RESOLUTION No. 2008-30

A RESOLUTION OF THE COUNCIL OF THE CITY OF COATESVILLE, CHESTER COUNTY, PENNSYLVANIA, OFFICIALLY APPROVING THE PRELIMINARY AND FINAL LAND DEVELOPMENT PLAN FOR THE CONSTRUCTION OF WALGREEN'S STORE # 11461 WITH CONDITIONS AT THE SOUTH SIDE OF EAST LINCOLN HIGHWAY AND THE EAST SIDE OF SOUTH EIGHTH AVENUE

WHEREAS, the City of Coatesville is a Home Rule Charter Third Class City in the Commonwealth of Pennsylvania; and

WHEREAS, the Coatesville Planning Commission has reviewed the Preliminary/Final plan submitted by Robert E. Blue Consulting Engineers, P.C. entitled Walgreen's Store #11461. The land development involves the construction of a 14,780 square foot retail facility and 52 parking spaces on an approximately 1.5 acre lot (UPI # 16-6-603.2). This site is situated on the south side of East Lincoln Highway (State Route 30), on the east side of South Eighth Avenue, and north of Olive Street; and

WHEREAS, the plan has been submitted to and reviewed by the Chester County Planning Commission; and

WHEREAS, the plan has been submitted to and reviewed by Civil Engineer, Czop/Srecter, Inc., and the City Planner, Thomas Comitta Associates, Inc.; and

WHEREAS, the Coatesville Planning Commission has recommended approval of the Plan, and granted three (3) waivers from the requirements of the Code of the City of Coatesville, Chapter 197 – Subdivision and Land Development including:

1. § 197-9 H – pertaining to submission for Subdivision and Land Development to be submitted in a two-step process; preliminary and final
2. § 197-49 – pertaining to having no less than one 3" to 3-1/2" caliper tree shall be planted for each 40 feet of street length
3. § 197-50 E(3) – pertaining to the quantity of foundation plantings

WHEREAS, conditional Preliminary/Final Land Development approval is granted pending completion of the following conditions and to the satisfaction of the Coatesville City Solicitor:

1. Comply with all comments and requirements as set forth in the review letter from Czop/Specter Inc. addressed to the City of Coatesville, dated November 11, 2008, a copy of which is attached hereto as Exhibit "A".

2. Comply with all comments and requirements of Thomas Comitta Associates, Inc. as set forth in the Memorandum from Thomas J. Comitta to the City of Coatesville dated November 26, 2008, a copy of which is attached hereto as Exhibit "B", subject to the comments contained in the letter of Robert E. Blue P.C. dated December 2, 2008, a copy of which is attached hereto as Exhibit "C".

3. Comply with all comments of the Chester County Planning Commission set forth in the review letter addressed to the City of Coatesville, attention Harry Walker, dated December 3 2008, a copy of which is attached hereto as Exhibit "D" with an exception of paragraphs 5 and 7.

4. Submission, in a form acceptable to the Coatesville City Solicitor, of a Development Agreement and the Financial Security Agreement, including the posting of required escrow prior to commencement of any work.

5. Approval of the Use of the property as set forth in the Preliminary and Final Plan as a Conditional Use is hereby granted, subject to any applicable conditions.

6. Compliance with the requirements of City of Coatesville Subdivision and Land Development Ordinance Section 197-58 shall be agreed between the City and the Applicant and incorporated in the Development Agreement and the agreed payment made in accordance with Section 197-58.

7. In addition to the waivers recommended by the Planning Commission, a waiver is hereby granted from the requirements of the City of Coatesville Subdivision and Land Development Ordinance Section 197-77.

8. The Applicant, through its authorized representative, shall countersign a copy of this Resolution indicating acceptance by the Applicant of the above set forth conditions of subdivision and land development approval failing which the Plan of the Applicant shall be deemed denied for failure to comply with the following Sections in the City of Coatesville Subdivision and Land Development Ordinance: 197-42.A (11) and 197-58.B.

NOW THEREFORE BE IT RESOLVED by the Council for the City of Coatesville that the City of Coatesville approves this Preliminary and Final Land Development Plan subject to Applicant's agreement to and compliance with the conditions listed above.

IN WITNESS THEREOF, the Council of the City of Coatesville hereby authorizes the execution and attestation of this resolution.

RESOLVED AND ENACTED, this 8th day of December, 2008.

Karen Jorgenson
City Council President

ATTEST:

Harry G. Walker, III
City Manager

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Resolution duly adopted at a regular meeting of City Council held on the 8th day of December 2008 and recorded in the minutes as such.

Harry G. Walker, III
City Manager

[Signature for Applicant]

[Print Name]

Title