

**Resolution No. 2018-//**

A RESOLUTION OF THE COUNCIL OF THE CITY OF COATESVILLE, CHESTER COUNTY, PENNSYLVANIA, GRANTING CONDITONAL APPROVAL OF THE COATESVILLE MIXED USE REDEVELOPMENT PRELIMINARY/FINAL LAND DEVELOPMENT PLAN OF DEPG COATESVILLE ASSOCIATES, LP; GRANTING IDENTIFIED WAIVERS TO CERTAIN SECTIONS OF THE CITY'S STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL ORDINANCE AND SUBDIVISION AND LAND DEVELOPMENT ORDINANCE; SETTING FORTH CONDITIONS OF APPROVAL – REQUIRING APPLICANT TO OBTAINING VARIOUS APPROVALS FROM OUTSIDE AGENCIES, OBTAIN A “CLEAN” REVIEW LETTER FROM THE CITY ENGINEER AND ENTER INTO A SUBDIVISION AND LAND DEVELOPMENT AGREEMENT WITH A FINANCIAL SECURITY AGREEMENT IN A FORM ACCEPTABLE TO THE CITY SOLICITOR AND WITH FUNDS SUPPORTING THE FINANCIAL SECURITY AGREEMENT IN THE NATURE OF AN IRREVOCABLE LETTER OF CREDIT IN AN AMOUNT AND FORM ACCEPTABLE TO THE CITY – SAID APPROVAL BEING FURTHER CONDITIONED UPON ACCEPTANCE OF SAID CONDITIONS BY THE DEVELOPER/APPLICANT

WHEREAS, the City of Coatesville is a Chartered Third Class City in the Commonwealth of Pennsylvania governed by the Third Class City Code and its Home Rule Charter (hereinafter the “City”); and,

WHEREAS, the Owner/Developer, DEPG Coatesville Associates, LP (hereinafter “DEPG” or “Applicant”) has presented to the City a plan entitled Coatesville Mixed Use Redevelopment Preliminary/Final Land Development Plan prepared by Pennoni Associates, Inc., dated August 4, 2017, last revised March 26, 2018 for DEPG (24 pages) (hereinafter the “Plan”) which establishes a major Mixed Use Development located on the north and south sides of East Lincoln Highway to the east of its intersection with 1<sup>st</sup> Avenue in the City.

WHEREAS, The proposed development (hereinafter the “Project”) as identified hereafter involves property located on the south side of East Lincoln Highway consisting of the Bank Building and parking lot identified as Tax Parcel No. 16-5-232. The Project extends on the north side of East Lincoln Highway and includes properties identified as tax parcel Nos. 16-5-172, 16-5-171, 16-5-170, 16-5-169, 16-5-168, 16-5-167, 16-5-166 and 16-5-165 (moving from west to east with the last property being the former Coatesville Cultural Society). The Project also includes property on the north side of East Diamond Street identified as tax parcel nos. 16-5-155 and 16-5-156 (moving from west to east) which properties are to be used for parking.

As currently envisioned, the Project will include the development of two restaurants, one located in the Bank Building on the south side of East Lincoln Highway and another restaurant in the former Coatesville Cultural Society. The remainder of the parcels will be used for a large two story 35,000 square foot retail and office building with retail uses on the first floor and office uses on the second floor. Parking will be provided for the Project by means of a newly created internal lot accessed off of East Diamond Street between East Diamond and East Lincoln

Highway and another newly created surface lot north of East Diamond Street and also accessed off of East Diamond Street. Shared parking will be also supplied on the parking lot at the Bank Building located south of East Lincoln Highway. The Project is located in the C-1 and C-2 Zoning Districts and is subject to MU Mixed Use Overlay District zoning. Pursuant to this Resolution DEPG retains the flexibility to lease for uses permitted under the MU zoning.

