

LOWER PROVIDENCE TOWNSHIP
RESOLUTION FOR PRELIMINARY AND FINAL
LAND DEVELOPMENT PLAN APPROVAL

RESOLUTION NO. 2024-20

WHEREAS, 960 Rittenhouse Road Associates, LLP (hereinafter referred to as “Applicant”) has submitted an application for Preliminary and Final Land Development approval of a plan proposing the demolition of a 25,000 square-foot manufacturing facility and the construction of a new one-story 65,700 square-foot warehouse facility (hereinafter referred to as the “Project”) at property located at 960 Rittenhouse Road, Lower Providence Township, Montgomery County, further identified as Montgomery County Tax Map Parcel Number 43-00-12256-00-4 (hereinafter referred to as the “Property”), as set forth in a thirty-eight (38) sheet Preliminary and Final Land Development Plan, prepared by REL Design, Inc., dated September 22, 2023, last revised November 3, 2023 (hereinafter collectively referred to as “Plans”); and

WHEREAS, the Applicant received conditional use approval via the adoption of Lower Providence Township Resolution 2023-23 on June 1, 2023; and

WHEREAS, the Applicant received amended conditional use approval via the adoption of Lower Providence Township Resolution 2024-19 on April 18, 2024; and

WHEREAS, the Property consists of approximately 5.23 acres and is zoned within the Mixed Use Overlay Sector of the Industrial Park Zoning District; and

WHEREAS, the Plans propose to demolish the existing 25,000 square-foot manufacturing facility and the construct a new one-story 65,700 square-foot warehouse facility, along with grading, utilities, landscaping, lighting, stormwater management facilities, and

erosion control, as further depicted on the Plans; and

WHEREAS, the Township Engineer has issued review letters dated October 11, 2023 and November 14, 2023, and the Township Traffic Engineer has issued a review letters dated October 10, 2023 and November 20, 2023 (collectively, “Engineering Review Letters”); and

WHEREAS, the Montgomery County Planning Commission issued a review letter dated November 20, 2023; and

WHEREAS, the Township’s Police Chief has issued review comments dated October 2, 2023; and

WHEREAS, the Township’s Fire Marshal has issued review comments dated January 5, 2024; and

WHEREAS, the Board of Supervisors of Lower Providence Township (hereinafter referred to as “Board”) is prepared to grant conditional approval of Applicant’s Preliminary and Final Land Development Application, subject to certain conditions.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Board of Supervisors of Lower Providence Township this 18th day of April, 2024, that said application for Preliminary and Final Land Development Plan Approval is GRANTED, subject to the following conditions:

1. **Plans**: The Board grants final approval subject to the conditions described herein, to the Plans prepared by prepared REL Design, Inc., dated September 22, 2023, last revised November 3, 2023.
2. **Zoning Ordinance**. Applicant was granted conditional use approval on June 1, 2023, as amended on April 18, 2024, to permit the proposed warehouse use, subject to the conditions set forth in Resolutions 2023-23 and 2024-19.

3. **Required Permits and Outside Agency Approvals.** The Applicant or successors or assigns shall provide evidence of securing the following permits or approvals where needed:
- a. Sanitary Sewer Permits from the Lower Providence Township Sewer Authority.
 - b. Approved DEP Land Planning Module/Waiver.
 - c. Receipt of Montgomery County Conservation District Adequacy Letter.
 - d. NPDES Permit for Construction Activity.
 - e. Approval of Audubon Water Company.
 - f. PennDOT Highway Occupancy Permit and/or Montgomery County Roads & Bridge Highway Occupancy Permit, if required.
 - g. Building permits, construction permits, road opening permits, electrical permits, grading permits from Lower Providence Township, as applicable.
 - h. Shop drawings for all materials associated with water, sanitary sewer and/or storm sewer utilities shall be submitted, reviewed and approved by the Township Engineer prior to commencement of construction.

