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WESTTOWN TOWNSHIP

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CONDITIONAL USE APPLICATION

Date received: _____ Date of acceptance: _____ Date of rejection: _____

Location of proposed use

Address: 1013 Shiloh Road City: West Chester State: PA Zip: 19382

Owner: Fox Clearing, LLC

Tax parcel number(s): 67-02-0023 Zoning district: R-1 Acreage: 64.956 +/-

Proposed use of property: Flexible Residential Development consisting of 68 single family homes

Applicant information

Applicant: Fox Clearing, LLC c/o Bill Briegel

Address: 227 Granite Run Drive, Suite 100 City: Lancaster State: PA Zip: 17601

Phone number: (717) 464-9060 E-mail address: billb@keystonecustomhome.com

I (We) hereby make application for CONDITIONAL USE of the above-described property as provided for in Section 170-901(A) of the Westtown Township Zoning Ordinance, and do hereby acknowledge that I (we) have read this application and confirm that the above information is correct, and do further confirm that I (we) agree to comply with all provisions of the Westtown Township Zoning Ordinance applicable to this project.

May 21, 2021

Signature of applicant

Gregg I. Adelman, Esquire Attorney for Owner/Applicant

Date

Signature of Zoning Officer

5/21/2021
Date

**BEFORE THE BOARD OF SUPERVISORS OF
WESTTOWN TOWNSHIP**

IN RE: CONDITIONAL USE APPLICATION :
OF FOX CLEARING, LLC FOR A :
FLEXIBLE RESIDENTIAL DEVELOPMENT :
PURSUANT TO ARTICLE IX, SECTION 170-900: :
OF THE WESTTOWN TOWNSHIP ZONING : APPLICATION NO. ___
ORDINANCE :

CONDITIONAL USE APPLICATION ADDENDUM

I. INTRODUCTION

1. Fox Clearing, LLC (“**Applicant**”) is the owner of 64.956 acres of land located in Westtown Township, Chester County, Pennsylvania (“**Township**”), indexed at UPI Nos. 67-2-23 (the “**Stokes Property**”).

2. The Stokes Property is zoned R-1 Residential District.

3. Article IX, Section 170-902(A) of the Township Zoning Ordinance [Flexible Development Procedure] permits a flexible development of the Property by conditional use in the R-1 Residential District.

4. Section 170-903 of the Flexible Development Procedure permits single-family detached dwellings.

5. Applicant proposes to construct a residential development of the Stokes Property consisting of 68 single family homes in accordance with D.L. Howell & Associates, Inc.’s Conditional Use Plan, Sheets 1 through 23, dated April 30, 2021, attached as **Exhibit “A”** (“**Proposed Development**”).

6. The Proposed Development will also include the construction of internal streets, utilities, stormwater management facilities, landscaping, community recreation facilities and other improvements.

7. The Proposed Development will be serviced by public water. A copy of a will-serve letter from Aqua America, Inc., dated April 28, 2021 [sic] is attached as **Exhibit "B"**.

8. The Proposed Development will be serviced by public sewer. A copy of the sewage facilities planning module prepared by D.L. Howell and Associates, Inc., is attached as **Exhibit "C"**.

9. The Applicant has also evaluated the Proposed Development's traffic impact. A copy of Transportation Resource Group, Inc.'s Traffic Impact Study dated May 2021 and Crash Analysis is attached as **Exhibit "D"**.

10. A future homeowners' association will be created for the Proposed Development to own and maintain common and controlled facilities. A copy of a template for the future homeowners' association declaration is attached as **Exhibit "E"**.

II. PROPOSED DEVELOPMENT SITE DESIGN

11. The Proposed Development's site design complies with the applicable requirements of Section 170-900 et seq. of the Flexible Development Procedure.

12. The base density of the Proposed Development under Section 170-904.A.(1) of the Flexible Development Procedure is 56 dwelling units, or 1.1 dwelling units per acre.

13. The Proposed Development provides 36.447 acres of open space, which exceeds the 40% minimum open space required (25.952 Acres) under Section 170-904.C.2 of the Flexible Development Procedure.

14. The proposed open space in the Proposed Development is designed in accordance with the open space standards under Section 170-907 of the Flexible Development Procedure, where applicable.

15. The proposed single-family homes to be constructed in the Proposed Development are designed in accordance with Section 170-904.E of the Flexible Development Procedure.

16. The Proposed Development is designed in accordance with the design standards under Section 170-905 of the Flexible Development Procedure, including Section 170-905.A's Conservation Design requirements.

17. A site analysis of the Property pursuant to Section 170-905.A.1, is depicted on the Overall Existing Resources Plan, sheet 6 of 23, that is included as part of Exhibit "A".

IV. PROPOSED DEVELOPMENT WITH DENSITY BONUSES

18. Section 170-904.A.(2) of the Flexible Development Procedure permits the maximum density of a flexible development to be further increased where approved by the Board of Supervisors by conditional use.

19. Section 170-904.A.(2).(a) of the Flexible Development Procedure permits a density bonus of up to 0.075 dwelling units per acre for every 5% of the gross area of the tract that is permanently preserved as common open space above the minimum established under § 170-904.C.

20. As part of the Proposed Development, Applicant proposes to provide an extra 16.11% open space above what is required under § 170-904.C.

21. Applicant is entitled to add the 0.225 bonus density $[0.075 * 3]$ to the base density of 1.1, for a total of 1.325 dwelling units/acre.

22. Applicant is permitted a maximum density of 68 units $[1.325 \text{ D.U.} \times 51.347 \text{ acres}]$.

23. Applicant is proposing a total density of 68 units in the Proposed Development.


V. GENERAL CONDITIONAL USE CRITERIA

24. Section 170-2009.D of the Township Zoning Ordinance sets forth the general standards applicable for approval of a conditional use application.

25. The Proposed Development complies with the applicable objective criteria set forth in Section 170-2009.D.(1)(a)-(h) as will be demonstrated at the hearing on this conditional use application.

Respectfully submitted,

**KAPLIN STEWART MELOFF REITER
& STEIN, P.C.**

By: 
Gregg I. Adelman, Esquire

Attorneys for Applicant Fox Clearing, LLC