

**BOARD OF SUPERVISORS
OF THE TOWNSHIP OF HONEY BROOK
CHESTER COUNTY, PENNSYLVANIA**

IN RE: PUBLIC HEARING FOR A	:	BEFORE THE TOWNSHIP OF
CONDITIONAL USE; ZONING	:	HONEY BROOK BOARD OF
APPLICATION BY TRACY L.	:	SUPERVISORS
OLSEN AND ERIC R. OLSEN	:	
	:	CONDITIONAL USE HEARING
	:	
3041 HORSESHOE PIKE, HONEY	:	WRITTEN DECISION OF THE BOARD
BROOK TOWNSHIP, CHESTER	:	
COUNTY, PENNSYLVANIA	:	NO. 2016-2

**DECISION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF
HONEY BROOK UPON APPLICATION OF TRACY L. OLSEN AND ERIC R. OLSEN
FOR CONDITIONAL USE UNDER SECTION 27-902-3.B OF THE HONEY BROOK
TOWNSHIP ZONING ORDINANCE OF 2003, TO ESTABLISH A PLANNED VILLAGE
COMMERCIAL CENTER**

FINDINGS OF FACT

1. The property which is the subject of this land use application is located at 3041 Horseshoe Pike, Honey Brook Township, Chester County, Pennsylvania, in the Commercial ("C") zoning district of Honey Brook Township, Chester County, Pennsylvania, and contains approximately 4.401 acres of land (hereafter "Property").
2. Applicants are Eric R. Olsen and Tracy L. Olsen, adult individuals, husband and wife, with a mailing address of 3041 Horseshoe Pike, Honey Brook, Pennsylvania 19344 (hereafter "Applicants").
3. Applicants are the owners of the Property.
4. The Property currently contains a single family detached dwelling (containing 1,005 square feet of building area), and a 1,720 square foot building which is divided into a 720 square foot commercial office space and 1,000 square foot automobile repair shop. The property contains driveways, parking areas, and utilities associated with these structures.
5. Applicants submitted an Application for Public Conditional Use Hearing dated April 13, 2016, to establish a planned village commercial center on the Property (hereinafter "Application") (See Exhibit "Board-1").
6. Section 27-902-3.B of the Honey Brook Township Zoning Ordinance of 2003, Chapter 27 of the Code of Ordinances of Honey Brook Township (hereinafter "Zoning

Ordinance”), establishes that within the Commercial zoning district, a planned village commercial center is permitted as a conditional use, and such center must comprise one or more buildings containing three or more of the uses permitted under the terms of Section 27-902-1 and when in accordance with the standards in Section 27-1604.N [sic]. The Zoning Ordinance actually provides the standards for Planned Village Commercial Centers in Section 27-1604.O.

7. The existing single family detached dwelling will remain on the site as a residence; the existing garage/office building will be converted to be entirely office space; and a new 11,250 square foot building will be constructed, which will contain a 7,950 square foot automobile repair facility and 3,300 square feet of office space.

8. Section 27-902-1.E of the Zoning Ordinance provides that a single family detached dwelling is a use permitted by right in the Commercial District.

9. Section 27-902-1.A(2) of the Zoning Ordinance provides that an automobile repair facility is a use permitted by right in the Commercial District, provided that such use does not occupy more than 8,000 square feet of building floor area on the lot.

10. Section 27-902-1.A(5) of the Zoning Ordinance provides that a business or professional office is a use permitted by right in the Commercial District, provided that such use does not occupy more than 8,000 square feet of building floor area on the lot.

11. In response to Applicants’ Application, Jennifer L. McConnell, P.E., of Technicon Enterprises Inc., II, prepared a review letter dated April 26, 2016, in which she offered comments regarding the Application’s satisfaction of the zoning requirements for a planned village commercial center (See Exhibit “Board-6”).

12. Ms. McConnell, P.E. also prepared a review letter dated April 26, 2016, in which she offered comments on the final land development plan that had been submitted to the Township by Applicants, and which letter contained comments related to the plan’s compliance with the Honey Brook Township Zoning Ordinance (See Exhibit “Board-7”).

13. The Honey Brook Township Planning Commission reviewed the Application at its meeting on April 28, 2016, and recommended approval of the Application, conditioned on installation of landscaping along the frontage and a pedestrian walkway from the existing garage to the eastern property line, and recommended the granting of conditional use related waivers to allow such landscaping to only cover part of the lot frontage and to allow two driveways to serve the Property (See Exhibit “Board-8”).

14. Ms. McConnell, P.E. issued a letter on May 5, 2016, which letter further summarized the recommendations and attached conditions of the Honey Brook Township Planning Commission regarding the Application (see Exhibit “Board-9”).

15. The Honey Brook Township Board of Supervisors conducted a public hearing on the Application at the beginning of its public meeting on May 11, 2016.

