

Planning Commission  
Radnor Township  
Wayne, Delaware County, Pennsylvania

Monday  
November 5, 2012  
7:00 P.M.

Agenda

1. Minutes of the Meeting of October 1, 2012 and October 4, 2012
2. 2012-D-16 (Preliminary) of Cabrini College to construct (2) two parking structures, a student commons building and related improvements on campus at 610 King of Prussia Rd., Wayne – Submitted 8/31/12
3. Ordinance Amending Chapter 255 of the Radnor Township Code, Subdivision and Land Development Ordinance to establish regulations for the mandatory dedication of recreation land as part of a subdivision or land development; and to establish a fee in-lieu-of the dedication of recreation land when it is determined that the dedication of the land required for recreation purposes is not feasible.
4. Ordinance #2012-09 – Amending Chapter 280 of the Radnor Township Code, Zoning Ordinance, by establishing regulations for outdoor dining in the C-1, C-2, C-3, PB, GH-CR, and PLO Zoning Districts

Old Business

New Business

Public Participation

*Minutes of the Meeting of October 1, 2012*

The meeting of the Radnor Township Planning Commission was held at 7 PM in the Municipal Building, 301 Iven Ave., Wayne, Pa 19087.

**Present**

Ed DiMarcantonio, Chair

Julia Hurle, Vice-Chair

Kathy Bogosian

Skip Kunda

Doug McCone

Regina Majercak

Susan Stern

**Absent**

Steve Cooper

Also present: John Sartor, PE, Twp. Engineer, Peter Nelson, Esq., Solicitor; Kevin Kochanski, Zoning Officer; Members of the Press, and Suzan Jones, Administrative Assistant.

Mr. DiMarcantonio called the meeting to order and announced that Cabrini College had rescheduled for November Planning Commission.

*Minutes of the Meetings of September 4 and September 6, 2012*

Kathy Bogosian moved to approve the September 4 minutes. Seconded by Julia Hurle, the motion unanimously passed. Julia Hurle moved to approve the September 6 minutes. Seconded by Skip Kunda, the motion unanimously passed.

*2012-D-10 (Preliminary) of Home Properties Bryn Mawr to construct a 1,157 square foot fitness center on their site at 200 David Drive, Rosemont (Submitted 8/31/12)*

Bill Reardon, Bohler Engineering, appeared on behalf of applicant. Plans were displayed and the site was described. The applicant is seeking preliminary/final approval. Mr. Kochanski stated that staff recommends that only preliminary review be performed at this time. The traffic engineer and the fire chief need to be consulted to verify turning radius for fire apparatus into the site. The issues of adding parking on site was suggested. Susan Stern moved to approve preliminary plan approval subject to the comments and conditions on the Gilmore review letter dated September 26, 2012. Seconded by Regina Majercak, the motion unanimously passed.

*2012-S-15(Preliminary) of 615 Newtown Road, Assoc., LP to subdivide existing 13.6 acre parcel into eight (8) residential lots and retain existing residence at 615 Newtown Rd., Villanova (Submitted 8/31/12)*

George Broseman, Esq. appeared with Dave Gibbons, PE, Joseph Orsatti and Patrick Stuart of Orsatti and Assoc., and applicants James Gorman and Alex Wasilov. They are proposing to make the cul-de-sac road a private road. They are requesting waivers for; Section 255-27.C.(1) for a 28-ft wide right-of-way, Section 255-27.C.(1) for a 5-ft wide trail in lieu of providing a sidewalk, Section 255-27.D.(2) for a 45-ft radius cul-de-sac and Section 255-27.E.(2) for a 28-ft wide right-of-way for a private street. The applicant will abandon the existing easement and driveway on the adjacent property that is presently in use when the new road is constructed. The applicant has appeared before the Commissioners with an informal presentation and detailed the waivers being requested as well. There was some discussion regarding documenting preserving the existing green areas that are being proposed to be saved in accordance with the granting of the waivers of reducing front yard setbacks, etc. The applicant is looking to construct the stormwater management systems with the least impact possible on the tree line. Mr. Sartor requested to see revised plans showing the trail construction with the least amount of impact on the steep slopes in the areas of the trees. It was suggested to make the application 9 lots instead of 8 with the 9<sup>th</sup> lot being the wetland lot on the east side of Sproul Road that will eventually be dedicated to the township as open space. Mr. Kochanski stated that staff is looking for the 9<sup>th</sup> lot to be part of the HOA and grant the township an access easement for stormwater management purposes.

#### Public comment

Brajesh Agarwal - 503 Van Lears Run – feels that 60 days is a reasonable period of time in order to remove the existing driveway presently on his property.

Mr. Sartor requests to see this plan back addressing the list of comments as submitted since this is the first time the plan as submitted has been discussed. Since the applicant has met with staff on numerous occasions, Mr. Broseman requests that the a decision be made this evening especially with respect to the waiver requests going before the zoning hearing board.

Kathy Bogosian moved to recommend approval of all four (4) waivers, under Section 3 #'s 6, 7, 8 and 9 with the preference being the 35' setback and would agree to whatever waivers the zoning hearing board would approve. Doug McCone seconded the motion. Julia Hurle moved to amend the motion to require a conservation easement conserving the areas proposed to be preserved by delineating the areas to be preserved as a result of these waivers on all lots. There was extensive discussion regarding the area on the south side of the riparian buffer of lot # 7. Kathy Bogosian requested that the suggestion of the conservation easement not be included in the motion. The path should be laid out in the final plan as well as the utility easement. Skip Kunda proposed to amend the motion to say that if the applicant is willing to do some sort of conservation easement to be a comparable area to be worked out with staff and be shown on the

plans. He also said that if necessary lot 8 could be excluded from an easement. Kathy Bogosian agreed to exclude lot 8 unless the applicant can supply an acceptable conservation easement plan. Julia requested that steep slopes and flood plain not be counted in the comparable area. After discussion, Kathy Bogosian withdrew the motion to offer a new motion. Kathy moved to recommend that the board endorse the waivers for 6, 7, 8 and 9 as amended by Skip Kunda and that the applicant works with staff on a negotiated conservation created area to be created that is comparable to the setback relief on the yellow line and the utility easement and trail be shown on the final plan. Seconded by Skip Kunda, the motion carried including the preliminary plan approval conditioned upon the Gilmore letter of September 26, 2012.

