ZONING HEARING BOARD APPLICATION NARRATIVE

ELIZABETHTOWN CROSSING ASSOCIATES, LLC

ELIZABETHTOWN CROSSINGS
HERSHEY ROAD / OLD HERSHEY ROAD

Mount Joy Township, Lancaster County, PA

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I. INTRODUCTION

Elizabethtown Crossing Associates, LLC ("Applicant"), is the equitable owner of 12 parcels of land, containing approximately 69.546 acres ("Property") located in Mount Joy Township ("Township"), Lancaster County ("County"), Pennsylvania, and three (3) parcels of land containing approximately 4.19 acres in Elizabethtown Borough ("Borough").[1] The total area of all 12 parcels of land in the Township, which are referred to hereinafter collectively as the "Property," is approximately 69.546 acres. The Property is situated primarily south of the Hershey / Elizabethtown interchange of Route 283 (SR 0300, "Route 283"), along either side of Hershey Road (SR 0743).[2]

As described in greater detail in Section II.C of this Narrative, and as depicted on the Special Exception Sketch Plan for Elizabethtown Crossings prepared by RETTEW Associates, Inc. ("RETTEW"), dated November 6, 2026, consisting of 19 sheets ("Site Plan"), attached as Exhibit A, Applicant intends to comprehensively subdivide and redevelop the Property with a mixture of commercial, residential, and industrial uses, including: (i) a vehicular washing facility; (ii) a convenience store with accessory vehicular fueling and drive-through facility; (iii) a drive-through restaurant; (iv) a retail shopping center building with drive-through facility; (v) a hotel; (vi) a townhouse building; (vii) warehouse/distribution buildings; (viii) a commuter park-and-ride facility; and (ix) private recreation facilities/open space areas ("Proposed Development"). Pursuant to the Township's Zoning Ordinance (Chapter 135, the "Mount Joy Township Zoning Ordinance of 2012", "Zoning Ordinance"), the Proposed Development is defined as a "planned mixed-use development."[3]

Except for the approximately 1.521-acre portion of the Property located north of Route 283,[4] the 69.546-acre portion of the Property in the Township is located entirely in the Mixed Use District ("MU District"). Pursuant to Section 135-143.R of the Zoning Ordinance, planned mixed-use developments are permitted by special exception approval

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[1] Although not part of the Property or subject to this Application, Applicant owns the three (3) parcels in the Borough identified on Sheets 1 and 2 of the Site Plan as: (i) Parcel: E-5, PIN: 250-69513-0-0000, address: 100 Ironstone, which is vacant; (ii) Parcel: E-6, PIN: 250-70244-0-0000, address: 101 Ironstone Drive, which is vacant; and (iii) Parcel E-7, PIN: 250-J999-9999, address: none, which is the right-of-way of Buckingham Boulevard Extended. These three (3) Borough parcels are proposed for development as part of the Proposed Development. These three (3) Borough parcels are located in the Borough's R-3 High Density Residential District ("Borough's R-3 District"). Therefore, for purposes of demonstrating compliance with the applicable standards for planned mixed-use developments in the MU District, including Development Tract requirements (described herein in this Narrative), these three (3) Borough parcels are not included.

[2] Approximately 1.521 acres of the Property are located north of Route 283.

[3] Section 135-22 of the Zoning Ordinance defines the term "planned mixed-use development" as "[a] planned center containing a combination of commercial, industrial, and residential uses. The total area of a Planned Mixed-Use Development must be greater than or equal to 40 acres, and all of the land within the Planned Mixed -Use Development must be located within a 2,500-foot radius of the center point of an S.R. 283 interchange." (Section 135-22)

[4] This 1.521-acre portion of the Property is in the Township's Open Space and Conservation District ("O-S District").

in the MU District, subject to certain standards.[5] Therefore, Applicant requests that the Township's Zoning Hearing Board ("Zoning Hearing Board") grant special exception approval pursuant to Section 135-143.R of the Zoning Ordinance to permit the Proposed Development as a planned mixed-use development on the Development Tract (i.e., approximately 56.654 acres described below) in the MU District. The purpose of this Narrative is to demonstrate compliance with applicable requirements of the Zoning Ordinance, including Section 135-275.G(4), and Applicant's entitlement to such special exception approval.[6]

If granted, the requested relief would permit reasonable redevelopment of the Development Tract by providing a desirable and appropriate site for the Proposed Development as a planned mixed-use development, a use and form of development expressly permitted in the MU District. The Development Tract is in the designated growth area of the Township, and is served, or planned to be served, by a full range of utilities, infrastructure, and services, including public water and public sewer. Further, the Application is generally consistent with, and implements elements of, the Township's community planning and development initiatives. Finally, if approved, the Application will enable the Proposed Development to provide additional employment, housing, and tax revenue opportunities for the Township, the Elizabethtown Area School District, and the County.

II. BACKGROUND

A. THE PROPERTY AND DEVELOPMENT TRACT

As depicted on Sheets 1 and 2 of the Site Plan, the approximately 69.546-acre Property is comprised of 12 parcels of land in the Township, which are proposed to be combined as part of a subsequent subdivision plan approval process. Table II-1 below lists and generally describes the 12 parcels that are in the Township, totaling approximately 69.546 acres (including approximately 11.371 acres of existing Route 283 right-of-way and 1.521 acres of land in the O-S District north of Route 283, as noted on Sheet 1 of the Site Plan). Of that area, approximately 56.654 acres remain after the portions of the Property in the existing Route 283 right-of-way and located north of Route 283 are excluded. The 56.654 acres of land comprise the "Development Tract" for purposes of this Application. The entire Development Tract is in the MU District.

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[5] On March 16, 2026, the Township's Board of Supervisors ("Board of Supervisors") adopted Ordinance No. 353-2026 that amended the Zoning Ordinance by revising certain provisions, including defining "planned mixed-use development" and permitting it in the MU District by special exception approval, subject to certain standards.

[6] Section 135-275.G(4) of the Zoning Ordinance requires an applicant for special exception approval for a planned mixed-use development to submit "[a] narrative setting forth the proposed uses within the planned mix-use development; the method for maintaining the shared, integrated facilities such as access, circulation, storm water management facilities, shared parking and retaining walls; proposed improvements to address traffic to be generated by the planned mixed-use development; proposed phasing and buildout of the planned mixed-use development, any proposed future subdivision of the development tract; and the form of ownership of the units to be developed."

TABLE II-1

Parcel	Parcel ID No.	Address	General Use / Development Character
W-1	460-61425-0-0000	673 Old Hershey Road	Agriculture
W-2	460-61449-0-0000	Hershey Road	Vacant
W4	460-91350-0-0000	411 Hershey Road	Commercial
W-3	460-91962-0-0000	413 Hershey Road	Residential
W-5	460-81320-0-0000	391 Hershey Road	Residential
W-6	460-45657-0-0000	719 Old Hershey Road	Residential
E-1	460-43851-0-0000	516 Hershey Road	Vacant
E-1	460-73533-0-0000	Hershey Road	Vacant
E-1	460-79215-0-0000	Hershey Road	Vacant and ROW of Route 283
E-2	460-57508-0-0000	Hershey Road	Vacant
E-3	460-81037-0-0000	Hershey Road	Vacant
E-4	460-04347-0-0000	Mount Gretna Road	Residential-Accessory

The Property is large, irregularly shaped, and located along both sides of Route 283. In addition to abutting both sides of the Route 283 (limited access, multi-lane divided highway) right-of-way, the Property also abuts several other street rights-of-way, including: (i) Hershey Road (arterial); (ii) Old Hershey Road (T-749, collector); (iii) Buckingham Boulevard (T-333, collector); (iv) Service Road B (T-300, local); and (v) Ironstone Drive (T-838, local).[7] The Property is in close proximity to the intersection of Buckingham Boulevard and Mount Gretna Road (SR 0241). Finally, the Property includes natural features, such as wooded areas with mature trees and other vegetation, open areas, and drainageway with floodplain and wetlands.

B. SURROUNDING AREA

The Property, and more specifically the Development Tract, are located in the west-central portion of the Township, near the shared municipal boundaries with the Borough to the south and with Conewago Township, Dauphin County, to the northwest. The Development Tract is also in the Township's designated growth area, which is primarily planned and zoned for a mix of nonresidential and residential uses. Except for the portion of the Property in the Borough, the Development Tract is surrounded by land located in the MU District.

[7] Section 135-301 of the Zoning Ordinance sets forth roadway classifications for roads within the Township.

The area surrounding the Property is developed with a mix of nonresidential and residential uses. Land to the north of the Development Tract is generally developed for an agricultural operation and for Route 283 roadway infrastructure. Land to the east is mostly residential but also includes a restaurant. Land to the south is developed with a mix of residential and commercial uses, including animal care services, a drive-through coffee shop, offices, and vehicle sales and services. Land to the west is mostly Old Hershey Road infrastructure and utilities, with some residential uses. Finally, the area around the Development Tract is served or planned to be served by a full range of utilities, infrastructure, and services, including public water and public sewer.

C. PROPOSED DEVELOPMENT – PLANNED MIXED-USE DEVELOPMENT

As depicted on Sheets 3 through 8 of the Site Plan, Applicant intends to comprehensively subdivide and redevelop the Development Tract with the Proposed Development, which is comprised of a combination of commercial, industrial, and residential uses that are designed as an integrated unit with controlled ingress and egress, utilities, stormwater management facilities, parking, landscaping, retaining walls, and other improvements coordinated and provided on-site.[8] As depicted on the inset on Sheet 3 of the Site Plan, the entire Development Tract is located within the 2,500-foot radius from the center point of the Route 743 Hershey / Elizabethtown interchange of Route 283.

In preparation for the Proposed Development, Applicant intends to demolish the existing buildings and structures located on the Property. The Proposed Development includes numerous roadway improvements, most notably the construction of Buckingham Boulevard Extended and Ironstone Drive Extended, as well as improvements to Hershey Road.[9] Proposed street improvements include: (i) traffic signals, turning lanes, and crosswalks at the intersection of Buckingham Boulevard Extended with Hershey Road; (ii) stop signs at the intersections of Buckingham Boulevard Extended with Mount Gretna Road and Old Hershey Road; and (iii) other traffic control markings and signage. Sidewalks are proposed along Buckingham Boulevard Extended and Ironstone Drive Extended. The Proposed Development will be connected to a full range of utilities and infrastructure, including Elizabethtown Area Water Authority's ("EAWA") public water service system and Elizabethtown Regional Sewer Authority's ("ERSA") public sewer service system. Finally, the Proposed Development includes 13 Tracts (Tracts 1 through 5, and 8 through 14, collectively, "Tracts"), which are designed for a mix of permitted commercial, industrial, and

[8] Certain infrastructure and improvements of the Proposed Development, including stormwater management facilities, access, and common open space areas, are proposed to benefit two (2) or more Tracts.

[9] Currently, a portion of the parking lot for TJ Rockwell's Restaurant, located at 800 Mount Gretna Road and identified as parcel identification number 4601436500000 ("TJ Rockwell Lot"), encroaches into the Buckingham Boulevard Extended right-of-way. Mount Gretna Road Enterprises owns the TJ Rockwell Lot. Applicant has agreed to relocate the parking lot to be entirely on the TJ Rockwell Lot, remediating this condition.

residential uses as summarized in Table II-2 below and further described in Sections II.C.1 through II.C.12 further below.[10]

TABLE II-2

Proposed Tract	Proposed Use	Proposed Acreage
1	Vehicular Washing Facility	3.467
2	Convenience Store with Accessory Vehicular Fueling and Drive-Through Facility	3.517
3	Drive-Through Restaurant	1.8
4	Warehouse/Distribution Building Less than 250,000 Square Feet	15.846
5	Townhouses	2.322
8	Retail Shopping Center Building in Excess of 10,000 Square Feet with Drive-Through Facility	4.257
9	Hotel	2.656
10	Private Recreation Facility/Open Space Area	0.555
11	Private Recreation Facility/Open Space Area	1.049
12	Commuter Park-and-Ride Facility	0.366
13	Private Recreation Facility/Open Space Area	1.876
14	Warehouse/Distribution Building Less than 250,000 Square Feet	15.93

1. TRACT 1 – VEHICULAR WASHING FACILITY

As depicted on Sheet 6 of the Site Plan, Tract 1 is an approximately 3.467-acre lot, with Route 283 abutting to the north and Hershey Road to the west. Tract 1 is proposed to be developed as a vehicular washing facility, an enclosed, automated operation in which vehicles are washed entirely within the approximately 5,289-square-foot building using mechanical or touchless equipment. The building will include a single wash bay, and on-site stacking lanes north of the building will accommodate queued vehicles and provide access

[10] Proposed Tract 7 is approximately 1.521-acre vestige of land located north of Route 283 in the O-S District. Tract 7 is not included in the Development Tract. No development or improvements are proposed on Tract 7, as it is to remain as undeveloped open space. Applicant intends to offer such land to Lancaster County Conservancy, the owner of an approximately 71.94-acre tract with an address of Mount Gretna Road and Property Identification No. 460-00828-0-0000, abutting to the north and west. Therefore, for purposes of demonstrating compliance with the applicable standards for planned mixed-use developments in the MU District, including Development Tract requirements, Tract 7 is not included.

to the wash bay. In addition to 8 parking spaces designed to be located south and east of the building, a series of 24 vacuum apparatuses and spaces are located to the south.

While there is no direct access drive on Tract 1 to a public street, a full-movement shared access drive on Tract 2 connects to Hershey Road, and there is one (1) internal connection to it on Tract 1. The shared access drive is proposed within an access easement benefiting Tract 1. No access is permitted or proposed to Route 283. A dumpster enclosure is proposed to be located further east of the building. Further, a retaining wall is proposed to the east of the stacking lane.

2. TRACT 2 – CONVENIENCE STORE WITH ACCESSORY VEHICULAR FUELING AND DRIVE-THROUGH FACILITY

As depicted on Sheet 6 of the Site Plan, Tract 2 is an approximately 3.517-acre corner lot, abutting Buckingham Boulevard Extended to the south and Hershey Road to the west. Tract 2 is proposed to be developed with an approximately 6,638-square-foot convenience store building designed and intended for a retail sales business specializing in providing household products, prepackaged or prepared food, nonalcoholic beverages, and tobacco products, as well as various vending/dispense machines. Although no tenant has been secured at this time, to provide flexibility, Applicant anticipates that the convenience store operation will sell alcoholic beverages in compliance with all applicable requirements of the Township and the Pennsylvania Liquor Control Board.

Additionally, the convenience store is permitted and proposed to dispense vehicular fuel and provide electric vehicle charging. As proposed, a fueling canopy is designed to accommodate eight (8) multi-product, double-sided fuel dispensers, providing fueling positions for 16 vehicles to be fueled simultaneously. No vehicular-washing facility is proposed for Tract 2. A drive-through facility, designed for food and beverage pickup, is proposed along the northern building wall. The on-site stacking lane, which accommodates queued vehicles and a service window, runs along this wall.

One (1) full-movement shared access drive connects to Hershey Road, with two (2) internal connections to it. The shared access drive is proposed within an access easement benefiting Tract 1. Additionally, one (1) full-movement access drive is proposed to connect to Buckingham Boulevard Extended. Fifty (50) parking spaces are proposed to be located around the building on all sides. Loading facilities are designed to the east of the building. Underground fuel storage tanks and a dumpster enclosure are also proposed to the west and northeast, respectively.

3. TRACT 3 – DRIVE-THROUGH RESTAURANT

As depicted on Sheet 5 of the Site Plan, Tract 3 is an approximately 1.8-acre corner lot, abutting Buckingham Boulevard Extended to the north and Hershey Road to the west. Tract 3 includes an approximately 2,950-square-foot building primarily designed and intended for a business that serves prepared food, generally packaged in paper wrappers and/or disposable plates and containers, for on-site and/or off-site consumption.

A drive-through facility designed for drive-through pickup of food and beverages is proposed along the northern, southern, and western building walls. The on-site stacking lane to accommodate queued vehicles is along these three (3) walls, and a service window is along the southern wall. Two (2) access drives are designed to serve Tract 3. One (1) full-movement access drive connects to Buckingham Boulevard Extended (north), and one (1) restricted-movement (i.e., right-in northbound) access drive connects to Hershey Road (west). Loading facilities are designed along the southern building wall. Thirty-eight (38) parking spaces are located to the north and south of the building. A dumpster enclosure is further east of the building. Finally, in addition to landscaping, solid fencing is proposed along the southern portion of Tract 3.

4. TRACT 4 – WAREHOUSE/DISTRIBUTION BUILDING LESS THAN 250,000 SQUARE FEET

As depicted on Sheet 7 of the Site Plan, Tract 4 is an approximately 15.846-acre lot that abuts Route 283 to the north and Buckingham Boulevard Extended to the south. Tract 4 includes an approximately 200,200-square-foot building proposed for use as a warehousing/distribution operation, whereby materials, goods, or products are imported or stored. The building is designed to have an overall height not exceeding 50 feet. While two (2) access drives are proposed to connect to Buckingham Boulevard Extended, no access is permitted or proposed to Route 283. The eastern access drive is a full-movement drive serving the 97-space passenger-vehicle parking lot on the building's east side. The western access drive is a full-movement drive serving the truck court on the western side of the building. The truck court features 37 loading docks, 25 trailer spaces, and a dumpster enclosure. A series of traffic control signs (e.g., “Trucks No Right Turn” and “No Trucks Except Local Delivery”) are also proposed to direct truck traffic entering/leaving the truck court. Finally, a landscaped berm is proposed along the portion of the eastern Tract boundary abutting lots with existing dwellings.

5. TRACT 5 – TOWNHOUSES

As depicted on Sheet 8 of the Site Plan, Tract 5 is approximately 2.322 acres and abuts Buckingham Boulevard Extended to the north and is bisected by Ironstone Drive Extended. Tract 5 is proposed to include one (1) building containing eight (8) townhouse dwellings (i.e., single-family attached dwellings) arranged in a side-by-side configuration connected by vertical party walls between the individual dwelling units.[11] Each townhouse unit is proposed to be connected to Ironstone Drive Extended via individual driveways.[12]

[11] None of the townhouse dwellings are proposed to be arranged in an over-under configuration.
[12] Proposed Tract 6 is approximately 3.4 acres and is located in the Borough. Since Tract 6 is located in the Borough, it is not included in this Narrative for purposes of demonstrating compliance with the applicable standards for planned mixed-use developments in the MU District. Regardless, Tract 6 is proposed to include six (6) buildings containing between three (3) and six (6) townhouse dwellings in a side-by-side configuration, for an overall total of 29 units. Each townhouse unit is proposed to be connected to Ironstone Drive Extended via individual driveways.

6. TRACT 8 – RETAIL SHOPPING CENTER BUILDING IN EXCESS OF 10,000 SQUARE FEET WITH DRIVE-THROUGH FACILITY

As depicted on Sheet 5 of the Site Plan, Tract 8 is an approximately 4.257-acre corner lot, abutting Hershey Road to the east and Buckingham Boulevard Extended to the north. Tract 8 includes an approximately 24,000-square-foot multi-tenant commercial building (e.g., retail, personal services, restaurant). Two (2) full-movement access drives are proposed. One (1) drive is designed to connect to Buckingham Boulevard Extended (north), while the other drive connects to Hershey Road (east). Loading facilities are designed to be located along the western building wall. One hundred twenty-four (124) parking spaces are proposed to the north, east, and west of the building. A drive-through facility, designed to enable drive-through pickup of goods or services, is proposed near the southwestern corner of the building. An on-site stacking lane to accommodate queued vehicles is proposed along the western and southern walls, and a service window is proposed along the southern wall. Two (2) dumpster enclosures are further west of the building.

7. TRACT 9 – HOTEL

As depicted on Sheet 5 of the Site Plan, Tract 9 is approximately 2.656 acres and abuts Buckingham Boulevard Extended that is to the north. Tract 9 is proposed to include a hotel building primarily designed and intended to provide temporary lodging and other ancillary services to boarders for compensation. The three (3)-story building is designed to include 55 lodging rooms, none of which have direct access to the outside without passing through the building's main lobby. The duration of said lodging is not intended to exceed 15 days within any 30-day period. A full-movement access drive connection is proposed to connect to Buckingham Boulevard Extended. Loading facilities are designed to be located east of the building. Sixty-three (63) parking spaces are designed to the east, south, and west sides of the building. A dumpster enclosure is proposed southwest of the building.

8. TRACT 10 – PRIVATE RECREATION FACILITY/OPEN SPACE

As depicted on Sheet 4 of the Site Plan, Tract 10 is approximately 0.555 acres (approx. 24,180 square feet) and abuts Buckingham Boulevard Extended to the south. Tract 10 is proposed for privately owned passive outdoor recreation and open space, and is improved with a shared access drive (i.e., Service Road Extension) connecting Tract 11 with Buckingham Boulevard Extended.

9. TRACT 11 – PRIVATE RECREATION FACILITY/OPEN SPACE

As depicted on Sheet 4 of the Site Plan, Tract 11 is approximately 1.049 acres (approx. 45,709 square feet) and abuts Service Road B/Hershey Road to the east. Tract 11 is proposed for privately owned passive outdoor recreation and open space, and is improved with a shared access drive (i.e., Service Road Extension) connecting to Buckingham Boulevard Extended via Tract 10, as well as accessory stormwater management facilities.

10. TRACT 12 – COMMUTER PARK-AND-RIDE FACILITY

As depicted on Sheet 4 of the Site Plan, Tract 12 is approximately 0.366 acres (approx. 15,948 square feet) and abuts Buckingham Boulevard Extended to the north. Tract 12 is proposed to include a 12-space commuter park-and-ride facility for carpoolers. One (1) full-movement access drive is designed to connect to Buckingham Boulevard Extended.

11. TRACT 13 – PRIVATE RECREATION FACILITY/OPEN SPACE

As depicted on Sheet 4 of the Site Plan, Tract 13 is an approximately 1.876-acre (approx. 81,703 square feet) corner lot abutting Buckingham Boulevard Extended to the south and Old Hershey Road to the west. Tract 13 is proposed for privately owned passive outdoor recreation and open space and is improved with accessory stormwater management facilities and a full-movement shared access drive connecting Tract 14 with Buckingham Boulevard Extended.

12. TRACT 14 – WAREHOUSE/DISTRIBUTION BUILDING LESS THAN 250,000 SQUARE FEET

As depicted on Sheet 4 of the Site Plan, Tract 14 is an approximately 15.93-acre lot and abuts Old Hershey Road to the east. Tract 14 includes an approximately 200,200-square-foot building proposed for use as a warehousing/distribution operation, whereby materials, goods, or products are imported or stored. The building is designed to have an overall height not exceeding 50 feet.

