

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

IN RE: CONDITIONAL USE APPLICATION :
OF TOLL PA XVIII, L.P. PURSUANT TO :
ARTICLE IX, SECTION 170-900 OF THE :
WESTTOWN TOWNSHIP ZONING : APPLICATION NO. ___
ORDINANCE :

CONDITIONAL USE APPLICATION ADDENDUM

I. INTRODUCTION

1. Toll PA XVIII, L.P. (“**Toll Brothers**”) is the equitable owner of 322.36 acres of land located along Wilmington Pike (S.R. 202/S.R. 322) in Westtown Township, Chester County, Pennsylvania (“**Township**”) bounded by West Pleasant Grove Road to the north, South New Street to the west and Street Road (S.R. 926) to the south, indexed at UPI Nos. 67-4-29, 67-4-29.1, 67-4-29.2, 67-4-29.3, 67-4-29.4, 67-4-30, 67-4-30, 67-4-31, 67-4-32, 67-4-33, 67-4-33.1 and 67-4-134 (collectively, the “**Property**”) commonly referred to as “Crebilly Farm”.

2. Crebilly Farm Family Associates, L.P., David M. Robinson, Laurie S. Robinson and David G. Robinson are the record owners of the Property.

3. The Property is zoned A/C – Agricultural/Cluster Residential District and R-1 Residential District.

4. The Property is currently used for agricultural and residential uses.

5. Article IX, Section 170-900 et. seq. of the Township Zoning Ordinance [Flexible Development Procedure] permits a flexible development of the Property by conditional use in the A/C and R-1 Residential Districts.

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

7. Toll Brothers proposes to construct a 319-unit residential development of the Property consisting of 2 existing homes, 200 single family homes and 117 townhouses in accordance with ESE Consultants, Inc.'s Conditional Use Subdivision Plan for Crebilly Farm, Plan A/Proposed Development, Sheets 1 through 45, dated October 7, 2016, attached as **Exhibit "A"** ("**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. A future homeowners' association will be created for the Proposed Development to own and maintain common and controlled facilities.

10. The Proposed Development will be serviced by public water. A copy of a will-serve letter from Aqua America, Inc., dated October 23, 2013 and re-affirmed per an e-mail dated June 21, 2016, is attached as **Exhibit "B"**.

11. The Proposed Development will be serviced either by community on-site sewer or public sewer. A copy of the On-site Wastewater Feasibility letter from Geo-Technology Associates, Inc., dated October 11, 2016, is attached as **Exhibit "C"** and a copy of a public sewer capacity letter from Carroll Engineering Corporation, the Township Sewer Engineer, dated September 19, 2016 and revised on September 20, 2016, is attached as **Exhibit "D"**.

12. Adequate facilities will be designed, installed and constructed to manage the stormwater runoff generated by the Proposed Development. A copy of ESE Consultants, Inc.'s Stormwater Management Narrative and calculations, dated October 2016, is attached as **Exhibit "E"**. A copy of Geo-Technology Associates, Inc.'s Preliminary Geotechnical Exploration, dated August 11, 2016, for the Property is attached as **Exhibit "F"**.

13. Toll Brothers has evaluated the Proposed Development's fiscal impact. A copy of David C. Babbitt & Associates, LLC, Fiscal Impact Analysis, dated October 13, 2016, is attached as **Exhibit "G"**.

14. Toll Brothers has also evaluated the Proposed Development's traffic impact. A copy of McMahon & Associates' Traffic Impact Study, dated October 13, 2016, is attached as **Exhibit "H"**.

II. PROPOSED DEVELOPMENT SITE DESIGN

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

16. The base density of the Proposed Development under Section 170-904.A.(1) of the Flexible Development Procedure is 319 dwelling units, or 1.1 dwelling units per acre.

17. The Proposed Development provides 197.15 acres of open space, which meets or exceeds the 60% minimum open space required (193.41 Acres) under Section 170-904.C of the Flexible Development Procedure.

18. 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, and will be owned and maintained by a future homeowners' association.

19. The proposed single family homes and townhouses to be constructed in the Proposed Development are designed in accordance with Section 170-904.E of the Flexible Development Procedure, where applicable, including providing 60 feet of distance between townhouse buildings.

20. 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.

21. A site analysis of the Property in accordance with the Conservation Design requirements is depicted on the Overall Existing Resources and Site Analysis Map, sheet 2 of 45, that is included as part of Exhibit "A".

III. PROPOSED DEVELOPMENT WITH 30 FOOT SPACING BETWEEN TOWNHOUSES

22. Section 170-904.E.(10).(c) of the Flexible Development Procedure requires the distance between townhouses to be determined in accordance with the requirements of Section 170-802.B.(7) of the Township Zoning Ordinance.