Kathy Bogosian moved to send a letter to the Zoning Hearing Board with the recommendation. Seconded by Susan Stern, the motion unanimously passed.

*Recommendation for Ordinance # 2012-\_\_\_ - Amending Chapter 280 of the Radnor Township Code, Zoning Ordinance, by establishing regulations to establish a new use, Mixed-Use Special Transportation Development within the PLO- Planned Laboratory-Office District.*

Nick Caniglia, Esq. described the site and the proposed construction. McMahon and Assoc., gave a report on their traffic study. Signalizing the intersection into the high school off of King of Prussia Road is suggested. A second signal entrance is being considered closer to Route 30. A travel demand management program is suggested to be implemented by the employers of the new buildings. Streetscape treatments along the sidewalks are proposed. The new buildings propose to double the existing square footage and the issue of the increase in vehicles was discussed. Lancaster Ave. already has a major problem with backup of traffic. Mass transit nearby would hopefully create a selling item for tenants of these buildings. Widening of King of Prussia Road in this area and the intersections with the adjusting of the signal timing in a closed loop system would hopefully benefit the increase of traffic.

Susan Stern suggests the applicant be more proactive with regard to public transportation. Issues that were discussed reflected on lighting on parking structures, maximum impervious coverage's, and electronic signs should be excluded. She questioned whether or not a new train stop would be constructed at this site or closer to this site. She feels that this ordinance really doesn't touch on the transportation development. There was a suggestion that Radnor High School students utilize Radnor Chester Rd. and not the King of Prussia Rd. exit. A suggestion was also made about a dedicated exit off of the Blue Route to directly exit near this site.

Julia Hurle felt that the benefits to the township would lessen with the increase of traffic. Negative traffic impacts should be avoided at all cost. Parking structures should be no higher

than 38 feet and the parking space size should be universal across the board throughout the township. The township should consider this when making changes to this type of ordinance.

Skip Kunda stated that some employers purchase transit passes for their employees. Other issues can be considered for transportation, i.e. a shuttle, etc.

Ed DiMarcantonio stated that verbiage should be changed to state that the construction of gyms in office buildings could only be on the first floor of buildings. A traffic study on this site should be performed by an independent traffic consultant. He was informed by the applicant that Gilmore & Assoc. will also view the applicant's traffic study. This proposed ordinance should return with the suggested changes for discussion again.

Kathy Bogosian doesn't mind reducing setbacks as long as density isn't increased.

Regina Majercak asked for some consideration of trade-off by constructing amenities that push the issue, location and use of the nearby rail systems.

Kevin Kochanski reported that the Comprehensive Plan Implementation Committee will discuss this proposed ordinance before the next PC meeting and their comments will be forwarded to the members for consideration.

Public comment

Jim Schneller – Wants to emphasize the negative comments regarding traffic congestion. Athletes practice on the nearby fields. During rush hour traffic is going to sit and exhaust will permeate into the air the athletes are breathing. Offsets on buildings help conceal the heights of buildings. Septa will benefit from this and wonders if they will expand their parking area.

There being no further business, the meeting adjourned.

Respectfully submitted,

*Suzan Jones*

Suzan Jones

## Minutes of the Meeting of October 4, 2012

The meeting of the Radnor Township Planning Commission was held at 7:30 PM in the Municipal Building, 301 Iven Ave., Wayne, Pa 19087.

### Present

Edward DiMarcantonio, Chair  
Kathy Bogosian  
Regina Majercak

Julia Hurlle, Vice-Chair  
Skip Kunda  
Doug McCone

### Absent

Stephen Cooper

Susan Stern

Also present: Peter Nelson, Esq., Solicitor; Kevin Kochanski, Zoning Officer and Members of the Press.

Mr. DiMarcantonio called the meeting to order.

### *Presentation and Discussion on Planned Institutional Zoning District*

This is the fourth special meeting on the discussion of the PI Zoning District. Charlie Schmehl, URDC, again gave the presentation.

Revised documents were submitted detailing the proposed changes to date. There was a suggestion of a trade off with regards to height restrictions. If an institution wanted a building over the standard 38' height limit, they would have to trade off some buildable green space with a conservation easement with a limit of 99 years. No building or parking could be placed in this area. In return, a building up to 58' could be constructed, but only if its location was more than 500 feet from a residential property line. Lands that are floodplains or wetlands would not be accepted for the tradeoff.

The issue of increased traffic on residential roads is still of utmost importance. Increasing the height of buildings, instead of length, saving green space and reduction of impervious surfaces was discussed. The placement of taller buildings on the interior of the lots was preferred as to the perimeter of the lots. An attractive streetscape (south side of Lancaster Ave.) can be obtained and still achieve the goal of keeping buildings further away from residential properties. Buildings, instead of parking areas, on the south side of Lancaster Ave. would help streetscape. It was suggested that parking areas should be in the rear. Comparison to the Garrett Hill District was made. Buildings interrupted by space would create a more attractive look.

Kevin Kochanski reminded everyone that the present discussion sounded as if it was reflecting Villanova. Since Villanova would be a separate issue, it should be discussed at a different time. Kathy Bogosian feels it should be discussed in case the Villanova ordinance doesn't happen.