4. **Conditions of Land Development Approval.** Preliminary and Final Land

Development Plan Approval is GRANTED subject to the following conditions:

- a. Applicant shall comply with the provisions of the review letters of the Township Engineer, Woodrow & Associates, dated October 11, 2023 and November 14, 2023 (or the latest revision thereof). With regard to stormwater, the Property currently has stormwater facilities that connect to and/or discharge to facilities

located on, at, over or under adjacent property. Applicant shall provide proof of a recorded easement allowing the continued discharge and/or connection which provides clarity regarding responsibility for maintenance of the downstream infrastructure and assures the right to connect to this infrastructure. In the alternative, Applicant may provide documentation in a form acceptable to the Township Solicitor that acknowledges the existing condition and indemnifies the Township, its elected and appointed officials, contractors, vendors, employees, servants and agents from all liability associated with such connection, including but not limited to any cost associated with disconnecting with the stormwater facilities in the future and the design and construction of alternative means for stormwater control. In no event shall the Applicant, or its successors in interest, be relieved of the obligation to provide stormwater control measures as set forth in the Township Ordinances.

- b. Applicant shall comply with the provisions of the review letters of the Township Traffic Engineer, McMahon, dated October 10, 2023 and November 20, 2023 (or the latest revision thereof).
- c. Applicant shall comply with the provisions of the Montgomery County Planning Commission Review letter dated November 20, 2023.
- d. Applicant shall comply with the review comments of the Township Police Chief, dated October 2, 2023.
- e. Applicant shall comply with the review comments of the Township Fire Marshal, dated January 5, 2024.

- f. Applicant shall comply with the conditions set forth in Lower Providence Township Resolutions 2023-23 and 2024-19.
- g. Applicant shall provide “will serve” letters or other evidence that the premises are to be served by public water and sewer and shall submit signed agreements to the Township.
- h. All outstanding Township fees associated with the review and approval of the foresaid plan shall be paid in full prior to the recording of the final plan.
- i. Prior to plan recording, the Applicant shall verify that there are no existing easements, deed restrictions or covenants that would affect the proposed development.
- j. Applicant agrees to submit a final plan to Lower Providence Township and the Lower Providence Township Engineer for review and approval prior to recording. This plan shall indicate compliance with all conditions set forth in this Resolution and all Engineer review comments including those contained in the Woodrow & Associates and McMahon Associates, Inc., Engineering Review Letters (or the latest revision thereof).
- k. Prior to recording of the final plan, the Applicant shall provide the following executed agreements for recording in a form acceptable to the Township Solicitor, each of which shall be recorded concurrently with the final record plans:
 - i. Land Development Agreement. Applicant shall enter into a Land Development Agreement with the Township.

- ii. Escrow Agreement. Applicant shall enter into an Escrow Agreement and shall post adequate securities in order to construct public improvements, as determined by the Township Engineer.
 - iii. Stormwater Operation and Maintenance Agreement. Applicant shall enter into a Stormwater Operations and Maintenance Agreement, in a form acceptable to the Township Solicitor, which provides ongoing maintenance obligations for the Stormwater Management BMPs for the lot owners or Home Owners' Association, as applicable. Facilities, areas or structures used as Stormwater Management BMPs shall be enumerated as permanent real estate appurtenances and encumbered by the Applicant as deed restrictions or conservation easements that run with the land. The ownership and maintenance of these Stormwater Management BMPs shall be the responsibility of the individual Lot Owners and their heirs, successors or assigns.
 - iv. Easement Agreements. Applicant shall provide all required Easement Agreements, including but not limited to a trail easement for Rittenhouse Road.
- I. The Applicant shall, within ninety (90) days from the date of Final Land Development Approval, submit final Mylars and papers to the Township for signature and recording at the Montgomery County Recorder of Deeds. There shall be one (1) electronic and five (5) papers submitted. Following release and recording of the record plan, the Applicant shall notify the Township Manager

and the Township Solicitor in writing of the plan book, page number and date of recording by the Montgomery County Recorder of Deeds.