Tract 14 is proposed to be served by two (2) access drives. The southern access drive is generally a full-movement drive serving the truck court on the southern side of the building, connecting to Buckingham Boulevard Extended via a shared access drive on Tract 13. The truck court features 37 loading docks, 33 trailer spaces and a dumpster enclosure. A series of traffic control signs (e.g., “Trucks No Right Turn” and “No Trucks Except Local Delivery”) is also proposed to direct truck traffic entering/leaving the truck court. Additionally, the western access drive is a full-movement drive serving the 97-space passenger-vehicle parking lot on the building's north side. Finally, a landscaped berm with a solid fence is proposed along the portion of the northwestern Tract boundary that abuts a lot with an existing dwelling.

D. PROPOSED PHASING

As depicted on Sheet 17 of the Site Plan, the Proposed Development is expected to be constructed in seven (7) phases over an approximately ten (10) year period as further described in Table II-3 below:

TABLE II-3

PHASE	PROPOSED DEVELOPMENT
1	(i) Tracts 1 and 2;

PHASE	PROPOSED DEVELOPMENT
	(ii) the portion of Buckingham Boulevard Extended generally east of Hershey Road; and (iii) improvements to Hershey Road
2	Tract 3
3	Tract 4
4	(i) Tract 5 (and Tract 6 in the Borough); and (ii) development of Ironstone Drive Extended.
5	(i) Tracts 10, 11, and 12; (ii) the portions of Tracts 8, 13, and 14 generally east of the drainageway; and (iii) the portion of Buckingham Boulevard Extended generally west of Hershey Road
6	portion of Tract 9 generally west of the drainageway
7	portions of Tracts 13 and 14 generally west of the drainageway

III. REQUESTED RELIEF – SPECIAL EXCEPTION APPROVAL

Pursuant to Section 135-143.R of the Zoning Ordinance, planned mixed-use developments are permitted by special exception approval in the MU District. The Board of Supervisors contemplated the elements and impacts of planned mixed-use developments when it recently amended the Zoning Ordinance to expressly define and permit them, subject to specific standards, exclusively in the MU District. Accordingly, Applicant requests special exception approval to permit the Proposed Development as a planned mixed-use development on the Development Tract in the MU District. The standards and requirements of the Zoning Ordinance that are applicable to the Application are reproduced (or summarized) in bold below. A brief discussion follows each requirement.

The fact that a use is permitted as a special exception evidences a legislative decision that the particular use (in this case, a planned mixed-use development) is consistent with the zoning plan and presumptively consistent with the health, safety, and welfare of the community. *Id.; Northampton Area Sch. Dist. v. East Allen Twp. Bd. of Supervisors*, 824 A.2d 372, 376 (Pa. Commw. 2003); *Abbey v. Zoning Hearing Bd. of East Stroudsburg*, 559 A.2d 107, 109 (Pa. Commw. 1989); *Warren Cty. Probation Ass'n v. Warren Cty. Zoning Hearing Bd.*, 414 A.2d 398, 399 (Pa. Commw. 1980); *Foster Grading Co. v. Venango Twp. Zoning Hearing Bd.*, 412 A.2d 647, 629 (Pa. Commw. 1980).

Therefore, the Zoning Hearing Board must grant a special exception application that satisfies the objective standards of the Zoning Ordinance unless opponents present sufficient evidence that the use will generate adverse impacts not normally generated by

this type of use and that these impacts will pose a substantial threat to the health and safety of the community. *Greaton Props., Inc. v. Lower Merion Twp.*, 796 A.2d 1038, 1045 (Pa. Commw. 2002); *In re Cutler Group, Inc.*, 880 A.2d 39, 43 (Pa. Commw. 2003). Such evidence cannot consist of mere speculation, bald assertions, or personal opinions and perceptions of the effect of the use on the community. *Id*. Rather, opponents must demonstrate that there is a *high degree of probability* that the use will cause a substantial harm that is not normally associated with the proposed use. *Id*.; *Ruddy v. Lower Southampton Twp. Zoning Hearing Bd.*, 669 A.2d 1051, 1057 (Pa. Commw. 1995) (emphasis supplied).

A. SPECIFIC STANDARDS FOR PLANNED MIXED-USE DEVELOPMENTS (SECTION 135-275)

Section 135-275 **Planned Mixed-Use Developments.**

Section 135-275.A **Where a planned mixed-use development is proposed the following uses shall be permitted, in addition to all uses already permitted by right, special exception or conditional use in the zoning district where the planned mixed-use development is located. Any use permitted by special exception within the zoning district where the planned mixed-use development is located will not be required to obtain a separate special exception approval when proposed as part of a planned mixed-use development but will instead be approved as part of the special exception approval for the planned mixed-use development upon demonstration by the applicant that such use complies with the specific criteria in Article XXII of this chapter.**

(1) Industrial uses involving warehousing, manufacturing, processing, packaging, production, wholesaling, storage, distribution or repair, not to exceed 250,000 square feet and not to include manufacturing of any of the following: automobiles, aerospace equipment, cement, chemicals, heavy machinery, steel or railway materials.

…

(3) Townhouses in accordance with § 135-262.[13]

…

As depicted on Sheet 3 of the Site Plan, the Proposed Development is permitted and proposed to include the following: (i) vehicular washing facility on Tract 1 (Section 135-143.F of the Zoning Ordinance); (ii) convenience store with accessory vehicular fueling on Tract 2 (Section 135-143.D of the Zoning Ordinance); (iii) drive-through restaurant on Tract 3 (Section 135-142.T of the Zoning Ordinance); (iv) warehousing/distribution buildings of less than 250,000 square feet on Tract 4 and Tract 14 (Section 135-275.A(1) of the Zoning Ordinance); (v) townhouses on Tract 5 (Section 135-275.A(3) of the Zoning Ordinance); (vi) retail shopping center building in excess of 10,000 square feet on Tract 8 (Section 135-143.H of the Zoning Ordinance, as modified by Section 135-275.C of the Zoning Ordinance); (vii) hotel on Tract 9 (Section 135-142.U of the Zoning Ordinance); (viii) private recreation facilities/open space on Tract 10, Tract 11, and Tract 13 (Section 135-142.P of the Zoning Ordinance); and (ix) commuter park-and-ride facility on Tract 12 (Section 135-142.E of the Zoning Ordinance). Given the foregoing, the Application complies with this requirement.

Section 135-275.B — **Individual uses may be located in detached and/or attached structures and shall only include those uses that are permitted as of right or by special exception within the district where the mixed-use development is proposed, or pursuant to this §135-275.A.**

As depicted on Sheet 3 of the Site Plan, except for the townhouse dwellings on Tract 5, which are permitted to be attached, and the commuter park-and-ride facility on Tract 12, which does not include a building, all other proposed principal uses are designed to be located in detached buildings. See response to Section 135-275.A of the Zoning Ordinance describing the proposed and permitted uses. Given the foregoing, the Application complies with this requirement.

Section 135-275.C — **Retail stores in excess of 10,000 [square] feet located in a planned mixed-use development shall <u>not</u> be required to demonstrate compliance with the standards set forth in §135-256 of this chapter.**

As depicted on Sheet 5 of the Site Plan, Tract 8 is proposed to include a retail shopping center building of approximately 24,000 square feet. Since the proposed retail shopping center building exceeds 10,000 square feet and is located in the Proposed Development

[13] Pursuant to Section 27-802.4 of the Borough's Zoning Ordinance, townhouses (i.e., single-family attached dwellings) are permitted by right in the Borough's R-3 District.

(i.e., planned mixed-use development), the requirements of Section 135-256 of the Zoning Ordinance do not apply. Given the foregoing, the Application complies with this requirement.

Section 135-275.D	**All uses within a planned mixed-use development must be connected to and use public water and sewer.**

With the exception of the commuter park-and-ride facility on Tract 12 and the private recreation facilities/open space on Tracts 10, 11, and 13, all other proposed principal uses will be connected to EAWA's public water service system and ERSA's public sewer service system. Because Tract 12 is a commuter park-and-ride facility, and Tracts 10, 11, and 13 are private recreation facilities/open space, and no principal buildings or sewage generation is proposed, no public water or sewer connections are necessary or proposed. Given the foregoing, the Application complies with this requirement.

Section 135-275.E	**No more than 15% of the gross area of the development tract may be comprised of residential uses.**

As depicted on Sheets 1, 3, and 8 of the Site Plan, the Development Tract is approximately 56.654 acres. Tract 5, proposed for the townhouses, is approximately 2.322 acres, or 4.098% of the 56.654-acre Development Tract. Given the foregoing, the Application complies with this requirement.

Section 135-275.F	**Within a planned mixed-use development, front yard building setbacks along arterial streets shall be reduced to 15 feet and front yard parking setbacks along arterial streets shall be reduced to 5 feet.**

As depicted on Sheet 3 of the Site Plan, Tracts 1, 2, 3, 8, and 11 abut Hershey Road, which, pursuant to Section 135-301.A(3)(b) of the Zoning Ordinance, is classified as an arterial street. All buildings on these Tracts are designed to be set back distances of at least 15 feet from the Hershey Road right-of-way, and all parking lots are set back distances of at least five (5) feet from such right-of-way.

The Application proposes no unauthorized encroachment within the required setback. Given the foregoing, the Application complies with this requirement.

Section 135-275.G	**At the time of application for special exception approval, the applicant shall submit the following:**
Section 135-275.G(1)	**A sketch plan conforming to the requirements of Chapter 119, Subdivision and Land**

Development. The plan must include the overall design and improvements associated with the planned mixed-use development and identify the location of each type of proposed use, access points, circulation, and off-street parking areas in sufficient detail to enable the Zoning Hearing Board to determine compliance with this chapter.

The Site Plan includes the applicable information for sketch plans as set forth in Section 119-33 (Sketch Plans) of the Township's Subdivision and Land Development Ordinance (Chapter 119, "SLDO"). The Site Plan depicts the overall design and improvements associated with the Proposed Development, including the locations of proposed uses, access points, circulation, off-street parking areas, and other proposed improvements. Given the foregoing, the Application complies with this requirement.

Section 135-275.G(2) **A feasibility report on sewer and water facilities.**

See response to Section 135-275.D of the Zoning Ordinance describing the required and proposed connections to EAWA's public water service system and ERSA's public sewer service system. RETTEW has prepared a feasibility study in accordance with the applicable requirements of Section 119-32.A (Water and Sewer Facilities Feasibility Report) of the SLDO for these two (2) utilities ("Sewer and Water Feasibility Report"), attached as Exhibit B. At the hearing, Applicant will present testimony confirming that, with the necessary infrastructure improvements described below, both EAWA and ERSA are willing and able to serve the Proposed Development.

Regarding the necessary improvements to EAWA's public water system, Applicant will present testimony confirming that if the Application is approved, Applicant agrees to coordinate with EAWA to design, permit, and construct an extension of the existing water main along: (i) Hershey Road northward to serve the proposed vehicular washing facility on Tract 1, including a stub for future connection; and (ii) Buckingham Boulevard Extended westward to serve the proposed warehouse/distribution building on Tract 14.

Regarding the necessary improvements to ERSA's public sewer system, Applicant will present testimony confirming that if the Application is approved, Applicant agrees to coordinate with ERSA to design, permit, and construct upgrades to the Hershey Road Pumping Station and improvements to downstream interceptor infrastructure. Given the foregoing, the Application complies with this requirement.

Section 135-275.G(3) **A traffic impact study conforming to the requirements of Chapter 119, Subdivision and Land Development.**

Transportation Resource Group, Inc. prepared a traffic impact study in accordance with the applicable requirements of Section 119-32.C(5) (Traffic Impact Study Requirements) of the SLDO, which is dated October 2026 ("Traffic Impact Study"), attached as Exhibit C. The Traffic Impact Study scoping application, approved by PennDOT, was completed and approved on September 27, 2026. The Traffic Impact Study was then submitted to PennDOT, the Township, and the Borough on October 16, 2026. Based on PennDOT's 30-business-day timeframe, Applicant anticipates receiving PennDOT's comments on or about December 2, 2026. Given the foregoing, the Application complies with this requirement.

Section 135-275.G(4)	**A narrative setting forth the proposed uses within the planned mix-use development; the method for maintaining the shared, integrated facilities such as access, circulation, storm water management facilities, shared parking and retaining walls; proposed improvements to address traffic to be generated by the planned mixed-use development; proposed phasing and buildout of the planned mixed-use development, any proposed future subdivision of the development tract; and the form of ownership of the units to be developed.**

This Narrative is the narrative required by Section 135-275.G(4) of the Zoning Ordinance. The proposed uses are described in Sections II.C and III.A of this Narrative; the proposed improvements to address traffic are described in Section II.C of this Narrative and in the Traffic Impact Study; and the proposed phasing and buildout are described in Section II.D of this Narrative.

Additionally, the proposed strategy for long-term ownership and maintenance of shared infrastructure (i.e., other than streets), including methods for owning and maintaining such shared infrastructure, which is dated November 6, 2026 ("Shared Infrastructure Maintenance Exhibit") is attached as Exhibit D. As described in the Shared Infrastructure Maintenance Exhibit, responsibilities for the long-term maintenance of shared, integrated facilities are to be allocated among the individual lot or Unit owners, the association governing the proposed Commercial Condominium on Tracts 8 through 14, and the homeowners' association governing the proposed residential planned community on Tract 5 (and Tract 6 in the Borough), through the applicable declarations and easement agreements. These arrangements will address access and circulation facilities, stormwater management facilities, and other infrastructure and improvements. The Shared Infrastructure Maintenance Exhibit also describes the proposed separate maintenance arrangements for the shared access drive on Tract 2 and the Service Road Extension benefiting Lots 36 and 37.

Also, as described in the Shared Infrastructure Maintenance Exhibit, the Development Tract is proposed to be consolidated and subdivided into fourteen (14) fee simple lots (i.e.,

Tracts), with the ownership arrangements for certain Tracts further established through condominium and planned community declarations. Tracts 8 through 14 are proposed to comprise a nonresidential Commercial Condominium consisting of three (3) separately owned fee simple Units and three (3) Common Element Open Space Tracts. Tracts 8 and 9 will each constitute a separate Unit, and Tracts 13 and 14 will together constitute a single Unit; Tracts 10, 11, and 12 will constitute common elements in which the Unit owners will hold undivided ownership interests. A condominium association comprised of the owners of the three (3) Units will govern the Commercial Condominium. The thirty-seven (37) townhouse dwellings proposed on Tracts 5 and 6 will be separately owned fee simple Units within a residential planned community. Each residential Unit will include the land and improvements within the vertical boundaries corresponding to the footprint of the individual townhouse, without horizontal boundaries. A homeowners' association will be formed to own and maintain the residential planned community's Common Facilities and Limited Common Facilities, including its stormwater infrastructure. Tracts 1, 2, 3, 4, and 7 are proposed to remain separately owned fee simple lots (i.e., Tracts) outside either association, with Tracts 1 and 2 subject to the proposed Declaration of Easements described in the Shared Infrastructure Maintenance Exhibit.

Except as described in this Application, no future subdivision of the Development Tract is envisioned by Applicant. Given the foregoing, the Application complies with this requirement.

Section 135-275.H

The applicant shall provide evidence of how long-term maintenance of infrastructure including, but not limited to, storm water management facilities, access drives and circulation points, and required off-street parking, shall be maintained. The applicant shall use one of the following methods:

(1) If all infrastructure other than streets serving a designated fee simple lot is located within the boundaries of that lot, the infrastructure may be maintained by either the lot owner or, if the lot is part of an association, by the association.

(2) If all infrastructure other than streets serving an area is separated from all other portions of the planned mixed-use development by streets, the applicant may provide for the maintenance of said infrastructure by an association comprised solely of the land within such designated area, or by

a master association of all land within the planned mixed-use development.

(3) When infrastructure serves two or more lots or units, the infrastructure must be maintained by an association governing all of the land containing the common infrastructure.

The Shared Infrastructure Maintenance Exhibit, attached as Exhibit D, includes the proposed strategy for long-term ownership and maintenance of shared infrastructure (other than streets), along with the proposed methods for that ownership and maintenance. The Shared Infrastructure Maintenance Exhibit proposes a Tract-specific allocation of long-term maintenance responsibilities, to be implemented through the applicable condominium declaration, planned community declaration, and easement agreements. Infrastructure serving Tracts 3 and 4 is located within the boundaries of their respective Tracts and will be maintained by their owners. No development or infrastructure requiring maintenance is contemplated on Tract 7.

For Tracts 8 through 14, Applicant proposes a Commercial Condominium consisting of three (3) Units and three (3) Common Element Open Space Tracts. Each Unit owner will maintain, at its sole cost and expense, the infrastructure and improvements within its Unit. The condominium association, whose members will be the owners of all three (3) Units, will maintain the Common Element Open Space Tracts and the improvements and shared infrastructure located thereon, except for Service Road B and the Service Road Extension. Association maintenance expenses will be allocated among the Unit owners according to the percentage interest appurtenant to each Unit. The proposed access easement agreement benefiting Lots 36 and 37 will be recorded before the condominium declaration and will require the owners of those lots, at their sole cost and expense, to insure and maintain the Service Road Extension and to provide the indemnification described in the Shared Infrastructure Maintenance Exhibit.

For Tracts 1 and 2, Applicant proposes a Declaration of Easements granting Tract 1 perpetual ingress and egress rights over the shared access drive located entirely on Tract 2. The owner of Tract 2 will be responsible for performing and paying for maintenance of the shared access drive, subject to the declaration's provisions allowing reimbursement from the Tract 1 owner for a proportionate share of annual maintenance costs. Other than the shared access drive and the stormwater overflow arrangement described below, infrastructure serving each tract will be maintained by the owner of the Tract within which it is located. The declaration will also grant Tract 1 an easement to discharge stormwater overflow to a basin on Tract 2, while assigning the entire responsibility for maintaining that basin, including all associated expenses, to the Tract 2 owner, without contribution from the Tract 1 owner. The Shared Infrastructure Maintenance Exhibit presents this owner-maintenance arrangement as part of Applicant's proposed approach under Section 135-275.H(1) of the Zoning Ordinance. Because the basin will also receive stormwater overflow from Tract 1, Applicant will address at the hearing how this proposed arrangement satisfies

Section 135-275.H of the Zoning Ordinance in light of the requirements of Section 135-275.H(3) for association maintenance when infrastructure serves two (2) or more lots or units.

For Tracts 5 and 6, Applicant proposes a residential planned community containing thirty-seven (37) townhouse Units and governed by a homeowners' association. Except for the individual Units and the proposed 34-foot-wide street connecting Ironstone Drive to Buckingham Boulevard Extended, which is intended for dedication, the land and improvements within the residential planned community will be designated as Common Facilities or Limited Common Facilities owned and maintained by the homeowners' association. The association's responsibilities will expressly include all stormwater infrastructure within the residential planned community, and the expenses of maintaining shared infrastructure will be shared equally among the residential Unit owners. Given the foregoing, the Application complies with this requirement.

Section 135-275.I	**A special exception for a planned mixed-use development shall be subject to time limits in the Zoning Hearing Board decision, which may be different from the time limits in §135-383.B.**

As depicted on Sheet 17 of the Site Plan, the Proposed Development is proposed to be developed and constructed in a series of seven (7) phases over a period not to exceed ten (10) years. In order to provide sufficient time for the required municipal and outside agency review and approval processes, Applicant proposes that the Zoning Hearing Board's decision establish the following time limits: (i) submission of the preliminary plan by the end of 2028; and (ii) completion of construction within ten (10) years of special exception approval.

Accordingly, Applicant respectfully requests that the Zoning Hearing Board impose such modified time limits pursuant to Section 135-275.I of the Zoning Ordinance in lieu of the default time limits in Section 135-383.B, so that the initial subdivision plan and subsequent individual land development plans may be submitted in accordance with the foregoing schedule and the Proposed Development may proceed in an orderly, phased manner. Given the foregoing, the Application complies with this requirement.

B. SPECIFIC STANDARDS FOR VEHICULAR FUELING STATIONS (SECTION 135-268)

Section 135-268	**Vehicular Fueling Stations.**
Section 135-268.A	**The minimum lot area shall be 1/2 acre.**

As depicted on Sheet 6 of the Site Plan, the convenience store with accessory vehicular fueling and drive-through facility is proposed to be located on Tract 2, which has an area of

approximately 3.517 acres. Given the foregoing, the Application complies with this requirement.

Section 135-268.B **Vehicular fueling stations shall be connected to public water and sewer.**

The convenience store building is proposed to be connected to EAWA's public water service system and ERSA's public sewer service system. See response to Section 135-275.D of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

Section 135-268.C **A minimum lot width of 125 feet at the minimum building setback line shall be provided.**

As depicted on Sheet 6 of the Site Plan, Tract 2 is proposed to have a lot width of at least 125 feet as measured along the 15-foot building setback along Hershey Road and the 35-foot building setback along Buckingham Boulevard Extended. Given the foregoing, the Application complies with this requirement.

Section 135-268.D **All activities except those to be performed at the fuel pump shall be performed in a completely enclosed building.**

Except for those activities performed at the fuel pump, and as otherwise permitted by the Zoning Ordinance, all other activities are proposed to be performed within the completely enclosed building on Tract 2. No unauthorized activity outside of a completely enclosed building is proposed by the Application. Given the foregoing, the Application complies with this requirement.

Section 135-268.E **Fuel pumps and canopies shall be located at least 20 feet from the street right-of-way line.**

As depicted on Sheet 6 of the Site Plan, the proposed canopy and all fuel pumps are designed to be set back at least 20 feet from the right-of-way lines of Buckingham Boulevard Extended and Hershey Road. Given the foregoing, the Application complies with this requirement.

Section 135-268.F **All vehicle parts, equipment, lubricants, fuel and similar articles shall be stored within a completely enclosed building.**

No outdoor storage of vehicle parts, equipment, or above-ground fuel is proposed by the Application. Fuel is permitted and proposed for storage in completely enclosed underground storage tanks. Therefore, this requirement is not applicable.

Section 135-268.G **All junk and refuse shall be stored within a completely enclosed building or area. All discarded vehicle tires shall be stored in a completely enclosed area in such a manner so as to prevent the accumulation of stagnant water and the breeding of insects. Such storage area shall be so designed as to permit the flow of air, but shall prevent the tires from being visible to passersby.**

The Application does not propose storing any junk or discarded tires. See response to Section 135-325.D of the Zoning Ordinance describing the proposed dumpster enclosures. Given the foregoing, the Application complies with the applicable requirement.

Section 135-268.H **Lubrication, oil changes, tire changes and minor repairs shall be permitted if performed entirely within an enclosed building.**

No lubrication, oil changes, tire changes, or minor vehicle repairs are proposed by the Application. Therefore, this requirement is not applicable.

Section 135-268.I **Motor vehicles shall not be stored outdoors while awaiting repairs for more than seven days.**

No motor vehicle repair or outdoor storage of vehicles awaiting repair is proposed by the Application. Therefore, this requirement is not applicable.

Section 135-268.J **The storage or parking of junked, abandoned or dismantled vehicles or vehicles that do not have current inspection and license stickers shall not be permitted.**

No junked, abandoned, or dismantled vehicles, or vehicles without current inspection and license stickers, are proposed to be stored or parked by Applicant. Given the foregoing, the Application complies with this requirement.

