

**HATFIELD TOWNSHIP
RESOLUTION #15-31**

**PRELIMINARY/FINAL CONDITIONAL LAND DEVELOPMENT APPROVAL
FOR KELCOR HOLDINGS, LLC
FOR PROPERTY LOCATED AT
2420 BETHLEHEM PIKE, HATFIELD TOWNSHIP, PA**

WHEREAS, KELCOR HOLDINGS, LLC (the “Applicant”), is the owner/developer of 2420 Bethlehem Pike, consisting of approximately 8.9 acres which is further identified as Hatfield Township , Montgomery County Tax Parcel No. 35-00-00445-00-6 (the “Property”); and

WHEREAS, the Applicant has requested preliminary/final approval of the land development application for the Property as shown on a set of plans consisting of 19 sheets prepared by Schlosser & Clauss Consulting Engineers, Inc. dated September 12, 2014, last revised August 28, 2015, as well as a stormwater collection report dated September 9, 2014, last revised August 28, 2015, a post construction stormwater management report dated August 25, 2015 and an erosion and sediment control report dated August 25, 2015, also prepared by Schlosser & Clauss Consulting Engineers, Inc. (collectively the “Plan”); and

WHEREAS, the improvements on the Plan include renovations and additions to an existing 19,703 sq. ft. building as well as the construction of two new buildings; one consisting of 30,000 sq. ft. and the other consisting of 20,000 sq. ft. , all of which are going to be utilized for retail sales and warehouse/storage of outdoor landscaping products; and

WHEREAS, the Property also contains a 1,720 sq. ft. building located to the south of the other buildings for which no plans and development are currently proposed (the “Shack”); and

WHEREAS, the Plan includes additional parking and stormwater management facilities. The buildings shall be served by public water and sewer; and

WHEREAS, the Plan has been reviewed by the Township Engineer, Township Traffic Engineer, the Township Landscape Architect, Hatfield Township (the “Township”) and Montgomery County reviewing agencies, and has been found to be suitable for preliminary/final approval, subject to the conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED, that the Hatfield Township Board of Commissioners grants preliminary/final approval of the Plan subject to the following conditions and requirements:

1. Following final approval, but prior to issue of permits, the Applicant shall execute a Land Development Escrow Agreement (the “Agreement”), a Storm Water Operations and Maintenance Agreement, execute and deliver all necessary and

appropriate deeds of dedication, and post financial security for construction of improvements on the Property, all of which shall be in a form acceptable to the Township Solicitor.

2. The Applicant shall comply with the McMahon Associates, Inc. letters of April 1, 2015 and June 9, 2015.
3. The Applicant shall comply with the review letter prepared by McCloskey & Faber dated September 30, 2015.
4. The Applicant shall further comply with all provisions and conditions set forth in the September 28, 2015 CKS Engineers, Inc. letter to Hatfield Township except as modified herein.
5. The Township grants waivers to the Applicant from the following requirements of the Subdivision and Land Development Ordinance as follows:
 - a. SALDO Section 250-38.A – from the requirement to provide specific buffer widths against uses other than industrial, as well as a waiver of the required number of plantings. The Applicant shall provide a 6 ft. privacy fence along the northwest property in combination with some of the required plantings as shown on the Plan.
 - b. SALDO Section 250-38.C – to permit a reduction in plantings for both gross building area and net land area. The proposed building area deficiencies are 28 deciduous trees and 36 evergreen trees. The proposed net area deficiencies are 8 evergreen trees and 1 shrub. The Applicant shall contribute \$9,000.00 to the Township in lieu of the required plantings.
 - c. SALDO Section 250-40.Q.1 – to permit a reduction in landscaping within the parking area. The proposed deficiency is 5 shade trees. The Applicant shall contribute \$1,000.00 to the Township in lieu of the required plantings.
 - d. SALDO Section 250-40.T – to permit a reduction in the requirement of concrete curbing around all internal parking lots, separator islands and isles. The Plan proposes curb islands for the parking areas that will serve public customers whereas the parking areas and driveways in the rear (warehouse/storage areas) have no curbing.

Prior to recording the final plans, the Applicant shall tender the above listed contributions.

6. The Shack is not part of the Application and no renovation or use of it other than the Applicant's use of it in support of Applicant's business may be had. The

Applicant agrees and understands that no change of use or renovation of the Shack shall occur without the approval by the Township of a new land development application for its use and modifications, as necessary, to the Property, internal circulation, and access to and from Bethlehem Pike.

- 7. This approval is conditioned upon acceptance of the conditions contained herein by the Applicant and by his signifying acceptance of these conditions by signing a copy of this resolution and returning it to the Township.
- 8. In the event that said execution of the Resolution is not delivered to the Township office by 7:00 PM, Wednesday, October 28, 2015, it shall be deemed that the Applicant does not accept these conditions and any approvals conditioned upon the acceptance of the conditions are revoked and the Application shall be considered denied for the reasons of the deficiencies found in the above-referenced review letters as described in the Township Storm Water Management Ordinance, the Township Subdivision and Land Development Ordinance, as authorized in Section 508 of the Pennsylvania Municipalities Planning Code, 53 PS Section 10508.
- 9. Prior to issuance of any permits, all outstanding legal, engineering, and administrative fees applicable to this subdivision must be paid by Applicant.
- 10. This approval is subject to the fulfillment of all of the foregoing conditions, in their entirety, and no permit shall be issued, nor shall any development take place on the Property, unless and until all such conditions are fulfilled.

DULY PRESENTED AND ADOPTED by the Hatfield Township Board of Commissioners, Montgomery County, Pennsylvania, in a public meeting held this _____ day of _____, 2015.

ATTEST:

**HATFIELD TOWNSHIP
BOARD OF COMMISSIONERS**

Aaron Bibro
Township Manager

Thomas C. Zipfel, President

ACCEPTED: KELCOR HOLDINGS, LLC

By: _____

(Print Name and Title)

Date: _____