

2019-22



pennsylvania
OFFICE OF OPEN RECORDS

RECEIVED

FEB 25 2019

CALN TWP
RTKO

STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: 2/26/2019

REQUEST SUBMITTED BY: E-MAIL U.S. MAIL FAX IN-PERSON

Caln Township 253 Municipal Dr, Thorndale, PA 19372

REQUEST SUBMITTED TO (Agency name & address): _____

NAME OF REQUESTER: Sanja Monteiro

STREET ADDRESS: 119 Ayerwood Dr

CITY/STATE/COUNTY/ZIP(Required): Downingtown, PA 19335

TELEPHONE (Optional): _____ EMAIL (optional): [REDACTED]

RECORDS REQUESTED: **Provide as much specific detail as possible so the agency can identify the information. Please use additional sheets if necessary*

Requests for ALL applications for variance requests, applicatoins for changes of zoning, and conditional use permits submitted by Regal Builders LLC to the township of Caln between the dates July 2017 and February 2019 for the Lloyd Farm property in Downingtown, PA; and ALL corresponding approvals or rejections from Caln Township.

DO YOU WANT COPIES? YES NO

DO YOU WANT TO INSPECT THE RECORDS? YES NO

DO YOU WANT CERTIFIED COPIES OF RECORDS? YES NO

DO YOU WANT TO BE NOTIFIED IN ADVANCE IF THE COST EXCEEDS \$100? YES NO

**** PLEASE NOTE: RETAIN A COPY OF THIS REQUEST FOR YOUR FILES ****
**** IT IS A REQUIRED DOCUMENT IF YOU WOULD NEED TO FILE AN APPEAL ****

FOR AGENCY USE ONLY

OPEN-RECORDS OFFICER: A Swan

I have provided notice to appropriate third parties and given them an opportunity to object to this request

DATE RECEIVED BY THE AGENCY: 2/25/19

AGENCY FIVE (5) BUSINESS DAY RESPONSE DUE: 3/4/19

***Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)*

CALN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2018 -

AN ORDINANCE OF THE TOWNSHIP OF CALN, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CALN TOWNSHIP ZONING ORDINANCE OF 2005, AS AMENDED, WHICH IS CODIFIED IN CHAPTER 155 OF THE CODE OF THE TOWNSHIP OF CALN, SPECIFICALLY TO ADD DEFINITIONS FOR "AGE QUALIFIED RESIDENTIAL DEVELOPMENT", "CONTINUING CARE RETIREMENT COMMUNITY" AND "TRACT AREA" IN SECTION 155-12; SECTION 155-14 TO ADOPT A NEW OVERLAY DISTRICT KNOWN AS AQ-AGE QUALIFIED OVERLAY DISTRICT; TO IDENTIFY CHESTER COUNTY TAX PARCEL NO. 39-2-87 (LOCATED AT 5030 HORSESHOE PIKE) AS PART OF THE NEW AQ-AGE QUALIFIED OVERLAY DISTRICT; SECTION 155-42.B TO CLARIFY THE APPLICABILITY OF SPECIAL OVERLAY DISTRICTS; BY ADDING A NEW SECTION 155-48 ENTITLED "AQ-AGE QUALIFIED OVERLAY DISTRICT ("AQ DISTRICT")" TO PROVIDE FOR USE, AREA AND BULK, AND DESIGN REQUIREMENTS OF THE AQ-AGE QUALIFIED OVERLAY DISTRICT; BY AMENDING SECTION 155-55.A AND ADDING A NEW SECTION 155-55.D TO REFERENCE THE AQ-AQE QUALIFIED OVERLAY DISTRICT; AND BY AMENDING SECTION 155-70.D, SECTION 155-70.E, SECTION 155-71.B, SECTION 155-72.A, SECTION 155-82.A, SECTION 155-91.A AND SECTION 155-94.A TO ADD REFERENCE TO THE AQ-AGE QUALIFIED OVERLAY DISTRICT.

WHEREAS, the Caln Township Comprehensive Plan of 2017 and the Land Use & Housing Plan adopted as part of the Comprehensive Plan provide that the Township may consider an option to develop a community designed for active older adults on land east of Lloyd Avenue and south of Route 322; and

WHEREAS, the Comprehensive Plan recognized that a density incentive and flexibility in dimensional standards should be offered if housing is limited to at least one resident age 55 or older, with no permanent residents under the age of 18; and

WHEREAS, the Board recognizes that there is a growing need for residential developments that cater to older populations and meet the requirements for "Housing for Older Persons" as defined in the Fair Housing Act, 42 U.S.C.A. Section 3601 *et seq.* as amended by the Housing for Older Persons Act of 1995; and

WHEREAS, the property located on the east side of Lloyd Avenue and south of Route 322 (Manor Avenue) (the "Property") has been undeveloped and on the market for several years; and

SECTION 2. Section 155-14.C shall be amended to add a new subparagraph (6) which provides as follows:

“(6) AQ- Age Qualified Overlay District.”