23. Section 170-802.B.(7) of the Township Zoning Ordinance requires a minimum 60 foot separation between townhouses.

24. However, Section 170-904.E.(10).(d) of the Flexible Development Procedure permits the Township Board of Supervisors to vary the terms of Section 170-904.E.(10) where deemed appropriate.

25. Toll Brothers requests the Township Board of Supervisors reduce the minimum building separation distance between townhouses to 30 feet, which is similar to the 35 feet building separation distance under Section 170-1206.D.(6).

26. The reduction of the minimum building separation distance between townhouses to 30 feet will permit the further clustering of the Proposed Development and increase the amount of contiguous open space, which are both consistent with the Flexible Development Procedure's intent under Section 170-900.B.

27. The proposed 319-unit residential development of the Property consisting of 2 existing homes, 200 single family homes and 117 townhouses with a 30 feet separation between townhouses is depicted on the site plan, designed by ESE Consultants, Inc., titled Plan A Alternative Proposed 30' Spacing Development, sheet 45 of 45 dated October 7, 2016 attached as **Exhibit "I" ("Proposed 30 Foot Spacing Development")**.

28. Should the Board of Supervisors agree to modify the minimum separation between townhouses to 30 feet, then Toll Brothers would proceed with constructing the Proposed 30 Foot Spacing Development.

IV. PROPOSED DEVELOPMENT WITH DENSITY BONUSES

29. 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.

30. Section 170-904.A.(2).(b) of the Flexible Development Procedure permits a density bonus of up to 0.3 dwelling units per acre if the developer completes or funds substantial public improvements to public streets, public recreation and open space, public water supply systems, public sanitary sewage systems and public stormwater management systems.

31. As part of the Proposed Development, Toll Brothers proposes to provide substantial public improvements pursuant to Section 170-904.A.(2).(b) (and possibly also Section 170-904.A.(2).(c)[historic preservation bonus density]) to develop a 397-unit residential development of the Property consisting of 2 existing homes, 152 single family homes and 243 townhouses in accordance with the plan designed by ESE Consultants Inc. titled Plan B Proposed Density Bonus Development, sheet 1 of 1, dated October 7, 2016, attached as **Exhibit "J" ("Proposed Density Bonus Development")**.

32. The proposed substantial public improvements may include improvements to public streets, public recreation and open space and public sanitary sewage systems in the amount of One-Million, Five Hundred Thousand Dollars (\$1,500,000).

33. Should the Board of Supervisors and Toll Brothers agree on the proposed substantial improvements and the density bonuses, then Toll Brothers would proceed with constructing the Proposed Density Bonus Development.

V. GENERAL CONDITIONAL USE CRITERIA

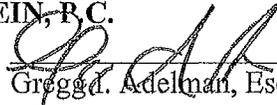
34. Section 170-2009.D of the Township Zoning Ordinance sets forth the general standards applicable for approval of a conditional use application.

35. The Proposed Development, Proposed 30 Foot Spacing Development and Proposed Density Bonus Development comply 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 A. Adelman, Esquire

Attorneys for Applicant Toll PA XVIII, L.P.

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Exhibit A: ESE Consultants, Inc. plans titled Conditional Use Subdivision Plan for Crebilly Farm Plan A/Proposed Development, Sheets 1 through 45, dated October 7, 2016 [§170-2009.B.(3), 3(c), 3(d), (4), 6(a), 6(b), 6(d) and 7.]

Exhibit B: Aqua America Will Serve letter

Exhibit C: Geo-Technology Associates, Inc. On-Site Wastewater Feasibility letter dated October 11, 2016

Exhibit D: Carroll Engineering Corporation letter dated September 19, 2016 and revised September 20, 2016

Exhibit E: ESE Consultants, Inc.'s Stormwater Management Narrative, dated October 2016 [§170-2009.B.(3)(d) and 6(c)]

Exhibit F: Geo-Technology Associates, Inc.'s Preliminary Geotechnical Exploration dated August 11, 2016. [§170-2009.B.(3)(d)]

Exhibit G: David C. Babbitt & Associates, LLC Fiscal Impact Analysis dated October 13, 2017.

Exhibit H: McMahon Associates, Inc.'s Transportation Impact Study dated October 13, 2016 [§170-2009.B.(3)(b)]

Exhibit I: ESE Consultants, Inc. plan titled Plan A Alternative Proposed 30' Spacing Development, sheet 45 of 45, dated October 7, 2016

Exhibit J: ESE Consultants, Inc. plan titled Plan B Proposed Density Bonus Development, Sheet 1 of 1, dated October 7, 2016