Section 135-268.K **All applicable permits shall be obtained for the underground storage of fuel.**

At the hearing, Applicant will present testimony confirming that, if the Application is approved, all applicable permits for underground fuel storage will be obtained. Finally, Applicant will present testimony that it will submit copies of such approvals to the Township upon receipt. Given the foregoing, the Application complies with this requirement.

Section 135-268.L **The site must front upon and gain access from a collector or arterial road as designated in § 135-301 herein.**

As depicted on Sheet 6 of the Site Plan, Tract 2 fronts on, and the proposed access drives connect to: (i) Hershey Road, classified as an arterial street in Section 135-301.A(3)(b) of the Zoning Ordinance; and (ii) Buckingham Boulevard Extended, classified as a collector street in Section 135-301.B(2)(w) of the Zoning Ordinance. See response to Section 135-326.A of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

C. SPECIFIC STANDARDS FOR VEHICULAR WASHING FACILITIES (SECTION 135-269)

Section 135-269 **Vehicular Washing Facilities.**

Section 135-269.A **Public water and sewer facilities shall be used.**

The vehicular washing facility on Tract 1 is proposed to be connected to EAWA's public water service system and ERSA's public sewer service system. See response to Section 135-275.D of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

Section 135-269.B **Each washing bay shall be provided with a one-hundred-foot on-site stacking lane.**

As depicted on Sheet 6 of the Site Plan, the single washing bay is provided with an on-site stacking lane at least 100 feet long. Given the foregoing, the Application complies with this requirement.

Section 135-269.C **All structures housing washing apparatus shall be set back 100 feet from any street line, except within a planned mixed-use development where a 50 foot setback shall be permitted, 50 feet from any rear property line and 20 feet from any side property line.**

As depicted on Sheet 6 of the Site Plan, the building is designed to be set back distances of at least: (i) 50 feet from the front and rear lot lines; and (ii) 20 feet from the side lot lines. The Application proposes no unauthorized encroachment within the required setback. Given the foregoing, the Application complies with this requirement.

Section 135-269.D **Trash receptacles shall be provided and regularly emptied to prevent the scattering of litter.**

The vehicular washing facility is proposed to include trash receptacles, including at the vacuum apparatuses. At the hearing, Applicant will present testimony confirming that, if the Application is approved, all trash receptacles will be emptied regularly to prevent the scattering of litter. Given the foregoing, the Application complies with this requirement.

Section 135-269.E	**The site must front upon and gain access from a collector or arterial road as designated in § 135-301 herein.**

As depicted on Sheet 6 of the Site Plan, Tract 1 fronts on Hershey Road, classified as an arterial street in Section 135-301.A(3)(b) of the Zoning Ordinance. Although no access drive on Tract 1 connects directly to a public street, Tract 1 gains access to Hershey Road through the full-movement shared access drive located on Tract 2, within an access easement benefiting Tract 1. See responses to Sections 135-326.A(1) and 135-326.A(2) of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

Section 135-269.F	**Gray water recycling and treatment equipment shall be incorporated as part of the facility operations. All such equipment shall include provisions for the collection of waste, grease, oil, soap, wax, and other materials that can't be recycled or utilized as part of the operations.**

At the hearing, Applicant will present testimony confirming that if the Application is approved, graywater recycling and treatment equipment, including that for the collection of waste, grease, oil, soap, wax, and other materials that cannot be recycled or utilized as part of the operations, will be installed in support of the vehicular washing facility's operations. Given the foregoing, the Application complies with this requirement.

D. SPECIFIC STANDARDS FOR CERTAIN USES WITH DRIVE-THROUGH FACILITIES (SECTION 135-255)

Section 135-255	**Restaurants, Retail Uses … with Drive-In or Drive-Through Facilities.**
Section 135-255.A	**The minimum lot size shall be one acre.**

As depicted on Sheet 5 of the Site Plan, Tract 8, proposed to include the retail shopping center building with drive-through facility, is approximately 4.257 acres. Also, Tract 3, proposed to include the drive-through restaurant, is approximately 1.8 acres.

Additionally, as depicted on Sheet 6 of the Site Plan, Tract 2, proposed to include the convenience store with drive-through facility, is approximately 3.517 acres. Given the foregoing, the Application complies with this requirement.

Section 135-255.B **A vehicle stacking lane area shall be provided which shall have stacking room for at least six vehicles for restaurant uses and at least three vehicles for retail and financial institutions.**

As depicted on Sheet 5 of the Site Plan, Tract 8, proposed to include the retail shopping center building with a drive-through facility, has a vehicle stacking lane designed to accommodate at least six (6) vehicles. Also, Tract 3, proposed to include the drive-through restaurant, has a vehicle stacking lane designed to accommodate at least six (6) vehicles.

Additionally, as depicted on Sheet 6 of the Site Plan, Tract 2, proposed to include the convenience store with drive-through facility, has a vehicle stacking lane designed to accommodate at least three (3) vehicles. Given the foregoing, the Application complies with this requirement.

Section 135-255.C **Vehicle stacking lanes shall be separated from other vehicle circulation lanes and parking areas and the stacking area shall not be counted towards the required parking.**

As depicted on Sheets 5 and 6 of the Site Plan, the proposed drive-through vehicle stacking lanes are designed to be separated from other vehicle circulation lanes and parking lot areas via curbing, landscaping, striping and pavement markings, directional signage, or other improvements. None of the spaces in the stacking lanes are proposed to be counted toward the required minimum number of parking spaces. Given the foregoing, the Application complies with this requirement.

Section 135-255.D **Vehicle stacking lanes shall be set back at least 15 feet from the ultimate street right-of-way and shall not be located within a required yard setback.**

As depicted on Sheets 5 and 6 of the Site Plan, the proposed drive-through vehicle stacking lanes for the: (i) retail shopping center building on Tract 8; (ii) drive-through restaurant on Tract 3; and (iii) convenience store on Tract 2, are each designed to be set back a distance of at least 15 feet from the right-of-way lines of Buckingham Boulevard Extended and Hershey Road. None of the stacking lanes are permitted or proposed to be located within any required yard setback. Given the foregoing, the Application complies with this requirement.

Section 135-255.E **Any outdoor microphone and speaker system shall be so designed that sound shall not be transmitted to adjoining properties.**

As depicted on Sheets 5 and 6 of the Site Plan, any outdoor microphone and speaker system for the: (i) retail shopping center building located on Tract 8; (ii) drive-through restaurant on Tract 3; and (iii) convenience store with drive-through facility on Tract 2, is designed to be set back distances of at least 15 feet from the nearest Tract lines. When combined with the required landscaping and screening treatments on such Tracts, the proposed setback distances help mitigate potential sound impacts on adjoining properties.

At the hearing, Applicant will present testimony confirming that, if the Application is approved, any outdoor microphone and speaker system is designed and proposed to be operated so that no sound will be transmitted to adjoining properties. Given the foregoing, the Application complies with this requirement.

Section 135-255.F **Location.**

Section 135-255.F(1) **Drive-through windows designed to be on the rear- or side-facing wall of a building are permitted.**

As depicted on Sheets 5 and 6 of the Site Plan, the drive-through windows are designed to be located on the side walls of the buildings, and not on any front-facing wall (i.e., wall oriented toward an abutting street). Given the foregoing, the Application complies with this requirement.

Section 135-255.F(2) **The Zoning Hearing Board may permit drive-through windows on the front-facing wall of a building by special exception, in accordance with the following criteria:**

(a) **A landscape strip and screen that is a minimum of 10 feet wide shall be planted and shall include evergreen trees, hedges, or shrubs. The landscape strip and screen shall be installed, maintained and contain such materials as required by § 135-299. Notwithstanding the requirements in § 135-299C(2), the screening shall be arranged so as to block the ground-level views between grade and a height of three feet.**

(b) **An applicant shall be required to submit the proposed building's front face wall elevation as part of the special exception application, which elevation shall identify the proposed architectural detail and the number of**

proposed drive-through windows and which shall depict the screening required in Subsection F(1) above.

As depicted on Sheets 5 and 6 of the Site Plan, no drive-through window is proposed to be located on any front-facing wall (i.e., wall oriented toward an abutting street). Therefore, this requirement is not applicable.

E. SPECIFIC STANDARDS FOR TOWNHOUSES (SECTION 135-262)

Section 135-262	**Townhouses shall be subject to the following requirements:**
Section 135-262.A	**No townhouse building shall contain more than six units, except within a planned mixed-use development, where up to 8 units per building are permitted.**

As depicted on Sheet 8 of the Site Plan, the proposed townhouse building on Tract 5 is designed to include only eight (8) dwelling units. Given the foregoing, the Application complies with this requirement.

Section 135-262.B	**Development consisting of more than four townhouse buildings shall be accessible via a minimum of two different streets.**

As depicted on Sheet 8 of the Site Plan, there is only one (1) townhouse building on Tract 5. Therefore, this requirement is not applicable. Regardless, Tract 5 abuts two (2) streets, Buckingham Boulevard Extended to the north, and Ironstone Drive Extended.

Section 135-262.C	**Townhouse buildings shall be served by public water and public sewer facilities.**

The townhouse building on Tract 5 is proposed to be connected to EAWA's public water service system and ERSA's public sewer service system. See response to Section 135-275.D of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

Section 135-262.D	**Townhouse buildings shall be prohibited on cul-de-sac or dead-end streets.**

As depicted on Sheet 8 of the Site Plan, the townhouse building on Tract 5 is proposed to abut and have access to Ironstone Drive Extended, a proposed through street. The townhouse building is not proposed to be located on a cul-de-sac street or a dead-end street. Given the foregoing, the Application complies with this requirement.

…

Section 135-262.F **Townhouse buildings shall not have direct driveway access onto collector or arterial streets. If, however, frontage onto these types of streets is unavoidable, then vehicular access shall be provided through the use of rear alleys, provided there is a minimum of 300 feet separation, center line to center line, between alleys.**

As depicted on Sheet 8 of the Site Plan, the townhouse building on Tract 5 is proposed to have direct driveway access to Ironstone Drive Extended, which, pursuant to Section 135-301.C of the Zoning Ordinance, is classified as a local street. The townhouse building is not proposed to have direct access to a street classified as an arterial or collector, pursuant to Sections 135-301.A and 135-301.B of the Zoning Ordinance. Further, no alley is required or proposed to serve the townhouse building. Given the foregoing, the Application complies with this requirement.

Section 135-262.G **The applicant shall prove to the satisfaction of the Township at the time of plan submittal that a townhouse building or development consisting of multiple townhouse buildings has been designed to:**

(1) Provide an appropriate right-of-way and cartway width sufficient in satisfying any surplus on-street visitor parking;

(2) Provide comments from local emergency service providers that the layout plan as shown on the application is acceptable for the access and maneuvering of emergency apparatus; and

(3) Minimize the number of vehicle driveways that back out onto a public street, in order to minimize conflicts between such vehicle traffic, traffic on the street, and pedestrian traffic.

As depicted on Sheet 8 of the Site Plan, there is only one (1) townhouse building on Tract 5. Therefore, the requirements of Section 135-262.G of the Zoning Ordinance are not applicable.

Regardless, as depicted on Sheet 8 of the Site Plan, the townhouse building layout is designed to meet the objectives of Section 135-262.G of the Zoning Ordinance. First, Ironstone Drive Extended is designed to have a right-of-way width of 50 feet and a cartway

width of 34 feet. The proposed widths comply with the applicable requirements for local streets with on-street parking along at least one (1) side as set forth in Section 119-52.J (New Street Right-of-Way and Cartway Widths) of the SLDO, sufficient to accommodate additional parking as well as emergency service vehicles and apparatus access and movements. In fact, as depicted on Sheets 8 and 16 of the Site Plan, the design and layout of Ironstone Drive Extended provide for access and maneuvering of emergency service vehicles and apparatus.

Further, Tract 5 is a small, irregularly shaped triangular lot that abuts: (i) Buckingham Boulevard Extended, classified as a collector street; and (ii) Ironstone Drive Extended, classified as a local street. In accordance with Section 135-262.F of the Zoning Ordinance, no driveway is permitted or proposed to connect to Buckingham Boulevard Extended. Therefore, driveway access is permitted only onto Ironstone Drive Extended, a local public street. Although only eight (8) driveways on Tract 5 are proposed to connect to Ironstone Drive Extended, there is only one (1) driveway connection for each dwelling unit. Additionally, although the proposed driveways are designed so that vehicles can back onto Ironstone Drive Extended, such driveways are designed in compliance with all applicable requirements as set forth in Section 119-52.S(2) (Driveways) of the SLDO so as to help minimize conflicts between vehicle traffic, traffic on the street, and pedestrian traffic.

Finally, comment responses from Marc Hershey, Deputy Chief, Friendship Fire and Hose Company Number 1, and Michael R. Bryant, Chief of Police, Northwest Lancaster County Regional Police, confirm that the proposed layout depicted on the Site Plan is acceptable for the access and maneuvering of the respective emergency apparatus (collectively, "Emergency Services Comment Letters"), attached as Exhibit E.

Section 135-262.H	**All alleys shall be privately maintained. The ownership and maintenance of any alley shall be addressed in an agreement in a form acceptable to the Township Solicitor. Ownership and maintenance of alleys shall be addressed in an agreement as part of a homeowners' association or through the setting forth of the maintenance responsibilities in easements in the deeds to the lots which have the right to use the alley. All such documents shall be in a form acceptable to the Township Solicitor.**

As depicted on Sheet 8 of the Site Plan, no alley is proposed to serve the townhouse building. Therefore, this requirement is not applicable.

Section 135-262.I	**Alleys may terminate into a common parking compound but shall not be permitted to terminate into a dead end or cul-de-sac.**

See response to Section 135-262.H of the Zoning Ordinance. Therefore, this requirement is not applicable.

Section 135-262.J	**No more than five consecutive townhouse buildings, blocks, or groupings shall be permitted along a street without the use of a midblock separator, which shall consist of a park, tot-lot, landscaped common parking compound, or landscaped open space, etc.**

As depicted on Sheet 8 of the Site Plan, there is only one (1) townhouse building on Tract 5. Therefore, this requirement is not applicable.

Section 135-262.K	**Minimum lot area: 3,000 square feet per dwelling unit, provided that the minimum size of the tract shall be two acres.**

As depicted on Sheet 8 of the Site Plan, there is only one (1) townhouse building on Tract 5, totaling eight (8) units. Since 3,000 square feet of area is required for each of the eight (8) units, a total area of 24,000 square feet (i.e., 0.55 acres) is required. Tract 5 is proposed to be approximately 2.322 acres. Given the foregoing, the Application complies with this requirement.

Section 135-262.L	**Minimum lot width: The minimum lot width for townhouse lots shall be 20 feet per dwelling unit at the minimum building setback line, provided that the minimum width of an area comprising a townhouse building shall be 150 feet.**

As depicted on Sheet 8 of the Site Plan, there is only one (1) townhouse building on Tract 5, totaling eight (8) units. Since 20 feet of width, as measured along the 25-foot building setback along Ironstone Drive Extended right-of-way, is required for each of the eight (8) units, a total lot width of 160 feet is required. The overall total width of Tract 5 is proposed to be greater than 160 feet. Given the foregoing, the Application complies with this requirement.

Section 135-262.M	**Minimum lot depth: The minimum lot depth for townhouse lots shall be 120 feet.**

As depicted on Sheet 8 of the Site Plan, the depth of Tract 5 is proposed to be greater than 120 feet. Given the foregoing, the Application complies with this requirement.

Section 135-262.N	**Maximum impervious surface coverage: The maximum impervious surface coverage for townhouse lots shall not exceed 60%.**

As depicted on Sheet 8 of the Site Plan, the proposed impervious surface coverage of Tract 5 is approximately 22.5%. See response to Section 135-145.F(2)(b) of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

Section 135-262.O	**Maximum permitted height: The maximum permitted height for townhouse buildings shall be 35 feet.**

As depicted on Sheet 8 of the Site Plan, the townhouse building is designed to have a height no greater than 35 feet. Given the foregoing, the Application complies with this requirement.

Section 135-262.P	**Minimum setback requirements:**
Section 135-262.P(1)	**Front-yard setback: The classification of all existing streets shall be in accordance with the requirements of § 135-301. The classification of all proposed streets shall be in accordance with the Mount Joy Township Official Map, as amended. Townhouses shall contain a front yard setback from the ultimate road right-of-way of 25 feet.**

As depicted on Sheet 8 of the Site Plan, the townhouse building on Tract 5 is designed to be set back a distance of at least 25 feet from the right-of-way lines of Buckingham Boulevard Extended and Ironstone Drive Extended. Given the foregoing, the Application complies with this requirement.

Section 135-262.P(2)	**Side-yard setback: Townhouses shall have a side yard of 20 feet at each end of the building and a minimum distance of 40 feet between ends of buildings.**

As depicted on Sheet 8 of the Site Plan, each of the end units of the townhouse building on Tract 5 is designed to be set back a distance of at least 20 feet from the side lot line of Tract 5. Given the foregoing, the Application complies with the applicable side yard requirement. Further, although there is only one (1) townhouse building on Tract 5, and the 40-foot end building requirement is not applicable, the townhouse building complies with the building separation requirement of Section 135-262.P(2) of the Zoning Ordinance.

Section 135-262.P(3)	**Rear yard: The minimum rear yard for townhouse lots shall be 35 feet.**

As depicted on Sheet 8 of the Site Plan, the townhouse building on Tract 5 is designed to be set back a distance of at least 35 feet from the rear lot line of Tract 5. Given the foregoing, the Application complies with this requirement.

Section 135-262.Q **Minimum separation between buildings. In developments where multiple townhouse buildings are constructed upon common lands or as part of a condominium association, the following separation distances shall be provided between each townhouse building or grouping:**

(1) Front to front, rear to rear, or front to rear parallel buildings shall have 70 feet between the facades of the buildings. If the front or rear facades are obliquely aligned, the above distance may be decreased by as much as 10 feet at one end if increased by a similar or greater distance at the other end.

(2) A yard space of 35 feet is required between end walls of buildings for each building. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of 20 feet.

(3) A yard space of 35 feet is required between end walls and front or rear facades of the buildings.

As depicted on Sheet 8 of the Site Plan, there is only one (1) townhouse building on Tract 5. Therefore, these requirements are not applicable. Regardless, the townhouse building complies with the building separation requirements of Section 135-262.Q f the Zoning Ordinance.

Section 135-262.R **Changes in facade. For every grouping of townhouses containing four or more units no more than 67% of such units can have the same front-yard setback and no more than two contiguous units can share the same front-yard setback.**

Attached as Exhibit F is a conceptual architectural exhibit ("Conceptual Architectural Exhibit: Townhouse Buildings") intended only to generally illustrate potential architectural character, materials, and design treatments for the proposed townhouse building. The Conceptual Architectural Exhibit: Townhouse Buildings is illustrative and representative in nature and is not intended to limit or bind Applicant to the specific building elevations, façade configurations, materials, colors, architectural features, or other design details depicted.

At the hearing, Applicant will present testimony confirming that if the Application is approved, no more than: (i) five (5) of the eight (8) dwelling units (i.e., 62.5%); and (ii) two (2) contiguous dwelling units will have the same front yard setback. Given the foregoing, the Application complies with this requirement.

Section 135-262.R(1)	**Such structural offset shall involve a minimum variation of four feet and a maximum of 10 feet between the front-yard setback of an attached garage and the main facade of the principal dwelling.**

At the hearing, Applicant will present testimony confirming that if the Application is approved, the structural offsets required by Section 135-262.R of the Zoning Ordinance will vary between four (4) feet and 10 feet between the front yard setback of an attached garage and the main facade of the principal dwelling to which it is attached. See Conceptual Architectural Exhibit: Townhouse Buildings attached as Exhibit F. Given the foregoing, the Application complies with this requirement.

Section 135-262.R(2)	**Each townhouse building or grouping shall use at least two different facade treatments, such as brick, stone, stucco, or vinyl siding veneers, and shall use a variety of window types, balconies, doors, dormers, and rooflines.**

At the hearing, Applicant will present testimony confirming that if the Application is approved, the townhouse building will include at least two (2) different facade treatments, such as brick, stone, stucco, vinyl siding veneers and/or other similar materials, as well as a variety of other architectural details and treatments, such as windows, balconies, doors, dormers and/or rooflines. See Conceptual Architectural Exhibit: Townhouse Buildings attached as Exhibit F. Given the foregoing, the Application complies with this requirement.

Section 135-262.S	**Parking.**
Section 135-262.S(1)	**Off-street parking spaces shall be provided and designed in accordance with Article XXV.**

As described in Section III.I of this Narrative, the Application complies with all applicable Parking Regulations set forth in Article XXV of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

Section 135-262.S(2)	**If no garages are to be provided in a townhouse building and parking is to be provided in the front-yard area of the townhouse buildings, then the following shall apply:**

(a) **Direct driveway access from each dwelling unit onto a public street shall be prohibited.**

(b) **A common parking compound shall be provided with one entry and one exit point for each townhouse building that is sufficient in size to provide the number of parking spaces for each dwelling unit as indicated in Article XXV and at least one additional parking space per each dwelling unit shall be provided for visitor parking. Visitor parking spaces shall not be located further than 200 feet from the dwelling unit for which the space has been designated to serve.**

(c) **A common parking compound shall be separated from any public street right-of-way by a curbed landscape planting island that is a minimum of 20 feet in width, that shall accommodate public sidewalks and shall contain street trees.**

(d) **The common parking compound shall be set back a minimum of 15 feet from the front facade of a townhouse building. For the purpose of this section, a covered front porch area shall be considered as part of the front facade.**

(e) **Townhouse buildings that are front facing and set at right angles to a public street right-of-way may share a common parking compound, entry and exit points, provided that a curbed landscape planting island is installed along the length of the center of the shared parking compound and a one-way travel lane is maintained between the landscape island and the parking spaces on both sides of the landscape island.**

As depicted on Sheet 8 of the Site Plan, each townhouse unit is proposed to have a garage. See responses to Section 135-262.S(3) of the Zoning Ordinance. Therefore, this requirement is not applicable.

Section 135-262.S(3)	**If garages are to be provided in a townhouse building, then the following shall apply:**
Section 135-262.S(3)(a)	**Direct driveway access from each dwelling unit to a public street shall be minimized to the greatest extent possible by locating off-street parking spaces and garages in a rear-yard area which shall be serviced by an alley system.**

As depicted on Sheet 8 of the Site Plan, each townhouse unit is proposed to have a garage and driveway access to Ironstone Drive Extended. See response to Section 135-262.G(3) of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

Section 135-262.S(3)(b)	**Attached garages shall not protrude more than 10 feet from the front or rear facade of a townhouse building.**

As depicted on Sheet 8 of the Site Plan, none of the garages are designed to protrude a distance greater than 10 feet from the front or rear façade of the townhouse building. See response to Section 135-262.R(1) of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

Section 135-262.S(3)(c)	**Detached garages must be located in a rear-yard area and may employ a zero-lot-line side- and rear-yard setback, provided that the detached garage shares a common wall with a detached garage on an adjacent lot and are located in such a manner as to have sufficient sight distance and turning movement space to and from the garage onto the alley which provides access to the garage.**

As depicted on Sheet 8 of the Site Plan, the garages on Tract 5 are proposed to be attached to the principal dwelling units in the townhouse building. No detached garage is proposed by the Application. Therefore, this requirement is not applicable.