The distance of setback lines from right-of-ways and residential districts was discussed with respect to student housing buildings, classrooms, etc. The use of the building would determine the setback. Impervious surface numbers would still control the limit of development. NPDES permits are beginning to require more green space as part of their requirements which would force more green on institution lands. Forced buffers around institutions would be preserved areas. Riparian buffers are recommended to be widened. Longer buildings could be permitted as long as offsets were in place every 100-120' or so. It was suggested if a building is to be longer, it should also be placed further away from residential areas and deeper into the interior of the institution's land. Facades could be used to give the appearance of several buildings even though it could be one long one.

Suggestions also included that buffers be utilized around parking areas near streets and when any type of institutional use is near a house. The size of solar panels and skylights was discussed with respect to their heights. They shouldn't extend beyond the roof and no more than 3' above the roof.

A traffic study will need to be submitted at the same time of the introduction of this ordinance. Noise, with respect to deliveries was added to the document. The construction of a parking structure or surface parking should be considered on new plans. In depth discussions centered on parking issues both currently and future. The construction of a green roof could be suggested in return for the addition of 1 more level in height. Convenient off-site parking with shuttles for extra curricular events was suggested. If an institutional plan is updated, a parking management plan should be simultaneously submitted. Parking requirements can be increased for any new construction if the township desires to change the existing numbers. New buildings could be required to handle new numbers. Parking requirement calculations could be utilized the same as restaurants, etc. Trees within a 75' area would be preserved as part of a buffer on the sites. Lighting stands would have height and timing limits as well as spillover issues onto neighboring properties. Electronic illuminated signs would only be permitted if they are placed out of view of any neighboring street or property line. Signs should have a time limit placed upon them.

Skip Kunda requested information on uses in the summer with respect to any uses that may have certain restrictions.

Public comment

Christina Perrone – 234 Walnut Ave. – She lives in close proximity to three institutions. Trying to understand where the mandate came from to do the changes to the existing ordinance, as the

verbiage sounds more favorable to the institutions rather than the neighboring communities. Some of the comments mentioned this evening were questioned as to their validity. She feels that the township 'gives' more than they 'get' with respect to institution requests. Her concerns reflect on; where is the center of campus for the taller buildings—not just 500' from property lines—a scale should be developed for all sites, more than one person should have the final say with respect to conservation easements, building lengths, non-contiguous parking, the document sounds more favorable for the institutions than the township, wants to make sure the community has the opportunity to voice their comments and concerns before the document is finalized. She requested that the document be placed on the web as a word document so people can print out and read at home. Can Colleen Price, an attorney, and other neighbors meet with Charlie?

Kevin Kochanski mentioned that residents can send in letters with their comments as the process moves forward. Their comments will be forwarded onto the Planning Commission and Charlie at the appropriate time. He restated that this ordinance will not affect Villanova University because many of the comments and questions seem to be pushing in that direction. A Villanova ordinance would be a separate document.

Kevin Geary – Black Friar Rd. – It appears that the township is losing and the institutions are winning. Setbacks from roads should be increased. The conservation issue sounds like it has numerous loopholes—if an institution has given a 10-year plan showing an 'open' space, then with new construction that open area could not be used as an easement area. He requested that a map be shown at the next meeting and the 500' as mentioned tonight be shown on all campuses.

Bob Esgro – 46 Aldwyn La. – Is concerned with the additional height and the guarantee of the additional setback. Setbacks seem to benefit the institutions and not the township. Is concerned with summer use as well and overflow parking. Density, sightlines and parking are concerns of his.

Philip Ahr – Meredith Ave. – Vice-Chair of the Garret Hill Implementation Committee. Comparing a 20' setback on Lancaster Ave. should not be compared to Garrett Hill. The setback in his area shouldn't be compared to Villanova. Any street is an edge, not just a property line.

Tony Bailey – 132 Barcladen Rd. – Her questions reflected on Villanova's total acreage and the comparison to the building coverage. Is there a cap on how much can be developed on a university? Is Villanova in the process of acquiring more land? Where would the cars park that utilize the church on Villanova's campus?

Colleen Price – 352 Chamounix Rd. – This ordinance is Villanova's plan. It should be torn up and the township should stay with the old ordinance and just work on the parking issues. Why was the portion that speaks with harmonious impact on the neighbors taken out? Accessory uses



should be restricted on their locations. All benefits are for institutions, not the neighbors. All conservation easements should be on the perimeter of the properties. Measurements should be against residential property lines, not just a residence in case there is an empty buildable lot. Universities will do a green building on their own for a higher rating. She is concerned with parking issues. She feels that the institutions are governing this ordinance, not the township.

Charlie reinforced his previous comment that he has had no communication with the universities with regard to this document. The township is governing this, not the institutions.

There being no further business, the meeting adjourned.

Respectfully submitted,

*Suzan Jones*

Suzan Jones



## GILMORE & ASSOCIATES, INC.

ENGINEERING & CONSULTING SERVICES

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### OCTOBER 2012 SAC MEETING SUMMARY REPORT

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**Date:** October 25, 2012

**To:** Radnor Township Planning Commission Members

**From:** John P. Sartor, P.E., Gilmore & Associates, Inc., Township Engineer

**cc:** Stephen F. Norcini, P.E. – Director of Public Works  
Kevin W. Kochanski, RLA, CZO – Director of Community Development  
Peter Nelson, Esq., Grim, Biehn & Thatcher  
Sgt. Joseph Maguire, Radnor Township Fire Department  
Cpl. Kevin Gallagher, Radnor Township Police Department  
Suzan Jones, Radnor Township Engineering Department

**Reference:** Cabrini College Gateway Project Land Development Plan [2012-D-16]

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Below please find a summary of our discussions during the 10/25/12 SAC Meeting for your consideration regarding the above-referenced application.

