

LOWER SOUTHAMPTON TOWNSHIP

RESOLUTION NO. 2024 -8

**A RESOLUTION OF LOWER SOUTHAMPTON TOWNSHIP,
BUCKS COUNTY PENNSYLVANIA, REGARDING 105 E. STREET ROAD, B.T.
FEASTERVILLE, L.P., FOR CONSTRUCTING A PROPOSED BANK, GRANTING
PRELIMINARY/FINAL LAND DEVELOPMENT APPROVAL ON A PORTION OF
THE TAX MAP PARCELS 21-011-008, 001, 002 AND 21-011-003-001**

WHEREAS, B.T. Feasterville, LP, 200 Dryden Road, Suite 2000, Dresher, PA 19025, ("Applicant") has submitted an Application for Approval of Preliminary and Final Plan of Land Development recording certain improvements on the Applicant's Property with an accompanying 23 sheet plan series dated August 1, 2023, and last revised on November 8, 2023, and Storm Sewer Analysis dated August 1, 2023, last revised November 8, 2023, prepared by Bohler Engineering ("Plan");

WHEREAS, the Applicant is the owner of record and proposes a project to be constructed on a portion of TMP 21-011-008 TMP 21-011-008-01 TMP 21-011-008-02 and TMP 21-011-003-01; and

WHEREAS, Property consists of 17.95 acres net; located in the C-2 - Heavy Commercial Zoning District at 105 E. Street Road; and

WHEREAS, the Applicant is proposing to construct a 3465 sq. ft. bank with a drive thru lane on a portion of the existing parking lot; and

WHEREAS, the Applicant is seeking Preliminary Final Land Develop approval; and

WHEREAS, the bank (use 25) is permitted by right in the C-2 - Heavy Commercial Zoning District.

WHEREAS, the Township Engineer issued a review letter dated December 19, 2023; and

WHEREAS, the Board of Supervisors of Lower Southampton Township is prepared to grant approval of the Applicant's Subdivision Plan and Preliminary and Final Plan of Land Development subject to certain conditions.

NOW, THEREFORE, be it resolved, and it is hereby resolved by the Board of Supervisors of Lower Southampton Township, that the Board of Supervisors hereby grants approval of the Subdivision and Preliminary and Final Plan of Land Development subject to the following conditions:

A. ZONING ORDINANCE

1. The proposed Retail and Consumer Service Uses (Use 25 -Bank, Savings and Loan Association) and Accessory Use (Use 79 - Accessory Drive-Through Facilities) are permitted uses in the C-2 Heavy Commercial District. (27-901.1)

2. The following variances were granted by the Lower Southampton Township Zoning Hearing Board on June 27, 2023 (Docket No. Z23-06):

- a. Section 1720.B.1 - requiring a front yard setback of 100 feet from E. Street Road. A variance was granted to allow a front yard setback of no less than 76.4 feet to the structure supporting the front entrance door and 79.4 feet to the main structure.
- b. Section 27-1901.P - requiring a total of 905 parking spaces. A variance was granted to allow 711 parking spaces.
- c. Section 27-2008.1.A(5) - requiring only one ground sign per parcel of ground per street frontage. A variance was granted to allow an additional ground sign. The sign can be no greater than 12 feet in height and 2 feet 5 inches wide along the Street Road frontage.

3. The variances were granted by the Zoning Hearing Board with the following conditions:

- a. The proposed development must be constructed consistent with the Zoning Plan, prepared by Bohler Engineering, dated May 23, 2023, and marked as part of ZHB-1.
- b. Applicant must merge the lots as part of the land development process and prior to final permits being issued;
- c. Applicant must provide a letter providing authorization from BT Feasterville, LP, a Pennsylvania Limited Partnership, to allow Peter Clelland to speak on behalf of the Applicant; and
- d. Applicant shall otherwise comply with all rules and regulations of Lower Southampton Township, Bucks County, and the Commonwealth of Pennsylvania.

4. All waste receptacles must be enclosed completely in an opaque enclosure. (Z.O. 271723.1.) An enclosure detail should be provided on the plans verifying compliance with this section. The plans note to "refer to architectural drawings for trash enclosures". We request that the applicant submits architectural plans to the Township to determine compliance with this section.

