

**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:
ET. SEQ. OF THE WESTTOWN TOWNSHIP : APPLICATION NO.
ZONING ORDINANCE :

AMENDED ADDENDUM TO CONDITIONAL USE APPLICATION

I. INTRODUCTION

1. Fox Clearing, LLC (“**Applicant**”) by and through its attorneys, Kaplin Stewart Meloff Reiter & Stein, P.C., hereby submits this Amended Addendum to its Conditional Use Application as further described herein:

2. The Applicant is the owner or equitable owner of four parcels totaling approximately 80.886 +/- acres of land located along Shiloh Road in Westtown Township, Chester County, Pennsylvania (“**Township**”) as follows (collectively, the “**Property**”):

- a. UPI #67-2-23, consisting of 64.956 acres;
- b. UPI #67-2-8, consisting of 9.133 acres;
- c. UPI #67-2-9 consisting of 1.133 acres; and
- d. UPI #67-2-7.1 consisting of 5.664 acres.

3. A copy of the deed to UPI #67-2-23 and copies of the redacted agreements of sale for UPI ##67-2-8, 67-2-9 and 67-2-7.1 are attached as **Exhibit “A”**.

4. The Property is zoned R-1 Residential District.

5. 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.

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

7. Applicant proposes to construct a residential development of the Property consisting of 85 single family homes in accordance with D.L. Howell & Associates, Inc.'s Conditional Use Plan, Sheets 1 through 37, dated March 17, 2023, attached as **Exhibit "B"** (**"Proposed Development"**).

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

9. The Proposed Development will be serviced by public water. A copy of a will-serve letter from Aqua America, Inc. dated April 12, 2023 is attached as **Exhibit "C"**.

10. The Proposed Development will be serviced by public sewer. A copy of the sanitary sewer capacity letter from Westtown Township dated April 13, 2023 is attached as **Exhibit "D"**.

11. The Applicant evaluated the Proposed Development's traffic impact. A copy of Transportation Resource Group, Inc.'s Traffic Impact Study dated May 2021, last revised April 2023 is attached as **Exhibit "E"**.

12. 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 "F"**.

II. PROPOSED DEVELOPMENT SITE DESIGN

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

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

15. The Proposed Development provides 47.60 acres of open space, which exceeds the 40% minimum open space required (32.39 acres) under Section 170-904.C.2 of the Flexible Development Procedure.

16. 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.

17. 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.

18. 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.

19. A site analysis of the Property pursuant to Section 170-905.A.1, is depicted on the Overall Existing Resources Plan, sheet 7 of 37, that is included as part of Exhibit "A".

IV. PROPOSED DEVELOPMENT WITH DENSITY BONUSES

20. 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.

21. 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.

22. As part of the Proposed Development, Applicant proposes to provide an extra 15.11% open space above what is required under § 170-904.C.

23. 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.

24. Applicant is permitted a maximum density of 86 units $[1.325 \text{ D.U.} \times 65.418 \text{ acres}]$.

25. Applicant is proposing a total density of 85 units in the Proposed Development.

V. GENERAL CONDITIONAL USE CRITERIA

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

27. 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

Dated: May 4, 2023

EXHIBIT “A”

EXHIBIT “B”

EXHIBIT “C”

EXHIBIT “D”

EXHIBIT “E”

EXHIBIT “F”