

RESOLUTION NO. 777

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 "Preliminary/Final Site Plan of Property for St. Patrick Parish School Addition" prepared by JMR Engineering, LLC, dated February 23, 2018, last revised November 9, 2018, signed and sealed by Matthew Scott Bush, P.E., Registered Professional Engineer, proposing the consolidation of three (3) parcels into one (1) parcel (reverse subdivision) and construction of a school addition, new playground, renovation of an existing house to be used as a parish/school office, and demolition of two (2) existing parcels, pursuant to the Malvern Borough Subdivision & Land Development Ordinance of 2006 ("Land Development Ordinance") for the development of certain property ("Property") in the Borough of Malvern ("Borough"), Chester County, Pennsylvania, in the I-4 Institutional District.

BACKGROUND

St. Patrick's Parish (the "Applicant") has filed an application with the Borough for approval of a Preliminary/Final Land Development Plan prepared by JMR Engineering, LLC dated February 23, 2018, last revised November 9, 2018 (the "Plan"). This Resolution No. 777 is the Borough's written decision on the Application and Plan.

The Plan proposes the consolidation of the three existing parcels (UPI #s 2-4-239, 2-4-238, and 2-4-244.1) into one (1) parcel and construction of an addition to the existing school building. Two (2) existing buildings are to be demolished and one (1) existing is to be renovated.

The Applicant received approval of a Special Exception by the Zoning Hearing Board on October 23, 2017 as follows:

- a. A special exception pursuant to Section 220-701.B(1) of the Zoning Ordinance in order to permit a religious use (parish and school offices and playgrounds) at 131-133 Channing Avenue (UPI # 2-4-238) and 130 Woodland Avenue (UPI # 2-4-244.1) located in the R-4 Zoning District; and
- b. A special exception pursuant to Section 220-1901.B(2) of the Zoning Ordinance in order to expand the religious use (Lower School use) at 108 Woodland Avenue (UPI # 2-4-239) located in the I-4 Zoning District.

The approval was conditioned upon the following:

- 1) The three tax parcels shall be consolidated into one tax parcel and one lot for Borough zoning purposes and evidence of same provided to the Borough prior to, or concurrently with, a decision on the final land development application for the Proposed Development.

2) The Applicant shall apply for and obtain “reverse” subdivision and land development approval for the Proposed Development.

3) Fencing surrounding the playground areas shall be compatible with the type and style of fencing in the surrounding neighborhood. Chain link, wire and similar fencing types shall not be utilized.

4) Student enrollment in the school facilities located on the Properties and on the Church property at 106 and 126 Channing Avenue shall be limited to 450 students.

5) This Decision and Order grants only a special exception for a “religious use”. No development approvals are granted by this Decision and Order. The extent of the development shown on the Master Plan and described at the Hearing is not guaranteed by this special exception use Decision and Order; the extent and scope of the Proposed Development may be reduced in order to comply with applicable laws, ordinances and regulations.

6) Except to the extent inconsistent with this Decision and Order, the Applicant, the owner of the Properties, and the Proposed Development of the Properties shall comply with the requirements, representations and commitments set forth in the testimony and exhibits presented at the Hearing.

7) Except as permitted by the special exceptions granted by this Decision and Order, the Applicant, the owner of the Properties, and the Proposed Development of the Properties shall at all times comply in all respects with all ordinances and regulations of the Borough of Malvern and with all applicable provisions of any statute, ordinance or regulation of any municipal or governmental body having jurisdiction over the Properties and the Proposed Development.

8) The Board extends the expiration date (pursuant to Section 220-2811 of the Zoning Ordinance) of the special exceptions until nine (9) months from the date of this Decision and Order. The Applicant may request additional extensions from the Board for good cause shown.

On October 2, 2018, the Borough Council adopted Ordinance No. 2018 – 7. This ordinance amended the Borough Zoning Map in order to re-zone UPI #s 2-4-238 and 2-4-244.1 to the I-4 Institutional Zoning District.

The Plan was reviewed by the Borough Engineer and the Planning Commission. At the Planning Commission meeting on December 6, 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 November 30, 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 181-300.C. regarding the requirement for separate preliminary and final plan submissions.
2. Section 181-301.E. regarding the requirement to submit maps indicating the findings of each step of the Four-Step Design Process.
3. Section 181-503.C. regarding widening the existing cartway along Roberts Lane. The applicant has offered additional right-of-way on Roberts Lane for dedication.

This approval is also subject to the following conditions, which shall bind the 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 November 30, 2018.
2. Submission of clarifying details for the stormwater management system (subsurface recharge bed). Overall design to be reviewed and approved by the Borough Engineer.
3. Applicant to provide additional buffering and screening plantings along the eastern side of the playground adjacent to the basketball half-court. Selection of the plantings and locations to be coordinated with the Shade Tree Commission and the Borough Engineer. Fencing and security circulation plan to be reviewed with the Malvern Police Department Chief of Police.
4. Prior to Plan recordation, Applicant shall execute a Deed of Dedication for additional right-of-way on Roberts Lane, Stormwater Controls and Best Management Practices Operations and Maintenance Agreement (which shall be recorded), a Financial Security Agreement, together with the posting of adequate escrow to guarantee the required public improvements, in form satisfactory to the Borough Solicitor.
5. Applicant shall contribute to the Municipal Stormwater Control and BMP Maintenance Fund for the future inspections of the private stormwater facilities.

Passed by Borough Council this 15 day of January, 2019.



Jamie S. Grossman, President

Approved by the Mayor, this 15 day of January, 2019.



David B. Burton, Mayor

Enacted, this 15 day of January, 2019.



Christopher Bashore, Secretary