#### **Cabrini College Gateway Project Land Development Plan [2012-D-16]**

1. Based on information received from the Applicant's Engineer, the Applicant will attend the 11/05/12 Planning Commission meeting to seek preliminary plan approval based on the most-recent plan submission (i.e., plan set dated 09/04/12).
2. Per Gilmore & Associates, Inc.'s (G&A) 09/26/12 review letter, comment #II.2 on page 3 indicates that zoning relief will be required to permit the proposed 205-ft. long Campus Center building (see Zoning Code Section 280-70.B.(1)). To date, the Township has no record that the Applicant has applied to the Township's Zoning Hearing Board for zoning relief. (Note that on 10/25/12, I emailed the Applicant's Engineer concerning this matter.)
3. Per G&A's 09/26/12 review letter, comment #II.4 on page 2 indicates that the Township's Zoning Officer should review the previously-submitted parking study dated 06/22/11 to determine its adequacy. On this date, Mr. Kochanski indicated that he had previously reviewed the study and had found it to be acceptable.
4. Per G&A's review letter, comment #III.3 on page 4 indicates that a waiver may be required if the plans are not revised to demonstrate SALDO compliance for the proposed parking lot to the east of the new Campus Center building (see SALDO Section 255-29.A.(1)). To date, the Township has not received a waiver request letter from the Applicant concerning this issue. (Note that on 10/25/12, I emailed the Applicant's Engineer concerning this matter.)

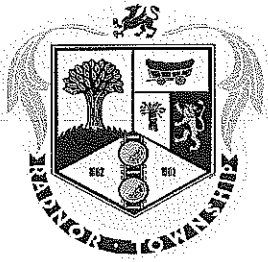
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5. With regard to G&A's 09/26/12 review letter Section V "Traffic Impact Study Review" comments, please note that a teleconference call occurred on 10/19/12 between representatives of Radnor Township, Cabrini College, and their respective Legal Counsel and Engineering Consultants to discuss the engineering review comments.
6. Prior to the SAC meeting, a Staff meeting occurred on 10/25/12 between representatives of Radnor Township, Grim, Biehn & Thatcher, and Gilmore & Associates, Inc. to further discuss the traffic engineering review comments in G&A's 09/26/12 review letter. Mr. Rice will be contacting the Applicant's Legal Counsel to negotiate recommendations made by G&A for roadway improvements/modifications at the College's entrance driveway off of King of Prussia Road and the entrance driveway off of Eagle Road.
7. Sgt. Maguire requested that the Applicant's plans be revised to show that the existing concrete island at the College's entrance driveway off of Eagle Road and opposite Paul Road will be replaced with a concrete mountable curb island to facilitate emergency vehicle response entering the College at that location.
8. Cpl. Gallagher requested that the Applicant's plans show adequate illumination in accordance with the Township's SALDO of all exterior vehicular and pedestrian ingress and egress locations for all proposed garages and buildings. In addition, architectural plans should show adequate illumination of the proposed garage's interior areas, stair ways, and vehicular and pedestrian entrances and exits. Furthermore, the architectural plans should show adequate emergency lighting of all interior garage areas in the event of a power outage to ensure safe means of ingress and egress for vehicles and pedestrians.

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**RADNOR TOWNSHIP SHADE TREE COMMISSION**  
**MEETING SUMMARY**  
October 24, 2012

**The comments noted below are the Shade Tree Commission's views only. Clearing and Grading Permits are issued by the Engineering Department, which reviews plans AFTER approval by the Shade Tree Commission.**

In attendance were members: Howard Holden, James Ward, Douglas McCone, Patrick Gillan, Jack Millerick, Steve Norcini and Robert Zienkowski.

Mr. Holden introduced Jack Millerick as a new member of the Shade Tree Commission, and then recused himself from Cabrini College's application.

*610 King of Prussia Rd.*  
Cabrini College

*2012-D-16*

*Conditional Approval*

Construction of 2 parking structures a student commons buildings and related improvements

Richard King, Wallace Roberts and Todd, LLC, and Rob Lambert, Site Engineering Concepts presented the revised plan which shows the elimination of the entrance off of Eagle Rd. This, along with several other items, had been requested by both the neighbors and the Planning Commission. Since construction now involves several different areas, tree removal will be affected in more than one location. A total of 369 trees are slated to be removed and 479 trees are slated to be planted. A pedestrian core will be achieved by the layout chosen for the plan and 100 new parking spaces will be created as part of this project.

Mr. Norcini requested that some of the stormwater systems be installed underneath the new parking areas to help reduce impact on trees. Mr. Lambert is looking to create several smaller systems and rain gardens throughout the campus during the planning stages as they come before the Township. Mr. Gillan requested information on the number of trees under 6" dbh which are not required to be replaced according to Code and therefore, have not been referenced on the plans. There are several significant trees on site which the college will make every effort to preserve. Mr. Millerick was concerned about the number of trees north of the Dixon Center slated to be removed. Disturbance should try to be minimized on the next plan. All three work sites should be detailed on a plan to include all trees including those to be impacted in each site, not just the trees slated to be removed. Jim Ward requested a written report on the condition of the trees to be removed, especially the heritage trees. The plan should be tweaked, and the installation of retaining walls should be utilized to assist in the reduction of graded area. This

would be to help reduce as much impact as possible on trees in areas surrounding the construction sites.

