
**Public Meeting
June 16, 2008**

Steven D. Miller called the regular meeting of the Concord Township Planning Commission to order at 7:00 p.m. on June 16, 2008 at the Concord Township Municipal Building. The following members were present: Michael W. Raith, Michael J. Kirlin, Virginia L. DeNenno, Kyle Patino, James H. Borden, Bruce R. Bilotti and John E. Heyburn. Sarita Trivedi was absent.

APPROVAL OF MINUTES

Mr. Raith moved that the minutes of the May 19, 2008 meeting be approved. Mr. Bilotti seconded this motion. The minutes were unanimously approved.

PROJECT MANAGER'S REPORTS

There were no project manager reports.

OLD BUSINESS

No old business was reviewed or discussed.

NEW BUSINESS

➤ **Cellco Partnership** (Prel LD) 430 Wilmington-West Chester Pike/3.867 ac/120-foot monopole antenna support. Mr. Raith, the Project Manager announced that Cellco Partnership has granted an indefinite extension.

➤ **LMJ Properties** (Prel LD) 207 Baltimore Pike/Commercial/16,500 sq. ft. The applicant Lois Erb was accompanied by her husband Ernie Erb, her attorney Mike Lyons, Esq. (Lyons, Dougherty, Shaffer & Ferver, LC) and engineer Matt Houtman (G.D. Houtman & Son Inc.). Michael Raith, Project Manager reviewed the preliminary land development plan dated May 24, 2007, last revised April 21, 2008 which proposes the removal of the existing building to construct a 14,435 s.f. building for retail use and a 3,000 s.f. bank. The Zoning Hearing Board had granted a zoning hearing variance on November 21, 2007, from §210-129.A. and §210-193.A.1 regarding a required 50 ft. screened buffer planting strip along the northeastern property line which directly abuts the R-2 district. A

ten foot buffer was permitted by the Zoning Hearing Board. The applicant is seeking three (3) waivers: §160-53.E nothing should be permitted to be placed in or planted within the area of a utility easement; §160-41.I no driveway should have access to a principal arterial highway if access onto another street is possible; §160-39.C.19 proposed intersection less than 200 ft. from the intersection of Baltimore Pike and Dougherty Blvd. Mr. Raith motioned to recommend preliminary approval along with the three waivers requested subject to the compliance of the following review letters and comments: Pennoni letter dated May 12, 2008 which includes but is not limited to a traffic impact assessment; Thomas Comitta Associates Inc. letter dated May 9, 2008, Stubbe Consulting LLC letter dated May 9, 2008, the Fire Marshal email dated September 7, 2007, the Delaware County Planning Department letter dated July 19, 2007, any recommendations posed by the Concord Township Sewer Authority; plan submitted in electronic format suitable to the Township Engineer. Mr. Kirlin had questions regarding bumper curbs along the front of the building (bank and retail shops) being shown on the plan. Mr. Miller had questions regarding the pipeline. Mr. Cline has addressed the pipeline issue in his letter. Mr. Houtman will follow-up with the pipeline company on this issue. Mr. Kirlin brought up the need for a conditional use hearing regarding the parking between the building and the streets because of a C-2 zoning and also changing the access entrance on Baltimore Pike, striping, or adding a porkchop to it. There were further questions from Messrs. Heyburn, Kirlin and Patino regarding sewer, trash enclosures, Fire Marshal comments, and left turns from Walnut Blvd. Mr. Cline addressed the Planning Commissions' questions. Mr. Lyons remarked that the forthcoming PennDot HOP and traffic study would resolve some of the issues prior to final plan submission and the applicant would submit an conditional use application for the parking. Mr. Raith then amended his motion to recommend preliminary approval by adding "also subject to conditional use approval by the Board of Supervisors." There being no further discussion by the Planning Commission or the public, Mr. Heyburn seconded the motion. The Planning Commission voted unanimously to **recommend preliminary approval** to the Board of Supervisors at the July 1, 2008 public meeting.

➤ **Onix Hospitality Concord, LLC**-(Final Land Dev) Rt. 1 & State Farm Dr./Proposed Chick-Fil-A, 4,227 sq. ft. Jim Flood (Chick-Fil-A Store Operator), John Martinez (KZA Engineering) and P.J. Close (Kelly and Close Engineers) were in attendance with the applicant Ron Shaffer (Owner/Partner – Onix Hospitality). Mr. Jim Borden, Project Manager, gave an overview of the amended plan (orig. plan approved by Resolution No. 52-2006). The amended plan proposes a 4,227 sq. ft. Chick-Fil-A drive-thru restaurant on the site. Two (2) waivers were requested by the applicant: §160-50.C.3.B and §160-50C.3.F.1. The applicant is concurrently seeking conditional use approval to permit a restaurant fast food and restaurant drive-thru service §210-127.D.9(2). A decision is to be rendered at the July 1, 2008 Board of Supervisors meeting. Mr. Borden motioned to recommend final approval contingent upon the following Consultants' letters: the Concord Township Sewer Authority letter dated June 11, 2008, the Thomas Comitta letter dated June 6, 2008, the Pennoni letter dated June 3, 2008, the Fire Marshal email dated May 7, 2008, the Delaware County Planning letter dated April 17, 2008, the Stubbe Consulting letter dated March 24, 2008, the Thomas Comitta letter dated April 8,

2008, the conditional use be granted by the Board of Supervisors for fast-food use and a drive-thru window, approval of the architectural elevations by the Board of Supervisors, the two waivers requested above, compliance with the above-mentioned consultants' letters and plans in electronic format suitable to the Township. There being no further questions or discussion by the Planning Commission or the public, Ms. DeNenno seconded the motion. All voted in favor to **recommend final approval** to the Board of Supervisors.

OTHER COMMISSION MATTERS

Montchanin Development Group Conditional Use Review. A hearing is scheduled for 6/24/08 at 7pm for restaurant and retail use. The Planning Commission had no comments. John Heyburn, Project Manager will forward memo to the Board of Supervisors.

The Amendment to the Historic Preservation Ordinance by adding a Special Exception description to the Applicability Section 210-183.10.a(2) where Conditional Use had been the only previous description was reviewed. The Planning Commission had no comments regarding this amendment and will forward its review to the Board of Supervisors.

SCHEDULE FOR THE MONTH

The caucus meeting will be held June 24, 2008, the agenda meeting will be held July 14, 2008 and the public meeting will be on July 21, 2008.

PUBLIC FORUM

There was no public comment.

ADJOURNMENT

There being no further business to conduct, Mr. Kirlin moved to adjourn the meeting at 7:32 p.m., seconded by Mr. Heyburn.