

January 31, 2025

VIA HAND DELIVERY

Christina Casey, Township Secretary
West Vincent Township
729 St. Matthews Road
Chester Springs, PA 19425

RE: Conditional Use Application of Pothouse-Kimberton LLC (Owner)
Proposed Self-Storage Facility
986 Pottstown Pike/TMP No. 25-6-70

Dear Ms. Casey:

This office represents Pothouse-Kimberton, LLC (“Owner”) concerning its property comprised of two adjoining parcels, identified as Parcel No. 25-6-70 and Parcel No. 25-6-84 on the Chester County Tax Map. Parcel 25-6-70 has an address of 986 Pottstown Pike and has gross area of 2.882 +/- acres (“Southern Parcel”). Parcel 25-6-84 has an address of 990 Pottstown Pike and has a gross area of 2.35 +/- acres (“Northern Parcel”) (The Southern Parcel and Northern Parcel, together, the “Property”). The Property has a combined gross area of 5.232 +/- acres. Currently, a non-conforming two-unit apartment use exists on the Northern Parcel. The Southern Parcel is currently vacant land. The Property is subject to split-zoning, with the northern portion of the Property in which the apartment use is located being zoned LVCC-Ludwigs Village Center Commercial district, and the remainder of the Property being zoned PC/LI-Planned Community/Limited Industrial district.

By way of background, Owner has submitted a land development application and minor subdivision application with West Vincent Township (the “Township”) for coordinated development of the Property. Regarding the minor subdivision, Owner proposes to change lot lines so that the Southern Parcel is increased in area to a total 3.351 acres, and the Northern Parcel is reduced in area to a total 1.421 acres (net of right-of-way). An area comprising 0.326 acres is proposed for dedication to the Township for the purpose of providing for the future location of the Lexington Road Connector as described in the Ludwigs Corner Master Plan. Owner has already secured the necessary property rights from the adjoining landowner, has secured approval and has recorded a plan of a lot line change, so that Owner now owns the area corresponding to the required road right-of-way. Owner shall ultimately offer the road right-of-way for dedication to the Township.

Regarding the development of the Southern Parcel, Owner hereby files its application for conditional use approval for a self-storage facility building. The facility will have a 100' x 340' footprint and is proposed to be 3-stories in height, for an overall gross floor area of 102,000 SF. The building shall be designed to mimic a barn structure, in keeping with the rural and agricultural history of the Township. The facility will have seven (7) parking spaces and a 30' wide paved driveway around its perimeter. Access is provided by a 24' wide driveway extending from Route 100, over the proposed 50' right-of-way to be

improved to Township standards and then dedicated to the Township for use in the Township's Lexington Road Connector project.

In support of this Application, enclosed for filing please find the following:

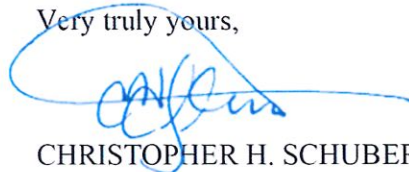
1. One (1) original and three (3) copies of the Conditional Use Application, which includes Addendum "A" (explaining the basis for relief) and Addendum "B" (providing the 500-foot owner list for notification purposes).
2. One (1) copy of the deed for the Property.
3. Three (3) copies of the full-sized site plans prepared by Commonwealth Engineers, which plans depict the proposed improvements to the Property.
4. A check made payable to West Vincent Township in the amount of \$4,000, representing the required filing fee for the Application.

Kindly advise if further information or documentation is required at this time. Also, please advise if this matter will be placed before any other Commission or Board prior to proceeding to the Board of Supervisors, as we would appreciate an opportunity to present this Application to anybody that may be rendering an opinion. Please note that additional documentation and testimony will be submitted in support of the Application at the time of hearing.

I understand that the Township will take care of all public notices and posting of the Property, including sending mailed notices to interested parties in accordance with the Township Code. Unless I hear from you to the contrary, I shall assume that the Township handles all forms of public notice.

Thank you in advance for your assistance in this matter. I look forward to presenting this Application before the Township. Should you have any concerns or questions, please feel free to contact my office at your convenience.

