

**RESOLUTION #2019-09  
BOROUGH OF DUBLIN  
BUCKS COUNTY, PENNSYLVANIA**

**A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF DUBLIN GRANTING PRELIMINARY - FINAL LAND DEVELOPMENT APPROVAL TO DUBLIN TOWN CENTER I, L.P. FOR THE "PRELIMINARY - FINAL LAND DEVELOPMENT PLAN", PREPARED BY GILMORE & ASSOCIATES INC., CONSISTING OF 55 SHEETS, DATED JANUARY 31, 2019 LAST REVISED JULY 19, 2019.**

**WHEREAS**, Dublin Town Center I, L.P. ("Applicant") has submitted an application for preliminary - final plan approval of a residential and non-residential redevelopment plan that proposes to reconfigure the existing parcels into six (6) new parcels and develop the overall site to include: one (1) single family dwelling, seventy-eight (78) townhouses, one 15,000 SF mixed use building (with 30 residential units), one 14,830 SF one story community healthcare building, one 7,470 SF adaptive reuse of existing diner, one 5,500 SF adaptive reuse of a former automobile service station and adaptive reuse of the existing 20,054 SF TEC Center Building, with associated public/site improvements on parcels of land located on Main Street and Elephant Road and denoted as Bucks County Tax Map Parcels #10-004-075, 10-002-009, 10-002-008, 10-002-008-002, 10-002-007, 10-002-038, 10-002-010, 10-002-011, 10-002-012 and 10-002-039 ("property"); and

**WHEREAS**, this proposal is reflected on a plan entitled "Preliminary – Final Land Development Plan" prepared by Gilmore & Associates, Inc. for Dublin Town Center I, L.P., consisting of sheets 1 through 55 of 55, dated January 31, 2019, last revised July 19, 2019 ("Plan"); and

**WHEREAS**, the Dublin Borough Planning Commission reviewed the Plan at its March 18, 2019 and May 6, 2019 meetings, and having found it to be in substantial compliance with the requirements of the Borough Zoning Ordinance, the Borough Subdivision and Land Development Ordinance, and other applicable Borough regulations recommended that Preliminary and Final approval be granted.

**NOW, THEREFORE, BE IT ADOPTED AND RESOLVED**, that the Council of the Borough of Dublin hereby grants preliminary – final plan approval to the Project subject to Applicant's compliance with the following conditions:

1. Applicant shall comply with all comments/recommendations of the CKS Engineers, Inc Review letters of August 22, 2019 unless herein modified. True and correct copies of these letters are attached hereto and incorporated herein. (Borough Code §22-304, §22-604)
2. Applicant shall comply with all comments/recommendations of Boucher & James, Inc Review Letter of August 21, 2019 unless herein modified. A true and correct copy of this letter is attached hereto and incorporated herein. (Borough Code §22-304, §22-604)
3. Applicant shall construct all public improvements shown on the Plan, including, but not limited to, water and sewer facilities, stormwater facilities, street trees, roadway widening, installation of curbs and sidewalks, and roadway milling and overlay. (Borough Code §22-701, §22-800)
4. Applicant shall obtain all required approvals from various agencies having jurisdiction over the Project, including, but not limited to: Pennsylvania Department of Environmental Protection ("DEP) NPDES Permit, DEP Sewage Facilities Planning Module, Bucks County Health Department, Bucks County Conservation District E & S Plan Approval, and Pennsylvania Department of Transportation (PennDOT) Highway Occupancy Permit. (Borough Code §22-306, §22-701.2, §22-706, §22-707.1.J, §22-812, §22-813)