5. As per Z.O. 27-2008.1.A.3 - signs erected at right angles to the street frontage

may not project closer than five feet to any right-of-way line. It appears that the proposed sign is closer than the allowable five feet. The sign should be relocated. In addition, the Zoning Officer should review the sign requirements.

B. SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (SALDO)

In accordance with the provisions of the Lower Southampton Township Subdivision and Land Development Ordinance (SLDO):

1. The plans must indicate the metes and bounds of the four tax map parcels that are to be consolidated. A revised legal description of the consolidated lot will be required to be submitted to the Township and approved by this office. (SLDO 22-404.1.B)

2. The developer must obtain a Highway Occupancy Permit for all right-of-way encroachments from the State. (SLDO 22-404.4.0)

3. Architectural sketches of the exterior of the proposed building shall be submitted to the Township. (SLDO 22-404.5)

4. No less than a five-foot radius of curvature shall be permitted for all curb lines in the parking area. Some curb radii are labeled as 4.5' radii. A waiver of this requirement has been requested by the applicant. (SLDO 22-512.8)

5. We note that the applicant must submit a Sanitary Sewer Planning Module Exemption from the PADEP.

6. The engineer must confirm property boundary/Street Road right-of-way. The Property line is shown within the cartway of Street Road. Verification must be provided if the Street Road right-of-way has been dedicated, and if it has not been dedicated, it must be offered for dedication to the agency having jurisdiction at the time of dedication.

7. The inverts of the existing sanitary sewer must be confirmed and updated on the plans.

8. The following waivers have been noted on the plan cover sheet and are hereby granted:

a. A waiver from Section 22-301.4 which requires the Preliminary Plan and Final Plan shall each be considered a separate submission where a joint submission of a Preliminary/Final Plan is proposed.

b. A waiver from Section 22-810.3 which requires that all curbs shall be designed and constructed in accordance with PennDOT Specifications where a curb height of 6 inches is proposed.

c. A waiver from Section 22-520.2.D. which requires that the minimum diameter of all storm sewer pipes shall be 18 inches where 6-inch pipes are proposed for conveyance of flow intercepted by yard drains.

- d. A waiver from Section 22-522.6.A. to permit fewer than required shrubs surrounding the parking spaces along the exterior of the parking lot.
- e. A waiver from Section 22-512.14 to permit no electrical charging stations for the associated bank parking where one electrical charging station for every 25 parking spaces is required.
- f. A partial waiver from Section 22-404.3.B to permit an aerial plan in lieu of providing the location and widths of streets, the location of property lines, and the names of owners within 400 feet of the Land Development.
- g. A waiver from Section 22-512.8 to permit radius of curvature of 4.5 ft. for curb lines where a minimum of 5 ft. is required.
- h. A waiver from Section 22-404(6)(a) requiring a Transportation Impact Study.

C. STORMWATER MANAGEMENT ORDINANCE

The grading, stormwater/storm drainage, and erosion and sedimentation aspects of the current plan submission and are based upon the requirements of Lower Southampton Township's Subdivision and Land Development Ordinance (SALDO) and the Stormwater Management Ordinance (S.M.O.):

- 1. The Erosion and Sediment Control Plan must be approved by the Bucks County Conservation District prior to construction.
- 2. The building's roof drain connections into the storm sewer system must be shown in the profile.

D. GENERAL ENGINEERING COMMENTS

1. Sewer planning approval from PADEP is required. The Township must be copied on all correspondence with PADEP.

2. Approval from the Township Fire Marshal is required. However, an email from the Fire Marshal on August 17, 2023, indicates that the Fire Marshal has no comments.

3. Based on existing pedestrian crashes (provided from Lower Southampton Police Incident Reports) and concerns expressed by the Lower Southampton Police Department about pedestrian safety at the existing Bucks Crossing development, Applicant will provide the following at the E. Street Rd (SR 132) & Bucks Crossing Driveway/Lower Southampton Village Driveway signalized intersection to increase pedestrian safety:

- a. Additional/improved intersection lighting
 - 1. Applicant is to add overhead luminaires to the existing traffic signal mast arms on the northeast and southwest quadrants (or equivalent lighting) at the E. Street Rd (SR 132) & Bucks Crossing Driveway/Lower Southampton Village Driveway signalized intersection.