WHEREAS, the Plan has been reviewed by the County Planning Commission which issued a review letter on November 10, 2017 which has been shared with the City and the City Planning Commission; and,

WHEREAS, the City Engineer has issued a most recent review letter dated April 5, 2018 with various comments and suggested waivers; and

WHEREAS, The City Planning Commission met on Thursday, March 1, 2018 and considered the most recent versions of the Plan (including the updated design package setting forth the "Architectural Design Standards" as set forth in the Zoning Ordinance at Section 224-193.D. (8)(f)(i)-(ii) (including signage package), and voted in favor of conditional approval of the Plan, conditioned upon an appropriate easement for parking on the Banking Parking Lot to the south of East Lincoln Highway to assure adequate parking for uses north on East Lincoln Highway – said reservation and easement to be removed if and when additional parking is obtained to satisfy the parking requirements for the portions of the Project north of East Lincoln Highway; and,

WHEREAS, The Plan will also require approval by outside agencies, including, but not limited to, the Department of Environmental Protection, the Chester County Conservation District; PennDOT (Highway Occupancy Permit and access approval) Chester County Health Department; and Pennsylvania American Water Company (sewer and water connections); as well as final approval by the City Engineer and removal of matters requiring resubmission as identified in the City Engineer's most recent review letter dated April 5, 2018; and,

WHEREAS, In addition, any approval is conditioned upon DEPG entering into an obtaining approval by the City of a Subdivision and Land Development Agreement and a Financial Security Agreement supported by an irrevocable letter of credit in a sufficient amount to satisfy the City Engineer and the City Solicitor that such funds are adequate to address all needed public and quasi-public improvements and costs for legal and engineering review work; and,

WHEREAS, the recommendations and comments of the County Planning Commission, Minutes of the City Planning Commission and the most recent review letter of the City Engineer have all been shared with the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council for the City of Coatesville, that the City of Coatesville conditionally approves the Coatesville Mixed Use Redevelopment Preliminary/Final Land Development Plan prepared for Owner/Developer DEPG Coatesville Associates, LP with the waivers and subject to compliance with the conditions listed below:

A. Waivers:

i. The City Council grants waivers of the City of Coatesville Stormwater Management and Erosion and Sediment Control Ordinance (“Stormwater”) as found at Chapter 194 of the City Code as follows:

§ 194-301 R. – Waiver of minimum infiltration requirement and waiver of requirement that site be analyzed by a qualified licensed professional because of Karst or Carbonate Geology - as no infiltration is proposed on the site due to known contamination in the site soils below the elevation of the proposed storm water management basin.

§ 194-306 - Waiver regarding the providing of infiltration to compensate for reduction in the recharge.

§ 194-402 D - Waiver regarding detailed site evaluation conducted by a licensed professional for projects proposed in areas of carbonate geology or karst topography, and other environmentally sensitive areas, such as contaminated sites and brownfields. The base line environmental report addresses the site contamination and underlying geology. No infiltration is proposed.

ii. The City Council grants waivers of the City of Coatesville Subdivision and Land Development Ordinance (“SALDO”) found in Chapter 197 of the City Code as follows:

§ 197-9. H. - Waiver of two-step preliminary and final submission and approval.

§ 197-23. C. (21) - Waiver of requirement to provide a preliminary impact assessment and mitigation report.

§ 197-28 A.(1) (conformance with § 197-13) – Waiver regarding final plan procedure (to permit submission as preliminary/final).

§ 197-42. A. (11) - Waiver of requirement that there be a 18 inch grass strip between the curb and sidewalk.

§ 197-44. B. (9) - Waiver of requirement that access points servicing nonresidential property crossing the street line shall be limited to two along the frontage of any single street, and their center lines shall be spaced at least 100 feet apart.

§ 197-50. E. (3).(a) - Waiver of requirement that a combination of evergreen and deciduous trees and shrubs be used as foundation plantings in reasonable close proximity to the facades.

