

RESOLUTION NO. 745

BOROUGH OF MALVERN CHESTER COUNTY, PENNSYLVANIA

A Resolution approving, subject to conditions, the plan entitled "Proposed Preliminary/Final Plan for Robert and Patricia Chambers," prepared by RHC Design, LLC., dated February 18, 2017, last revised July 19, 2017, signed and sealed by Robert K. Wager, P.E., Registered Professional Engineer, pursuant to the Malvern Borough Subdivision & Land Development Ordinance of 2006, as amended ("Land Development Ordinance") for the development of certain property ("Property") located in the Borough of Malvern ("Borough"), Chester County, Pennsylvania, UPI #2-4-297, in the C-3 Commercial zoning district.

BACKGROUND

Robert and Patricia Chambers (the "Applicants") have filed an application with the Borough for approval of a Preliminary/Final Land Development Plan prepared by RHC Design, LLC, dated February 18, 2017, last revised July 19, 2017 (the "Plan"). This Resolution No. 745 is the Borough's written decision on the Application and Plan.

The Plan proposes the renovation and construction of buildings to consist of 2,000 square feet of commercial retail on the first floor, and 7 one-bedroom apartments (1 existing, 6 proposed). The subject property is located at 346 East King Street, Malvern, PA 19355, consists of 0.25 acres, and is located in the C-3 Commercial zoning district.

MATTERS RESOLVED

Borough Council hereby RESOLVES that the Plan is approved, pursuant to the Land Development Ordinance and subject to the waiver relief and conditions set forth herein below. This approval grants the following waivers, with conditions, from the Borough's Subdivision and Land Development Ordinance:

1. **Section 181-300.C** – Requiring separate Preliminary and Final Plan submissions.
2. **Section 181-301.E** – Requiring documentation for the Four-Step Design Process.
3. **Section 181-503** – Requiring a 40-foot wide cartway for East King Street and a 28-foot wide cartway for Ruthland Avenue.
4. **Section 181-525** – Requiring installation of additional street trees.

This approval is also subject to the following conditions, which shall bind Applicant, the property owners and their heirs, successors and assigns:

1. Complete compliance with the Borough Engineer's Engineering Review Letter for the Plan dated July 28, 2017.

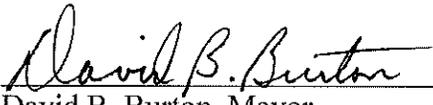
2. Agreement to a fee-in-lieu for street trees not planted per Section 181-525. Terms of the agreement to be established by the Borough Engineer
3. Review and approval by the Borough Solicitor and Borough Engineer of an easement agreement between the applicants and the owner of 338 East King Street, David Campli.
4. Compliance with the Malvern Borough Shade Tree Commission review, dated August 22, 2017 recommending replacement of the Red Maples at the southeast and northwest corners with a European Hornbeam.

Passed by Borough Council this 5 day of September, 2017



David G. Bramwell, President

Approved by the Mayor, this 5 day of September, 2017



David B. Burton, Mayor

Enacted, this 5 day of September, 2017.



Christopher Bashore, Secretary