Section 135-262.S(3)(d)	**Driveways serving townhouse units with front-loaded garages shall have a minimum length of 20 feet and a maximum length of 50 feet.**

As depicted on Sheet 8 of the Site Plan, all driveways serving the dwelling units with front-loaded garages on Tract 5 are designed to have lengths of at least 20 feet but not greater than 50 feet. Given the foregoing, the Application complies with this requirement.

Section 135-262.S(4) **Provisions shall be made to eliminate the possibility of vehicles in off-street parking spaces from overhanging or encroaching into pedestrian sidewalk areas.**

As depicted on Sheet 8 of the Site Plan, the townhouse building on Tract 5 is required and proposed to be set back a distance of at least 25 feet from the Ironstone Drive Extended right-of-way. See response to Section 135-262.P(1) of the Zoning Ordinance. The proposed driveway lengths exceed the minimum 20-foot length requirement of 90-degree parking spaces set forth in Section 119-53.A (Parking Facilities), Appendix No. 18 of the SLDO, by five (5) feet. Further, pursuant to Section 119-53.A(3) of the SLDO, the public sidewalks adjacent to the driveways are required and designed to have widths of at least four (4) feet in addition to the 25 feet of length in the driveways (i.e., overall total of 29 feet). Given the foregoing, the Application complies with this requirement.

Section 135-262.S(5) **When off-street parking is provided at the rear of the townhouse lots, the access to off-street parking, when provided to more than one dwelling unit, shall conform to the requirements for alleys.**

As depicted on Sheet 8 of the Site Plan, no off-street parking designed to be located at the rear of the townhouse building is proposed by the Application. Therefore, this requirement is not applicable.

Section 135-262.T **Accessory buildings.**

(1) Accessory buildings shall be prohibited on townhouse lots where detached garages exist.
(2) Maximum height: 15 feet.
(3) Front yard: The minimum building setback line from all streets shall be that distance as required for principal dwellings plus an additional 15 feet.
(4) Side yard.

(a) Interior townhouse units: The minimum distance to any interior side lot line shall be five feet.

(b) Townhouse end units: The minimum distance to any side lot line shall be 10 feet.

(5) Rear yard: The minimum distance to any rear lot line shall be six feet.

As depicted on Sheet 8 of the Site Plan, no accessory building is proposed to be located on Tract 5. Therefore, this requirement is not applicable.

F. MU DISTRICT REGULATIONS (ARTICLE XV)

…

Section 135-142 **Permitted-by-right uses. Permitted-by-right uses shall be as follows:**

…

E. Park-and-ride facilities for persons using mass transit or carpooling.

…

P. ... privately owned recreation facilities.

…

T. Restaurants … including drive-through restaurants meeting § 135-255

U. Hotels …

…

BB. Accessory uses customarily incidental to the above-permitted uses.

…

As depicted on Sheet 4 of the Site Plan, the commuter park-and-ride facility is permitted and proposed on Tract 12. Second, as depicted on Sheet 4 of the Site Plan, private recreation facilities/open space are permitted and proposed on Tracts 10, 11, and 13. Next, the drive-through restaurant is permitted and proposed on Tract 3, as depicted on Sheet 5 of the Site Plan. Further, as depicted on Sheet 5 of the Site Plan, the hotel is permitted and proposed on Tract 9. Finally, accessory structures and uses customarily incidental to the permitted uses are permitted and proposed on the Tracts. See response to Section 135-

275.A of the Zoning Ordinance describing the permitted and proposed uses. Given the foregoing, the Application complies with this requirement.

Section 135-143

Special exception uses. The following uses are permitted when special exceptions are granted by written approval of the Zoning Hearing Board. In granting any special exception, the Board may attach certain conditions to its approval which it feels are necessary requirements in order to preserve and protect the character of the district in which the proposed use would locate. The burden shall be upon the applicant to prove that the approval of the application will not be detrimental to the health, safety and general welfare of the community.

…

D. Vehicular fueling stations, including those fueling stations that are provided as an accessory use to a retail establishment or convenience store, in accordance with § 135-268.

…

F. Vehicular washing facilities in accordance with § 135-269.

…

H. Retail stores and shopping centers in excess of 10,000 square feet of gross floor area in accordance with § 135-256. If the retail use consists of home improvement and building materials sales, such use shall also comply with § 135-233.

…

R. Planned mixed-use development in accordance with §135- 275.

S. Accessory structures and uses customarily incidental to the above special exception uses.

As depicted on Sheet 6 of the Site Plan, the convenience store with accessory vehicular fueling is permitted and proposed on Tract 2. Next, as depicted on Sheet 6 of the Site Plan, the vehicular washing facility is permitted and proposed on Tract 1. Additionally, the retail shopping center building with a gross floor area of 24,000 square feet is permitted and proposed on Tract 8, as depicted on Sheet 5 of the Site Plan. (See response to Section 135-275.C of the Zoning Ordinance stating that the requirements of Section 135-256 of the Zoning Ordinance do not apply, since the proposed retail shopping center building exceeds 10,000 square feet and is within a planned mixed-use development.) Further, as stated in Section III of this Narrative, Applicant requests that the Zoning Hearing Board grant special exception approval pursuant to Section 135-143.R of the Zoning Ordinance to permit the Proposed Development as a planned mixed-use development on the Development Tract in the MU District. Finally, accessory structures and uses customarily incidental to the permitted uses are permitted and proposed on the Tracts. See response to Section 135-275.A of the Zoning Ordinance describing the permitted and proposed uses. Given the foregoing, the Application complies with this requirement.

…

Section 135-145	**Area and bulk regulations.**
Section 135-145.A	**Minimum lot area for nonresidential uses. The minimum lot area for nonresidential uses shall be 10,000 square feet.**

As depicted on Sheets 4 through 7 of the Site Plan, Tracts 1 through 4, and 8 through 14 are proposed to include nonresidential uses. Proposed approximate lot areas are as follows:

(i) Tract 1 = 151,024 square feet (i.e., 3.467acres);

(ii) Tract 4 = 690,252 square feet (i.e., 15.846 acres);

(iii) Tract 9 = 115,695 square feet (i.e., 2.656 acres);

(iv) Tract 10 = 24,180 square feet (i.e., 0.555 acres);

(v) Tract 11 = 45,709 square feet (i.e., 1.049 acres);

(vi) Tract 12 = 15,948 square feet (i.e., 0.366 acres);

(vii) Tract 13 = 81,703 square feet (i.e., 1.876 acres); and

(viii) Tract 14 = 693,911 square feet (i.e., 15.93 acres).

Additionally, Sections 135-268.A and 135-255.A of the Zoning Ordinance set forth more specific minimum lot area requirements for vehicular fueling stations and drive-through facilities. See response to Section 135-268.A of the Zoning Ordinance as it relates to lot area for the convenience store with accessory vehicular fueling on Tract 2. Therefore, this more general requirement is not applicable. Regardless, as depicted on Sheet 6 of the Site Plan, the proposed lot area for Tract 2 is approximately 159,531 square feet (i.e., 3.517 acres).

Further, see response to Section 135-255.A of the Zoning Ordinance as it relates to lot area for the: (i) retail shopping center building with a drive-through facility on Tract 8 (Sheet 5); (ii) drive-through restaurant on Tract 3 (Sheet 5); and (iii) convenience store with drive-through facility on Tract 2 (Sheet 6). Therefore, this more general requirement is not applicable. Regardless, the proposed lot area for: (i) Tract 8 is approximately 185,435 square feet (i.e., 4.257 acres); and (ii) Tract 3 is approximately 78,408 square feet (i.e., 1.8 acres). Given the foregoing, the Application complies with the applicable lot area requirement.

…

Section 135-145.C	**Minimum lot width. The minimum lot width for all uses shall be as follows:**
Section 135-145.C(1)	**The minimum lot width for … nonresidential principal buildings shall be 75 feet at the building setback line.**

As depicted on Sheets 4 through 7 of the Site Plan, Tracts 1, 3, 4, and 8 through 14 are proposed to include nonresidential uses. Tracts 1, 3, 4, and 8 through 14 are designed to have widths of at least 75 feet, measured along the applicable front building setback line.

Additionally, Section 135-268.C of the Zoning Ordinance sets forth a more specific minimum lot area requirement for vehicular fueling stations. See response to Section 135-268.C of the Zoning Ordinance as it relates to the lot width requirement for the convenience store with accessory vehicular fueling on Tract 2. Therefore, this more general requirement is not applicable. Regardless, as depicted on Sheet 6 of the Site Plan, the proposed lot width for Tract 2 is at least 75 feet as measured along the applicable front building setback line. Given the foregoing, the Application complies with the applicable lot width requirement.

…

Section 135-145.D	**Minimum lot depth. The minimum lot depth shall be 125 feet.**

As depicted on Sheets 4 through 7 of the Site Plan, Tracts 1 through 4, and 8 through 14 are designed to have depths of at least 125 feet. Additionally, Section 135-262.M of the Zoning Ordinance sets forth a more specific minimum lot depth requirement for

townhouses. See response to Section 135-262.M of the Zoning Ordinance as it relates to lot depth requirement for the townhouses on Tract 5. Therefore, this more general requirement is not applicable. Regardless, as depicted on Sheet 8 of the Site Plan, the proposed lot depth for Tract 5 is at least 125 feet. Given the foregoing, the Application complies with the applicable lot depth requirement.

Section 135-145.E	**Yards. Yards of the following minimum sizes shall be provided:**
Section 135-145.E(1)	**Front yard minimum depth.**
Section 135-145.E(1)(a)	**The minimum front yard building setback line from all streets shall be 35 feet from the ultimate street right-of-way as designated by § 135-301, unless a more stringent setback requirement applies for a particular use.**

As depicted on Sheets 4 through 7 of the Site Plan, for the portions of Tracts 2 through 4, 8 through 10, and 13 abutting Buckingham Boulevard Extended, each is designed to have a front yard building setback depth of at least 35 feet as measured from the ultimate street right-of-way of Buckingham Boulevard Extended.

Section 135-275.F of the Zoning Ordinance sets forth a more specific minimum front yard building setback requirement along arterial streets in planned mixed-use developments. See response to Section 135-275.F of the Zoning Ordinance as it relates to the front yard building setback requirement for the portions of Tracts 3, 8, and 11 abutting Hershey Road. Therefore, this more general requirement is not applicable. Regardless, the proposed front building setback for Tracts 3, 4, and 11 is at least 35 feet as measured from the applicable ultimate street right-of-way.

Additionally, Section 135-269.C of the Zoning Ordinance sets forth a more specific minimum front yard building setback requirement for vehicular washing facilities in planned mixed-use developments. See response to Section 135-269.C of the Zoning Ordinance as it relates to the front yard building setback requirement for Tract 1. Therefore, this more general requirement is not applicable. Regardless, the proposed front building setback for Tract 1 is at least 35 feet as measured from the applicable ultimate street right-of-way.

Further, Section 135-262.P(1) of the Zoning Ordinance sets forth a more specific minimum front yard building setback requirement for townhouses. See response to Section 135-262.P(1) of the Zoning Ordinance as it relates to the front yard building setback requirement for Tract 5. Therefore, this more general requirement is not applicable. Regardless, as depicted on Sheet 8 of the Site Plan, the proposed front building setback for Tract 5 is at least 25 feet as measured from the applicable ultimate street right-of-way, as required by Section 135-262.P(1) of the Zoning Ordinance.

Tract 12 is proposed to include a commuter park-and-ride lot, not a building. Therefore, Section 135-145.E(1)(a) of the Zoning Ordinance is not applicable.

The Application proposes no unauthorized encroachment within the required setback. Given the foregoing, the Application complies with the applicable front yard building setback requirement.

…

Section 135-145.E(1)(c) **All accessory buildings shall have a front yard in compliance with Subsection E(1)(a) above, plus an additional 15 feet.**

As depicted on Sheet 6 of the Site Plan, the fueling canopy on Tract 2 is an accessory building.[14] Section 135-268.E of the Zoning Ordinance sets forth a more specific minimum front yard requirement for fueling canopies of vehicular fueling facilities. See response to Section 135-268.E of the Zoning Ordinance as it relates to the front yard building setback requirement for the fueling canopy on Tract 2. Therefore, this more general requirement is not applicable. No other Tract is proposed to include an accessory building.

The Application proposes no unauthorized encroachment within the required setback. Given the foregoing, the Application complies with the applicable front yard setback requirement for accessory buildings.

Section 135-145.E(1)(d) **Off-street parking areas shall contain a setback of at least 15 feet from the ultimate street right-of-way. No off-street loading, excluding customer pickup locations, and outdoor storage of materials, except for those materials allowed for a specific use, shall be permitted in a front yard.**

As depicted on Sheets 4 through 7 of the Site Plan, for the portions of Tracts 2 through 4, 8 through 10, 12, and 13 abutting Buckingham Boulevard Extended, each is designed to have a front yard parking lot setback depth of at least 15 feet as measured from the ultimate street right-of-way of Buckingham Boulevard Extended.

Section 135-275.F of the Zoning Ordinance sets forth a more specific minimum front yard parking lot setback requirement along arterial streets in planned mixed-use developments. See response to Section 135-275.F of the Zoning Ordinance as it relates to the front yard

[14] Section 135-32 of the Zoning Ordinance defines the term “building, accessory” as “[a] building that houses an accessory use which is clearly incidental and subordinate to the principal use on a lot and which is located on the same lot as the principal building.” It goes on to define the term “building” in part as “[a]ny enclosed or open structure, other than a boundary wall, boundary fence or farm fence, occupying more than 16 square feet of area and/or having a roof supported by columns, piers or walls . . .”

parking lot setback requirement for the portions of Tracts 1 through 3, 8, and 11 abutting Hershey Road. Therefore, this more general requirement is not applicable. Regardless, the proposed front yard parking lot setback for the portions of Tracts 1 through 3, 8, and 11 is at least 15 feet as measured from the applicable ultimate street right-of-way.

As depicted on Sheet 8 of the Site Plan, Tract 5 is not proposed to include a parking lot. Parking for individual townhouse units is permitted and proposed to be located in driveways and garages. Therefore, Section 135-145.E(1)(d) of the Zoning Ordinance is not applicable.

The Application proposes no unauthorized encroachment within the required yard setback. Given the foregoing, the Application complies with the applicable parking setback requirement.

Section 135-145.E(2)	**Side yard.**
Section 135-145.E(2)(a)	**All nonresidential buildings, loading areas and outdoor storage areas shall be set back at least 15 feet from each side lot line. All off-street parking lots shall be set back at least 10 feet from each side lot line. If joint parking facilities are shared by adjoining uses, one of the side yard setbacks can be waived solely for parking and/or loading facilities.**

As depicted on Sheets 4 through 7 of the Site Plan, Tracts 2 through 4, 8 through 11, 13, and 14 are designed to have side yard building, loading, and storage setback depths of at least 15 feet.

Section 135-269.C of the Zoning Ordinance sets forth a more specific minimum side yard building setback requirement for vehicular washing facilities in planned mixed-use developments. See response to Section 135-269.C of the Zoning Ordinance as it relates to the side yard building setback requirement for Tract 1. Therefore, this more general requirement is not applicable. Regardless, the proposed side building, loading, and storage setback for Tract 1 is at least 15 feet.

Additionally, Section 135-262.P(2) of the Zoning Ordinance sets forth a more specific minimum side yard building setback requirement for townhouses. See response to Section 135-262.P(2) of the Zoning Ordinance as it relates to the side yard building setback requirement for Tract 5. Therefore, this more general requirement is not applicable. Regardless, as depicted on Sheet 8 of the Site Plan, the proposed side building setback for Tract 5 is at least 20 feet.

Tract 12 is proposed to include a commuter park-and-ride lot, not a building. Therefore, the side yard building, loading, and storage setback requirement of Section 135-145.E(2)(a) of the Zoning Ordinance is not applicable.

Tracts 1 through 4, and 8 through 14 are designed to have side yard parking setbacks of at least 10 feet. The Application proposes no unauthorized encroachment within the required setback. Given the foregoing, the Application complies with the applicable side yard setback requirement.

Section 135-145.E(2)(b)	**… nonresidential principal buildings shall have two side yards, neither of which shall be less than 10 feet in width.**

As depicted on Sheets 4 through 7 of the Site Plan, Tracts 1 through 4, 8 through 11, and 13 are designed to include two (2) side yard principal building setbacks, neither of which is less than 10 feet. See response to Section 135-145.E(2)(a) of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

…

Section 135-145.E(2)(d)	**All accessory buildings shall have a side yard setback of six feet.**

As depicted on Sheet 6 of the Site Plan, the fueling canopy on Tract 2 is an accessory building. The proposed fueling canopy is designed to be set back at least six (6) feet from the side lot lines. Given the foregoing, the Application complies with this requirement.

Section 135-145.E(3)	**Rear yard minimum depth.**
Section 135-145.E(3)(a)	**The rear yard minimum depth for all uses shall be 25 feet.**

As depicted on Sheets 4, 5, and 7 of the Site Plan, Tracts 4, 9 through 11, and 14 are designed to have a rear yard setback depth of at least 25 feet. As depicted on Sheets 4 through 6 of the Site Plan, Tracts 2, 3, 8, and 13 are corner lots.[15] Since corner lots are not required to have rear yards, Section 135-145.E(3)(a) of the Zoning Ordinance is not applicable.

Additionally, Section 135-269.C of the Zoning Ordinance sets forth a more specific minimum rear yard building setback requirement for vehicular washing facilities in planned mixed-use developments. See response to Section 135-269.C of the Zoning Ordinance as it relates to the rear yard building setback requirement for Tract 1. Therefore, this more general requirement is not applicable. Regardless, as depicted on Sheet 6 of the Site Plan, the proposed rear building setback for Tract 1 is at least 25 feet.

Additionally, Section 135-262.P(3) of the Zoning Ordinance sets forth a more specific minimum rear yard building setback requirement for townhouses. See response to Section 135-262.P(3) of the Zoning Ordinance as it relates to the rear yard building setback

[15] The definition of "side yard" in part states that "[i] case of a corner lot, the yards which are not front yards shall be side yards." (See Section 135-32)

requirement for Tract 5. Therefore, this more general requirement is not applicable. Regardless, as depicted on Sheet 8 of the Site Plan, the proposed rear building setback for Tract 5 is at least 25 feet.

Tract 12 is proposed to include a commuter park-and-ride lot, not a building. Therefore, Section 135-145.E(3)(a) of the Zoning Ordinance is not applicable. The Application proposes no unauthorized encroachment within the required setback. Given the foregoing, the Application complies with this requirement.

Section 135-145.E(3)(b)	**All accessory buildings shall have a rear yard setback of six feet.**

As depicted on Sheet 6 of the Site Plan, the fueling canopy on Tract 2 is an accessory building. Since Tract 2 is a corner lot and not required to have a rear yard, Section 135-145.E(3)(b) of the Zoning Ordinance is not applicable. Regardless, the proposed fueling canopy is designed to be set back at least six (6) feet from all applicable lot lines.

Section 135-145.E(3)(c)	**Off-street parking lots, loading areas and outdoor storage areas shall be set back at least 15 feet from the rear lot line.**

As depicted on Sheets 4 through 7 of the Site Plan, Tracts 1, 4, 9 through 12, and 14 are designed to have a rear yard parking, loading, and storage setback depths of at least 15 feet. Since Tracts 2, 3, 8, and 13 are corner lots and not required to have rear yards, Section 135-145.E(3)(c) of the Zoning Ordinance is not applicable. Regardless, the proposed rear parking, loading, and storage setbacks for these Tracts are at least 15 feet.

Tract 5 is not proposed to include a parking lot. Parking for individual townhouse units is permitted and proposed to be located in driveways and garages. Therefore, Section 135-145.E(3)(c) of the Zoning Ordinance is not applicable. Given the foregoing, the Application complies with this requirement.

Section 135-145.E(4)	**Residential buffer strip.**
Section 135-145.E(4)(a)	**Any lot adjoining land within a residential district shall maintain a fifty-foot setback for nonresidential buildings, structures, off-street parking lots, loading areas and outdoor storage areas, measured from the property boundary that is shared with the residential district. Such areas shall be used for a landscape strip and screen; see § 135-299.**

As depicted on Sheets 4 through 7 of the Site Plan, Tracts 1 through 4, and 8 through 14 are proposed to include nonresidential uses, but none of these Tracts adjoin land within the Township's: (i) Low-Density Residential District ("R-1 District"); (ii) Medium-Density

Residential District ("R-2 District"); (iii) High-Density Residential District ("R-3 District"); (iv) Rural District ("R District"); or (v) O-S District.[16] Therefore, this requirement is not applicable.

Section 135-145.E(4)(b)	**Any lot adjoining land that is principally a residential use at the time of application shall maintain a fifty-foot setback for nonresidential buildings, loading areas and outdoor storage areas, measured from the principal structure on the adjoining land, provided that the setback shall be a minimum of 15 feet from the property boundary that is shared with the adjoining land that is principally a residential use at the time of application. Such areas shall be used for a landscape strip and screen; see § 135-299.**

As depicted on Sheets 4, 5, and 7 of the Site Plan, Tracts 3, 4, 9, and 14 are proposed for nonresidential uses and adjoin lots that, as of the date of the Application, include principal residential structures. Tracts 3, 4, 9, and 14 are designed to have buildings, loading, and storage setback distances of at least 50 feet from principal structures on such adjoining lots. Additionally, Tracts 3, 4, 9, and 14 are designed to have buildings, loading, and storage setback distances of at least 15 feet from the shared Tract/lot lines of such adjoining lots, which, as described in responses to Section 135-299 of the Zoning Ordinance, are proposed to include the required landscape strips and screening. Given the foregoing, the Application complies with this requirement.

Section 135-145.F	**Maximum lot coverage.**
Section 135-145.F(1)	**Maximum building coverage.**
Section 135-145.F(1)(a)	**The total building coverage for nonresidential uses shall not exceed 50%.**

As depicted on Sheets 4 through 7 of the Site Plan, Tracts 1 through 4, 8, 9, and 14 are proposed to include nonresidential buildings. Proposed approximate building coverages are as follows: (i) Tract 1 = 3.5%; (ii) Tract 2 = 4.3%; (iii) Tract 3 = 4.5%; (iv) Tract 4 = 29%; (v) Tract 8 = 12.9%; (vi) Tract 9 = 8.7%; and (vii) Tract 14 = 28.9%. Since Tracts 10 through 13 are not proposed to include a building, this requirement does not apply to these Tracts.

[16] Section 135-32 of the Zoning Ordinance defines the term "residential district" as "[t]he R-1, R-2, R-3, R and O[-]S Districts." The Zoning Ordinance's use of "district" and "zone" is plainly interchangeable. In ordinary zoning vernacular, a zoning district is the same thing as a zone (i.e., a mapped geographic area subject to a defined set of regulations). Because the Zoning Ordinance uses both terms interchangeably and does not assign them different meanings, they must be construed synonymously. Any other reading would impose a distinction that the Zoning Ordinance itself does not make.