It was moved and seconded to recommend approval of the preliminary plan. The following conditions will apply: The motion passed 4-0

That a report be submitted containing a fair estimate with respect to the total number of all trees slated to be removed that are less than 6" dbh  
That the parking area north of the Dixon Center be re-reviewed  
Provide a detailed report of the tree inventory including their health  
Evaluate reductions and impact in stormwater management by placing them under parking lots  
Evaluate the limit of disturbance line utilizing walls, etc.  
A report should be submitted by a certified arborist detailing the impact on the remaining trees in the areas of construction

*823 Mill Rd*                      *postponed until November at the applicant's request*

*1300 Eagle Rd.*                      *GP # 12-107*                      *Approved*  
Eastern University  
Construction of loop road through campus  
Requirement of land development for Student Union Building  
2,500 CY of dirt to be moved  
29 trees to be removed – 50 trees to be planted

The bridge has been moved 15' further away from the massive Elm as per the request of the Shade Tree Commission. Ward Tree Company will begin the preservation treatment later this week.

*309 Edgehill Rd.*                      *GP # 12-134*                      *Conditional Approval*  
Construct a residential addition  
1 28" Maple with a 41" trunk to be removed – 3 trees to be planted

Mr Holden suggested sliding the stormwater management system closer to the house and remove the walnut in order to save the impact on the larger trees, however, the homeowner wants to save that tree. Mr. Norcini, suggested changing the stormwater management system to a linear shape to reduce the impact in that area. However, due to the location of the water and sewer lines in the area, it will be swung down past the pool area. Revised plans should be submitted to the Engineering Department.

The meeting adjourned as there was no more business before the Commission.

Respectfully submitted,  
*Suzan Jones*

Suzan Jones

**ORDINANCE NO. 2012-\_\_\_\_\_**

**AN ORDINANCE OF RADNOR TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 255, ARTICLE V, DESIGN STANDARDS, OF THE RADNOR TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE BY PROVIDING FOR DEDICATION OF PARK AND RECREATION LAND, ESTABLISHING FACTORS REGARDING SITE SUITABILITY FOR PARK AND RECREATION LAND AND ESTABLISHING FEES-IN-LIEU-OF DEDICATION.**

**PREAMBLE**

*Upon recommendation of the Radnor Township Park and Recreation Board, the Radnor Township Planning Commission and the Delaware County Planning Commission, the Radnor Township Board of Commissioners hereby ENACT and ORDAIN the following:*

**Section 1.** Article V, Design Standards, is hereby amended, adding the following new Section:

**§ 255-44. Park and recreational land and fee requirements.**

- A. Purpose. All residential and nonresidential subdivisions or land development plans regulated under this ordinance shall provide for suitable and adequate recreation land and/or fees in order to:
- (1) Insure adequate park and recreational areas and facilities to serve the future residents of the Township.
  - (2) Maintain compliance with recreational standards as recommended by the Radnor Township Comprehensive Plan, and Radnor Township Parks, Recreation and Open Space Plan of 1991.
  - (3) Allow for orderly acquisition and development of park and recreation areas needed to serve new residents.
  - (4) Ensure that dedicated park and recreation land is suitable for the intended use.
- B. Park and recreational land dedication requirements.
- (1) For all residential subdivisions or land developments, a minimum of 1,600 square feet of suitable park and recreation land shall be provided per dwelling unit within all residential subdivisions or land developments, unless the developer agrees to a fee-in-lieu-of \$3,307 per dwelling unit.

- (2) For all nonresidential subdivisions and/or land developments, the amount of land to be dedicated for park and recreational area shall be 2,500 square feet per 4,000 square feet of building area (herein defined as the area occupied by buildings to the extremities of all roof lines).

C. Criteria for location and suitability of park and recreation land dedication.

- (1) The Radnor Township Planning Commission and Park and Recreation Board will advise the Board of Commissioners on land offered for dedication for park and recreational purposes.
- (2) The intended use must meet the goals and objectives as outlined in the Radnor Township Parks, Recreation and Open Space Plan of 1991, or as may be amended.
- (3) Factors to be considered in determining park and recreation land locations and suitability shall include but not be limited to:
  - (a) Site(s) should be easily and safely accessible, have good ingress and egress and have access to a public road or to a road to be dedicated as a public road, or to a road which the residents of the development in which the site is located can use to reach the park and recreation site.
  - (b) Site(s) should have suitable topography for the development as a particular type of active or passive recreation area. Suitability shall be determined upon recommendation by the Township Engineer and shall be judged on the basis of the type of recreation area proposed.
  - (c) Size and shape of the site(s) should be suitable for the development as a recreation area. The configuration of the recreation area must be able to accommodate recreation activities proposed by the development plans. The required area shall not include narrow or irregular pieces which are remnants from lotting or left over after street and parking areas have been laid out.
  - (d) Site(s) should meet the minimum size with respect to usable acreage as recommended by the Radnor Township Parks, Recreation and Open Space Plan of 1991 for Radnor Township.
  - (e) Sites designated for active recreation land shall not contain lands with natural resources restrictions, as defined by the Township Zoning Ordinance, stormwater detention facilities, or lands designated for any other purpose. Site(s) designated for passive recreation may contain lands with natural resource restrictions provided that the site(s) can be used by residents of the Township for passive recreational activities.
  - (f) The recreational activities and/or facilities for which the area is intended must be specified on the approved record plan.

- (g) Recreation areas shall not be traversed by utility easements unless said utilities are placed underground. Recreational areas shall not contain or be traversed by any underground gas pipelines.
- (h) On-site improvements on the dedicated park and recreation land shall be commensurate with the adjacent on-site development improvements, including but not limited to, grading, curbing and utilities.
- (i) Land shall comply with any other applicable requirements of the Township Zoning and Subdivision/Land Development Ordinances.