Very truly yours,



CHRISTOPHER H. SCHUBERT

CHS/tw
Enclosures

cc: David Onorato, Esquire / Hadlick, Onorato & Federman, LLP (via email only, w/ enclosures)
Dr. Navneet Sharma, M.D. (via email only, w/o enclosures)
Jim Haigney (via email only, w/o enclosures)



CONDITIONAL USE APPLICATION

1. MUNICIPAL USE ONLY		
Received: <u>1/31/25</u>	When ready: <input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> Call	Received as: <input checked="" type="checkbox"/> Walk-in <input type="checkbox"/> Mail
Application Received by: <u>Tracy Franey</u>		<input type="checkbox"/> Email
Received from Applicant: <input checked="" type="checkbox"/> List of names and addresses of all property owners within 500' of property		
<input checked="" type="checkbox"/> 3 copies of proposed plans <input type="checkbox"/> Related information described in Zoning Ordinance		
Application Fee (DUE AT SUBMISSION):		
<input type="checkbox"/> \$1,000.00 Residential	<input type="checkbox"/> Cash <input checked="" type="checkbox"/> Check # <u>832</u>	Date Received: <u>1/31/25</u> <u>TMF</u>
<input checked="" type="checkbox"/> \$4,000.00 Commercial		

2. PROPERTY INFORMATION	
Site Address: <u>986 Pottstown Pike, Chester Springs, PA</u>	
Tax Parcel ID: <u>25 - 6 - 70</u>	Lot # (if applicable):
Type of property: <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial	

3. OWNER	Email: <u>cschubert@regerlaw.com</u>
Name: <u>Pottstown-Kimberton, LLC</u>	Phone: <u>(610) 283-7440</u>
Address/City/State/Zip: <u>c/o Christopher H. Schubert, Esquire / REGER RIZZO & DARNALL, LLP</u> <u>10 Valley Stream Parkway, Suite 201A, Malvern, PA 19355</u>	

4. APPLICANT	Email:	<input checked="" type="checkbox"/> Same as owner
Name:	Relationship to owner:	
Company (if applicable):	Phone:	
Address/City/State/Zip:		

5. REASON FOR APPLICATION	
Applicant desires to use property in the following manner as permitted as a Conditional Use under Section 390-53.8(13) of the West Vincent Township Zoning Ordinance (attach documents if needed):	
-See Addendum "A", attached hereto and incorporated herein	
Owner's Signature <u></u>	Applicant's Signature _____

Christopher H. Schubert, Esquire, as
attorney for Owner/Applicant

Applicant must also complete the Chester County Planning Commission Act 247 County Referral Form which can be found at <https://www.chescoplanning.org/pdf/247-Referral-Form.pdf> (referral form also requires one complete set of plans and a separate review fee payable to the county).



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ATTACHMENT

Instructions for finding Property Owner Within 500 Feet of Property Line

1. Type the word 'Chescoviews' into your internet browser. Click on the entry for ChescoViews – Chester County, Pennsylvania.
2. A welcome screen appears. Click on the button which says 'Enter ChescoViews'.
3. On the top right, click on the search tool indicated by the magnifying glass icon. Enter the street address and name of street you are making an application for in the appropriate boxes. If the street name is common, you may have to enter the Municipality name in the appropriate box as well. Click 'Search'.
4. When you see the property is highlighted in red, click on the round button icon on the top right that is labeled 'Buffer Zone'. Enter '500' in the distance box and make sure 'feet' is chosen in the unit pulldown. Click 'Set Buffer' and select your red-highlighted property. A list of all owners in the Buffer Zone is indicated below the map.
5. At the top of the list of owners, click 'Export' and 'Download as CSV'. You can open or save directly to your hard drive, whichever you prefer.
6. Open the Excel spreadsheet created by the import of the property owners. Widen the columns so that all the mailing information can be easily seen. Print this spreadsheet (you may have to change the orientation to 'landscape') and submit with application.

SECTION 2711 – CONDITIONAL USES Where permitted within the district regulations of this Ordinance, conditional uses shall comply with the following procedures:

A. Application

An application for conditional use approval shall be accompanied by three (3) copies of the proposed plans showing the size and location of the proposed use, all existing and proposed buildings and all proposed accessory facilities, including roads, access drives, parking areas, and natural features within five hundred (500) feet of the subject property, and all tax parcels and owners' names within five hundred (500) feet of the subject property. In addition, the application shall be accompanied by such information in graphic and/or narrative form, to demonstrate compliance with all applicable standards to be met. Feasibility of water supply, sanitary sewage disposal, and storm drainage control should be demonstrated but need not be fully engineered.

Conditional use approval shall be required 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.