- b. Crosswalk/pavement marking improvements
 1. Applicant is to apply 24 inch thermoplastic perpendicular crosswalk pavement markings at the E. Street Rd (SR 132) & Bucks Crossing Driveway/Lower Southampton Village Driveway signalized intersection under a maintenance effort consistent with the approved Traffic Signal Permit Plan on file with PennDOT.
- c. Additional pedestrian signage
 1. Applicant is to install R10-15 (Turning Vehicles Yield to Pedestrians) signs where applicable at the E. Street Rd (SR 132) & Bucks Crossing Driveway/Lower Southampton Village Driveway signalized intersection. Upon review of the approved Traffic Signal Permit Plan on file with PennDOT, it is anticipated that this would require between 2 (two) and 4 (four) signs.

The aforementioned efforts (D.3.a and D.3.c) are subject to PennDOT review, concurrence and approval of the Traffic Signal Permit Plan; provided, however, Applicant shall only be required to complete the improvements set forth in Sections D.3.a through D.3.c. The Township agrees and acknowledges that the Applicant shall submit the Traffic Signal Permit Plan on behalf of the Township (as the applicant under the traffic signal permit) and the Township shall cooperate with Applicant with its efforts in obtaining the PennDOT's approval of the Traffic Signal Permit Plan, including executing any necessary applications. Subject to the Township's cooperation, the Applicant will submit the Traffic Signal Permit Plan within six (6) months after the date of this Resolution. PennDOT's approval of the Traffic Signal Permit Plan shall not be subject to Condition E.1 below.

4. An Application for a grading permit will be filed within six months after the date of this Resolution to address internal pedestrian circulation concerns.

E. GENERAL PROVISIONS

1. Prior to commencing work, the Applicant shall submit to the Township evidence of all required permits and approvals.

2. Material specifications and standards of construction shall be in accordance with Township requirements, except as otherwise provided for herein or by the terms of any future variances, waivers or resolutions related to this project.

3. Applicant will comply with all regulations, rules, resolutions and ordinances of the Township are a condition, except as otherwise provided for herein or by the terms of any future variances, waivers or resolutions related to this project.

4. All application fees and all administrative, legal and engineering expenses owed to the Township for plan review shall be paid in full by the owner prior to release of signed mylar record plans.

5. The Applicant shall provide paper copies of the complete final record and two (2) signed and notarized mylars, no larger than 24" x 36" of the record plans to the Township. The record plan mylar shall be reviewed and approved by the Township Engineer and signed by the Township Engineer and the Board of Supervisors prior to its

by the Township Solicitor for recording purposes. The Applicant shall be required to provide to the County an additional paper copy along with the fully executed record plan for recording.

6. Following release and recording of the record mylar plan, the Township Solicitor shall notify the Township Manager and the Township Solicitor in writing of the plan book, page number and date of recording by the Bucks county Recorder of Deeds Office.

7. The Applicant shall comply in all respects with the rules, regulations and requirements of all governmental agencies and/or bodies having jurisdiction with respect to this plan application and shall assume all costs, expenses and responsibility in connection therewith, without any liability whatsoever on the part of the Township.

8. Applicant will execute all necessary agreements, such as Development Agreement, Security Agreement and Stormwater Agreement and post all required security.

9. The proper officers of the Township are authorized to duly execute and sign the agreements and all other necessary plans and documents which have been approved by the appropriate Township professionals for the Preliminary/Final Land Development of the Property on behalf of the Township and to perform such other or further acts as required for the project to proceed.

F. APPROVAL

The Preliminary Final Land Development approval for project subject to the above conditions and waivers is hereby granted.

ADOPTED and approved this 14 of February, 2024.

**BOARD OF SUPERVISORS
LOWER SOUTHAMPTON TOWNSHIP**

Attest:

Joseph Galdo, Township Manager