Further, this requirement does not apply to Tract 5, which is proposed to include a residential building. Given the foregoing, the Application complies with this requirement.

Section 135-145.F(1)(b)	**The total building coverage for residential uses shall not exceed 25%.**

As depicted on Sheet 8 of the Site Plan, Tract 5 is proposed to include a residential building. The proposed building coverage for Tract 5 is approximately 7.3%. Given the foregoing, the Application complies with this requirement.

Section 135-145.F(2)	**Maximum impervious coverage**
Section 135-145.F(2)(a)	**The total impervious coverage for nonresidential uses shall not exceed 65%.**

As depicted on Sheets 4 through 7 of the Site Plan, Tracts 1 through 4 and 8 through 14 are proposed to include nonresidential uses. Proposed approximate impervious coverages are as follows: (i) Tract 1 = 31.1%; (ii) Tract 2 = 58%; (iii) Tract 3 = 46.2%; (iv) Tract 4 = 50.2%; (v) Tract 8 = 51.9%; (vi) Tract 9 = 46.4%; (vii) Tract 10 = 15%; (viii) Tract 11 = 17.4%; (ix) Tract 12 = 31.4%; (x) Tract 13 = 4.2%; and (xi) Tract 14 = 51.1%. Given the foregoing, the Application complies with this requirement.

Section 135-145.F(2)(b)	**The total impervious coverage for residential uses shall not exceed 30%, except within a planned mixed-use development, where the total impervious coverage for residential uses shall not exceed 50%.**

As depicted on Sheet 8 of the Site Plan, Tract 5 is proposed to include a residential use. Section 135-262.N of the Zoning Ordinance sets forth a more specific maximum impervious surface coverage for townhouses. See response to Section 135-262.N of the Zoning Ordinance as it relates to impervious surface coverage on Tract 5. Therefore, this more general requirement is not applicable. Regardless, the proposed impervious surface coverage for Tract 5 is approximately 22.5%. Given the foregoing, the Application complies with the applicable impervious surface requirement.

Section 135-146	**Height regulations.**
Section 135-146.A	**The minimum height for all principal buildings shall be 20 feet.**

As depicted on Sheets 4 through 8 of the Site Plan, all proposed principal buildings are designed to have heights greater than 20 feet. Given the foregoing, the Application complies with this requirement.

…

Section 135-146.B(4)	**Buildings within a planned mixed-use development may have a maximum height of 50 feet.**

As depicted on Sheets 4 through 8 of the Site Plan, all proposed buildings are designed with an overall height not greater than 50 feet. Given the foregoing, the Application complies with this requirement.

Section 135-146.C	**The maximum height for all accessory buildings shall be 20 feet.**

See response to Section 135-146.B(4) of the Zoning Ordinance describing compliance with the building height limitation for a planned mixed-use development. Therefore, this requirement is not applicable.

Section 135-147	**Supplemental use regulations.**
Section 135-147.A	**All uses shall comply with Article XXIII, General Regulations.**

As described in Section III.G of this Narrative, the Application complies with all applicable General Regulations set forth in Article XXIII of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

Section 135-147.B	**All uses shall comply with Article XXIV, Sign Regulations.**

As described in Section III.H of this Narrative, the Application does not propose any specific sign at this time.

Section 135-147.C	**All uses shall comply with Article XXV, Parking Regulations.**

As described in Section III.I of this Narrative, the Application complies with all applicable Parking Regulations set forth in Article XXV of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

…

G. GENERAL REGULATIONS (ARTICLE XXIII)

…

Section 135-294	**Access to buildings.**
Section 135-294.A	**Each lot to be created and each principal structure erected or moved shall be on a lot**

which directly abuts a public street, a street proposed to be dedicated to the Township by the subdivision plan which created or creates such lot, or a private street which meets all of the requirements of Chapter 119, Subdivision and Land Development.

As depicted on Sheets 4 through 8 of the Site Plan, all proposed principal structures are designed to be located on Tracts that abut one (1) or more existing public streets or streets proposed to be constructed and offered for dedication to the Township by a subsequent subdivision/land development plan creating such Tracts. Given the foregoing, the Application complies with this requirement.

Section 135-294.B — **A paved all-weather driveway with a properly designed turnaround facility shall be provided on all lots that have access to collector and arterial roads in order that vehicles leaving the property can enter onto the roadway front first, rather than backing onto the roadway. Collector and arterial roads shall be those designated as such in this chapter.**

As depicted on Sheets 4 through 7 of the Site Plan, Tracts 1 through 4, and 8 through 14 are proposed to have paved, all-weather access drives connecting: (i) an arterial street (i.e., Hershey Road) as designated in Section 135-301.A(3)(b) of the Zoning Ordinance; and/or (ii) a collector road (i.e., Old Hershey Road and Buckingham Boulevard Extended) as designated in Sections 135-301.B(2)(q) and 135-301.B(2)(w), respectively. Such Tracts are designed to include sufficient turnaround areas so that vehicles leaving these Tracts can enter onto these abutting roadways front-first rather than back into them. Given the foregoing, the Application complies with this requirement.

…

Section 135-296 — **Vision obstruction. On any corner lot, no wall, fence or other structure shall be erected or altered and no hedge, tree, shrub, crops or other growth shall be maintained which may cause danger to vehicles or pedestrians on a public road, access drive or driveway by obscuring the view.**

As depicted on Sheets 4 through 6 of the Site Plan, Tracts 2, 3, 8, and 13 are corner lots. No wall, fence, or other structure is designed to be erected or altered to cause a danger to a vehicle or pedestrian on a public road, access drive, or driveway by obscuring the view on these Tracts. Additionally, these Tracts are designed to comply with the applicable

provisions of Section 119-52.L (Clear Sign Triangle and Stopping Sight Distances at Street Intersections) of the SLDO. At the hearing, Applicant will present testimony confirming that if the Application is approved, no wall, fence, other structure, hedge, tree, shrub, crops, or other growth is permitted or proposed to be maintained so as to cause a danger to a vehicle or pedestrian on a public road, access drive, or driveway by obscuring the view. Given the foregoing, the Application complies with this requirement.

…

Section 135-298	**Lighting regulations. Lighting of properties and uses shall comply with the following provisions:**

…

Section 135-298.C	**Illumination requirements.**
Section 135-298.C(1)	**Under-canopy lighting, for such applications as gas/service stations, hotel/theater marques, fast-food/bank/drugstore drive-ups, shall be accomplished using flat-lens, full cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be below the light source at all lateral angles. The average illumination intensity in the area directly below the canopy shall not exceed 20 maintained footcandles.**

As depicted on the lighting plan prepared by Diversified Lighting Associates, Inc. and RETTEW consisting of six (6) sheets and fixture cut sheets ("Lighting Plan"), attached as Exhibit G, the fuel pump canopy on Tract 2 is proposed to have under-canopy lighting. The proposed under-canopy lighting is designed to include flat-lens, full-cutoff fixtures aimed straight down and shielded, with the lowest opaque edge of each fixture below the light source at all lateral angles. Additionally, the proposed average illumination intensity area directly below each canopy is designed to not exceed 20 maintained footcandles. Given the foregoing, the Application complies with this requirement.

Section 135-298.C(2)	**Wall-mounted luminaires intended for parking lot illumination on commercial, industrial, nonresidential … buildings and structures shall have fixtures that cut off direct light from view. All parking lot and site perimeter lighting shall be located on poles or at ground level and must be directed towards the property interior. All luminaires designed**

for entryways and decorative purposes on nonresidential … buildings and structures which exceed 2,000 lumens (150-watts incandescent) shall have fixtures that cut off direct light from view.

As depicted on Sheets 2 through 5 of the Lighting Plan, all proposed wall-mounted luminaires intended for parking lot illumination on commercial, industrial, and nonresidential buildings and structures on Tracts 1 through 4, 8, 9, and 14 are designed to include fixtures that cut off direct light from view. Also, all other proposed parking lot and site perimeter lighting on Tracts 1 through 4, 8, 9, 12, and 14 are designed to be located on poles or at ground level, directed towards the property interior. Further, all proposed luminaires designed for entryways and/or decorative purposes on nonresidential buildings and structures that exceed 2,000 lumens (150-watt incandescent) are designed to include fixtures that cut off direct light from view. Given the foregoing, the Application complies with this requirement.

Section 135-298.C(3) — **All nonresidential site light sources, and residential light sources higher than 12 feet, shall be directed away from public streets and private properties. The lamps shall be shielded in a manner so that they are not visible from the adjoining property. Sensor-controlled lamps exceeding 2,000 lumens (150-watts incandescent) shall have cutoff-type luminaires.**

As depicted on Sheets 2 through 5 of the Lighting Plan, all proposed nonresidential site light sources on Tracts 1 through 4, 8, 9, 12, and 14 are designed to be directed away from public streets and off-site/adjacent private properties. The proposed lamps are designed to be shielded so that they are not visible from the adjoining property. Any sensor-controlled lamp exceeding 2,000 lumens (150-watts incandescent) is proposed to have cutoff-type luminaires. Given the foregoing, the Application complies with this requirement.

Section 135-298.C(4) — **Parking lot lighting designs may include luminaires of a particular "period" or architectural style as an alternative or supplement to the cutoff luminaires, provided that:**

Section 135-298.C(4)(a) — **If the fixtures are not cutoff luminaires, the maximum output shall not be more than 2,000 lumens (150-watts incandescent).**

As depicted on the fixture cut sheets of the Lighting Plan, all proposed parking lot lighting luminaires that are not designed to be full cutoff are designed so that the maximum output

does not exceed 2,000 lumens (i.e., 150-watt incandescent). Given the foregoing, the Application complies with this requirement.

Section 135-298.C(4)(b)	**Maximum luminaire mounting height shall not exceed 15 feet.**

As depicted on the Lighting Plan, no proposed parking lot lighting luminaire is designed to be mounted at a height exceeding 15 feet. Given the foregoing, the Application complies with this requirement.

…

Section 135-298.C(6)	**Parking facility, vehicular and pedestrianway lighting (except for safety, security applications and all-night business operations) for commercial, industrial, and institutional uses shall be automatically extinguished no later than one hour after the close of business or facility operations. When safety and security lighting is proposed for after-hours illumination, it shall not be in excess of 33% of the number of fixtures required or permitted for illumination during regular business hours.**

As depicted on the Lighting Plan, except for safety, security applications, and all-night business operations, all other proposed parking lot, vehicular, and pedestrian lighting for commercial and industrial uses are designed to be automatically extinguished no later than one hour after the close of business or facility operations. Further, none of the safety and security lighting proposed for after-hours illumination will exceed 33% of the total number of fixtures required or permitted for illumination during regular business hours on the applicable Tract. Given the foregoing, the Application complies with this requirement.

…

Section 135-298.C(8)	**When required, streetlights shall be constructed in accordance with the regulations of Chapter 119, Subdivision and Land Development, except to the extent in which streetlights are required for a specific use as indicated in this chapter.**

As depicted on the Lighting Plan, all streetlights are proposed to be constructed in accordance with the applicable regulations of Section 119-52.O (Streetlighting) of the SLDO. Given the foregoing, the Application complies with this requirement.

…

Section 135-298.C(10)	**Flood and/or spot lights shall be so shielded, installed, and aimed so that they do not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward, or onto a public roadway or pedestrianway.**

As depicted on the Lighting Plan, any flood or spotlight is proposed to be shielded, installed, and aimed so as not to project output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward, or onto a public roadway or pedestrianway. Given the foregoing, the Application complies with this requirement.

Section 135-298.C(11)	**Barn light (a.k.a. "dusk-to-dawn lights"), where visible from other properties, shall not be permitted unless fully shielded.**

As depicted on the Lighting Plan, any barn light visible from other properties is proposed to be fully shielded. Given the foregoing, the Application complies with this requirement.

Section 135-298.C(12)	**Luminaries shall not be permitted which shine into the night sky. Flood and/or spot lights utilized for the uplighting of building facades and landscaping shall have luminaires with a maximum output of no more than 1,800 lumens (100 watts incandescent) and shall be completely shielded to prevent glare into the night sky.**

As depicted on the Lighting Plan, no luminaire is designed to shine into the night sky. Any flood or spotlight used for uplighting a building facade and landscaping is proposed to include luminaires with a maximum output not exceeding 1,800 lumens (100 watts incandescent). Further, any such luminaire is proposed to be fully shielded to prevent glare into the night sky. Given the foregoing, the Application complies with this requirement.

…

Section 135-298.C(16)	**Light Trespass Requirements.**
Section 135-298.C(16)(a)	**The maximum permitted illumination projected from any use onto a residential use shall at no time exceed 0.1 footcandle, measured line-of-sight from any point on the receiving residential property.**

As depicted on the Lighting Plan, proposed illumination projected from any proposed nonresidential use onto a residential use is designed so as not to exceed 0.1 footcandle, measured line-of-sight from any point on the receiving residential property. Given the foregoing, the Application complies with this requirement.

Section 135-298.C(16)(b)	**The maximum permitted illumination projected away from any property to a nonresidential use shall at no time exceed 1.0 footcandle, measured line-of-sight from any point on the receiving property.**

As depicted on the Lighting Plan, proposed illumination projected away from any proposed nonresidential use onto another nonresidential use is designed so as not to exceed 1.0 footcandle, measured line-of-sight from any point on the receiving nonresidential property. Given the foregoing, the Application complies with this requirement.

Section 135-298.C(17)	**Vegetation screens shall not be employed to serve as the primary means for controlling glare. Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields, baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement.**

As depicted on the Lighting Plan, although vegetation screening is proposed and serves as screening, it is not proposed as the primary means of controlling glare. All proposed glare is designed to be controlled primarily via a mixture of cutoff fixtures, shields, baffles, and fixture mounting height, wattage, aiming angle, and/or fixture placement. Given the foregoing, the Application complies with this requirement.

…

Section 135-298.D	**Exterior lighting plan.**

(1) Any applicant for any approval shall submit an exterior lighting plan with the initial application. If the proposed use is authorized by special exception, the applicant shall present the exterior lighting plan as part of the application for a special exception. …

(2) An exterior lighting plan shall include, but not be limited to, a detailed grid of illumination levels, a calculation as to the average illumination levels, the

number of lighting fixtures, the height and location of the mounting fixtures, including the underside of any canopies, details as to how lighting will be recessed, and required details of how lighting will be shielded and the angle of the shielding when required, and details of any building- or canopy-mounted lighting to show that the outline and roofline provisions have been met.

The Lighting Plan is the exterior lighting plan required by Section 135-298.D(1) of the Zoning Ordinance and includes the applicable details of Section 135-298.D(2). Given the foregoing, the Application complies with these requirements.

Section 135-299	**Landscaping and screening requirements.**
Section 135-299.A	**Any part of a commercial, industrial … lot that is not used for structures, loading areas, parking areas, driveways, access drives, storage areas and walkways shall be planted or landscaped in accordance with an overall landscaping plan to be approved by the Township.**

As depicted on Sheets 11 through 14 of the Site Plan, Tracts 1 through 4, and 8 through 14 are proposed to include nonresidential uses. All portions of such Tracts not used for structures, loading areas, parking areas, driveways, access drives, storage areas, and walkways are proposed to be planted and/or landscaped in compliance with the applicable provisions of Section 135-299 of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

Section 135-299.B	**Landscaping requirements.**
Section 135-299.B(1)	**All nonresidential … uses, … shall contain a landscape strip in all yards. All landscape strips shall be a minimum of 10 feet wide unless a greater width is required by another section of this chapter.**

As depicted on Sheets 11 through 14 of the Site Plan, Tracts 1 through 4, and 8 through 14 are proposed to include nonresidential uses. All such Tracts are designed to include landscape strips at least 10 feet wide in all required yards. Given the foregoing, the Application complies with this requirement.

Section 135-299.B(2)	**Any required landscaping (landscape strips and interior landscaping) shall include a combination of the following elements: deciduous trees, ground covers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, walls, fences, screens, sculptures, fountains, sidewalk furniture, or other approved materials. Artificial plants, trees, and shrubs may not be used to satisfy any requirement for landscaping or screening. No less than 80% of the required landscape area shall be vegetative in composition, and no outdoor storage shall be permitted within required landscape areas.**

As depicted on Sheets 11 through 15 of the Site Plan, the required landscape areas on Tracts 1 through 5, and 8 through 14 are proposed to include natural landscaping features, including a combination of new, deciduous trees or shrubs, evergreen trees or shrubs, grass, vines, flowers, rocks, gravel, or other natural ground covers. In addition, existing mature vegetation is proposed to be preserved to the extent feasible. Further, while the landscape areas on such Tracts are proposed to include a mix of manmade elements, such as walls and fences, and at least 80% of the required landscape areas are proposed to include vegetation. No artificial plants, trees, or shrubs, nor outdoor storage, are proposed within any required landscape strip. Given the foregoing, the Application complies with this requirement.

Section 135-299.B(3)	**For every 750 square feet of required landscape strip, one shade/ornamental tree shall be provided in the required landscape strips. If deciduous, these trees shall have a clear trunk at least five feet above finished grade; if evergreen, these trees shall have a minimum height of six feet. All required landscape strips shall have landscaping materials distributed along the entire length of the lot line abutting the yard, but shall not necessarily be required to have a uniform separation distance along the entire length of the landscape strip.**

As depicted on Sheets 11 through 15 of the Site Plan, required landscape strips on Tracts 1 through 4, and 8 through 14 are proposed to include installation of new shade/ornamental trees as follows:

(i) Tract 1 has approximately 11,715.21 square feet of required landscaped strip area, and 16 trees are required (11,715.21 / 750) and proposed;

(ii) Tract 2 has approximately 17,225.28 square feet of required landscaped strip area, and 23 trees are required (17,225.28 / 750) and proposed;

(iii) Tract 3 has approximately 13,578.64 square feet of required landscaped strip area, and 19 trees are required (13,578.64 / 750) and proposed;

(iv) Tract 4 has approximately 23,272.49 square feet of required landscaped strip area, and 32 trees are required (23,272.49 / 750) and proposed;

(v) Tract 5 has approximately 14,151.48 square feet of required landscaped strip area, and 19 trees are required (14,151.48 / 750) and proposed;

(vi) Tract 8 has approximately 21,171.09 square feet of required landscaped strip area, and 29 trees are required (21,171.09 / 750) and proposed;

(vii) Tract 9 has approximately 13,455.16 square feet of required landscaped strip area, and 18 trees are required (13,455.16 / 750) and proposed;

(viii) Tract 10 has approximately 2,753.59 square feet of required landscaped strip area, and four (4) trees are required (2,753.59 / 750) and proposed;

(ix) Tract 11 has approximately 4,315.22 square feet of required landscaped strip area, and six (6) trees are required (4,315.22 / 750) and proposed;

(x) Tract 12 has approximately 5,947.7 square feet of required landscaped strip area, and eight (8) trees are required (5,947.7 / 750) and proposed;

(xi) Tract 13 has approximately 13,325.48 square feet of required landscaped strip area, and 18 trees are required (13,325.48 / 750) and proposed; and

(xii) Tract 14 has approximately 16,576.72 square feet of required landscaped strip area, and 23 trees are required (16,576.72 / 750) and proposed.

Additionally, any required deciduous tree in the required landscape strip is proposed to have a clear trunk at least five (5) feet above finished grade, while any required evergreen tree is proposed to have a height of at least six (6) feet. Further, all required landscape planting materials are proposed to be distributed along the entire length of the lot line abutting the yard. Given the foregoing, the Application complies with this requirement.

Section 135-299.C	**Buffer/screening requirements.**
Section 135-299.C(1)	**All nonresidential … uses … shall contain a landscape screen, in addition to the required landscape strip, when such use is adjacent to a residential zone or to a property that is available for residential use. The landscape screen may overlap with a required setback**

or residential buffer strip and shall be a minimum of 10 feet in width, unless a greater width is required by another section of this chapter.

As depicted on Sheets 11 through 14 of the Site Plan, Tracts 1 through 4, and 8 through 14 are proposed to include nonresidential uses. While none of these Tracts adjoin land within the Township's residential districts, Tracts 3 (south side), 4 (east side), 9 (west side), 12 (south and west sides), and 14 (northwest side) adjoin lots developed with residential uses. The portions of these Tracts adjoining such residentially developed lots are proposed to include the required landscape strips with widths of at least 10 feet, along with screening. Given the foregoing, the Application complies with this requirement.

Section 135-299.C(2) **The following materials may be used within a landscape screen: evergreens (trees, hedges, or shrubs), decorative masonry walls or decorative fencing in accordance with § 135-315, earth berms, or other approved similar materials. Any wall or fence shall not be constructed of corrugated metal, corrugated fiberglass, or sheet metal. Screening shall be arranged so as to block the ground level views between grade, and a height of six feet (6), unless a more stringent regulation exists for a particular use. Landscape screens must achieve this visual blockage within three years of installation.**

As depicted on Sheets 11 through 15 of the Site Plan, any required screening is proposed to include a combination of new evergreen and deciduous plantings, decorative fencing (compliant with Section 135-315 of the Zoning Ordinance), earthen berms, or other approved similar materials. In addition, existing mature vegetation is proposed to be preserved to the extent feasible. No wall or fence included as screening is permitted or proposed to be constructed of corrugated metal, corrugated fiberglass, or sheet metal. Finally, the required screening is designed to block ground-level views between grade and a height of at least six (6) feet within three (3) years of installation. Given the foregoing, the Application complies with this requirement.

Section 135-299.D **Parking area landscaping.**

Section 135-299.D(1) **Landscaped strip. When a parking lot is located in a yard which abuts a street, a landscaped strip shall be provided on the property along the entire streetline. Unless a greater width is required by this chapter for a specific use, the landscape strip shall be a**

minimum of 15 feet wide. The width of the strip shall be measured from the ultimate street right-of-way line. The strip may be located within any other landscaped strip required to be located along a street. If there is no building or other structure on the property, the parking lot shall still be separated from the street by the landscaped strip.

As depicted on Sheets 11 through 13 of the Site Plan, Tracts 2, 3, 8, 9, and 12 are proposed to have passenger vehicle parking lots designed to be located in yards abutting Buckingham Boulevard Extended (i.e., collector street) set back a distance of at least 15 feet from such ultimate right-of-way. Additionally, Section 135-275.F of the Zoning Ordinance sets forth more specific minimum parking lot setback along arterial streets in planned mixed-use developments. See response to Section 135-275.F of the Zoning Ordinance as it relates to the parking lot setback along Hershey Road (i.e., arterial street) on the portions of Tracts 1 through 3, and 8. Therefore, this more general setback requirement is not applicable.

Regardless, all required parking setback areas are proposed to include landscape strips along the applicable ultimate street right-of-way, designed to comply with the applicable width requirement. Given the foregoing, the Application complies with the applicable requirements.