16. Applicants were not represented at the hearing by legal counsel.
17. The Honey Brook Township Board of Supervisors was represented at the hearing by Christopher J. Hartman, Esquire.
18. Eric R. Olsen, Applicant, testified in support of the Application, with regard to Applicants' ownership of the Property, and testified that the Applicants had engaged James M. Haigney to prepare and submit the Application to the Township and to testify on their behalf.
19. Mr. Haigney testified in support of the Application.
20. Mr. Haigney testified about the existing structures and uses on the Property, as described above in Paragraph 4, and testified that Applicants intend to make certain improvements to the Property, as described above in Paragraph 7, and also including improvements to the parking areas and installation of stormwater management facilities (See "Applicant Exhibit 1")
21. Mr. Haigney further testified that the dimensional requirements in Section 27-1604.O of the Zoning Ordinance were satisfied by the Application.
22. Section 27-1604.O(4)(b) of the Zoning Ordinance requires that there be a frontage landscaped area provided at the street right-of-way line, extending a minimum of 8 feet into the front yard and extending the entire length of the tract frontage.
23. Mr. Haigney testified that the Applicants would install landscaping along the frontage from the existing garage to the eastern property line, but were requesting a partial waiver from Section 27-1604.O(4)(b) to not install any frontage landscaping from the garage to the western property line (See "Applicant Exhibit 2").
24. Section 27-1604.O(10) of the Zoning Ordinance requires that the tract shall be served by a single, shared point of access, except as otherwise approved by PennDOT or approved by the Board of Supervisors.
25. Mr. Haigney testified that the Applicants intend to continue to use the two (2) existing driveways to the Property, both of which have existing PennDOT permits as low volume driveways, and that Applicants were requesting a waiver from Section 27-1604.O(10) to allow more than one point of access to the Property.
26. Mr. Haigney further testified that the Applicants intend to install a four (4) foot wide asphalt sidewalk from the paved area adjacent to the existing garage/office building, extending eastward toward the existing paved area, and then from the edge of the proposed asphalt paving by the new garage/office building to the eastern property line; this sidewalk would provide pedestrian access from the business office use to the retail facilities east of the Property.

27. Public notice of the hearing was timely advertised in Daily Local News, a newspaper of general circulation within Honey Brook Township, on April 27, 2016 and May 3, 2016; adjacent property owners were notified of the hearing by mail on April 29, 2016; and the Property was posted with notice of the hearing on May 2, 2016. (See Exhibits "Board-2" through "Board-5").

CONCLUSIONS OF LAW

1. The Board of Supervisors has jurisdiction to decide this land use application pursuant to Section 27-902-3 of the Zoning Ordinance and the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10101, *et seq.*
2. The Property is located in the Commercial (C) Zoning District.
3. Section 27-902-3.B of the Zoning Ordinance permits planned village commercial centers as a conditional use, provided such center comprises one or more buildings containing three or more of the uses permitted under the terms of Section 27-902-1 and when in accordance with the standards in Section 27-1604.N [sic]. The Zoning Ordinance actually provides the standards for Planned Village Commercial Centers in Section 27-1604.O.
4. The Board of Supervisors has determined that the Applicants, through the Application and testimony at the Conditional Use Hearing, have established compliance with the relevant subsections of Section 27-1604.O of the Zoning Ordinance for the establishment of a planned village commercial center.
5. Section 27-1910-4.B of the Zoning Ordinance provides that in granting an application for conditional use approval, the Board of Supervisors may waive or modify applicable area and bulk regulations and design standards when said waiver or modification is deemed by the Board of Supervisors to be in the public interest and in furtherance of the goals as set forth in the Zoning Ordinance.

DECISION

AND NOW, this 11th day of May, 2016, the Board of Supervisors of the Township of Honey Brook, Chester County, Pennsylvania, upon review and consideration of the evidence as presented at the conditional use hearing, and in light of existing laws and regulations, hereby APPROVES and GRANTS the application of Tracy L. Olsen and Eric R. Olsen, for a conditional use under Sections 27-902-3.B and 27-1604.O of the Honey Brook Township Zoning Ordinance of 2003, to establish a planned village commercial center on the Property, subject to the following conditions:

1. The Applicants shall obtain land development approval from Honey Brook Township.

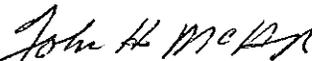
2. The planned village commercial center shall comply with all other zoning requirements of Honey Brook Township.

FURTHER, pursuant to Section 27-1910-4.B of the Zoning Ordinance, the Board of Supervisors hereby grants a partial waiver of the requirements of Section 27-1604.O(4)(b) of the Zoning Ordinance that there be a frontage landscaped area provided at the street right-of-way line, extending a minimum of 8 feet into the front yard and extending the entire length of the tract frontage, such waiver to allow Applicant to satisfy this requirement by installing landscaping as depicted on Applicant Exhibit 2, to be located only along that portion of the Property frontage from the existing garage to the eastern property line.

FURTHER, pursuant to Section 27-1910-4.B of the Zoning Ordinance, the Board of Supervisors hereby grants a waiver of the requirement of Section 27-1604.O(10) of the Zoning Ordinance which requires that the tract shall be served by a single, shared point of access, such waiver to allow Applicants to continue to use the two (2) existing driveways to the Property, given that the site improvements being proposed shall improve the definition of the access points to the Property.



Travis Stacey, Chairperson



John McHugh, Vice Chairperson

I abstained from voting on this matter because my husband and I, Tracy Olsen, are the Applicants, and I therefore have a conflict of interest.



Tracy Olsen, Member

Date of Issuance of Written Decision: JUNE 8, 2016.

ANY AGGRIEVED PERSON MAY APPEAL THIS DECISION TO THE COURT OF COMMON PLEAS OF CHESTER COUNTY WITHIN THIRTY (30) DAYS FROM THE DATE OF ISSUANCE OF THE WRITTEN DECISION.