§ 197-63.C. – Waiver that all street lighting and lighting in parking lots shall be high-pressure sodium.

These waivers are warranted as the Plan is being submitted as a preliminary/final plan, and the City Engineer’s recommendations in favor of same.

B. Imposed Conditions:

1. Approval of a PennDOT Highway Occupancy Permit (HOP);
2. Preparation of parking easement on Bank Building south of East Lincoln Highway in form acceptable to City Solicitor and filing of same with the Plan;
3. Submission, in a form acceptable to the Coatesville City Solicitor of a Land Development Agreement and Financial Security Agreement supported by security in a form approved by the City SALDO (and the City Solicitor) supplying sufficient financial security in an amount as agreeable by the City Engineer to cover all public and quasi-public improvements as well as legal and engineering review fees – said agreements to be executed prior to the recording of the Plan (all 24 sheets);
4. Preparation of a final recordable plan meeting all requirements of the City Engineer and §197-15 (with certification and seal of surveyor) and must comply with all conditions of the SALDO applying after approval, including providing an “As Built” Plan as required by §197-17.
5. Applicant must finalize and record the plans (and obtain financial security for same) within 90 days of approval in accordance with 53 P.S. § 10509(b) and comply with all requirements of the MPC 53 P.S. § 10101 et seq.
6. Applicant shall obtain any and all necessary permits and approvals from all regulatory agencies governing this development work as identified previously;
7. The Applicant must comply with the “Development and Architectural Standards Package” a copy of which (with signage package) is attached to this Resolution.
8. In accordance with §197-58 which requires 5% set aside for park and recreational use, the Applicant will identify a fee in lieu pursuant to the formula for same under §197-58.B to be used by the City in accordance with §197-58.D. This fee in lieu must be paid to the City prior to the recordation of the approved Plan;
9. All outstanding bills of the City must be paid within thirty (30) days.
10. The Applicant shall be bound by and enter into a Stormwater Systems Operation and Maintenance Plan in a form approved by the City and recorded.
11. The Applicant, through its authorized representative, shall countersign a copy of this Resolution indicating acceptance by the Applicant of the above set forth conditions of approval. Failure to do so shall result in a turn-down pursuant to the referenced provisions in the reviews identified herein (which are incorporated by reference and also attached hereto). Absent such acceptance by the Applicant, the waivers otherwise authorized are also rescinded with respect to the waivers of Stormwater and SALDO as set forth in Waivers Sections A. i and ii above, and the Application is also rejected for failure to set forth a set aside payment in accordance with Section 197-58.B.

IN WITNESS THEREOF, the Council of the City of Coatesville has adopted and enacted this Resolution this 9<sup>th</sup> day of APRIL, 2018.

ATTEST:

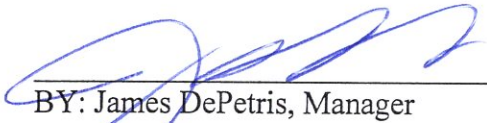


Name: Linda Lavender Norris  
Title: President, City Council

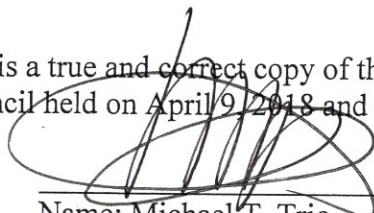
Name: Michael T. Trio  
Title: City Manager

The above conditions are accepted by the Applicant DEPG COATESVILLE ASSOCIATES, LP and a copy of same is hereby deemed delivered in accordance with the requirements of the Municipalities Planning Code, 53 P.S. § 10101 et seq.

DEPG COATESVILLE ASSOCIATES, LP  
By: DEPG Associates, LC, its general partner

  
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BY: James DePetris, Manager

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Resolution duly adopted at a regular meeting of City Council held on April 9, 2018 and recorded in the minutes as such.

  
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Name: Michael T. Trio  
Title: City Manager