Section 135-299.D(2) **Interior landscaping.**

Section 135-299.D(2)(a) **In any parking area containing 15 or more parking spaces (except a parking garage), 5% of the total area of the parking lot shall be devoted to interior landscaping. Such interior landscaping may be used, for example, at the end of parking space rows and to break up rows of parking spaces at least every 15 parking spaces, and to help visually define travel lanes through or next to the parking lot. Landscaped areas situated outside the parking lot, such as peripheral areas and areas surrounding buildings, shall not constitute interior landscaping. For the purpose of computing the total area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking spaces and access drives, aisles, islands and curbed areas. Ground cover alone is not sufficient to meet this**

requirement. Trees, shrubs or other approved material shall be provided. At least one shade tree shall be provided for each 300 square feet (or fraction) of required interior landscaping area. These trees shall have a clear trunk at least five feet above finished-grade level.

As depicted on Sheets 11 through 14 of the Site Plan, Tracts 1 through 4, 8, 9, and 14 are proposed to include passenger vehicle parking lots with at least 15 parking spaces. The required interior landscaping of such parking lots is proposed to be provided as follows:

(i) Tract 1 has approximately 18,812.92 square feet of parking lot area requiring approximately 940.65 square feet (5%), but approximately 1,013.6 (5.4%) is proposed;

(ii) Tract 2 has approximately 35,265.31 square feet of parking lot area requiring approximately 1,763.27 square feet (5%), but approximately 1,807.15 (5.1%) is proposed;

(iii) Tract 3 has approximately 28,196.33 square feet of parking lot area requiring approximately 1,409.82 square feet (5%), but approximately 2,004.88 (7.1%) is proposed;

(iv) Tract 4 has approximately 35,994.84 square feet of parking lot area requiring approximately 1,799.74 square feet (5%), but approximately 2,962.36 (8.2%) is proposed;

(v) Tract 8 has approximately 57,676.5 square feet of parking lot area requiring approximately 2,883.83 square feet (5%), but approximately 4,430.89 (7.4%) is proposed;

(vi) Tract 9 has approximately 47,433.37 square feet of parking lot area requiring approximately 2,371.67 square feet (5%), but approximately 4,259.74 (8.9%) is proposed; and

(vii) Tract 14 has approximately 34,244.88 square feet of parking lot area requiring approximately 1,712.24 square feet (5%), but approximately 1,763.11 (5.1%) is proposed.

Such required interior landscaping is proposed to be used at the end of parking space rows and to break up rows of parking spaces, ensuring no more than 15 consecutive parking spaces, and to visually define travel lanes through and/or next to such parking lots.

Further, required interior landscaping of such parking lots is proposed to include shade trees as follows:

(i) Tract 1 requires approximately 940.65 square feet (5%) of interior landscaping for parking, and four (4) trees are required (940.65 / 300) and proposed;

(ii) Tract 2 requires approximately 1,763.27 square feet (5%) of interior landscaping for parking, and six (6) trees are required (1,763.27 / 300) and proposed;

(iii) Tract 3 requires approximately 1,409.82 square feet (5%) of interior landscaping for parking, and five (5) trees are required (1,409.82 / 300) and proposed;

(iv) Tract 4 requires approximately 1,799.74 square feet (5%) of interior landscaping for parking, and six (6) trees are required (1,799.74 / 300) and proposed;

(v) Tract 8 requires approximately 2,883.83 square feet (5%) of interior landscaping for parking, and 10 trees are required (2,883.83 / 300) and proposed;

(vi) Tract 9 requires approximately 2,371.67 square feet (5%) of interior landscaping for parking, and eight (8) trees are required (2,371.67 / 300) and proposed; and

(vii) Tract 14 requires approximately 1,712.24 square feet (5%) of interior landscaping for parking, and six (6) trees are required (1,712.24 / 300) and proposed.

Although not required since Tract 12 has only 12 parking spaces, Tract 12 is proposed to include: (i) approximately 4,999.91 square feet of parking lot area; (ii) approximately 633.9 square feet of interior landscaping for parking; and (iii) one (1) tree is proposed. Finally, any tree required for interior landscaping of a parking lot is proposed to have a clear trunk of at least five (5) feet above finished-grade level. Given the foregoing, the Application complies with this requirement.

Section 135-299.D(2)(b)	**Parked vehicles may not overhang interior landscaped areas more than 2 1/2 feet. Where necessary, wheel stops or curbing shall be provided to insure no greater overhang.**

As depicted on Sheets 11 through 14 of the Site Plan, all parking lots are designed to include curbing, so that no parked vehicle overhangs any required interior landscaped area by more than 2.5 feet. Given the foregoing, the Application complies with this requirement.

Section 135-299.D(2)(c)	**If a parking lot of fewer than 15 spaces is built without interior landscaping, and later additional spaces are added so that the total is 15 or more, the interior landscaping shall be provided for the entire parking lot.**

At the hearing, Applicant will present testimony confirming that, if the Application is approved, Applicant agrees to comply with the provisions of Section 135-299.D(2)(c) of the Zoning Ordinance, if the conditions warrant.

…

Section 135-299.D(3) **Screening. Unless otherwise indicated, when a parking lot is located on property that adjoins land in a residential zone or land that is available for residential use, the parking lot shall be screened from the adjoining residential property.**

As depicted on Sheets 11, 12, and 14 of the Site Plan, portions of Tracts 3 (south side), 4 (east side), 9 (west side), 12 (south and west sides), and 14 (northwest side) adjoin lots developed with residential uses, but none of these Tracts adjoin land within the Township's residential districts. The portions of these Tracts adjoining such residentially developed lots are proposed to include the required landscape strips and screening. Given the foregoing, the Application complies with this requirement.

Section 135-299.D(4) **Trees planted in or around the parking lot shall have a minimum trunk diameter of two inches measured at a height six inches above finished grade.**

As depicted on Sheets 11 through 15 of the Site Plan, all new trees planted in or around any parking lot are proposed to have a minimum trunk diameter of two (2) inches measured at a height of six (6) inches above finished grade. Given the foregoing, the Application complies with this requirement.

Section 135-299.E **General landscaping requirements.**

Section 135-299.E(1) **Trees and shrubs shall be native plant species to our area; have normal growth habits, well-developed branches, densely foliated, vigorous, fibrous root systems. They shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to conditions of the locality of the project. Any tree or shrub that dies shall be replaced. All landscaping and screening treatments shall be properly maintained.**

As depicted on Sheets 11 through 15 of the Site Plan, all new plantings are proposed to be of a species native to the area and have normal growth habits, well-developed branches, densely foliated, vigorous, fibrous root systems. Further, all new plantings are proposed to include those grown under climatic conditions similar to those in the locality of the Proposed Development, or properly acclimated to the conditions of that locality. At the hearing, Applicant will present testimony confirming that if the Application is approved, Applicant

agrees to maintain required landscaping and screening treatments and replace any such tree, and shrub that dies. Given the foregoing, the Application complies with this requirement.

Section 135-299.E(2)	**All plantings shall be so placed that, at maturity, it will not prevent passage on a sidewalk, trail or other pedestrian way. A clear sight triangle shall be maintained at all private accessways and all private and public street intersections.**

As depicted on Sheets 11 through 15 of the Site Plan, all new plantings are proposed to be placed such that, at maturity, they will not prevent passage on any sidewalk, trail, or other pedestrian way. At the hearing, Applicant will present testimony confirming that if the Application is approved, Applicant agrees to maintain required clear sight triangles at all private accessways, and all private and public street intersections. Given the foregoing, the Application complies with this requirement.

Section 135-299.E(3)	**All landscaping shall be resistant to disease, healthy and planted in accordance with good nursery practice. Any trees that do not survive shall be replaced within the following eight months by the current owner of the property.**

As depicted on Sheets 11 through 15 of the Site Plan, all new plantings are proposed to be resistant to disease, healthy, and planted in accordance with good nursery practice. At the hearing, Applicant will present testimony confirming that if the Application is approved, Applicant agrees to replace any trees that do not survive within the following eight (8) months. Given the foregoing, the Application complies with this requirement.

Section 135-299.E(4)	**Healthy existing trees that will be preserved and protected may be substituted for the planting of new trees within any required landscape strip or screen.**

As depicted on Sheets 11 through 15 of the Site Plan, to the extent feasible, healthy existing trees are proposed to be preserved and protected to supplement the required landscaping strips or screening. Given the foregoing, the Application complies with this requirement.

Section 135-299.F	**Chapter 119, Subdivision and Land Development, contains additional landscaping requirements. Such requirements are in addition to the requirements of this chapter. If any conflict**

between the chapters exists, the more stringent regulation shall apply.

As depicted on Sheets 11 through 15 of the Site Plan, all proposed landscaping is designed to comply with the applicable requirements of the Zoning Ordinance and SLDO. Given the foregoing, the Application complies with this requirement.

…

Section 135-301 — **Classification of streets, establishment of ultimate street right-of-way lines and dedication of right-of-way. Public streets are hereby classified and ultimate street right-of-way widths and lines and widths are hereby established on all existing and proposed roads in the Township as follows:**

…

Section 135-301.A(3) — **For the purposes of applying the standards of this chapter, the following roads shall contain an arterial road classification and contain an ultimate right-of-way width of 60 feet:**

…

(b) North Hanover Street/Hershey Road, also known as Pennsylvania Route 743 (S.R. 0743).

…

As depicted on Sheets 3 through 6 of the Site Plan, Hershey Road, identified as an arterial road, is designed to have an ultimate right-of-way width of at least 60 feet. Given the foregoing, the Application complies with this requirement.

…

Section 135-301.B(2) — **For the purposes of applying the standards of this chapter, the following roads shall contain a collector road classification and contain an ultimate right-of-way width of 60 feet:**

…

(q) Old Hershey Road (T-749) from Veterans Drive (T-301) to the Township Line.

…

(w) Buckingham Boulevard.

…

As depicted on Sheets 3 and 4 of the Site Plan, Old Hershey Road, identified as a collector road, is designed to have an ultimate right-of-way width of at least 30 feet (i.e., ½ of 60 feet) along the eastern portion of such right-of-way abutting Tracts 13 and 14. Additionally, as depicted on Sheets 3 through 8 and 19 of the Site Plan, Buckingham Boulevard Extended, identified as a collector road, is designed to have an ultimate right-of-way width of at least 60 feet. Given the foregoing, the Application complies with this requirement.

Section 135-301.C **Local access streets. All other streets not identified above shall be considered local access streets and shall contain an ultimate right-of-way width of 50 feet. Local streets are used primarily for access to the abutting properties.**

As depicted on Sheet 8 of the Site Plan, Ironstone Drive Extended, identified as a local road, is designed to have an ultimate right-of-way width of at least 50 feet. Given the foregoing, the Application complies with this requirement.

Section 135-301.D **Building setback lines on streets established or extended as part of a subdivision or land development shall be determined in accordance with the standards herein for building lines on arterial, collector or local access roads. The classification of any street established or extended shall be determined in accordance with Chapter 119, Subdivision and Land Development, and/or the Township Official Map.**

As depicted on Sheets 4 through 8 of the Site Plan, all proposed building setback lines are required and designed in compliance with the applicable building setback requirements of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

Section 135-301.E **Applicants that propose development which requires submission of a plan under Chapter 119, Subdivision and Land Development,**

along existing or future streets shall dedicate or reserve for future dedication additional right-of-way so that the street right-of-way width shall have the above-referenced right-of-way widths as according to the street classification.

As depicted on Sheets 3 through 8 of the Site Plan, the Proposed Development is located along existing and future streets. The widths of the ultimate rights-of-way are designed in compliance with the applicable requirements of Section 135-301 of the Zoning Ordinance. At the hearing, Applicant will present testimony confirming that, if the Application is approved, Applicant agrees to offer for public dedication the required rights-of-way during the subsequent subdivision/land development plan approval process. Given the foregoing, the Application complies with this requirement.

Section 135-301.F — **The ultimate street right-of-way line shall be either a line parallel to and a distance of 1/2 the ultimate right-of-way width required in § 135-301A through C above from the street center line or the street right-of-way line, whichever is a greater distance from the street center line.**

As depicted on Sheets 3 through 8 of the Site Plan, the required ultimate street right-of-way lines of the existing and proposed streets are designed in compliance with the applicable provisions of Section 135-301 of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

…

Section 135-305.A — **Steep slopes greater than 15% shall be shown on all subdivision or land development plans or in the case where a subdivision or land development plan is not required, on a required site plan to be submitted with a zoning permit application. A differentiation of slopes between 15% and 25% and those greater than 25% shall be indicated on the plans. The Zoning Officer may require that the applicant submit a topographical survey prepared by an individual registered in the Commonwealth of Pennsylvania to prepare such surveys which shall show the degree of slope.**

Sheet 18 of the Site Plan depicts two (2) categories of steep slopes (i.e., greater than 15%), including those: (i) between 15% - 25%; and (ii) greater than 25%. Given the foregoing, the Application complies with this requirement.

…

Section 135-305.C	**Any disturbance of steep slopes shall be completed within one construction season, and disturbed areas shall not be left bare and exposed during the winter and spring thaw periods. Permanent vegetative cover shall be planted within three days after completion of grading.**

At the hearing, Applicant will present testimony confirming that if the Application is approved, any disturbance of steep slopes will be completed within one (1) construction season. Furthermore, Applicant will confirm that any such disturbed area will not be left bare and exposed during the winter and spring thaw periods. Finally, Applicant will confirm that any required permanent vegetative cover will be planted within three (3) days of grading completion. Given the foregoing, the Application complies with this requirement.

Section 135-305.D	**Grading requirements.**
Section 135-305.D(1)	**Grading and earthmoving on all steep slopes shall not result in earth cuts or fills whose highest vertical dimensions exceed 20 feet in planned mixed-use development, or 10 feet in all other circumstances, except if one of the following applies:** **(a) Where no reasonable alternatives exist for construction of roads, drainage structures, and other public improvements, earth cuts and fills' highest vertical dimensions shall not exceed 20 feet.** **(b) The maximum vertical dimension of cuts or fills does not apply if an engineered retaining wall is constructed. The retaining wall shall be subject to review and approval under the Uniform Construction Code.**

As depicted on Sheet 18 of the Site Plan, proposed grading and earthmoving activities within areas of identified steep slopes do not result in earth cuts or fills exceeding 20 feet in vertical height. In limited instances where cuts or fills greater than 20 feet are necessary,

such improvements are associated with the construction of public roadways and related infrastructure where no reasonable alternative exists or are supported by engineered retaining walls. Any proposed retaining walls will be designed and constructed in accordance with the applicable standards of the Pennsylvania Uniform Construction Code ("UCC") referenced in Article II (Construction Code) of Chapter 57 (Building Regulations). Given the foregoing, the Application complies with this requirement.

Section 135-305.D(2)	**Finished slopes of all cuts and fills shall not exceed 3:1, unless the applicant can satisfactorily demonstrate to the Zoning Officer that steeper slopes can be stabilized and maintained adequately. The Zoning Officer may consult with the Township Engineer if needed. The landscape shall be preserved in its natural state insofar as practicable.**

As depicted on Sheet 18 of the Site Plan, all finished cut-and-fill slopes are designed so as not to exceed 3:1. Given the foregoing, the Application complies with this requirement.

Section 135-305.E	**Any fill placed on a lot shall be properly stabilized and, when found necessary depending upon existing slopes and soil types, supported by retaining walls or other appropriate structures as approved by the Township Zoning Officer. The Zoning Officer may consult with the Township Engineer if needed. Any retaining walls shall meet the standards of the Pennsylvania Uniform Construction Code.**

As depicted on Sheet 18 of the Site Plan, any fill placed on a Tract is proposed to be stabilized or supported by retaining walls designed and proposed to be constructed in accordance with the applicable standards of the UCC. Given the foregoing, the Application complies with this requirement.

Section 135-305.F	**Any cuts shall be supported by retaining walls or other appropriate retaining structures, when, depending upon the nature of the soil characteristics, such structures are required in order to prevent erosion and are approved by the Township Zoning Officer. The Zoning Officer may consult with the Township Engineer if needed.**

As depicted on Sheet 18 of the Site Plan, all cuts are proposed to be supported by retaining walls or other appropriate retaining structures. Given the foregoing, the Application complies with this requirement.

…

Section 135-306.B — **Riparian corridors of 30 feet on each side of any other stream or watercourse, measured from the top of each stream bank, shall be maintained free of any buildings or structures other than bridges, culverts, and other stormwater management facilities. As used in this section, "bridges and culverts" shall include the roadway approaches to such bridges and culverts. In the event of a dispute on the location of the top of the primary bank of the stream or watercourse, the location of the top of the primary bank shall be determined by the Township Engineer.**

As depicted on Sheets 4 through 7 of the Site Plan, riparian corridors of not less than 30 feet in width are provided along each side of all streams and watercourses. These areas are noted as conservation easement areas. No buildings, structures, or other unauthorized encroachments are proposed within the required riparian corridors, except for permitted improvements such as bridges, culverts, and roadway approaches. Applicant will present testimony confirming that the riparian corridors will be maintained free of unauthorized encroachments following development of the Property. Given the foregoing, the Application complies with this requirement.

Section 135-306.C — **Riparian corridors shall be extended to encompass, at a minimum, the entire one-hundred-year floodplain. If a delineated wetland is located adjacent to the riparian corridor, the entire wetland area shall be included with the riparian corridor and shall be subject to all standards for wetlands in this chapter.**

As depicted on Sheets 4 through 7 of the Site Plan, all areas of one-hundred-year floodplains and wetlands are proposed to remain within a riparian corridor. These areas are noted as conservation easement areas on the Site Plan. See responses to Section 135-307 of the Zoning Ordinance describing compliance with the applicable wetland requirements. Given the foregoing, the Application complies with the applicable requirement. .

Section 135-306.D	**The following performance standards shall apply to riparian corridors:**
Section 135-306.D(1)	**Existing vegetated areas within the riparian corridor shall be preserved to the maximum extent possible.**

As depicted on Sheets 11 through 14 of the Site Plan, to the maximum extent possible, existing vegetated areas within the required riparian corridors are proposed to be preserved. Given the foregoing, the Application complies with this requirement.

…

Section 135-306.D(5)	**Above or underground petroleum storage facilities shall not be permitted within 150 feet of the top of a stream bank.**

As depicted on Sheet 6 of the Site Plan, the proposed underground petroleum storage tanks located on Tract 2 are designed to be set back a distance greater than 150 feet from the top of any stream bank. Given the foregoing, the Application complies with this requirement.

…

Section 135-306.D(7)	**Storage and handling of any hazardous wastes must have impermeable surfaces designed to contain materials stored/handled from which they shall be directed to a predetermined collection point, which shall not be located within a riparian corridor.**

As depicted on Sheets 3 through 7 of the Site Plan, any area intended to be used for the storage and handling is proposed to be located on an impervious surface designed so as to contain such materials stored/handled and directed to a predetermined collection point. No such area is proposed to be located within any required riparian corridor. Given the foregoing, the Application complies with this requirement.

Section 135-306.D(8)	**With the exception of the construction of pedestrian trails and associated observation decks or areas, waterway access, waterway restoration and enhancement, livestock crossings, and infrastructure and utility crossings, the filling, grading or excavating of riparian corridors, shall be prohibited.**

As depicted on Sheets 3 through 7 of the Site Plan, no unauthorized encroachment designed to be located in any required riparian corridor is proposed by the Application. Given the foregoing, the Application complies with this requirement.

…

Section 135-306.F **The riparian corridor shall be placed within a conservation easement and any applicant for development of a lot which contains a riparian corridor shall enter into a recordable agreement with the Township providing for the permanent maintenance of the riparian corridor; such agreement shall be in a form acceptable to the Township Solicitor.**

At the hearing, Applicant will present testimony confirming that if the Application is approved, all riparian corridors will be placed within a conservation easement during the subsequent subdivision/land development plan approval process. Further, Applicant agrees to enter into a recordable agreement with the Township, in a form acceptable to the Township Solicitor, providing for the permanent maintenance of such riparian corridors, during such subsequent subdivision/land development plan approval process. Given the foregoing, the Application complies with this requirement.

…

Section 135-307.A **Wetlands shall not be altered, regraded, filled, piped, diverted, or built upon except where approvals have been obtained from the DEP and/or the United States Army Corps of Engineers.**

As depicted on Sheets 3 through 7 of the Site Plan, certain wetland areas are permitted and proposed to be altered, regraded, filled, piped, diverted, and/or built upon in compliance with all applicable standards of the Pennsylvania Department of Environmental Protection ("PADEP") and the United States Army Corps of Engineers ("USACE"). At the hearing, Applicant will present testimony confirming that it attended a preapplication meeting on July 29, 2026 with PADEP, USACE, and Lancaster County Conservation District ("LCCD") to discuss such development activities ("PADEP / USACE / LCCD Preapplication Meeting Minutes: July 29, 2026"), attached as Exhibit H. Applicant will present testimony confirming that if the Application is approved, Applicant agrees to apply to PADEP, USACE, and LCCD requesting approval of such development activities during the subdivision/land development plan approval process. Finally, Applicant will submit copies of such approvals to the Township upon receipt. Given the foregoing, the Application complies with this requirement.

Section 135-307.B **Required buffer.**

…

Section 135-307.B(2)	**General requirement. A twenty-five-foot buffer surrounding the wetlands boundary shall be conserved for naturally occurring vegetation or for the reestablishment of native plant species. The width of the buffer is measured along the horizontal plane.**

As depicted on Sheet XX of the Site Plan, all wetlands proposed to remain except for Wetland W-9, are designed to be surrounded by a 25-foot buffer as measured along a horizontal plane. All such wetland buffers are proposed to include a mix of preserved naturally occurring vegetation and installation of new native plant species. These areas are noted as conservation easement areas. Given the foregoing, the Application complies with this requirement.

Section 135-307.B(3)	**Alternative standard. In cases where the required twenty-five-foot buffer cannot be provided around the entire perimeter surrounding the wetlands boundary, the following shall apply:**
Section 135-307.B(3)(a)	**The total required buffer area shall be calculated using a twenty-five-foot buffer surrounding the wetlands boundary. The total buffer area shall be measured in units of area along the horizontal plane.**

As depicted on Sheet 4 of the Site Plan, wetland W-9 buffer area is calculated utilizing the twenty-five-foot buffer. The total area is approximately 9,732 square feet. Given the foregoing, the Application complies with this requirement.

Section 135-307.B(3)(b)	**The buffer may be reduced below 25 feet for a maximum of 25% of the perimeter of the wetlands boundary if the total buffer area provided is at least 110% of the total required buffer area calculated in Subsection B(3)(a). In no case shall the buffer be less than 15 feet.**

As depicted on Sheet 4 of the Site Plan, the wetland buffer associated with Wetland W-9 is permitted and proposed to be reduced below the standard 25-foot width along a limited portion of the wetland perimeter, representing approximately 7.3% of the total wetland boundary. At no point is the buffer width reduced below 15 feet. To offset the reduced buffer width, additional buffer area is provided elsewhere around the wetland such that the total buffer area exceeds 110% of the minimum buffer area otherwise required. Accordingly, the

proposed wetland buffer complies with the modification provisions of Section135-307.B(3)(b).

