

A RESOLUTION OF THE COUNCIL OF THE CITY OF COATESVILLE, CHESTER COUNTY, PENNSYLVANIA, GRANTING APPROVAL OF THE PRELIMINARY/FINAL LAND DEVELOPMENT PLAN OF MASJID AR-RAHMAN, INC., WITH CONDITIONS; GRANTING IDENTIFIED WAIVERS TO CERTAIN SECTIONS OF THE CITY'S SUBDIVISION AND LAND DEVELOPMENT ORDINANCE; GRANTING A WAIVER TO A CERTAIN SECTION OF THE CITY'S STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL ORDINANCE; SETTING FORTH CONDITIONS OF APPROVAL - SAID APPROVAL BEING FURTHER CONDITIONED UPON ACCEPTANCE OF SAID CONDITIONS BY MASJID AR-RAHMAN, INC.

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

WHEREAS, the property located at 711 and 723 Merchant Street, City of Coatesville, UPI Nos. 16-2-198, 16-2-199 and 16-2-200 (the "Property") is owned by Masjid Ar-Rahman, Inc., ("Owner" or "Applicant"), which has presented to the City a plan set entitled "Proposed Land Development Plan" prepared for the Masjid Ar-Rahman Property 711 and 723 Merchant Street by Borusiewicz Surveyors and Site Planners, dated May 11, 2018, last revised January 7, 2020, consisting of five sheets (the "Plan"), which establishes an Institutional Use Land Development located on the north side of Merchant Street to the west of its intersection with North Chester Avenue in the City.

WHEREAS, the proposed development (the "Project") as identified hereafter involves three contiguous lots located on north side of Merchant Street consisting of an existing one-story place of worship building and paved parking area located on Tax Parcel No. 16-2-200 (723 Merchant Street). The Project extends west to an existing parking lot located on Tax Parcel No. 16-2-199 (723 Merchant Street), and then farther west to an existing unimproved lot identified as Tax Parcel No. 16-2-198 (711 Merchant Street).

As currently envisioned, the Project will include the expansion of the existing single-story, 1,018 square-foot building to a two-story, 3,250 square-foot building with ten attendant parking spaces for continuation of the institutional use. The Project will have a new two-way drive aisle and parking area that will connect to Merchant Street from Tax Parcel No. 16-2-198. The proposed paved drive and parking area and the proposed expanded place of worship will extend across all three lots. The entire Project is located in the I-1 Light Industrial District of the City.

WHEREAS, the Plan has been reviewed by the Chester County Planning Commission which issued a review letter on December 18, 2019, which has been shared with the City and the City Planning Commission; and,

WHEREAS, the City Engineer has issued the most recent review letter dated February 4, 2020 with various comments and suggested waivers; and,

WHEREAS, the City Planning Commission met on Wednesday, February 12, 2020 and considered the most recent version of the Plan, and voted in favor of approval of the Plan, with conditions; and,

WHEREAS, in addition, the approval is conditioned upon Masjid Ar-Rahman, Inc., entering into and 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 City Solicitor that such funds are adequate to address all needed improvements and costs for legal and engineering review work; and,

WHEREAS, the recommendations and comments of the County 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 approves the Masjid Ar-Rahman, Inc., Plan for the properties located at 711 & 723 Merchant Street with the waivers granted and subject to compliance with the conditions listed below:

A. Waivers:

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

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

§197-40.D(1) – Waiver of requirement of a 25-foot half width ultimate right-of-way.

§197-42.A(11) – Waiver of requirement that a grass planting strip of at least 18 inches be provided between the curb and sidewalk.

§197-44.B(1) – Waiver of the requirement of a 25-foot wide drive aisle for two-way traffic.

§197-44.B(4) – Waiver of the requirement that the driveway and parking area be curbed.

§197-44.B(13)(b) – Waiver of the requirement that a 10-foot wide parking turn around area be provided.

§197-49 and §197-50 – Waiver of the requirement that a 10-foot landscape buffer be provided along the property lines.

§197-57.D – Waiver of the requirement that all grading be at least 10 feet from existing property or right-of-way lines.

§197-58.A – Waiver of the requirement that the applicant set aside land for public use or pay a fee-in-lieu.

§197-60.B – Waiver of the requirement that the architectural character of the proposed place of worship comply with City requirements.

§197-77 – Waiver of the submission of an Impact Assessment and Mitigation Report.

ii. 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:

§194-311.H(9) – Waiver of the minimum requirement of 18 inches of cover over all storm pipes.

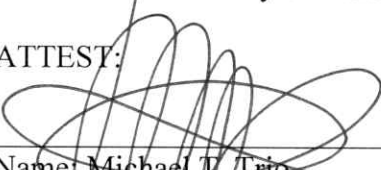
These waivers are warranted based on the Plan being submitted as a preliminary/final plan, and the City Engineer’s recommendations in favor of same.


B. Imposed Conditions:

1. Submission, in a form acceptable to the Coatesville City Solicitor of a Land Development Agreement and a Financial Security Agreement supported by security in a form approved by the City, which supplies financial security in an amount approved by the City Engineer and City Solicitor sufficient to cover all improvements as well as legal and engineering review fees – said agreements to be executed prior to the recording of the Plan.
2. 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.
3. 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.*
4. Applicant shall obtain any and all necessary permits and approvals from all regulatory agencies governing this development work.
5. The Applicant must comply with the Plan, a copy of which is attached to this Resolution.
6. All outstanding bills of the City must be paid within thirty (30) days.
7. 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 by the Applicant.
8. The Applicant, through its authorized representative, shall accept, by countersigning this Resolution, or rejecting all of the above set forth conditions of approval, within fifteen (15) days of the date hereof. This approval shall be automatically rescinded and approval denied should the Applicant fail to accept the above conditions within fifteen (15) days of the date hereof. Code §197-13.J(4); 53 P.S. §10503(9).

IN WITNESS THEREOF, the Council of the City of Coatesville has adopted and enacted this Resolution this 9th day of March, 2020.

ATTEST:

  
Name: Michael D. Trio  
Title: City Manager

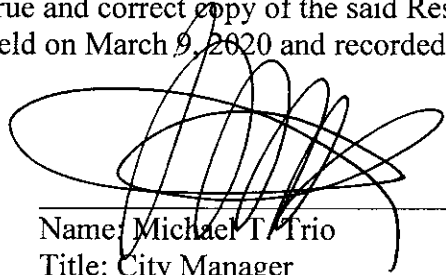
  
Name: Linda Lavender-Norris  
Title: President, City Council

The above conditions are accepted by the Applicant, MASJID AR-RAHMAN, INC., and a copy of same is hereby deemed delivered in accordance with requirements of the Municipalities Planning Code, 53 P.S. §10101 et seq.

MASJID AR-RAHMAN, INC.

By: \_\_\_\_\_  
Mohammed Jamaluddin, President

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 March 9, 2020 and recorded in the minutes as such.

  
\_\_\_\_\_  
Name: Michael T. Trio  
Title: City Manager