As part of the application for conditional use approval, the applicant may be required to provide the following additional information as deemed appropriate by the Township Engineer or Board of Supervisors:



CONDITIONAL USE APPLICATION

- Site photos
- Soils report, and a stormwater management feasibility report
- Cross sections of streams or floodplains, high water table elevation, topographic profiles
- Specifications and design for building materials, construction methods, any flood proofing, and building elevations
- Specifications and design of cut and fill areas, grading, and landscaping
- A description of utilities, and a water supply and sanitary sewage facilities feasibility report
- Erosion and sedimentation controls, computation of any increase in flood heights or run-off characteristics
- Listing of all required federal, state, and local permits required
- Engineer certified design for foundations, floodproofing, and associated requirements
- Traffic study, including existing and projected traffic volumes (peak hour and total daily), trip generation for proposed use, and existing and projected levels of service for roads and intersections surrounding the subject property.

B. Procedure

- A conditional use application shall be filed with the Township Secretary/Treasurer on such forms as may be prescribed by the Board of Supervisors, accompanied by the required fee.
- The Board of Supervisors shall schedule and hold a public hearing on the application within sixty (60) days of filing unless the applicant waives or extends the time limitation. Public notice shall be given in accordance with Section 2902B.
- At least forty-five (45) days prior to the date of hearing, one (1) copy of the application and supporting material shall be furnished to the Township Planning Commission, and any other agencies or consultants deemed appropriate by the Board of Supervisors, together with a request that such agencies submit recommendations regarding the proposed conditional use.
- Notice of the conditional use application shall be forwarded by regular mail to the owner and the occupant of every lot within five hundred (500) feet from any lot line of the lot in question, provided that failure to give notice as required by this paragraph shall not invalidate any action taken by the Board of Supervisors.
- The Board of Supervisors shall render a decision within forty-five (45) days after the public hearing (or last public hearing, if more than one is necessary to fully evaluate the proposal).
- If conditional use approval is granted by the Board of Supervisors, such decision and its conditions shall be recorded on the property deed with the County Recorder of Deeds office. A copy of the deed shall be filed with the Township.
- In the event of approval, if the applicant fails to obtain the necessary building permits within twelve (12) months of the date of approval, or commence work within an additional six (6) months, it shall be deemed that the applicant has withdrawn or abandoned the application, and all conditional uses, permits, and provisions granted shall be null and void; except that the Board of Supervisors may grant, upon application, an extension.
- Where the application for conditional use approval is part of a subdivision or land development plan, the conditional use application shall be filed prior to the submission of the preliminary plan. The Township shall not be required to grant any preliminary plan approval until such time that



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the conditional use application is approved. In the event that the conditional use is granted, the conditional use and any associated conditions attached by the Board of Supervisors shall be noted on the preliminary and final plans.

C. Standards for Review of Conditional Use

To allow adequate evaluation of any conditional use application by the Board of Supervisors, the applicant shall provide any information necessary to ensure that:

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 proposed use is consistent with the purposes of the Article wherein it is permitted and is consistent with the overall purpose of the zoning ordinance.
- The proposed use shall meet all of the specific standards and regulations for eligibility which appear in the section of this Ordinance authorizing the proposed conditional use.
- The proposed use will satisfy all the applicable requirements and provisions of the Township Subdivision and Land Development Ordinance, and all other Township codes and ordinances, and other regulatory governmental agencies.
- 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 use will not adversely affect the health, safety, or general welfare of the Township.
- 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 which will protect the character and property values of the surrounding area.
- 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 affecting surrounding properties or the area in general.
- Any construction will be accomplished using sound design and engineering principles and will not adversely affect existing uses in the area.
- The proposed use will incorporate proper landscaping, screening, parking, signage, and buffering in accordance with the applicable provisions of this Ordinance.
- The standards set forth in Section 2807, for the review of special exception applications, shall be met. The Board of Supervisors may impose such conditions as it deems necessary to ensure compliance with the above standards, and may require any impact statements per Section 4031 of the Township Subdivision and Land Development Ordinance.

SECTION 2901 - POWER OF AMENDMENT

The Board of Supervisors may from time to time amend, supplement, change, modify or repeal this Ordinance including the Zoning Map in accordance with the provisions of this Article and the Pennsylvania Municipalities Planning Code, as amended.

SECTION 2902 - PROCEDURE The following procedure shall be observed prior to the adoption of any



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amendment or change to this Ordinance or Zoning Map:

A. **Public Hearing** Prior to taking action on the enactment of any amendment, the Board of Supervisors shall hold a public hearing thereon pursuant to public notice. The time and place of public hearings shall be fixed by the Board of Supervisors. Full opportunity to be heard will be given to any resident and all parties of interest attending such hearing.

B. **Public Notice** The Board of Supervisors shall advertise public hearings by publishing a notice of the time and place such hearings shall occur in a newspaper having general circulation in the Township. Such notice shall not be more than thirty (30) days and not less than seven (7) days before the date fixed for the hearing. Such notice shall be published once each week for two successive weeks. The notice shall include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place within the Township where copies of the proposed amendment may be examined.

