

RESOLUTION NO. 2023- 1084

BEFORE THE COUNCIL OF THE BOROUGH OF MORRISVILLE

Applicant: ARD Pennsbury, LP

Property: 229 Plaza Boulevard

Tax Map Parcel Nos.: 24-001-001-005 and 24-001-001-006

**CONDITIONAL PRELIMINARY/ FINAL
LAND DEVELOPMENT APPROVAL**

WHEREAS, Applicant has submitted a Land Development Application seeking Preliminary/ Final Land Development Approval for Preliminary/ Final Land Development Plans as prepared by Landcore Engineering Consultants, P.C. dated January 6, 2023 and last revised March 24, 2023 (“Plan”) for the Property; and

WHEREAS, the Property is located within the Borough’s Shopping Center (C2) Zoning District and currently is improved with the Pennsbury Plaza Shopping Center (Use D1), which is permitted by right in the C2 Zoning District; and

WHEREAS, the Plan also contemplates development of adjacent parcels in the Township of Falls, which are a part of the Pennsbury Plaza Shopping Center and are identified as Tax Map Parcel Numbers 13-028-028.001 and 13-028-029-001; and

WHEREAS, the Applicant proposes to demolish an existing portion of the shopping center and construct a 10,500 SF retail store along with associated site improvements including landscaping and stormwater management facilities;

NOW, THEREFORE, BE IT RESOLVED, the Council of the Borough of Morrisville grants Applicant Conditional Preliminary/ Final Land Development Approval for the Plan subject to Applicant accepting the following conditions in writing within 10-days of the date of this Resolution, and satisfying all of them prior to the Plan’s recording:

1. Complying with all comments in the applicable Borough Consultant Review Letters, as may be amended, including the:
 - April 7, 2023 Review Letter from Gilmore & Associates, Inc.

2. Signing the Borough's required Land Development documentation, prepared to the satisfaction of the Borough Solicitor, including, but not limited to a Site Development Agreement, Site Improvement Security Agreement and Stormwater O&M Agreement.
3. Posting financial security for all improvements shown on the Plan to the satisfaction of the Borough Engineer and Solicitor. For the purposes of this approval, the term "improvements" includes, but is not limited to:
 - streets, parking areas, drive aisles, curbs, water mains, sanitary sewer systems, storm water facilities/Best Management Practices (BMPs), and appurtenances, grading, erosion/sediment control, lighting, required trees, shrubs and landscape buffering, monuments, pins and sidewalks.
4. Satisfying all applicable Borough Code and Municipal Authority requirements.
5. No work shall commence until the Plan has been approved by the Falls Township Board of Supervisors. Evidence of this approval shall be provided to the Borough.
6. Obtaining all other applicable permits or approvals from agencies or entities having jurisdiction over this Plan, including the following:
 - a. Bucks County Planning Commission – obtained 2/8/2023
 - b. Bucks County Conservation District –
 - c. Morrisville Municipal Authority –
 - d. Morrisville Borough Fire Marshal –
7. Paying all applicable Plan-related costs and fees when due and owing, including any Consultant and Solicitor fees, applicable impact fees and fees-in-lieu. The Property's Land Development Documentation shall not be approved for recording until all such costs and fees, which are then due and owing, are paid.

BE IT FURTHER RESOLVED, the following waivers from the Borough's Subdivision and Land Development Ordinance are granted by the Council at Applicant's request:

1. §390-13.E. – A waiver is requested to allow a Preliminary/Final Plan submission.
2. §390-61.A.(8) – A waiver is requested from the requirement to provide a location map at a scale of 800 feet to the inch, showing the location of the parcel

in relation to adjacent streets, roads, municipal and zoning boundaries within 800 feet of the parcel required on the Plan.

3. §390-61.C.(9) – A waiver is requested from the requirement to show existing buildings, impervious surfaces, sanitary sewers, storm sewers, easements and other significant features within 100 feet of the site on the Plan.

BE IT FURTHER RESOLVED, the following waivers from the Borough's Stormwater Management Ordinance are granted by the Council at Applicant's request because the Plan will reduce stormwater volume because it is reducing impervious coverage on the Property:

1. §370-7. – A waiver is requested from requiring compliance with water quality requirements of this Section of the Ordinance.
2. §370-8. – A waiver is requested from requiring compliance with groundwater recharge requirements of this Section of the Ordinance.
3. §370-9. – A waiver is requested from requiring compliance with streambank erosion requirements of this Section of the Ordinance.
4. §370-10. – A waiver is requested from requiring compliance with release rates in accordance with Stormwater Management District A.
5. §370-39. – A waiver is requested to allow roof drains to connect directly to the storm sewer system. No infiltration facilities are proposed, and existing roof drains are discharged on pavement, at grade, flowing to existing storm sewer.

This Resolution shall become effective on the date upon which all of the above stated conditions are accepted by the Applicant in writing below. If, for any reason, Applicant fails to acknowledge the acceptance of the conditions contained in this Resolution within 10 days from the date of this Resolution, then (1) the Preliminary/ Final Land Development Approval granted herein shall become null and void and (2) the Plan shall be denied for failure to comply with Sections of the Borough Zoning Ordinance and/or Borough Subdivision and Land Development Ordinance for the reasons cited herein or as set forth in the letters referenced herein.

DULY PRESENTED AND ADOPTED by the Council of the Borough of Morrisville at a public meeting held this 18 day of APRIL, 2023.

MOTION BY: *NANCY SHERLOCK*

SECOND BY: *HELEN HLAHOL*

VOTE: *7-0 PASS*

BOROUGH COUNCIL

Attest:



Judith A. Danko, Borough Manager

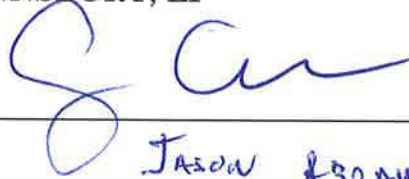


Robert Paul, President

**APPLICANT'S ACCEPTANCE OF
THE RESOLUTION'S CONDITIONS**

Applicant agrees to the above terms and conditions of Resolution 2023- 1084
this 18TH day of APRIL, 2023.

**APPLICANT:
ARD PENNSBURY, LP**



Name:
Title:

JASON ABRAMS
PARTNER