m. RESERVED

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o. Applicant shall be subject to a traffic impact fee based upon post-development conditions six months after warehouse occupancy and subject to data collection and trip generation calculation by the Township Traffic Engineer or Applicant. If the data collection for trip generation and calculation of the fee is done by the applicant, it will be subject to confirmation by the Township Traffic Engineer. All costs required for the calculation of the traffic impact fee shall be borne solely by the Applicant.

p. Applicant shall attend a pre-construction meeting with the Township staff and appropriate consultants to be held prior to commencement of work.

q. Prior to the development, the applicant shall apply to Lower Providence Township for a building permit. This shall include the submission of a grading plan showing the actual building footprint and driveway location.

r. Construction shall not continue past the foundation stage until the owner/builder has submitted certification that the first floor and garage floor elevations of the proposed structure conform to the plans submitted with the grading permit application. The certification shall be submitted to the Township Engineer and shall be signed and sealed by the responsible registered professional land surveyor licensed in the Commonwealth of Pennsylvania.

- s. The applicant shall contact the Township Engineer to perform a final grading inspection prior to issuance of an occupancy permit.
- t. The applicant shall submit one (1) electronic and five (5) paper final as-built plans to the Township for review and approval prior to the issuance of an occupancy permit. This plan shall include stormwater management facilities.
- u. Dead street trees or trees within 100 feet of impervious surfaces must be replaced by the property owner within 6 months.
- v. Prior to the issuance of any Certificate of Occupancy or Use and Occupancy permit, Applicant, at its sole cost and expense, shall complete all steps necessary to dedicate any facilities proposed for dedication to the Township as set forth on the Record Plans, including but not limited to dedication of any rights-of-way.
- w. All administrative, legal and engineering expenses owed to the Township for plan review and/or planning services shall be paid in full by the Applicant prior to release of signed record plans.
- x. The Applicant shall comply in all respects with the rules, regulations and requirements of all governmental agencies and/or bodies having jurisdiction with respect to this Application and shall assume all costs, expense and responsibility in connection therewith, without any liability whatsoever on the part of the Township.

5. **Waivers.**

- a. Applicant is requesting, and the Board has approved, the following waivers of the Lower Providence Township Subdivision and Land Development Ordinance

(hereinafter "SALDO"):

- i. §123-31.D, which requires collector streets to provide an ultimate right of way of 80 feet, a minimum cartway width of 30 feet, and parking only permitted by approval of the Board of Supervisors. Applicant has requested a partial waiver of this section of the Ordinance to allow the proposed half cartway widening and drainage system to be fully within the existing 50 foot right of way. In lieu of providing the required cartway width, the developer proposes to provide a 15 foot wide/variable width multi-purpose trail/public right of way easement. Given the scope of the project, the Board has GRANTED this waiver from this section of the Ordinance to allow the reduced cartway width in exchange for the provision of the 15 foot wide/variable width multi-purpose trail/public right of way easement.
- ii. §123-32.A, which requires the provision of curbing along Rittenhouse Road. Applicant is requesting a waiver of this section of the Ordinance to provide a meandering landscaped 8 foot wide multi-use asphalt path in lieu of the traditional curb and sidewalk. Given the existing site conditions and the scope of the Project, the Board has GRANTED this waiver from the Ordinance.
- iii. §123-33, which requires that a sidewalk be provided along Rittenhouse Road. Applicant is requesting a waiver of this section of the Ordinance to provide a meandering landscaped 8 foot wide multi-use asphalt path in

lieu of the traditional curb and sidewalk. Given the existing site conditions and the scope of the Project, the Board has GRANTED this waiver from the Ordinance.

