



June 17, 2024

Ms. Jacqui Guenther, Manager
West Vincent Township
729 St. Matthews Road
Chester Springs, PA 19425

RE: Butterscotch Pastry Shop
Conditional Use Review
1406 Hollow Road

Dear Board of Supervisors:

LTL Consultants has reviewed a Conditional Use Application, from applicants Ruthairat & Francis Pascal, the owners of Butterscotch Pastry Shop. The property is 3.6 acres and is UPI No. 25-4-80. It is located at the corners of Hollow Road and Flowing Springs Road, as well as Flowing Springs Road and School House Lane. The majority property is undeveloped woodlands. Currently located on the property is the Butterscotch Pasty Shop, which is a Café that obtained a conditional use in 2016. Also on the property is a gravel parking lot, which can park approximately 20 vehicles, and a detached barn/garage structure. The property is traversed by a small stream, which is an unnamed Tributary to Birch Run. Per FEMA Firmette 42029C0050G, there is no Floodplain designated with this stream.

Per Section 390-219.A.2, West Vincent Township Zoning Ordinance requires conditional use approval for any new uses, new construction, and the addition, enlargement or change in use or the increase in the level of activity or area of a previously approved conditional use. A conditional use was granted to open the Butterscotch Pastry Shop in 2016. The conditional use was approved with a set of conditions that can be referenced in the Cedarville Engineering Memorandum, dated 5/14/24. The current conditional use application is to allow for additional uses that were not a condition of the previous conditional use. These additional uses are listed below:

- 1) The use of outdoor seating for the pastry shop, which was started on the premises during the COVID-19 pandemic.
- 2) The use of occasional live music in the outdoor seating area on weekend mornings.
- 3) The use of seating in the “backroom” area, which was not permitted and approved in the prior use. The application shows 42 additional seats in this area.
- 4) The Applicant has listed parking as a change to their 2016 conditional use application. No detail has been provided on the change to the parking.
- 5) The use of baking on the premises, which was not permitted and approved in the prior use.

LTL received the following information for review:

- 2 – 8.5”x11” hand sketch drawings of table/seat arrangements; and
- Conditional Use Application, dated 4/24/24.

The Conditional Use Hearing shall be heard pursuant to **Section 390-219 Conditional Uses.**

1) Section 390-219.C.1. - To allow adequate evaluation of any conditional use application by the Board of Supervisors, the applicant shall provide any information necessary to ensure that the below conditions are being met. The following sections of the ordinance should be further discussed with the Board of Supervisors:

- a. Section 390-219.C.1.c - The proposed use and its location are consistent with the Comprehensive Plan, the Township Act 537 Sewage Facilities Plan, and the infrastructure required to service the area, including the logical extension of public services and utilities.

The total proposed seat count is 114 seats. Only 14 seats were permitted under the 2016 conditional use. We are not aware of any sewage planning that was completed to ensure there are adequate sewage facilities to meet the demand of 114 seats. The applicant should contact Chester County Health Department and provide verification to the Township that adequate sewage facility is available at the property to accommodate to potential number of occupants.

Section 390-135.F(18) requires eating/drinking establishments to have one parking space for every two seats. To meet the ordinance, the proposed 114 seats would require 57 parking spaces. The applicant should discuss actual parking demand based on prior events. At a minimum, the applicant should consider providing striped parking spaces to ensure parking efficiency. This would require the parking lot to be paved.

- b. Section 390-219.C.1.d - The use will not adversely affect the health, safety or general welfare of the Township. See the comment above regarding the need to verify adequate sewage facility on the premises.
- c. Section 390-219.C.1.e – The proposed use is consistent with the general nature of surrounding uses and will not conflict with existing uses on neighboring properties, and will be maintained in a manner that will protect the character and property values of the surrounding area. The applicant should discuss with the Board what potential impacts this live music may have on surrounding properties. The applicant may need to mitigate noise impacts through sound-damping techniques. The location of the live music and time/date should be considered in the discussion.

- d. Section 390-219.C.1.f – The proposed use will provide for safe and adequate access to roads and public utilities and will not create excessive demands on existing streets, services, utilities, stormwater controls, or adversely affect surrounding properties or the area in general. See the comment above regarding parking. No street-side parking shall be allowed for this use so as not to inhibit traffic flow. The applicant must prove that the required parking is available or they may need to provide additional parking area.
- e. Section 390-219.C.1.g – Any construction will be accomplished using sound design and engineering principles and will not adversely affect existing uses in the area. All required building permits shall be obtained for the bakery mechanicals.
- f. Section 390-219.C.1.h - The proposed use will incorporate proper landscaping, screening, parking, signage, and buffering in accordance with the applicable provisions of this chapter. Additional screening and buffering may be needed to mitigate sound from the live music. Striping should be provided for the parking area(s).
- 2) Section 390-219.C.2 - The Board of Supervisors may impose such conditions as it deems necessary to ensure compliance with the above standards, including but not limited to the satisfaction of all the applicable requirements and provisions of Chapter 315, Subdivision and Land Development, of the Township's Code and all other Township codes and ordinances, and other regulatory governmental agencies, and may require any impact statements per § 315-131 of Chapter 315, Subdivision and Land Development, of the Code of the Township of West Vincent.

Regards,



Norman A. Ulrich III, P.E.
LTL Consultants, Ltd.
Principal/ Municipal Engineer

cc: Jason Barron, Township Permit Administrator (via email only)
Kathy Shillenn, Township Secretary (via email only)
Christina Casey, Assistant Township Secretary (via email only)
Ruthairat & Francis Pascal, Applicants (via email only)
Tracey Franey, Township Zoning Officer (via email only)
Township Board of Supervisors (via email only)
Dave Onorato, Township Solicitor

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