledged that this specific improvement may be subject to modification as a result of traffic improvements associated with Phase 2 of the Project (Phase 2).
 - g. Remaining multi-use trail, sidewalk, and linear park improvements along Great Valley Parkway (Phase 2).
 - h. Sidewalks along Technology Drive and Great Valley Parkway, as applicable (Phase 2).
 - i. Sidewalks throughout Phase 2 of the Project which connect into the various improvements associated with Phase 1 of the Project (Phase 2).
8. **Parks Open Space and Recreation.** In addition to the Multi-Modal Transportation improvements outlined above, the Applicant shall comply with Section 175-40, including the payment of any applicable Parks Open Space and Recreation (POR) fee-in-lieu. The fee of \$2,845 per dwelling unit shall be determined during the

corresponding Subdivision and Land Development process for each phase of the Project. The fee shall be due at the time of recording of the final plan associated with each phase of the Project.

9. **Sewage Facilities Tapping Fee.** The Applicant shall pay sanitary sewer tapping fees as follows:

- a) In the event that the Township's sale of its sanitary sewer system to Aqua Pennsylvania Wastewater, Inc. (the "Sewer Sale") is resolved in a manner to confirm the Sewer Sale, then no sanitary sewer tapping fee shall be due the Township.
- b) In the event that the Sewer Sale is resolved in a manner to reverse the Sewer Sale, then Applicant agrees, within forty-five (45) days of written demand from the Township, to purchase from the Township all required sanitary sewer EDUs at the prevailing price at the time they are obtained from the Township (the "Required EDUs"). Such tapping fee for the Required EDUs is imposed in accordance with the Second Class Township Code, Municipality Authorities Act, and the relevant Township Ordinances imposing such tapping fees.
- c) In the event that the Sewer Sale is not resolved in a matter to confirm the Sewer Sale, then (i) Township will monitor the property's usage for excess capacity usage and will bill Applicant for additional EDUs where applicable and, conversely, credit Applicant for the cost of any EDUs purchased but not utilized (ii) Applicant acknowledges that the Township may require flow meters and/or sampling manholes to be located on the property in order to

monitor flows from the Property for billing, capacity calculations, and sampling of waste discharge, and (iii) Applicant acknowledges that all required flow meters and sampling manholes shall be of a type approved by the Township Engineer and shall be installed at the location specified by the Township.

- d) Applicant acknowledges that it is proceeding at its own risk if Applicant waits to file the Record Plan with the County Recorder of Deeds without first obtaining the Required EDUs. Applicant indemnifies and holds harmless the Township if the Required EDUs are not available at the time of the recording of the Plans or at the time of purchase. Additionally, Applicant acknowledges that the sanitary sewer capacity reserved or purchased may be used only on the Property.

10. **Breakdown of Residential Units.** The Applicant hereby agrees that there shall not be more than 13 non-age restricted three-bedroom units constructed as part of the Project. In addition, there shall be no dwelling units with more than three total bedrooms constructed as part of the Project. It is understood that while the mix of one and two bedroom units may vary, there shall be no more than 161 non-age restricted two bedroom units. The total unit count of all residential units shall not exceed 400.

11. **Stormwater Management Project Coordination.** During the Preliminary Subdivision and Land Development review process for Phase 1 of the Project, the Applicant shall coordinate with the Township to advance off-site stormwater management projects, including, but not necessarily limited to: tree installation, establishment of riparian buffers and vegetative cover, streambank restoration, and related activities.

12. Modification. It is understood that the Master Plan is not an engineered plan and that changes to the plan may be required based on, among other considerations, municipal reviews, Third Party Permitting requirements and site constraints discovered during the land development process. Accordingly, adjustments to the Master Plan may be made and depicted in subsequent Land Development applications absent the need to file a separate amendment to the Master Plan. Any approval of a Land Development plan depicting said adjustments shall also be considered an amendment of the approved Master Plan.

13. Waivers. The Applicant has requested the following waivers from the Subdivision and Land Development Ordinances for the Plans, as set forth in the September 20, 2023 letter from Nave Newell:

- a. The request for a waiver from Section 175-21.A and 175-22.A (regarding Plan Submission Requirements) to allow plans drawn to be drawn at a scale of 1" = 60' and 1" = 100' where 1" = 50' is required, is hereby **Deferred** until the review and approval of the Preliminary Land Development Plan.
- b. The request for a waiver from Section 175-31 A. (1) (regarding Street Width) to reduce the minimum Right-of-Way for Old Morehall Road, is hereby **Deferred** until the review and approval of the Preliminary Land Development Plan.

In the event that the Resolution is not delivered to the Township within ten days from receipt, it shall be deemed that the Applicants do not accept these conditions, and approvals conditioned upon this acceptance are revoked, and the application shall be considered to be denied for the reasons set forth in the review letters listed in paragraph one (1).

RESOLVED AND APPROVED this 13th day of December, 2023.

ATTEST:

EAST WHITELAND TOWNSHIP
BOARD OF SUPERVISORS

By: Steven C. Brown
Steven Brown, Township Manager

By: Scott Lambert
Scott Lambert, Chairperson of
East Whiteland Township
Board of Supervisors


ACCEPTANCE OF CONDITIONS:

I, _____, being the authorized agent of the Applicant, do hereby acknowledge and accept the Approval issued by the East Whiteland Township Board of Supervisors and accept the conditions contained therein as recited above.

**APPLICANT: PHILADELPHIA SUBURBAN
DEVELOPMENT CORP.**

ATTEST:

Donna Wikert

By:  _____

Mark R. Nicoletti, Sr

Printed Name of Authorized Agent

Trustee

Title

12/15/2023

Date