D. Ownership and dedication to the township.

- (1) If the Board of Commissioners determines that a park and recreation land dedication would be in the public interest, such park and recreation land shall first be offered for dedication to Radnor Township. If the Township does not accept dedication, the land may be owned and maintained by an entity that the Board of Commissioners determines is acceptable to ensure proper long-term oversight and maintenance of the land and which agrees to accept such land for permanent park and recreation purposes:
    - (a) Retention by the owner of the development, if the dwellings are to be rented, with proper documentation to ensure that the land will be used in perpetuity for park and recreational purposes.
    - (b) Dedication to a formal homeowner or condominium association, with such agreement subject to approval of the Board of Commissioners. If any entity responsible for such park and recreation land should dissolve or become inactive or decide that it no longer wishes to be responsible for such land, it shall offer such land at no cost to the Township.
    - (c) Dedication to a State or County government, or other approved entity.
  - (2) If the Board of Commissioners deems it to be in the public interest to accept dedicated land for park and recreational purposes, such acceptance shall be by adoption of a Resolution of the Board of Commissioners and acceptance of a Deed of Dedication from the developer.
  - (3) Park and recreation land shall include deed restrictions to permanently restrict its use for park and recreation and to prohibit the construction of buildings on the land, except buildings for non-commercial recreation or to support maintenance of the land.
- E. Fee-in-lieu-of dedication. Where, upon agreement with the applicant or developer, it is determined that the dedication of all or any portion of the land area required for park and recreation purposes is not feasible under the criteria set forth in Subsection \_\_C\_\_, the



applicant or developer shall pay a fee-in-lieu of dedication of any such land to the Township as follows.

- (1) The fee for residential subdivisions or land developments shall be \$3,307 per dwelling unit, which is based upon the estimated value of the land that would have to be dedicated under subsection C. for each dwelling unit. The fee may be updated from time-to-time by separate Resolution of the Board of Commissioners.
- (2) The fee for nonresidential subdivisions or land developments shall be \$3307 per 4,000 square feet of building area.
- (3) Limitations on Use of Fees.
  - (a) Any recreation fees collected under this Section shall be placed within an interest bearing "Recreation Fee Account" which shall function as a capital reserve fund and shall be accounted for separately from other Township funds.
  - (b) To ensure that the lands and facilities are accessible to the residents of the developments that paid fees towards their cost, any such fees shall only be expended within the applicable park planning district as set forth on Map 3 of the Radnor Township Parks, Recreation and Open Space Plan of 1991, except that fees from any district may be used for township-wide community parks and recreation areas.
  - (c) Fees required under this Section shall be paid prior to the recording of the applicable final plan or as determined by the Supervisors.
- (4) If such fees are paid in installments or prior to the issuance of each building permit, then for the purposes of determining limits for the time within such funds are required to be expended under 53 P.S. 10503(11) of the MPC, such time limit shall begin when the total fees related to the final approval are paid in full, and not from the date of payment of any portion of such fees. Upon request, the Township shall refund such fee, plus interest accumulated thereon from the date of payment as aforesaid, if the Township has failed to utilize the fee paid for the purposes set forth in this Section within three years unless the applicant has waived this requirement.

**Section 2.**

Repealer. All ordinance or parts of ordinances which are inconsistent herewith are hereby repealed.

**Section 3.**

Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or part of this Ordinance. It is hereby declared as the intent of the Board of Commissioners of Radnor Township, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

**Section 4.**

Effective Date. This Ordinance shall become effective in accordance with the Home Rule Charter of Radnor Township.

*ENACTED* and *ORDAINED* this                      day of                      , 2012.

RADNOR TOWNSHIP

By: \_\_\_\_\_  
Name: William A. Spingler  
Title: President

ATTEST: \_\_\_\_\_  
Robert A. Zienkowski, Secretary

**ORDINANCE NO. 2012-09**

**RADNOR TOWNSHIP**

**AN ORDINANCE OF RADNOR, DELAWARE COUNTY, PENNSYLVANIA,  
AMENDING CHAPTER 280, ZONING, OF THE CODE OF THE TOWNSHIP OF  
RADNOR, ESTABLISHING REGULATIONS FOR OUTDOOR DINING IN THE  
C-1, C-2, C-3, PB, GH-CR, AND PLO ZONING DISTRICTS**

**P R E A M B L E**

*The Radnor Township Board of Commissioners does hereby ENACT and ORDAIN, as follows:*

**Section 1.**

Chapter 280, Zoning, is hereby amended to permit outdoor dining as an accessory use on the same premises as a licensed food establishment that has indoor seating in the C-1 (Local Commercial), GH-CR (Garrett Hill-Conestoga Road) and PB (Planned Business) Districts through the following new subsections:

280-47 J. (4) Outdoor dining in accordance with the requirements of Section 280-115.3

280-49.8B(2)(e) Outdoor dining in accordance with the requirements of Section 280-115.3

280-59.C(4) Outdoor dining in accordance with the requirements of Section 280-115.3

**Section 2.**

Article I, Section 280-4 Definitions and word usage is hereby amended to add the following definition:

OUTDOOR DINING - A dining area with seats and tables located outdoors of a licensed food establishment (restaurant) that has indoor seating and which is located entirely outside the exterior walls of a building. These tables shall be used for the consumption of food and beverages.

**Section 3.**

Article XIIIA, Section 280-53.6 Definitions is hereby amended to delete the definition of Outdoor Dining.