5. Applicant shall execute the required Stormwater Maintenance Agreement in a form approved by the Borough Solicitor. (Borough Code §25A-703, §25B-703)
6. Applicant shall submit to the Borough Engineer for review and approval all necessary legal descriptions and construction cost estimates of the public/site improvements. (Borough Code §22-701, §22-705, §22-800)
7. Applicant, and the owners of all properties subject to this plan shall execute Land Development and Financial Security Agreements and all other development documents (including all necessary agreements, easements, deeds of dedication and declarations), including but not limited to a “Public Access Easement” and a “Shared Parking Easement for both Commercial and Residential improvements” all in a form and manner to be approved by the Borough Solicitor; Applicant shall post sufficient financial security in a form acceptable to the Borough; Applicant shall provide proof of sufficient insurance coverage to the Borough (Borough Code §22-403.2),
8. Applicant shall execute all deeds of dedication, legal descriptions of rights-of-way, access easement descriptions, lot descriptions, notes, etc., all in a form and manner to be approved by the Borough Solicitor. Descriptions for those areas of land specified on the Plans for dedication to the Borough shall be submitted to the Borough Engineer in a form suitable to the Engineer. These deeds shall be accompanied by title insurance to the benefit of the Borough indicating that title to these areas is free and clear of all liens, encumbrances and restrictions that could adversely affect the use of these dedicated for roadways and other property purposes. (Borough Code §22-403.2)
9. No structure or improvements or Open Space Amenities on any land within TC-2 district shall be constructed or completed until the plans for exterior architectural features, signs, lighting, and landscaping have been reviewed and approved by the Borough. (Borough Code §22-703.2). Further, the applicant and all owners of properties subject to this Resolution shall construct the improvements substantially similar to those Architectural Renderings submitted to the Borough at its public meeting dated September 9, 2019, which shall not be unreasonably withheld subject to availability of building materials within the marketplace. Additionally, all residential construction of Townhomes shall be done in the off-set manner and diverse coloring scheme as shown on said renderings. Said renderings prepared by Gilmore & Associates, dated May, 2019 are incorporated herein by reference. Any deviation from the rendering that represent, in the Borough’s sole judgment, a substantial deviation, shall be approved by Borough Council.
10. Applicant shall pay all appropriate fees applicable to this Project including all outstanding bills from the Borough’s professional consultants (Borough Code §22-403.2) and shall also replenish its Professional Fee Escrow in an amount to be determined by the Borough.
11. All documentation shall be executed prior to recording of Record Plans. (Borough Code §22-306, 22-606).
12. Applicant and its professionals shall execute, notarize and seal the Final Record Plan. (Borough Code §22-306, §22-606).
13. Applicant shall comply with all other applicable Borough, County, State and Federal rules, regulations, codes, ordinances, and statutes. (Borough Code).
14. The Final plans shall be revised to provide for the following, to be reviewed and approved by the Borough;



- A. a note should be placed on the Record Plan addressing the discharge from proposed Basin 2-1 as shown on the Plans that require the Home Owner's Association to repair any damage to the abutting property owner caused by stormwater run-off and holds the Borough harmless in regard to such discharge.
  - B. A note should be placed on the Record Plan requiring that "The Square" shall only take deliveries by single unit vehicles;
  - C. A note should be placed on the Record Plan that identifies the remaining single family residence as a pre-existing non-conforming use;
  - D. Removal of Spaces "F" and "G" as "public spaces";
  - E. The plans shall be revised to provide for the construction of "Road B" to the property line that abuts with TMP #10-2-39-1 which is subject to review/approval by the Borough.
15. The Applicant shall, prior to recordation of the plans present to the Borough Solicitor proposed HOA documents for review and approval. Said documents shall call for the HOA to maintain the parking spaces that abut Elephant Road should same not be accepted by the Pennsylvania Department of Transportation;
  16. The Applicant's attorney shall provide a written certification that there exists no restriction of record that would prohibit or impair the construction of the improvements as shown on the Plan;
  17. A plan note that requires the Applicant to propose an additional planting schedule for street trees along Elephant Road and Main Streets consistent with the Borough's Revitalization and Visioning Plan of June, 2013 which shall be subject to Borough review/approval. The Varieties shall also be approved by the Borough. Additionally, a plan note shall be placed on the Record Plan that requires the continued and permanent maintenance and/or replacement of the street trees once the Land Development is accepted for final dedication;
  18. The Applicant shall share in the cost of the Traffic Study prepared by McMahon and Associates in the amount of \$32,350.00 as well as share the cost of any additional meeting in PennDot that are required for the project.
  19. The applicant shall post financial security addressing the design, permitting and construction of traffic signalization improvements at the proposed Road "C"/Main Street intersection, and shall implement said improvements if authorized by PADOT.
  20. The Applicant shall pay the Borough's current water and sewer tapping fees per EDU for the increase in water and sewer usage associated with the development.
  21. The applicant shall not be required to comply with item VI.2 of the CKS Engineers, Inc. review letter referenced above.
  22. Applicant shall comply with all recommendations of the McMahon Transportation Engineers & Planners Review letter of October 11, 2019 unless herein modified. A true and correct copy of this letter is attached hereto and incorporated herein. (Borough Code §22-304, §22-604)

**BE IT FUTHER RESOLVED**, in response to Applicant's written request, the Council, hereby grants waivers to the following sections of Chapter 22 of the Borough Code (Subdivision and Land Development). The grant of these waivers is conditioned upon the Applicant meeting the following requirements, where noted:

- a) Section 22-301.3 - From the requirement that the presentation of a preliminary plan and final plan shall each be considered a separate submission.
- b) Section 22-603.1.F – From the requirement that plans shall be on sheets 18 inches by 24 inches, 24 inches by 36 inches, or 36 inches by 48 inches, and all lettering shall be so drawn as to be legible if the plan should be reduced to half size.
- c) Section 22-603.2.A.15 – Partial waiver from the requirement that existing features on and within 100 feet of the site, should be shown on the plans for all utility detail since the relevant detail for existing utilities is provided along Elephant Road and Main Street, however not for 100' setback. It is noted that the HOP documentation will include additional survey to be integrated with the proposed improvements.
- d) Section 22-703.2.A. – From the requirement that blocks in the TC-1 and TC-2 Town Center Districts and nonresidential portions of the PVD Planned Village Development District shall have a maximum length of 500 feet and minimum length of 250 feet.
- e) Section 22-706.3.L – From the requirement that the top or bottom edge of slopes shall be a minimum of five feet from property or right-of-way lines of streets or alleys in order to permit the normal rounding of the edge without encroaching on the abutting property. This waiver is conditioned upon all site property lines where the proposed grading will occur within 5 feet of the property line being staked out by a Registered Professional Surveyor prior to the start of construction and delineated by suitable construction fencing to preclude potential encroachment onto abutting properties.
- f) Section 22-707.8A.3. – From the requirement that the proposed residential driveway grades should not exceed 4% for a distance of 20 feet beyond the right-of-way lines.
- g) Section 22-707.12.B – From the requirement that curb radii at connections to existing street should be 40', conditioned upon the plans being revised to provide 35' radii at all access roads from either Elephant Road or Main Street. Interior radii may be constructed at 25' insofar as satisfactory proof of acceptable turning movements are provided;
- h) Section 22-707.13.A. – From the requirement that street trees shall be planted at 25-foot intervals within the rights-of-way, subject to the Borough's review and approval of a revised Landscaping Plan
- i) Section 22-707.13.A(9) –Partial waiver from the requirement to use the recommended list of street trees. Conditioned upon approval by the Borough's Planner.
- j) Section 22-708.5.A. – From the requirement that a maximum of 20 parking spaces can be provided within proposed off street parking areas for one parking area behind the adaptive re-use of the TEC Center Building.
- k) Section 22-708.5.B. – From the edge of any parking area shall not be closer than 20 feet from the outside wall of the nearest building.
- l) Section 22-708.5.F – From the requirement that expect at entrance and exit drives, all parking areas shall be set back from the future right-of-way line, buffer yards, and all property lines at least 15 feet or as required by the Borough Zoning Ordinance [Chapter 27] (the greater provision shall prevail). The distance between this required setback and the future cartway shall be maintained as a planting strip.



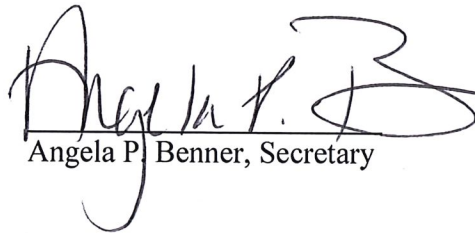
- m) Section 22-708.5.P – From the requirement that parking and display areas along arterial and collector roads will be set back at least 30 feet from the future right-of-way of said road in order to accommodate acceleration and deceleration lanes and marginal access roads.
- n) Section 22-712.2. D. – From the requirement that sidewalks along Main Street in the TC-2 Town Center and PVD Planned Village Development Districts shall be a minimum of 15 feet wide, including a curb and planting/tree wells/trenches.
- o) Section 22-707.2.B from the requirement to provide a half-width cartway along the Main Street (S.R. 0313) site frontage of 24 feet from the existing centerline, conditional upon review and approval from PennDot.
- p) Section 22-707.12C from the requirement that new road be no less than 1600 feet from existing streets to allow for the proposed centerline intersection space along Main Street (S.R. 0313) between Road A and Manor Drive, and Elephant Road (S.R. 4003) between Road D and Deep Run Road.


**BE IT FINALLY RESOLVED**, that conditions of approval have been made known to Applicant, and this preliminary – final plan approval is to be deemed expressly contingent upon Applicant’s affirmative written acceptance of the said conditions on a form prescribed by the Borough within 30 days of the approval of this Resolution. If an unconditional acceptance of the conditions is not received in writing by that date, the application for preliminary – final plan approval shall be deemed denied based upon Applicant’s failure to agree to and/or fulfill the said conditions.

**DULY ADOPTED**, this 14<sup>th</sup> day of October 2019, by the Council of the Borough of Dublin, in lawful session duly assembled.

**ATTEST:**

**DUBLIN BOROUGH COUNCIL**

  
Angela P. Benner, Secretary

  
Jeffrey Sharer, Council President