

RESOLUTION NO. 764

BOROUGH OF MALVERN CHESTER COUNTY, PENNSYLVANIA

A Resolution of the Borough Council of the Borough of Malvern, Chester County, Commonwealth of Pennsylvania, approving, subject to conditions, the plan entitled "Land Development Plan of 156 West King Street for 203 Management, LLC," prepared by Bereck and Smith Engineering, LLC, dated September 22, 2017, last revised March 8, 2018, signed and sealed by Thomas F. Smith, II, P.E., Registered Professional Engineer, proposing the construction of two (2) building additions to an existing three (3) unit apartment building, 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, in the C2 – Adaptive Reuse Commercial zoning district.

BACKGROUND

203 Management, LLC (the "Applicant") has filed an application with the Borough for approval of a Preliminary/Final Land Development Plan prepared by Bereck and Smith Engineering, LLC dated September 22, 2017, last revised March 8, 2018 (the "Plan"). This Resolution No. 764 is the Borough's written decision on the Application and Plan.

The Plan proposes the construction of two (2) building additions to an existing three (3) unit apartment building. The two (2) existing parcels are proposed to be consolidated into one (1) tax parcel. The subject property is located at 156 W. King Street, Malvern, PA 19355, consists of 0.346 acres.

On February 22, 2017, the Applicant received relief from the Malvern Zoning Hearing Board as follows:

- A variance from Section 220-1301.A. of the Malvern Borough Zoning Ordinance to allow for first floor dwelling units upon the subject property.
- A variance from Section 220-2702.B.2. of the Malvern Borough Zoning Ordinance to allow the area devoted to a nonconforming use to be increased by more than 25%.

This relief was conditioned on the following:

- The two (2) tax parcels shall be consolidated into one tax parcel.
- Substantial additional landscaping shall be provided on both the western and eastern perimeters of the property subject to review and approval by the Borough Engineer.
- Enhancement of the aesthetic buffer appearance on the eastern property boarder in order to minimize the impact upon the single-family home located adjacent to the subject property in that vicinity.

The Plan was reviewed by the Borough Engineer and the Planning Commission. At the Planning Commission meeting on April 5, 2018, the Planning Commission recommended that the Plan be approved as a preliminary/final plan conditioned upon compliance with the comments contained in the Borough Engineer's review letter dated March 27, 2018.

MATTERS RESOLVED

Borough Council hereby RESOLVES that the Plan is approved, as a preliminary/final Plan, pursuant to the Land Development Ordinance and subject to the waiver relief and conditions set forth hereinbelow.

WAIVERS

Borough Council determines that the following waivers from the Land Development Ordinance are in the public interest and will, subject to the conditions imposed herein, substantially secure the objectives of the standards or requirements so modified:

1. Section 181-301.E. regarding the requirement to submit maps indicating the findings of each step of the Four-Step Design Process; and
2. Section 181-303 regarding the requirement for separate preliminary and final plan submissions; and
3. Section 181-503.A. regarding the requirement to widen W. King St. to a 40-foot cartway from 30-32 feet.
4. Sections 181-513.F. and 181-513.K.3. regarding the setback and minimum width requirements for driveways.
5. Section 181-514.B. regarding the requirement for the placement of curbing within parking lots; and
6. Section 181-525.D.5. regarding the requirement for the planting of replacement trees on the property; and
7. Section 181-526 regarding the requirement for grading within three (3) feet from the adjacent property line.

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

1. Compliance with the comments contained in the Borough Engineer's Engineering Review Letter dated March 27, 2018.
2. As a condition of the granting of a waiver from section 181-525.D.5. of the Subdivision & Land Development Ordinance, the applicant shall post a fee-in-lieu

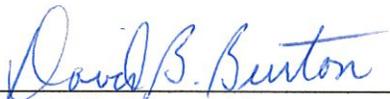
for 22 replacement trees. The amount of the fee-in-lieu shall be determined by the Borough Engineer.

Passed by Borough Council this 17 day of April, 2018.



Jamie S. Grossman, President

Approved by the Mayor, this 17 day of April, 2018.



David B. Burton, Mayor

Enacted, this 17 day of April, 2018.



Christopher Bashore, Secretary