- iv. Section §123-36.B.(1), which requires driveway accesses at least 200 feet apart. Application has requested a waiver from this section of the Ordinance to allow the driveways at Rittenhouse Road and Van Buren Avenue to be closer than 200 feet, as the existing driveway access to Van Buren Avenue is less than 200' from the adjacent driveway to the south. Given the existing site conditions, the minimal anticipated traffic for the proposed use and the fact that the sight distance requirements for the proposed driveway location accessing Rittenhouse Road and Van Buren Avenue, the Board has GRANTED this waiver from this section of the Ordinance.
- v. §123-36.F, which allows a maximum driveway width of 28 feet. Applicant has requested a partial waiver from this section to allow for a driveway of 35 feet in width to allow for truck traffic into and out of Van Buren Avenue. Applicant will provide a separate passenger vehicle entrance into and out of Rittenhouse Road of 24 feet in width. Given the existing site conditions and the necessity for the additional driveway width, the Board has GRANTED the partial waiver from this section of the Ordinance to allow the driveway entrance on Van Buren Avenue to be 35 feet in width.

- vi. §123-50.B, which requires nonresidential developments to be screened.

Applicant has requested a partial waiver of this section of the Ordinance due to a duplicate requirement of street trees and depth of buffer does not allow for installation of overlapping requirements. Given the existing site conditions and the scope of the Project, the Board has GRANTED this waiver from this section of the Ordinance.

- vii. §123-143, which requires landscape buffers. Applicant has requested a

waiver from this section of the Ordinance due to overlapping requirements which do not allow for the depth of the required buffer.

Given the existing site conditions and the scope of the Project, the Board has GRANTED this waiver from this section of the Ordinance.

- viii. §129-19.C.(2), which requires the use of reinforced concrete pipe –

strength class III (RCP) for the construction of storm sewer facilities.

Applicant has requested a partial waiver of this section to allow for the use of high-density polyethylene pipe (HDPE) instead of the required RCP, except for the basin outlet pipes. Due to the existing conditions, the Board has GRANTED this partial waiver from this section of the Ordinance.

- ix. §129-19.C.(6), which requires a minimum slope of 1% (0.01ft/ft) for pipe

slope of terminal sections. Applicant has requested a waiver from this section of the Ordinance to allow for a pipe slope of 0.5% (0.005 ft/ft) for

new stormwater piping to provide positive discharge to the existing

shallow inlet boxes. Due to the existing site conditions, the Board has GRANTED this waiver from this section of the Ordinance.

- x. S129-19.C.(16), which requires stormwater pipes to be oriented at right angles to electric, water, sanitary sewer and gas utilities when crossing above or beneath same. Applicant has requested a waiver from this section of the Ordinance to allow for an angle of 45 degrees for the proposed sanitary sewer crossing so that the same alignment of the existing sanitary sewer can be utilized. Given the existing site conditions, the Board has GRANTED this waiver from this section of the Ordinance.
- xi. §129-19.G.(4), which prohibits excavation from being made with a cut face steeper in slope than four horizontal to one vertical (4:1 = 25%). Applicant has requested a waiver from this section of the Ordinance to allow a 3:1 (33%) slope for the side slopes of the diversion swale along the northeastern property line to respect the existing PECO easement limits. Given the existing site conditions, the Board has GRANTED this waiver from this section of the Ordinance.
- xii. §129-19.H.(9), which requires all detention or retention basins having slopes of four horizontal to one vertical (4:1 = 25%) or flatter on the basin's outer berm and five horizontal to one vertical or less on the basin's inner berm. Applicant has requested a waiver from this section of the Ordinance as the small MRC Rain Garden Basins were designed with a flat 0% slope to allow for infiltration through the soil media, in

accordance with PADEP guidance. Given the existing site conditions and PADEP guidance, the Board has GRANTED this waiver from this section of the Ordinance.

xiii. §129.19.H.(1), which requires all portions of a detention basin bottom to have a minimum slope of 2%. Applicant has requested a waiver from this section of the Ordinance as the basins were designed with a flat 0% slope to allow for infiltration through the soil media, in accordance with PADEP guidance. Given the existing site conditions and PADEP guidance, the Board has GRANTED this waiver from this section of the Ordinance.