#### **Section 4.**

**Article XX** General Regulations is hereby amended by adding a new Section 115.3 as follows:

#### **Section 115.3 Outdoor Dining Regulations**

A. Within the C-1, C-2, C-3, WBOD, GH-CR and PB Zoning Districts, outdoor dining shall be permitted as an accessory use on the same premises as a licensed food establishment (restaurant) that has indoor seating. To assure quality standards for customers and food safety, the following provisions shall apply:

- (1) All outdoor dining areas shall be subject to compliance with all applicable health, building, accessibility, fire, and plumbing codes of Radnor Township.
- (2) Areas for outdoor dining shall not interfere with any means of ingress or egress to a building, or with any emergency or safety exits. Where the dining area extends into a public sidewalk or right-of-way, the following shall apply: A minimum sidewalk width of 48 inches shall be maintained free and clear at all times for pedestrians, measured from the inside of the curb to the outdoor dining barrier or to the limits of the outdoor dining area where a barrier is not provided. Such area shall not include the outdoor dining area and shall be free of surface obstacles and obstructions (i.e., hydrants, streetlights, parking meters, and street trees.) (See Figure 13 - Editor's Note: Figure 13 is included at the end of this chapter).
- (3) Pedestrian barriers. Outdoor dining areas may be enclosed and separated from the pedestrian or travel way to allow for the privacy of the dining patron and to permit the unimpeded flow of traffic. When the dining area is located within the interior of the property, enclosures may consist of a wall or fence, approved by the Township. The following minimum standards shall apply if the establishment chooses to use a barrier:
  - (a) Pedestrian barriers shall have sufficient weight to prevent them from being tipped or knocked over.
  - (b) If the pedestrian barrier is to be permanent, the method of attachment shall be subject to approval by the Township. No barrier shall be permanently attached to a public sidewalk or an area located within the right-of-way.
  - (c) Pedestrian barriers shall be at least 36 inches high to prevent a tripping hazard; unless more restrictive requirements are required by other municipal codes.
  - (d) Where pedestrian access to an outdoor dining area is not through a food establishment, the required opening shall not be less than 44 inches in width (see Figure 14 - Editor's Note: Figure 14 is included at the end of this chapter); unless a greater width is required by other municipal codes.
  - (e) Pedestrian barriers shall be made of a durable metal such as wrought iron (see Figure 15 - Editor's Note: Figure 15 is included at the end of this chapter).

- (f) Pedestrian barriers shall not have legs or supports that protrude into a sidewalk more than two inches.
- (g) Prohibited Barriers:
  - [1] Fabric inserts (whether natural or synthetic fabric) of any size shall not be permitted to be used as part of a barrier (see Figure 16 - Editor's Note: Figure 16 is included at the end of this chapter).
  - [2] The use of chain link, cyclone fencing, chicken wire or similar appurtenances is prohibited. Materials not specifically manufactured for fencing or pedestrian control (including but not limited to buckets, food containers, tires, tree stumps, vehicle parts, pallets, etc.) and not expressly permitted elsewhere in these guidelines shall not be used as components of a barrier.
  - [3] Flower pots, planters, and other ornamental containers.
- (4) Furniture. To ensure outdoor dining in a quality environment, furniture shall be limited to the following materials, unless otherwise approved by the Design Review Board:
  - (a) Iron, cast: low-carbon iron, hand or machine cast parts, stainless steel connectors, hand ground to a smooth finish.
  - (b) Iron, wrought: heavy gauge, low-carbon, welded and finished with a hard abrasive paint.
  - (c) Steel, expanded: minimum of 13 gauge cold-rolled steel, low-carbon, welded and finished with a hard abrasive paint.
  - (d) Steel, wire: 13/14 gauge cold-welded, smooth ground joints, and abrasive-resistant finish.
  - (e) Aluminum, cast.
  - (f) Aluminum, extruded.
  - (g) Wood, frame
  - (h) Wood, wicker
  - (i) The use of upholstery and cushions shall be subject to review and approval of the Township's Code Officials and Health Officer.
  - (j) The use of plastic furniture to satisfy the requirements of this subsection shall be prohibited (see Figure 17 - Editor's Note: Figure 17 is included at the end of this chapter).
  - (k) The use of tarps or similar coverings to cover the furniture when not in use shall be prohibited.

- (5) Roof coverings. At the direction of the Township's Health Officer, all outdoor dining areas shall have an approved roof material available for patrons. When umbrellas are used to satisfy this requirement, the following shall apply:
  - (a) No advertising on umbrellas shall be permitted (see Figure 18 - Editor's Note: Figure 18 is included at the end of this chapter.).
  - (b) Flame-resistant material shall be used.
  - (c) If awnings are used, they shall be a minimum of six feet eight inches (6'-8") in height above the sidewalk or patio surface.
- (6) Signs. No signs advertising outdoor dining shall be permitted, unless approved pursuant to Article XXI of this chapter.
- (7) Parking. In addition to the parking requirements for the principal restaurant use, outdoor dining shall provide additional parking in accordance with the following:

<u>Number of Outdoor Seats</u>	<u>Required Number of Parking Spaces</u>
1-12	None
13-24	1 space per 4 seats after the first 12 seats.
25 – 50	1 space per 3 seats after the first 24 seats.

- (8) The number of outdoor dining seats shall be limited to a maximum of 25 percent of the total number of indoor seats in the associated principal restaurant use. However, at no point shall more than fifty (50) outdoor dining seats be provided at any one restaurant.
- (9) Outdoor dining shall be permitted between March 1<sup>st</sup> and November 30<sup>th</sup>. Hours of operation shall be from 8:00 a.m. to 10:00 p.m. ~~—Sunday through Thursday and 8:00 a.m. to 11:00 p.m. on Fridays and Saturdays.~~ All seating of patrons shall provide for the dining area to close at the required hour.
- (10) Outdoor dining shall be permitted in the front, side, and rear yards. However, no ~~outdoor dining, with more than 12 seats, shall~~ be established within 100 feet of a residential zoning district. Outdoor Dining areas shall not be permitted at the rear or side of a principal restaurant building (closest to a residential use) when said building is immediately adjacent to an existing single family detached residential use or residentially zoned district. For the purposes of this section, the term “immediately adjacent” shall not apply to single family detached dwellings or residential districts separated from the restaurant use by a public road.
- (11) Outdoor dining areas shall be located on a permanent surface. Temporary flooring shall not be used.