Section 135-307.B(3)(c)	**If use of the alternative standard in this subsection is proposed, the developed area shall be designed to prevent polluted stormwater runoff from discharging into the wetlands in the area where the buffer is less than 25 feet wide.**

At the hearing, Applicant will present testimony confirming that if the Application is approved, no stormwater will be discharged to wetlands where the buffer width is less than 25 feet wide. Given the foregoing, the Application complies with this requirement.

…

Section 135-307.E	**All wetland locations shall be placed within a conservation easement and any applicant for development of a lot which contains delineated wetlands shall enter into a recordable agreement with the Township providing for the permanent maintenance of the wetland area; such agreement shall be in a form acceptable to the Township Solicitor.**

At the hearing, Applicant will present testimony confirming that if the Application is approved, all delineated wetlands will be placed within a conservation easement during the subsequent subdivision/land development plan approval process. Further, Applicant agrees to enter into a recordable agreement with the Township, in a form acceptable to the Township Solicitor, providing for the permanent maintenance of such wetland areas, during such subsequent subdivision/land development plan approval process. Given the foregoing, the Application complies with this requirement.

…

Section 135-315.	**Fences and walls.**
Section 135-315.A	**All fences shall be permitted by right in all zoning districts and shall comply with the following requirements:**
Section 135-315.A(1)	**All fences shall be located outside of existing public street right-of-way and outside of the ultimate street right-of-way. All fences shall be located outside of any other legal right-of-way and/or easement, unless the holder of**

the right-of-way and/or easement notifies the Township in writing that it has granted permission for the fence to be located within the right-of-way and/or easement. Any fence that was lawfully located within an existing public street right-of-way or ultimate street right-of-way shall be located outside the public street right-of-way or ultimate street right-of-way if reconstructed or replaced. Any fence that was lawfully located within any other legal right-of-way and/or easement prior to enactment of this chapter shall be placed outside of the right-of-way and/or easement if reconstructed or replaced unless the holder of the easement grants permission for the location of the fence as set forth above.

As depicted on Sheets 4, 5, 11, and 12 of the Site Plan, all fencing is proposed to be located outside of any existing and ultimate public street right-of-way and easement. Any existing fencing located within any existing and ultimate public street right-of-way and easement is proposed to be removed. Given the foregoing, the Application complies with the applicable requirement.

…

Section 135-315.A(3) **… In all other districts, fences shall not exceed a height of 10 feet. The Zoning Officer may approve a higher height of any fence if the applicant proves to the satisfaction of the Zoning Officer that such taller height is necessary to protect public safety around a specific hazard. Any fence that is constructed shall be subject to the applicable regulations of the Uniform Construction Code.**

As depicted on Sheets 4, 5, 11, and 12 of the Site Plan, all proposed fencing is designed at a height not exceeding 10 feet. Further, all proposed fencing is designed and proposed to be constructed in compliance with the applicable provisions of the UCC. Given the foregoing, the Application complies with this requirement.

Section 135-315.A(4) **All fences shall be constructed of durable material and shall not be permitted to become dilapidated or in a state of disrepair that presents a safety hazard to neighboring properties.**

As depicted on Sheets 4, 5, 11, and 12 of the Site Plan, the proposed fencing is proposed to be constructed of durable materials, such as masonry, metal, vinyl, wood, composite, or other similar materials. At the hearing, Applicant will present testimony confirming that if the Application is approved, Applicant agrees to maintain such fencing so as not to become dilapidated or in a state of disrepair that presents a safety hazard to neighboring properties. Given the foregoing, the Application complies with this requirement.

Section 135-315.A(5)	**… Electrically charged fences shall only be used to contain farm animals and shall be of such low intensity that they will not permanently injure humans. No fence or wall shall be constructed out of fabric, junk, junk vehicles, appliances, drums or barrels.**

As depicted on Sheets 4, 5, 11, and 12 of the Site Plan, no fence that includes any of the elements or treatments prohibited by Section 135-315.A(5) of the Zoning Ordinance is proposed by the Application. Given the foregoing, the Application complies with this requirement.

Section 135-315.A(6)	**No fence shall be erected that will block the view of motorists on a public road or a driveway of neighboring properties.**

As depicted on Sheets 4, 5, 11, and 12 of the Site Plan, no proposed fencing is designed to be located to block the view of motorists on a public road or an access drive or driveway of any neighboring property. Given the foregoing, the Application complies with this requirement.

Section 135-315.B	**All walls that comply with the following requirements shall be permitted by right in all zoning districts:**
Section 135-315.B(1)	**Engineered retaining walls necessary to hold back slopes are exempted from Subsection B(3), (4) and (5) and are permitted by right as needed in all districts. However, if a retaining wall is over eight feet in height, it shall be set back a minimum of 15 feet from a lot line of an existing dwelling if the exposed side of the wall is facing toward the property containing the dwelling.**

As depicted on Sheets 4 through 7 and 18 of the Site Plan, Tracts 1, 4, 9, 13, and 14 are proposed to include retaining walls. Any retaining wall with a height exceeding eight (8) feet and an exposed side face toward an abutting lot containing an existing dwelling is designed

and proposed to be set back a distance of at least 15 feet from such lot line of said existing dwelling. Given the foregoing, the Application complies with the applicable requirement.

Section 135-315.B(2)	**All walls shall be located outside of a public street or other legal right-of-way and/or easement. Any wall that was lawfully located within a legal right-of-way prior to enactment of this chapter shall be placed outside of the right-of-way if reconstructed or replaced.**

As depicted on Sheets 4 through 7 and 18 of the Site Plan, no proposed wall is designed to be located within any public street or other legal right-of-way or easement. Further, no existing wall is located within any legal right-of-way. Given the foregoing, the Application complies with the applicable requirement.

…

Section 135-315.B(6)	**All walls, including those permitted by Subsection B(1) above shall be required to comply with the applicable requirements of the Uniform Construction Code.**

As depicted on Sheets 4 through 7 and 18 of the Site Plan, all proposed walls are designed and proposed to be constructed in compliance with the applicable requirements of the UCC. Given the foregoing, the Application complies with this requirement.

Section 135-315.B(7)	**All walls shall be constructed of durable material and shall not be permitted to become dilapidated or in a state of disrepair that presents a safety hazard to neighboring properties.**

As depicted on Sheets 4 through 7 and 18 of the Site Plan, the proposed walls are designed to be constructed of durable materials, such as masonry, concrete, natural rock, or other similar materials. At the hearing, Applicant will present testimony confirming that, if the Application is approved, Applicant agrees to maintain these walls so they do not become dilapidated or fall into disrepair, posing a safety hazard to neighboring properties. Given the foregoing, the Application complies with this requirement.

Section 135-315.B(8)	**No wall shall be erected that will block the view of motorists on a public road or a driveway of neighboring properties.**

As depicted on Sheets 4 through 7 and 18of the Site Plan, no proposed wall is designed to be located to block the view of motorists on a public road or an access drive or driveway of

any neighboring property. Given the foregoing, the Application complies with this requirement.

…

Section 135-324	**Prohibited uses. Any use, occupation, trade or process which may be dangerous, noxious or injurious to the health or safety of residents of adjoining properties or to Township residents in general shall be prohibited.**

At the hearing, Applicant will present testimony confirming that no use, occupation, trade, or process prohibited by Section 135-324 of the Zoning Ordinance is proposed by the Application. Given the foregoing, the Application complies with this requirement.

Section 135-325	**Unenclosed storage.**

…

Section 135-325.C	**Trash, garbage, refuse or junk. Except as provided in § 135-238 of this chapter, the outdoor accumulation of trash, garbage, refuse or junk outside of an appropriate enclosed waste disposal container for a period exceeding seven days is prohibited.**

At the hearing, Applicant will present testimony confirming that if the Application is approved, there will be no unauthorized outdoor accumulation of trash, garbage, refuse, or junk outside of an appropriate enclosed waste disposal container for a period exceeding seven (7) days. Given the foregoing, the Application complies with this requirement.

Section 135-325.D	**Dumpsters.**
Section 135-325.D(1)	**All uses which utilize a trash dumpster shall maintain such dumpster in a manner that will not create a nuisance by permitting trash to overflow the dumpster and blow off of the property or otherwise accumulate on the property outside of the enclosed dumpster. All trash dumpsters shall be located within a side or rear yard, and be set back a minimum distance of 10 feet from an adjoining property line. If adjoining land that is located within a residential district or land that is available for residential use, the setback of the dumpster**

shall be increased to 50 feet from the adjoining property boundary line. All dumpsters shall be screened from adjoining roads and properties, and completely enclosed within a sight tight masonry or fenced enclosure equipped with a self-latching door or gate. Chain link fencing shall not be permissible.

As depicted on Sheets 4 through 7 of the Site Plan, Tracts 1 through 4, 8, 9, and 14 are proposed with dumpster enclosures designed to be located in a side or rear yard. All dumpsters are designed to be set back distances of at least 10 feet from adjoining property lines. Additionally, portions of Tracts 3 (south side), 4 (east side), 9 (west side), 12 (south and west sides), and 14 (northwest side) adjoin lots developed with residential uses, but none of these Tracts adjoin land within the Township's residential districts. All of these dumpsters are designed to be set back distances of at least 50 feet from such adjoining property lines

Further, all dumpsters are designed to be screened from adjoining roads and properties, as they are proposed to be completely enclosed within a sight-tight masonry or fenced enclosure equipped with a self-latching door or gate. No chain-link fencing is permitted or proposed to enclose any dumpster.

Additionally, at the hearing, Applicant will present testimony confirming that, if the Application is approved, Applicant agrees to maintain all proposed dumpsters in a manner that will not create a nuisance by allowing trash to overflow the dumpsters, blow off the Tracts, or otherwise accumulate on the properties outside the enclosed dumpsters. Given the foregoing, the Application complies with this requirement.

…

Section 135-326 **Performance and design standards for all nonresidential uses. All nonresidential uses, … shall comply with the regulations of this section.**

As depicted on Sheets 4 through 7 of the Site Plan, Tracts 1 through 4, and 8 through 14 are proposed to include nonresidential uses which are subject to the applicable provisions of Section 135-326 of the Zoning Ordinance. But since Tract 5 is proposed to include a residential use, the requirements of Section 135-326 of the Zoning Ordinance do not apply to that use.

Section 135-326.A **Access management. Curb cuts and new driveways shall be limited on both sides of a collector or arterial street, as designated by § 135-301. In order to reduce the number of new**

curb-cuts and driveways, developers shall implement one of the following requirements:

Section 135-326.A(1) **Provide vehicular access to parking areas from service roads at the rear of the parcels which front on a collector or arterial road, or from a side street on a corner lot.**

As depicted on Sheets 4 through 6 of the Site Plan, Tracts 2, 3, 8, and 13 are corner lots, each located at the intersection of two (2) streets, with frontage on two (2) adjacent sides. All of these Tracts have frontage along an arterial street and a collector street, or two (2) collector streets.

Tracts 2, 3, and 8 are proposed along: (i) Hershey Road, designated as an arterial street (Section 135-301.A(3)(b)); and (ii) Buckingham Boulevard Extended, designated as a collector street (Section 135-301.B(2)(w)). One (1) access drive curb cut for each Tract 2, 3, and 8 is proposed along Buckingham Boulevard Extended, which, compared to Hershey Road, is a lower-classified side street. Additionally, Tract 13 is proposed along Old Hershey Road and Buckingham Boulevard Extended, both of which are designated as collector streets (Sections 135-301.B(2)(q) and 135-301.B(2)(w)). An access drive curb cut for Tract 13 is proposed along Buckingham Boulevard Extended, a collector street internal (side) to the Proposed Development, rather than to Old Hershey Road, an existing through street external to the Proposed Development.

Although access drive curb cuts for these Tracts are also proposed along Hershey Road, consistent with the purpose and intent of Section 135-326.A of the Zoning Ordinance, only one (1) each per Tract is proposed onto such street. Further, the curb cut along Hershey Road for Tract 2 is for a shared access drive, while the curb cut for Tract 3 is for a restricted-movement (i.e., right-in northbound) access drive.

Section 135-326.A(2) **Provide shared vehicular access between two or more adjoining land uses that make use of only one shared access drive onto adjoining collector or arterial roads.**

As depicted on Sheet 6 of the Site Plan, Tracts 1 and 2 are adjoining lots with frontage along Hershey Road (an arterial). Tracts 1 and 2 are permitted and proposed to have access to such street via a shared access drive on Tract 2 with an access easement for Tract 2. Additionally, Tract 1 has access via Tract 2, which connects to Buckingham Boulevard Extended.

Further, as depicted on Sheet 4 of the Site Plan, Tracts 10 and 11 adjoin and are proposed to have shared access to Hershey Road (east) and Buckingham Boulevard Extended (south) via an access drive. Additionally, Tracts 13 and 14 adjoin and are proposed to have shared access to Buckingham Boulevard Extended via a shared access drive. Given the foregoing, the Application complies with this requirement.

…

Section 135-326.A(4)	**In circumstances where the Township determines that it is not possible to provide vehicular access to parking areas from a service road at the rear of a parcel, or to provide a shared access drive between two or more adjoining land uses, curb cuts for driveways or access drive that intersects a cartway of a collector or arterial roadway shall not exceed 24 feet in width. If in the event a developer provides evidence that this requirement impedes on the flow of tractor-trailers that would deliver goods to the development tract, the applicant may widen the cartway the minimum width it would take to allow truck deliveries to occur safely on the site.**

As depicted on Sheets 4 through 8 of the Site Plan, Tracts 1 through 5, and 8 through 14 are proposed to have frontage along either an arterial or collector street, or both, but not a local street, as no local streets exist or are proposed to serve such Tracts. Tracts 1 through 3, 8, and 11 are proposed to have frontage along Hershey Road, designated as an arterial street. Tracts 2 through 5, 8 through 10, 12, and 13 are proposed to have frontage along Buckingham Boulevard Extended, designated as a collector street. And Tracts 13 and 14 are proposed to have frontage along Old Hershey Road, designated as a collector street.

Tracts 1, 4, 5, 9 through 12, and 14 are proposed to have frontage along only one (1) road. While Tracts 4, 5, 9, and 12 have frontage along and access to Buckingham Boulevard Extended, due to various natural and manmade constraints, it is not feasible to provide vehicular access to a local street or via a shared access drive with an adjoining lot. Therefore, it is necessary for these Tracts to have access drive curb cuts along Buckingham Boulevard Extended. See responses to Sections 135-326.A(1) and 135-326.A(2) of the Zoning Ordinance.

While access drive curb cuts are proposed to provide vehicular access from Tracts 1 through 4, 8, 9, 13, and 14 to an arterial or collector street exceeding 24 feet, the proposed widths are the minimum necessary to safely accommodate the types, sizes, and turning movements of vehicles anticipated to access such Tracts, including tractor-trailers and emergency service vehicles. The designs and widths of such proposed access drives are consistent with and implement the purpose and intent of the Zoning Ordinance, specifically Section 135-326.A.

Finally, Hershey Road is a state highway under the exclusive jurisdiction of the Pennsylvania Department of Transportation (“PennDOT”). PennDOT, through the highway occupancy permit process, dictates the design (including width) of access drives

intersecting with state highways. The designs of the proposed access drives connecting Tracts 1 through 3, 8, and 11 to Hershey Road are intended to comply with PennDOT's controlling design requirements. Given the foregoing, the Application complies with this requirement.

Section 135-326.B	**All commercial and industrial buildings shall be constructed in accordance with an overall plan and shall be designed as a single architectural style consisting of durable construction materials including brick, stone, stucco, vinyl siding veneers or other material that is acceptable to the Township. To the greatest extent possible, buildings shall use a variety of architectural elements, rooflines and structural offsets and shall consist of no offensive, bright building color that would detract from the aesthetic design of the building. Retail stores and shopping centers shall be designed in compliance with § 135-256D.**

Each commercial and industrial building is located, designed, and proposed to be constructed on a Tract in accordance with the overall Site Plan for the Proposed Development. Also attached as Exhibit I is a conceptual architectural exhibit ("Conceptual Architectural Exhibit: Commercial and Industrial Buildings") intended only to generally illustrate potential architectural character, materials, and design treatments for the proposed commercial and industrial buildings. The Conceptual Architectural Exhibit: Commercial and Industrial Buildings is illustrative and representative in nature and is not intended to limit or bind Applicant to the specific building elevations, façade configurations, materials, colors, architectural features, or other design details depicted.

At the hearing, Applicant will present testimony confirming that, if the Application is approved, all commercial and industrial buildings will be constructed of a variety of durable materials, including brick, stone, stucco, vinyl siding, veneers, or other similar materials. Additionally, Applicant will present testimony confirming that such buildings will be designed to include a variety of architectural elements, such as rooflines and structural offsets. Further, Applicant will present testimony confirming that no offensive, bright color that detracts from the aesthetic design of any building is proposed. See response to Section 135-275.C of the Zoning Ordinance stating that the requirements of Section 135-256 of the Zoning Ordinance do not apply, since the proposed retail shopping center building exceeds 10,000 square feet and is within a planned mixed-use development. Given the foregoing, the Application complies with this requirement.

Section 135-326.C	**Parking areas shall be suitably illuminated for night use if night operations shall be proposed. All lighting shall be reflected away**

from lots in a residential zoning district or any existing residential development.

As depicted on Sheets 4 through 7 of the Site Plan, all parking areas on Tracts 1 through 4, 8, 9, 12, and 14 are proposed to be illuminated during nighttime hours. All proposed parking lot lighting is designed to be reflected away from lots in a residential zoning district and any existing residential development outside of the Development Tract. See responses to Section 135-298 of the Zoning Ordinance regarding outdoor lighting. Given the foregoing, the Application complies with this requirement.

Section 135-326.D **… Within a planned mixed-use development, there shall be no limitations on shipping or receiving hours provided any residential uses are appropriately buffered by a landscape screen, a fence, or other measures to mitigate associated impacts.**

As depicted on Sheets 4 and 7 of the Site Plan, Tracts 4 and 14, respectively, are proposed to include warehouse/distribution uses, which include shipping and receiving activities. Each of the buildings is proposed to include a single (1) truck court located/oriented toward the interior side of the Development Tract, so that such building serves as a visual screen when viewed from the opposite external perimeter lines of the Development Tract. Additionally, the boundaries of Tracts 4 and 14 abutting lots with existing residential uses are proposed to include wider buffer yards, landscape screen plantings, berms, or fences/walls to mitigate associated impacts. See responses to applicable provisions of Section 135-299 of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

Section 135-326.E **All materials and equipment shall be stored in a completely enclosed structure or shall be otherwise screened by a six-foot fence or hedge.**

At the hearing, Applicant will present testimony confirming that no unenclosed material or equipment storage is proposed by the Application. Given the foregoing, the Application complies with this requirement.

Section 135-326.F **All activities and all storage of flammable and explosive materials at any point shall be prohibited unless adequate safety devices against the hazards of fire and explosion are provided.**

At the hearing, Applicant will present testimony confirming that no flammable and explosive material storage without the required safety controls is proposed by the Application. Given the foregoing, the Application complies with this requirement.

Section 135-326.G **No activities which emit radioactivity at any point are permitted.**

At the hearing, Applicant will present testimony confirming that no radioactivity-emitting operation is proposed by the Application. Given the foregoing, the Application complies with this requirement.

Section 135-326.H **No electrical disturbances adversely affecting the operation of any equipment other than that of the creator of such disturbance shall be permitted.**

At the hearing, Applicant will present testimony confirming that no electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance is proposed by the Application. Given the foregoing, the Application complies with this requirement.

Section 135-326.I **No fly ash, dust, fumes, vapors, gasses or other forms of air pollution emissions which can cause any excessive soiling upon another property shall be permitted.**

At the hearing, Applicant will present testimony confirming that no fly ash, dust, fumes, vapors, gases, or other forms of air pollution emissions which can cause any excessive soiling upon another property is proposed by the Application. Given the foregoing, the Application complies with this requirement.

Section 135-326.J **No vibration which is discernible to the human sense of feeling on an adjacent property for three minutes or more in duration is permitted in any hour of the day between 7:00 a.m. and 7:00 p.m. or for 30 seconds or more between the hours of 7:00 p.m. and 7:00 a.m.**

At the hearing, Applicant will present testimony confirming that no vibration prohibited by Section 135-326.J of the Zoning Ordinance is proposed by the Application. Given the foregoing, the Application complies with this requirement.

Section 135-326.K **No activities producing heat, cold, dampness or movement of air are permitted which shall produce any material effect on the temperature, motion or humidity of the atmosphere at the lot line or beyond.**

At the hearing, Applicant will present testimony confirming that no activity producing heat, cold, dampness, or movement of air producing material effect on the temperature, motion, or humidity of the atmosphere at any Tract boundary is proposed by the Application. Given the foregoing, the Application complies with this requirement.

Section 135-326.L	**No emission of odorous gasses or other odorous matter in such quantities as to be detectable to the human sense of smell when measured at the lot line shall be permitted.**

At the hearing, Applicant will present testimony confirming that no emission of odorous gas or other odorous matter in quantities detectable to the human sense of smell when measured at any Tract boundary is proposed by the Application. Given the foregoing, the Application complies with this requirement.

Section 135-326.M	**No direct or sky-reflected glare, whether from floodlights or from high-temperature processes, such as combustion or welding, which is detectable from any point on the lot line is permitted. This restriction shall not apply to signs or floodlights otherwise permitted by this chapter.**

At the hearing, Applicant will present testimony confirming that no direct or sky-reflected glare from floodlights or from high-temperature processes, which is detectable from any Tract boundary, is proposed by the Application. See responses to Section 135-298 of the Zoning Ordinance describing compliance with the applicable lighting regulations. Given the foregoing, the Application complies with this requirement.

Section 135-326.N	**All industrial uses shall be provided with public wastewater disposal. The applicant shall provide information to the Zoning Hearing Board concerning the manner in which such public sewer service shall be provided. However, a special exception to this requirement may be granted if the applicant proves to the Zoning Hearing Board that such service is not necessary for the intended use and that extension of such service is not practical. In such case, the Township may require the installation of capped sewage lines that are constructed to Township specifications in a manner that would allow connection to the public sanitary sewerage system in the future. As an alternative, the Township may permit the**

posting of financial security to construct such lines at a future date to be determined by the Township.

The proposed warehouse/distribution buildings are designed to be connected to ERSA's public sewer service system. Given the foregoing, the Application complies with this requirement.

H. SIGN REGULATIONS (ARTICLE XXIV)

The Application does not propose any specific sign package. At the hearing, Applicant will present testimony confirming that, if the Application is approved and Applicant desires to install signs, Applicant agrees to apply for a zoning permit in accordance with Section 135-363 of the Zoning Ordinance prior to installing any sign.