SECTION 3. The Official Zoning Map of Caln Township, which is adopted and referenced in Section 155-15.A of this chapter, shall be amended to include a new Overlay District known as the “AQ- Age Qualified Overlay District” on a property identified as UPI No. 39-2-87 owned by Wild Meadows, LLC. The boundaries of such Overlay District are depicted on the excerpt of the Zoning Map dated October 22, 2018, titled Zoning Map Changes, which is attached to this Ordinance as Exhibit “A” and which shall be incorporated as part of the Appendix of this Chapter.

SECTION 4. Section 155-42.A shall be amended to add a new subparagraph (6) which provides as follows:

“(6) AQ- Age Qualified Overlay District.”

SECTION 5. Section 155-42.B shall be revised as follows:

“B. The Special Overlay Districts incorporated under this article include provisions to supplement and enhance the existing underlying district regulations for certain land areas and zoning districts. These supplemental regulations should not replace the existing underlying zoning district regulations. The provisions of the underlying zoning district regulations shall apply if the land area is developed in accordance with the underlying zoning district. The provisions of the Special Overlay District shall apply if the land area is developed in accordance with the Special Overlay District. In cases where Special Overlay Districts overlap each other, the more restrictive standards shall apply.”

SECTION 6. A new Section 155-48, titled “AQ-Age Qualified Overlay District” shall be adopted which shall provide as follows:

“§ 155-48. AQ-Age Qualified Overlay District.

A. The AQ-Age Qualified Overlay District shall be a special overlay district, the boundaries of which are depicted on the AQ-Age Qualified Overlay District Map which is attached to this chapter as part of the Appendix.

B. All land uses permitted within the underlying zoning districts shall be permitted in the AQ-Age Qualified Overlay District. In addition, an Age Qualified Residential Development shall be permitted by right in the AQ-Age Qualified Overlay District. The following uses shall also be permitted by right in the AQ-Age Qualified Overlay District provided they are located within an Age-Qualified Residential Development:

- (11) A maintenance/storage building that is used to support the maintenance of commonly owned lands and private streets in the Age Qualified Residential Development.

C. The following uses shall be permitted in the AQ-Age Qualified Overlay District in the area located 95 feet east of the centerline of the right-of-way of Lloyd Avenue existing on the date of enactment of this section and then extending due north 320 feet to the right-of-way of Lloyd Avenue existing on the date of enactment of this section, and extending from the rights-of-way of Lloyd Avenue and Manor Avenue existing on the date of enactment of this section to a depth of 320 feet, identified as "Commercial Use Area of the AQ-Age Qualified Overlay District" on the Zoning Map:

- (1) Retail business establishments with 7,500 square feet or less of gross floor area.
- (2) Business and professional offices with 7,500 square feet or less of gross floor area.
- (3) Medical or dental clinic with 7,500 square feet or less of gross floor area.
- (4) Restaurants with 7,500 square feet or less of gross floor area and without drive-through service lanes.
- (5) Personal service establishments with 7,500 square feet or less of gross floor area.
- (6) Banks and financial establishments with 7,500 square feet or less of gross floor area.
- (7) Municipal uses, subject to § 155-94 of the Code.

D. The following uses shall be permitted by conditional use in the AQ-Age Qualified Overlay District:

- (1) Nursing home, personal care facility or assisted living units.
- (2) Continuing Care Retirement Community.
- (3) The following uses shall be permitted in the AQ-Age Qualified Overlay District by conditional use in the area located 95 feet east of the centerline of the right-of-way of Lloyd Avenue existing on the date of enactment of this section and then extending due north 320 feet to the right-of-way of Lloyd Avenue existing on the date of enactment of this section, and extending from the rights-of-way of Lloyd Avenue and Manor

- (1) Adult training or adult day-care, subject to § 155-70 of the Code.