Whenever a change in the Zoning Map is proposed, the Township shall forward by mail notice of such proposed change to the owner and the occupant of every lot affected by such proposed change and of every lot within five hundred (500) feet from the proposed district line, provided that failure to give notice as required by this paragraph shall not invalidate any action taken by the Board.

C. **Planning Commission Referral** In the case of an amendment other than that prepared by the Township Planning Commission, the Board of Supervisors shall submit such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations. The recommendations of the Planning Commission shall be submitted in writing to the Board of Supervisors. The Planning Commission shall consider whether or not the proposed change or amendment would be, in the view of the Commission, consistent with the purposes and objectives of this Ordinance and desirable in furthering the Comprehensive Plan.

D. **County Planning Commission Referral** The Board of Supervisors or Planning Commission shall submit all amendments to the County Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment for recommendation.

E. **Decision** The Board of Supervisors shall not take action on the proposed amendment until the Planning Commission and the County Planning Commission recommendations are made. If such recommendations are not received within thirty (30) days from the date the referral was received by these agencies, the Board of Supervisors may proceed without such recommendations. Decisions regarding amendments shall be acted on by the Board of Supervisors at a public meeting within ninety (90) days after the public hearing. Any amendments shall be incorporated into the official Zoning Ordinance of the Township by reference with the same force and effect as if duly reported therein.

SECTION 2903 - AMENDMENT BY LANDOWNER PETITION

Whenever the owners of fifty percent (50%) or more of the total area of any zoning district, wherein a change of zoning regulations is sought, shall present to the Board of Supervisors a petition duly signed and acknowledged requesting an amendment, supplement, change, modification or repeal of an of the



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regulations or restrictions prescribed by this Ordinance for their district, or a change in the Zoning Map including such district or part thereof, it shall be the duty of the Board of Supervisors to hold a public hearing thereon and cause notice thereof to be given in the manner prescribed in Section 2902. Applicants to the Board of Supervisors for the amendment shall, upon the filing of such application, pay the appropriate fees established by the Township for each application to cover the costs of advertising and aforesaid notice. The applicant shall pay the cost of stenographic service and any other expense incurred in connection with such application, provided, however, that if the total of the aforesaid costs and expenses does not exceed the amount provided, any difference shall be refunded to the applicant.

SECTION 2904 - PROCEDURE UPON CURATIVE AMENDMENTS

A. A landowner who desires to challenge on substantive grounds the validity of the Zoning Ordinance or Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a challenge in accordance with 916.1 of the Municipalities Planning Code. The curative amendment and challenge shall be referred to the Township Planning and County Planning Commissions as provided in Section 2902 above and notice of the hearing thereon shall be given as provided in Sections 610 and 916.1 of the Municipalities Planning Code. The hearing shall be conducted in accordance with subsections D through H of Section 2804 of this Ordinance.

B. A landowner who has challenged on substantive grounds the validity of the Township Zoning Ordinance or map under paragraph A above shall not submit any additional substantive challenges involving the same parcel, group of parcels or part thereof until such time as the status of the landowner's original challenge has been finally determined or withdrawn; provided, however, that if after the date of the landowner's original challenge the Township adopts a substantially new or different Zoning Ordinance or zoning map, the landowner may file a second substantive challenge to the new or different Zoning Ordinance or zoning map under paragraph A. above.

**APPLICATION TO THE BOARD OF SUPERVISORS OF
WEST VINCENT TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA**

**IN RE: CONDITIONAL USE APPLICATION
OF APPLICANT/OWNER POTTSTOWN-KIMBERTON, LLC
Concerning Property at 986 Pottstown Pike
Chester Springs, Pennsylvania
TMP No. 25-6-70**

**ADDENDUM “A” TO
CONDITIONAL USE APPLICATION**

I. BACKGROUND

The subject property is owned by Pottstown-Kimberton, LLC (“Owner”) and is comprised of two parcels identified as Parcel No. 25-6-70 and Parcel No. 25-6-84 on the Chester County Tax Map. Parcel 25-6-70 has an address of 986 Pottstown Pike and has gross area of 2.882 +/- acres (“Southern Parcel”). Parcel 25-6-84 has an address of 990 Pottstown Pike and has a gross area of 2.350 +/- acres (“Northern Parcel”) (The Southern Parcel and Northern Parcel, together, the “Property”). The Property has a combined gross area of 5.232 +/- acres. Currently, a non-conforming two-unit apartment use exists on the Northern Parcel. The building in which the apartments are located is also non-conforming as to its side yard setback to the northern property line. The Southern Parcel is currently vacant land. The Property is subject to split-zoning, with the northern portion of the Property in which the apartment use is located being zoned LVCC-Ludwigs Village Center Commercial district, and the remainder of the Property being zoned PC/LI-Planned Community/Limited Industrial district.