I. PARKING REGULATIONS (ARTICLE XXV)

…

Section 135-342	**Design requirements for parking facilities.**
Section 135-342.A	**Size. Each parking space be designed in accordance with Chapter 119, Subdivision and Land Development, unless a larger size is required under federal handicapped parking requirements.**

As depicted on Sheets 4 through 8 of the Site Plan, all required passenger vehicle parking spaces are designed in compliance with the applicable requirements of Section 119-53.A (Parking Facilities) of the SLDO. Given the foregoing, the Application complies with this requirement.

Section 135-342.B	**Access. Parking facilities shall be designed so that each vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle. Parking space within a garage shall be considered a parking space meeting the requirements of this article if access can be provided in accordance with the requirement of this section.**

As depicted on Sheets 4 through 7 of the Site Plan, except as permitted for the parking in the garages and driveways of the townhouse units on Tract 5, all parking lots on Tracts 1 through 4, 8, 9, 12, and 14 are designed so that each vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle. See

response to Section 135-262.S(3) of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

…

Section 135-342.C	**Surface requirements.**

…

Section 135-342.C(2)	**Off-street parking lots in all other zoning districts shall be paved with an all-weather surface which may include stone, concrete, bituminous material, paving blocks or similar dust-free surface. Access drives and driveways in these districts shall be provided in accordance with Chapter 119, Subdivision and Land Development, and/or Chapter 67, Driveways.**

As depicted on Sheets 4 through 7 of the Site Plan, all parking lots on Tracts 1 through 4, 8, 9, 12, and 14 are proposed to be paved with an all-weather, dust-free surface. Additionally, all proposed access drives and driveways are designed in compliance with the applicable requirements of Section 119-52.S (Driveways, Access Drives and Specific Traffic Controls Requirements) of the SLDO. Given the foregoing, the Application complies with this requirement.

Additionally, since no parking lot is required or proposed for the townhouse units on Tract 5, and the private recreation facilities/open space on Tracts 10, 11, and 13, Section 135-342.C(2) of the Zoning Ordinance is not applicable. Regardless, all parking spaces on Tract 5 are proposed to be paved with an all-weather, dust-free surface.

…

Section 135-342.D	**Location.**
Section 135-342.D(1)	**All parking spaces shall be provided on the same lot as the use to which the parking space relates. Notwithstanding the foregoing, parking may be provided on a separate lot if the requirements of § 135-344 are met.**

As depicted on Sheets 4 through 7 of the Site Plan, all required parking spaces are located on the same Tract as the applicable use for which they are required. No required parking spaces are proposed to be located off-site on a separate lot. Given the foregoing, the Application complies with the applicable requirement.

…

Section 135-343	**Minimum off-street parking requirements. Minimum off-street parking requirements shall be as follows:**
Section 135-343.A	**Residential uses.**
Section 135-343.A(1)	**Dwelling units: Two parking spaces for each dwelling unit with three bedrooms or fewer and three parking spaces for each dwelling unit with four or more bedrooms.**

As depicted on Sheet 8 of the Site Plan, Tract 5 is proposed to have eight (8) townhouse units, each with three (3) or fewer bedrooms and requiring two (2) parking spaces. Therefore, a total of 16 parking spaces are required for the eight (8) townhouse units on Tract 5 (8 x 2). Each townhouse unit is proposed to have two (2) parking spaces in the driveway, and one (1) in the garage. Overall, 24 parking spaces are proposed on Tract 5. Given the foregoing, the Application complies with this requirement.

…

Section 135-343.C	**Commercial uses.**
Section 135-343.C(1)	**Vehicle … washing and filling facilities shall be provided with one space per 400 square feet of repair or service area plus additional spaces required for necessary vehicle storage and one space per employee. If filling stations, washing facilities or minor service repairs are provided accessory to a convenience store or other retail use, parking shall be provided in accordance with retail uses.**

As depicted on Sheet 6 of the Site Plan, Tract 1 is proposed to include the vehicular washing facility. Eighteen (18) parking spaces are required and proposed for the approximately 5,289-square foot building and four (4) employees ((5,289 / 400) + 4). Given the foregoing, the Application complies with this requirement.

…

Section 135-343.C(4)	**Convenience stores shall be provided with one parking space per every 200 square feet of gross accessible floor area accessible to the public, plus an additional space for each employee on the largest shift.**

As depicted on Sheet 6 of the Site Plan, Tract 2 is proposed to include the convenience store. Thirty (30) parking spaces are required for the approximately 6,000 gross floor area accessible to the public[17], and 10 spaces are required for the 10 employees on the largest shift. While a total of 40 parking spaces are required (6,000 / 200) + 10), 50 spaces are proposed. Given the foregoing, the Application complies with this requirement.

Section 135-343.C(5)	**Drive-through and/or fast-food restaurants shall be provided with one space for every two seats plus an additional space per employee on the largest shift.**

As depicted on Sheet 5 of the Site Plan, Tract 3 is proposed to include the drive-through restaurant. Twenty-five (25) parking spaces are required for the 50 seats, and eight (8) spaces are required for the eight (8) employees on the largest shift. While a total of 33 parking spaces are required ((50 / 2) + 8), 38 spaces are proposed. Given the foregoing, the Application complies with this requirement.

…

Section 135-343.C(9)	**Hotels … shall be provided with one space per guest sleeping room plus and additional one space per employee on the two largest shifts. ...**

As depicted on Sheet 5 of the Site Plan, Tract 9 is proposed to include the hotel. Fifty-five (55) parking spaces are required for the 55 rooms, and eight (8) spaces are required for the eight (8) employees on the two (2) largest shifts (55 + 8). Therefore, a total of 63 parking spaces are required and proposed. Given the foregoing, the Application complies with this requirement.

…

Section 135-343.C(16)	**Shopping centers shall be provided with five spaces per 1,000 square feet of gross floor area.**

As depicted on Sheet 5 of the Site Plan, Tract 8 is proposed to include the 24,000-square-foot (gross) retail shopping center building. While 120 parking spaces are required ((24,000 / 1,000) x 5), 124 spaces are proposed. Given the foregoing, the Application complies with this requirement.

…

[17] Approximately 638 square feet of the 6,638-square-foot building is proposed so as not to be accessible to the public.

Section 135-343.D	**Industrial uses.**
…	
Section 135-343.D(2)	**Warehousing uses shall be provided with one space for each employee on the largest shift.**

As depicted on Sheets 4 and 7 of the Site Plan, Tracts 4 and 14 are proposed to include warehouse/distribution operations. While 78 parking spaces are required for the 78 employees on the largest shift for each Tract, 97 spaces are proposed for each Tract. Given the foregoing, the Application complies with this requirement.

…

Section 135-343.F	**For uses and establishments other than those specifically mentioned herein, sufficient parking shall be provided to accommodate the vehicles of all persons to be employed on the premises and to have business thereon. Studies such as those of the Institute of Transportation Engineers Parking Generation Manual, or approved equivalent, shall be sufficient in determining whether ample parking is provided. Traffic studies of similar uses shall also be sufficient in determining parking demand. The anticipated peak hour of vehicles using the site and the largest shift for employees shall be used in determining parking demand for the use.**

As depicted on Sheet 4 of the Site Plan, Tract 12 is proposed to include the commuter park-and-ride facility and a 12-space public parking lot for carpoolers.

. Since the commuter park-and-ride facility is not a business, no employees or customers are required or proposed. Additionally, since there is no requirement for this type of commuter park-and-ride facility (i.e., not located along a bus or light rail service route) in the most recent ITE Parking Generation Manual, no parking spaces are required.

Similarly, as depicted on Sheet 4 of the Site Plan, Tracts 10, 11, and 13 are proposed for private recreation facilities/open space. Since these Tracts will remain private (i.e., not open to the general public and not include a business (i.e., employees or customers)) and are not proposed for development with buildings, fields, or other similar recreational structures, no parking spaces are required or proposed. Additionally, since there is no requirement for this type of use in the most recent ITE Parking Generation Manual, no parking spaces are required or proposed. Therefore, this requirement is not applicable.

…

Section 135-345 **Prohibited uses of parking lots. Automobile parking lots are for the sole purposes of accommodating the passenger vehicles of persons associated with the use which requires them. Parking lots shall not be used for the following:**

A. The sale, display or storage of automobiles or other merchandise, except as permitted for an approved transient retail business, approved roadside produce stand or for approved fundraising activities by a nonprofit organization.
B. Performing services (including services to vehicles).
C. Required off-street parking space shall not be used for loading and unloading purposes except during hours when business operations are suspended.
D. Except in specifically designated areas, the parking of recreational vehicles as defined herein.

As depicted on Sheets 4 through 7 of the Site Plan, the proposed passenger vehicle parking lots are designed and intended to be used for the required parking of permitted vehicles. These parking lots are not designed or intended to be used for any of the prohibited uses listed in Section 135-345 of the Zoning Ordinance. At the hearing, Applicant will present testimony confirming that if the Application is approved, Applicant agrees that such parking lots will be maintained in compliance with the applicable parking provisions of Section 135-345 of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

Section 135-346 **Off-street loading and unloading space. Adequate off-street loading and unloading space shall be provided for any use which involves the receipt or distribution of materials or merchandise by motor vehicle. If the use of a property or building is changed or an existing use is enlarged, applicant shall demonstrate that such alteration will not require additional loading space, or if in the event additional loading space is required, applicant shall demonstrate compliance with**

	this section prior to issuance of a zoning permit. Off-street loading spaces shall comply with the requirements of this section.
Section 135-346.A	**Adequate documentation shall be submitted to the Township that demonstrates that the proposed off-street loading areas will not interfere with the free movement of vehicles and pedestrians over a public street, through internal parking areas, walkways, access drives and driveways. Sufficient documentation may include turning exhibits portraying the movement of the largest vehicle that would have access to the site or through the submission of similar site plans as approved by the Township Zoning Officer.**

As depicted on Sheets 4 through 7 of the Site Plan, loading facilities are proposed for Tracts 2 through 4, 8, 9, and 14. Tract 2, proposed for a convenience store with accessory vehicular fueling and drive-through facility, is designed to include loading facilities east of the building. Tract 3, proposed for a drive-through restaurant, is designed to include loading facilities approximately 45 feet (L) x 12 feet (W) along the southern building wall. Tract 4, proposed for a warehouse/distribution building, is designed to include a truck court with 37 loading docks along the western building wall and 25 trailer spaces further west of the building. Each loading space and trailer space is designed to be approximately 60 feet (L) x 14 feet (W).

Further, Tract 8, proposed for a retail shopping center, is designed to include loading facilities approximately 225 feet (L) x 24 feet (W), along the western building wall. Tract 9, proposed for a hotel, is designed to include a loading facility east of the building. Tract 14, proposed for a warehouse/distribution building, is designed to include a truck court with 37 loading docks along the southern building wall and 33 trailer spaces further south of the building. Each loading space and trailer space is designed to be approximately 60 feet (L) x 14 feet (W).

Finally, no loading space is required or proposed for the: (i) vehicular washing facility on Tract 1; (ii) private recreation facilities/open space on Tracts 10, 11 and 13; or (iii) commuter park-and-ride facility on Tract 12. As depicted on the Site Plan, including Sheet 16, all proposed loading facilities are designed to avoid interfering with the free movement of vehicles and pedestrians on public streets or through internal parking areas, walkways, or access drives. Given the foregoing, the Application complies with this requirement.

Section 135-346.B	**All off-street loading facilities, including access drives, shall be constructed and maintained with a paved surface of concrete or bituminous materials.**

As depicted on Sheets 4 through 7 of the Site Plan, all off-street loading facilities and access drives are designed and proposed to be constructed of paved surface materials, including concrete and bituminous material. At the hearing, Applicant will present testimony confirming that if the Application is approved, Applicant will maintain all loading facilities and access drives in compliance with Section 135-346.B of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

Section 135-346.C	**Unless otherwise indicated, off-street loading areas shall be placed in a side or rear yard. All off-street loading areas shall be surrounded by a fifteen-foot-wide landscape strip. The landscape strip may overlap any other required landscape strip and setback required by this chapter. All off-street loading facilities adjacent to an agricultural or residential zoned property, a property that is available for residential use, and/or adjoining public street rights-of-way shall be surrounded by a landscape screen that is at least 10 feet wide in addition to the required landscape strip.**

As depicted on Sheets 4 through 7 of the Site Plan, Tracts 2 through 4, 8, 9, and 14 are proposed with off-street loading facilities located in side or rear yards, including the required 15-foot landscape strips. None of the loading facilities is permitted or proposed in a front yard.

Additionally, portions of Tracts 3 (south side), 4 (east side), 9 (west side), 12 (south and west sides), and 14 (northwest side) adjoin lots developed with residential uses, but none of these Tracts adjoin land within the Township's residential districts. All of these loading facilities are designed to be set back distances of at least 25 feet from such adjoining property lines (i.e., a 15' landscape strip plus a 10' additional landscape screening setback). Given the foregoing, the Application complies with this requirement.

Section 135-346.D	**Every loading space shall be connected to a street by means of an access drive. The access drive shall be at least 24 feet wide for two-way traffic, or 18 feet wide for one-way traffic. See Chapter 119, Subdivision and Land Development, for other access drive requirements.**

As depicted on Sheets 4 through 7 of the Site Plan, all proposed loading spaces are designed to be connected to a public street via an access drive with at least two (2) lanes and a width of at least 24 feet. See response to Section 135-342.C(2) of the Zoning Ordinance describing compliance with the applicable provisions of Section 119-52.D

(Driveways, Access Drives and Specific Traffic Control Requirements) of the SLDO regarding access drives. Given the foregoing, the Application complies with this requirement.

…

Section 135-349	**Maximum parking requirements. In order to preserve landscaped areas and green space and to minimize the impacts of storm water runoff from a lot, any proposed use shall not exceed the minimum parking requirements listed in § 135-343, by a rate greater than one and one quarter (1.25) of the minimum parking requirements, unless the applicant can demonstrate that additional parking is necessary to meet the anticipated parking demand of the proposed use. Such information as trip generation reports or parking demand studies for similar uses shall be sufficient in demonstrating anticipated parking demand for a particular use. This requirement shall not be interpreted to preclude a park-and-ride lot that is permitted by this chapter.**

As depicted on Sheets 4 through 7 of the Site Plan, required and proposed passenger vehicle parking spaces are as follows: (i) Tract 1 = 18 required, and 18 proposed (i.e., 1.00); (ii) Tract 2 = 40 required, and 50 proposed (i.e., 1.25); (iii) Tract 3 = 33 required, and 38 proposed (i.e., 1.15); (iv) Tract 4 = 78 required, and 97 proposed (i.e., 1.24); (v) Tract 8 = 120 required, and 124 proposed (i.e., 1.03); (vi) Tract 9 = 63 required, and 63 proposed (i.e., 1.00); and (vii) Tract 14 = 78 required, and 97 proposed (i.e., 1.24). Additionally, since Tract 12 is proposed to include the commuter park-and-ride facility, it is not subject to the requirements of Section 135-349 of the Zoning Ordinance.

Further, as depicted on Sheet 8 of the Site Plan, Tract 5 is proposed to include eight (8) townhouse dwellings with 24 parking spaces, where the minimum parking required is 16 spaces, resulting in a ratio of 1.50, which exceeds the 1.25 maximum of Section 135-349 of the Zoning Ordinance. The additional parking proposed on Tract 5 is necessary to accommodate anticipated resident and visitor parking demand, including demand attributable to guest parking and households with more than two (2) vehicles. Further, the proposed additional parking on Tract 5 will help avoid spillover parking onto Ironstone Drive Extended and adjoining lots, thereby supporting safe on-site circulation and emergency access. At the hearing, Applicant will present testimony confirming that, based on its experience with other townhouse developments, the additional parking spaces are necessary to meet the anticipated parking demand.

Additionally, the proposed 24 parking spaces for the eight (8) townhouse dwellings are supported by the most recent edition of the Institute of Transportation Engineers ("ITE") parking generation rates. Pursuant to ITE's parking rates, the 85th percentile and upper range of per-dwelling-unit parking ratios based on actual constructed and occupied developments for single-family attached housing (ITE Land Use Code – 215) are 2.27 and 2.55 spaces per dwelling unit, respectively. Rounded up to the next whole number of parking spaces, ITE's parking rates result in three (3) parking spaces per dwelling unit. When ITE's parking space-per-dwelling-unit rate of three (3) spaces is applied, the result is 24 spaces for the eight (8) proposed townhouse dwellings. Therefore, the proposed 24 parking spaces are consistent with ITE's parking rates. Given the foregoing, the Application complies with this requirement.

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J. GENERAL STANDARDS FOR ALL SPECIAL EXCEPTION APPLICATIONS (SECTIONS 135-383.B(1) THROUGH 135-383.B(5))

Section 135-383.B	**Special exceptions. When special exceptions are provided for in this chapter, the Board shall hear and decide requests for such special exceptions in accordance with stated standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of the Municipalities Planning Code and this chapter. The Board may grant approval of a special exception, provided that the applicant complies with the following standards for special exceptions and that the proposed special exception shall not be detrimental to the health, safety or welfare of the neighborhood. The burden of proof shall rest with the applicant.**
Section 135-383.B(1)	**Compliance with this chapter. The applicant shall establish by credible evidence compliance with all conditions on the special exception enumerated in the section which gives the applicant the right to seek the special exception. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.**

As set forth throughout this Narrative, the Site Plan, the other materials submitted with the Application, and the testimony to be presented at the hearing, Applicant has provided sufficient plans, studies, and other data demonstrating compliance with the applicable standards governing the Proposed Development as a planned mixed-use development in the MU District. As a planned mixed-use development, the Proposed Development is expressly permitted by special exception approval in the MU District pursuant to Section 135-143.R of the Zoning Ordinance, subject to compliance with the specific standards of Section 135-275 (Planned Mixed-Use Developments) of the Zoning Ordinance and the additional use-specific requirements applicable to the proposed components of the development, including, as applicable, Sections 135-268 (Vehicular Fueling Stations), 135-269 (Vehicular Washing Facilities), 135-255 (Drive-Through Facilities), and 135-262 (Townhouses) of the Zoning Ordinance. This Narrative addresses those standards in detail, and the attached Site Plan, Sewer and Water Feasibility Report, Traffic Impact Study, Shared Infrastructure Maintenance Exhibit, and Emergency Services Comment Letters provide further credible evidence of compliance with all applicable regulations. Given the foregoing, the Application complies with this requirement.

Section 135-383.B(2)	**Traffic and public services. The applicant shall establish by credible evidence that the proposed special exception shall be properly serviced by all existing public service systems. The peak traffic generated by the subject of the application shall be accommodated in a safe and efficient manner or improvements made in order to effect the same. Similar responsibilities shall be assumed with respect to other public service systems, including but not limited to police protection, fire protection, utilities, parks and recreation. If the proposed use or development is estimated to generate more than 1,000 daily trips or more than 100 a.m. or p.m. peak hour trips using accepted engineering standards such as the ITE Trip Generation Manual, the applicant shall provide a traffic study meeting all requirements of Chapter 119, Subdivision and Land Development, § 119-32C(5).**

Existing and planned public service systems will serve the Proposed Development. As described in this Narrative, the Property is in the designated growth area served or planned to be served by a full range of utilities, infrastructure, and services, including public water and public sewer. Indeed, the Proposed Development is designed to be connected to EAWA's public water service system and ERSA's public sewer service system. The Proposed Development also includes coordinated roadway and access improvements,

including Buckingham Boulevard Extended, Ironstone Drive Extended, and improvements to Hershey Road. In addition, the attached Traffic Impact Study, prepared in accordance with the applicable requirements of Section 119-32.C(5) (Traffic Impact Study Requirements) of the SLDO, addresses the traffic generated by the Proposed Development and the improvements necessary to accommodate it safely and efficiently. Police, fire, and related public services are available to serve the Proposed Development, as confirmed by the Emergency Services Comment Letters. Given the foregoing, the Application complies with this requirement.

Section 135-383.B(3)	**Site planning. The applicant shall establish by credible evidence that the proposed special exception shall be in and of itself properly designed with regard to internal circulation, parking, buffering and all other elements of proper design as specified in this chapter and any other governing law or regulation.**

As depicted on the Site Plan and described throughout this Narrative, the Proposed Development has been designed as an integrated planned mixed-use development with coordinated internal circulation, controlled ingress and egress, shared and complementary infrastructure, appropriate off-street parking, sidewalks, stormwater facilities, landscaping, and buffering. The various proposed Tracts are arranged to provide logical circulation patterns for passenger vehicles, service vehicles, trucks, and pedestrians, while the proposed street and access layout distributes traffic through internal connections rather than onto local residential streets. The Site Plan also reflects use-specific design features, including separated truck courts for the warehouse/distribution buildings, defined stacking lanes for drive-through uses, parking and access arrangements for the hotel and commercial Tracts, as well as townhouse access from Ironstone Drive Extended. Together with the applicable buffering, lighting, utility, and stormwater improvements, these features demonstrate that the Proposed Development is properly designed in accordance with the Zoning Ordinance and other governing regulations. Given the foregoing, the Application complies with this requirement.

Section 135-383.B(4)	**Neighborhood. The proposed special exception shall not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and the use of property adjacent to the area included in the special exception application shall be adequately safeguarded.**

The Proposed Development will not substantially injure or detract from the use of neighboring property or the character of the neighborhood. As described in Section II of this Narrative, the Development Tract is in the designated growth area that is already characterized by a mix of residential and nonresidential uses, transportation infrastructure, utilities, and development patterns consistent with the MU District. The Zoning Ordinance

expressly permits planned mixed-use developments in the MU District, reflecting the Township's legislative determination that such a use and form of development is appropriate in this location when the applicable standards are satisfied. Moreover, the Proposed Development includes coordinated site design, setbacks, landscaping, buffering, internalized circulation, and roadway improvements that protect adjoining properties and integrate the development with surrounding uses, including the landscaped berms and fencing along the Tract 4 and Tract 14 boundaries abutting existing dwellings. The Site Plan arranges buildings, parking, truck areas, access drives, and open areas to safeguard adjacent properties and minimize adverse effects. Given the foregoing, the Application complies with this requirement.

Section 135-383.B(5) **Safety. The applicant shall establish by credible evidence that the proposed use will not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.**

The Proposed Development will not create a significant hazard to public health or safety. The proposed uses are expressly permitted within a planned mixed-use development in the MU District, subject to the standards addressed in this Narrative, and the Site Plan incorporates appropriate access, circulation, parking, setbacks, utility connections, stormwater controls, and related site improvements to support safe development of the Property. Where particular uses involve specialized operational considerations, such as vehicular fueling or vehicular washing, the Application addresses the corresponding requirements, including public utility service, enclosed operations where required, regulated fuel storage, and other use-specific safeguards. In addition, if the Application is approved, Applicant will agree to obtain all required permits and approvals during subsequent stages of review and development, and Applicant will present supporting testimony, as needed, regarding fire protection, emergency access, and related safety matters. See Emergency Services Comment Letters. Given the foregoing, the Application complies with this requirement.

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IV. CONCLUSION

For the foregoing reasons, Applicant respectfully requests that the Zoning Hearing Board grant the relief requested in this Application.