- (12) Exterior heating and/or cooling systems and any type of open flame shall be prohibited in an outdoor eating area.
  - (13) Outdoor dining areas shall provide additional outdoor trash receptacles; which must meet the requirements of Subsection A(4) above.
  - (14) The sale of alcoholic beverages shall be incidental to the sale and consumption of food. Outside bar service and/or walk-up bar service for the sole purpose of the consumption of alcohol without the consumption of food is prohibited.
  - (15) Pets are not permitted in the outdoor dining area with the exceptions as identified in Chapter 170 food regulations (by reference) Section 46.982 - Limitations on animals.
- B. Outdoor Dining shall be permitted within the PLO District as part of an accessory cafeteria provided the outdoor dining area is used exclusively by the occupants of the building or campus; and shall be subject to the provisions of 280-115.3.A.
  - C. Outdoor Dining shall be permitted by Special Exception in all other zoning districts as an accessory use on the same premises as an existing licensed nonconforming food establishment that has indoor seating; and shall be subject to the provisions of 280-115.3.A.
  - D. Storage of materials. At the conclusion of any outdoor dining season, all portable equipment (i.e., barriers, furniture, roof coverings, etc.) shall be stored within the facility in a location that does not interfere with the operation of the food establishment, or shall be stored off site.
  - E. Outdoor dining permit. To assure compliance with safety and food code standards of the Township, the following regulations shall govern the issuance of all outdoor dining permits:
    - (1) Applications shall be filed on forms provided by the Township along with information necessary to determine compliance with this section.
    - (2) Applications shall be submitted to the Community Development Department to determine compliance with safety standards, the Food Code requirements set forth in Chapter 170 of the Township Code, and other applicable Municipal regulations.
    - (3) Once an application has been tentatively approved by the Community Development Department, an application to the Design Review Board shall be required for an initial application for outdoor dining or when changes are proposed to the outdoor dining area. In addition to the application requirements established by the Design Review Board, the applicant shall provide samples of materials to determine compliance with this section.
    - (4) Upon approval of an application, a permit shall be issued upon payment of the required fee as set forth in Chapter 162 of the Code or by separate resolution of the Board of Commissioners. Fees shall be paid upon the filing of an application and shall be renewed on an annual basis.

- (5) All locations shall be subject to periodic inspections for compliance with the standards of this Ordinance. Two or more violations of this Ordinance may result in a minimum seven-day suspension and/or revocation of all zoning, health, or building permits applicable to the outdoor dining use.
- (6) Noise. Outdoor dining shall be subject to Chapter 200, Noise. No amplified music or sound is permitted. All activities, including the playing of music or other forms of entertainment, shall comply with the noise limitations of the Township Ordinances and any other regulatory agencies having jurisdiction, as applicable.

**Section 5.**

Article XI, Section 280-49 Special regulations, subsections A. and B. are revised as follows:

- A. Every use, other than a parking lot and outdoor dining, shall be completely enclosed within a building.
- B. Except for outdoor dining as permitted by 280-115.3, no permanent storage of merchandise, articles or equipment shall be permitted outside a building, and no goods, articles or equipment, shall be stored, displayed or offered for sale beyond the front lines of a building. No outdoor vending machine, self-serving station or similar use shall be allowed in any required yard abutting a street or on a public sidewalk.

**Section 6.**

Article XII, Section 280-53 Special regulations, subsections A. and B. are revised as follows:

- A. The requirement that a use be enclosed within a building shall not apply to outdoor dining or a used car lot in conjunction with an automobile sales agency.
- B. No goods, articles or equipment shall be stored, displayed or offered for sale beyond the front lines of a building, except for outdoor dining and the display of automobiles not less than 20 feet from a street right-of-way line.

**Section 7.**

Article XIIA, Section 280-53.9 Special regulations, subsection B. is revised as follows:

- B. Except for outdoor dining as permitted by 280-115.3, no permanent storage of merchandise, articles or equipment shall be permitted outside a building. No goods, articles or equipment shall be stored, displayed or offered for sale beyond the build-to line of a building. No vending machines, kiosks, newspaper stands, self-service station or similar use shall be allowed outside of any building.

**Section 8.**

Article XIII, Section 280-57 Special regulations, subsection B. is revised as follows:



- B. No goods, articles or equipment shall be stored, displayed or offered for sale beyond the front lines of a building, except for outdoor dining and the display of automobiles not less than 20 feet from a street right-of-way line and also in the case of a motor vehicle service station.

**Section 9.**

Article XIV, Section 280-61 Special regulations, subsection C. is revised as follows:

- C. Except for outdoor dining, no permanent storage of merchandise, articles or equipment shall be permitted outside a building, and no goods, articles or equipment shall be stored, displayed or offered for sale beyond the front lines of a building.

**Section 10.**

Article XV, Section 280-63.C Accessory uses, subsection (2) is revised as follows:

A cafeteria or other service facility located within the building and operated for the exclusive use of the occupants of the building. An accessory cafeteria may include outdoor dining as permitted by 280-115.3.B.

**Section 11.**

Article XIII Wayne Business Overlay District, subsection 280-53.7.F(2) is hereby deleted in its entirety.

**Section 12.**

Article XIII Wayne Business Overlay District, subsection 280-53.16 is here by deleted in its entirety and replaced with the following:

This section intentionally left blank.

**Section 13. Repealer**

**Section 14. Severability**

**Effective Date.** This Ordinance shall become effective in accordance with the Home Rule Charter of Radnor Township.

*ENACTED* and *ORDAINED* this                      day of                      , 2012.

RADNOR TOWNSHIP

By: \_\_\_\_\_  
Name: William A. Spingler  
Title: President

ATTEST: \_\_\_\_\_  
Robert A. Zienkowski, Secretary