Owner has submitted a land development application and minor subdivision application with West Vincent Township (the “Township”) for coordinated development of the Property. Regarding the minor subdivision, Owner proposes to change lot lines so that the Southern Parcel is increased in area to a total 3.351 acres, and the Northern Parcel is reduced in area to a total 1.421 acres (net of right-of-way). An area comprising 0.326 acres is proposed for dedication to the Township for the purpose of providing for the future location of the Lexington Road Connector as described in the Ludwigs Corner Master Plan. Owner has already secured the necessary property rights from the adjoining landowner, has secured approval and has recorded a plan of a lot line change, so that Owner now owns the area corresponding to the required road right-of-way. Owner shall ultimately offer the road right-of-way for dedication to the Township.

As an ancillary issue, the coordinated development of the Property requires consideration of the so-called “greenway land” requirements under the Code. *See* Code, §§ 390-55 & 60. Parcels within the PC/LI and LVCC districts are required to maintain at least 50% of their gross lot area as permanent green way land. Development of the Property can achieve the greenway land requirement on a *combined* tract basis. Under the current development proposal, the requirement can be met on both the Northern Parcel and Southern Parcel.

No land development is presently proposed on the Northern Parcel. Regarding the Southern Parcel, Owner proposes the development of a commercial self-storage building. Such use is not listed in any zoning district as a permitted use -- either by right, by conditional use or by special exception. Consequently, in the PC/LI district, the use falls under the conditional use category of §390-53.8 (13), as a “use not specifically provided for herein,” provided that the use meets the performance standards of §390-156 of the Township Code. Owner previously secured variance relief and special exception approval for the project from the West Vincent Township Zoning Hearing Board. Accordingly, **Owner now makes application for a conditional use for the commercial self-storage facility.**

The self-storage facility will have a 100' x 340' footprint and is proposed to be 3-stories in height, for an overall gross floor area of 102,000 SF. The facility will have a 100' x 340' footprint and is proposed to be 3-stories in height, for an overall gross floor area of 102,000 SF. The building is proposed to be designed to mimic a barn structure, in keeping with the rural and agricultural history of the Township. The facility will have seven (7) parking spaces and a 30'-wide paved driveway around its perimeter. Access is provided by a 24' wide driveway extending from Route 100. The driveway intersection with Route 100 is located between the two parcels and includes the 50' proposed right-of-way to be improved to Township standards and then dedicated to the Township for use in the Township's Lexington Road Connector project.

Since the size of the proposed facility is critical to its viability, the proposed width of the self-storage building will afford the flexibility to locate the building further away from Pottstown Pike, as well as the rear yard of the parcel, than would otherwise be possible if the building was narrower. As such, enhanced buffering can be established to effectively screen the building from views along Pottstown Pike. As to the areas adjoining the side and rear yards of the parcel, these areas are heavily wooded, with the nearest residential uses being over 1,100 feet from the parcel boundaries. The ability to terminate the non-conforming apartment use on the Northern Parcel and to convert the use of the building to an urgent care facility depends upon the viability of the self-storage project.

II. REQUEST FOR RELIEF

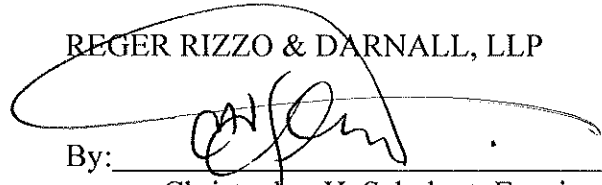
Owner hereby requests the following:

1. Grant of conditional use pursuant to §390-53.8 (13) of the Code, as a “use not specifically provided for herein.” At the time of the hearing on the Application, Owner shall establish through the testimony of its professionals that the proposed commercial self-storage facility will meet the performance standards of §390-156 of the Code, as well as the general conditional use requirements and procedures set forth in §390-219 of the Code.
2. Owner also applies for such other interpretations, waivers, or other relief and/or approvals as may ultimately be required.

Plans of the proposed use have been submitted to the Zoning Officer, to be incorporated by reference herein, for consideration before the Board of Supervisors.

Respectfully submitted,

REGER RIZZO & DARNALL, LLP



By: _____

Christopher H. Schubert, Esquire
Attorney for Applicant/Owner
Pottstown-Kimberton, LLC

Date: 1/31/2025