xiv. §129.19.H.(12), which requires emergency spillways discharging over embankments to be constructed of reinforced concrete checker-blocks to protect the berm against erosion. Applicant has requested a waiver from this section of the Ordinance to allow a permanent erosion control matting for the Rain Garden MRC Basins, which is appropriate for calculated design outflows. Given the existing site conditions and the scope of the Project, the Board has GRANTED this waiver from this section of the Ordinance.

xv. §129-19.H.(15), which requires minimum freeboard through the emergency spillway of one foot. Applicant has requested a waiver from this section of the Ordinance to allow a freeboard of 6 inches, due to the shallow depth of the MRC Rain Gardens (2.5 feet). Given the site conditions and the depth of the MRC Rain Gardens, the Board has

GRANTED this waiver from this section of the Ordinance.

- xvi. §129-19.H.(19), which requires the grate of the basin outlet structure of at least six inches lower than the elevation of the earthen emergency spillway, and also requires a minimum of six inches between the routed one-hundred-year water surface elevation and top of the outlet structure. Applicant has requested a waiver from this section of the Ordinance to allow the basin outlet structure to be 3 inches lower than the emergency spillway for Basin 2A and 4 inches for Basin 2B due to the shallow depth of the MRC Rain Gardens (2.5 feet). Given the site conditions and the depth of the MRC Rain Gardens, the Board has GRANTED this waiver from this section of the Ordinance.
- xvii. 129-19.H.(24), which requires perimeter berms and embankments of retention/detention basins being designed to create a natural appearance and reduce future maintenance requirements. Applicant has requested a waiver from this section of the Ordinance to waive the requirement for planting of all required detention basin landscape, due to the proximity of the basin areas to other required landscaping. Given the site conditions, the Board has GRANTED this waiver from this section of the Ordinance.

b. The waivers granted herein are subject to the following conditions of approval:

- i. Applicant shall use LED lights for all streetlights for the Project.
- ii. If an electric permit is required, the Applicant shall consider installation of

a 240vac / 50A circuit near multiple parking spots to support the later addition of a Level 2 EV charger. A note shall be added to the Plan accordingly.

- iii. Applicant shall likewise consider the opportunity for solar panel charging, implementation of pervious parking lot areas, stormwater capture and reuse, and other green infrastructure to further the goals set forth in the Township's environmental sustainability guidance.
- iv. Applicant shall comply with all conditions of approval as set forth in Lower Providence Township Resolutions 2023-23 and 2024-19.

BE IT FURTHER RESOLVED by the Board of Supervisors of Lower Providence Township that this final plan approval is further conditioned upon acceptance of the conditions contained herein by the Applicant and signifying acceptance thereof by signing a copy of this Resolution. In the event that the execution of this Resolution is not delivered to the Township within ten (10) days from receipt, it shall be deemed that the Applicant does not accept these conditions and approvals conditioned upon his or her acceptance are hereby revoked, and the aforementioned Applicant's plan is considered to be denied for the reasons set forth above.

RESOLVED and **APPROVED** this 18th day of April, 2024.

BOARD OF SUPERVISORS OF LOWER
PROVIDENCE TOWNSHIP

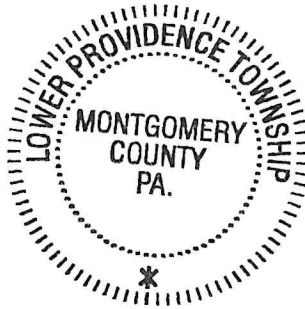
ATTEST:



E.J. Mentry, Secretary

By : 

Dr. Janine Darby, Chair



ACCEPTANCE OF CONDITIONS:

960 Rittenhouse Road Associates, LLC, the Applicant and record owner of Parcel No. 43-00-12256-00-4 located at 960 Rittenhouse Road, Lower Providence Township, does hereby acknowledge and accept the Preliminary and Final Land Development Plan Approval issued by the Board of Supervisors of Lower Providence Township and accept the conditions contained herein as recited above.

Witness:

Applicant: 960 Rittenhouse Road
Associates, LLC

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____