F. The following area and bulk requirements shall apply to the AQ-Age Qualified Overlay District:

- (1) If a condominium method of ownership is used, or a similar form of ownership with commonly owned and maintained yard areas under the Uniform Planned Community Act, individual fee simple subdivided lots are not required to be created for individual dwelling units. Instead, the applicant shall show that the dwelling units are spaced so that the area and bulk requirements of this Section could be met as if individual fee simple lots would be created.
- (2) Minimum Tract Area for an Age-Qualified Residential Development and CCRC: 25 acres.
- (3) Minimum Common Open Space for an Age-Qualified Residential Development and CCRC: 20 percent of the Tract Area.
- (4) Maximum Building Coverage for an Age-Qualified Residential Development and CCRC: 50 percent of the Tract Area.
- (5) Maximum Impervious Coverage for an Age-Qualified Residential Development and CCRC: 70 percent of the Tract Area.
- (6) Dimensional Requirements for Single Family Detached Dwellings. The following minimum requirements shall apply:
 - (a) Net Lot Area: 5,000 square feet.
 - (b) Front Yard: 22 feet from edge of sidewalk or edge of curb if there is no sidewalk for a private street. 20 feet from the edge of the right-of-way of a public street.
 - (c) Rear Yard: 10 feet.
 - (d) Side Yard: 7 feet each side, aggregate total of 15 feet.
 - (e) Building Setback to abutting residential districts outside of the Tract: 30 feet.
 - (f) Dwelling Width: 35 feet.

- (c) A minimum of one off-street parking space per each employee on the greatest shift, plus one space for every 10 beds for residents shall be required for a personal care facility, nursing home or assisted living unit.
- (d) A minimum of 1 off-street parking space per 8 dwelling units shall be provided for guest and visitor parking in an Age-Qualified Residential Development and CCRC. Such overflow parking may be provided at the Community Center or by on-street parking spaces in selected areas as approved by the Board of Commissioners on the land development plan.
- (e) For commercial uses permitted in the area designated as the "Commercial Use Area of the AQ-Age Qualified Overlay District" on the Zoning Map, the minimum number of off-street parking spaces required by this chapter for the commercial use shall apply to the commercial use.

(5) Landscaping.

- (a) Perimeter planting areas. A minimum 30 foot wide planting buffer shall be provided along any perimeter abutting a residential district or across the street from a residential district.

[1] This planting area shall be outside of any required future/ ultimate street right-of-way, but may overlap a required setback.

[2] No buildings shall be permitted in the planting area.

[3] The planting area shall include a minimum average of one tree for every 10 feet of planting area length, where such planting is feasible considering utility restrictions.

[4] Trees are not required to be evenly spaced apart, in order to allow for a naturalistic arrangement.

SECTION 11. Section 155-71.B shall be revised as follows:

“B. Mini malls shall be permitted by conditional use within the TV-1 and C-1 Zoning Districts and the AQ-Age Qualified Overlay Zoning District, subject to the applicable minimum requirements specified under § 155-72 of the Code.”

SECTION 12. Section 155-72.A shall be revised as follows:

“A. Mini malls containing less than 30,000 square feet in cumulative gross floor area and as further defined under Article II of this chapter shall be permitted by conditional use within the TV-1 Zoning District, the C-1 Zoning District and the AQ-Age Qualified Overlay Zoning District, subject to the following requirements:”

SECTION 13. Section 155-82.A shall be revised as follows:

“A. Veterinary hospitals and animal clinics, as further defined under Article II of this chapter, shall be permitted by conditional use in the TV-1, C-1 C-2, I-1 and I-2 Zoning Districts and the AQ-Age Qualified Overlay Zoning District, subject to the appropriate provisions specified within the Code.”

SECTION 14. Section 155-91.A shall be revised as follows:

“A. Educational uses, as further defined under Article II of this chapter, shall be permitted by conditional use within the R-1, R-3, R-4, TV-1, C-1, C-2 and I-1 Zoning Districts and the AQ-Age Qualified Overlay Zoning District, subject to the provisions of the Caln Township Code as well as the following design standards and specifications:”

SECTION 15. Section 155-94.A shall be revised as follows:

“A. Municipal uses, as defined under Article II of this chapter, shall be permitted by right within the R-1, R-2, R-3, R-4, R-5, TV-1, C-1, C-2, I-1 and I-2 Zoning Districts and the AQ-Age Qualified Overlay Zoning District.”

SECTION 16. Severability. The provisions of this Ordinance are severable, and if any article, section, subsection, clause, sentence or part thereof shall be held or declared illegal, invalid or unconstitutional by any court of competent jurisdiction, the decision shall not affect or impair any of the remaining articles, sections, subsections, clauses, sentences or parts thereof of this Ordinance. It is hereby declared to be the intent of the Board of Commissioners that this Ordinance would have been adopted if such illegal, invalid or unconstitutional article, section, subsection, clause, sentence or part thereof had not been included herein.

SECTION 17. Repealer. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any such inconsistency.

EXHIBIT "A"
Zoning Map Changes