

**CONDITIONAL USE APPLICATION NO. 20200023**  
**Smith Farm Partners, LLC**

I. Decision of the Board of Supervisors

The governing body of South Middleton Township hereby approves Conditional Use Application No. 20200023 subject to the conditions set forth in Section IV. The conditions of approval hereinafter set forth were accepted and agreed to at a public hearing held on October 8, 2020 and are binding on the applicant, their successors, heirs and assigns.

II. Findings

1. The applicant is Smith Farm Partners, LLC.
2. The applicant proposes to construct and establish a Community Campus Development.
3. The applicant filed a Conditional Use Application on or about July 2, 2020. A copy of the application is attached to this document as Exhibit A, and incorporated by reference as though set forth herein.
4. The Conditional Use Application pertains to a certain tract of land located on South Spring Garden Street.
5. Smith Farm Partners, LLC is currently the owner of the parcel of land.
6. The parcel is shown on a conditional use application. A copy of the plan is attached to this document as Exhibit B, and incorporated by reference as though set forth herein.
7. The parcel is in the Suburban Commercial (SC) Zoning District according to the South Middleton Township Zoning Ordinance, Ordinance No. 3 of 2007, as amended.
8. On July 17, 2020, the Planning Department of South Middleton Township provided the Township Planning Commission with a memorandum related to the conditional use from the department. A copy of said memorandum is attached to this document as Exhibit C, and incorporated by reference as though set forth herein.
9. The application was reviewed by the Planning Commission on July 21, 2020, and Memorandum was discussed. The plan was tabled until August 18, 2020.
10. On August 18, 2020, the Planning Commission recommended approval of the conditional use application with several conditions. A record of this is contained in the minutes from the August 18, 2020, Planning Commission meeting, which are attached hereto as Exhibit D, and incorporated by reference as though set forth herein.
11. A public hearing on the application before the Board of Supervisors was scheduled for August 27, 2020.

12. The application was reviewed at the August 27, 2020 public hearing. The Board of Supervisors tabled the application until October 8, 2020 at the developer's request to consider comments and compose conditions of approval.
13. On October 6, 2020, the Planning Department of South Middleton Township provided the Board of Supervisors with a memorandum to be considered by the Board. A copy of said memorandum is attached hereto as Exhibit E, and incorporated by reference as though set forth herein.
14. At the October 8, 2020 meeting, the Board of Supervisors held a public hearing on the Conditional Use application, and public comment was taken.

### III. Conclusions of Law

1. The applicant is governed by Article XX of the South Middleton Township Zoning Ordinance of 2007 as amended, Section 913.2 of the Municipalities Planning Code, 53 P.S.C.A. § 10101, et. Seq.
2. Given the findings set forth in Section II hereof and the conditions set forth in Section IV hereof, the proposed conditional use is consistent with the appropriate and orderly development of the Suburban Commercial (SC) Zoning District of South Middleton Township, and will not be detrimental to the orderly development of adjacent properties.
3. Given the findings and conditions herein set forth, the proposed conditional use does not hinder or discourage the development of adjacent land.
4. Given the findings and conditions herein set forth, the proposed conditional use is consistent with the public health, safety and welfare of the public in general and the residents of the immediate residential neighborhoods.

### IV. Conditions.

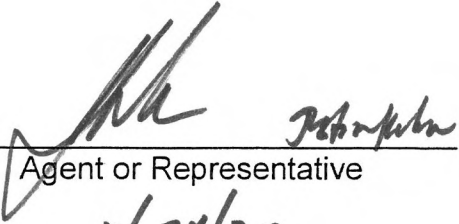
Upon hearing the comments from the applicant and the Township Staff, the Board of Supervisors believes that in order to effectuate the purpose, intent and spirit of the ordinances, and so that the concerns of South Middleton Township will be addressed, the Board of Supervisors believes that the application can be approved upon the acceptance of the following conditions by the applicant.

1. Smith Farm Partners, LLC ("Developer") shall submit PADOT Form AV-57 pertaining to obstructions of airspace. Said approval shall be granted prior to recording of any final subdivision and/or land development plan.
2. Developer shall provide drafts of any agreements/leases for development of individual units or lots to the Township for review and acceptance prior to final subdivision/land development plan approval for said unit or lot. Confidential information, including but not limited to financial terms, may be redacted from the agreements/leases. Developer shall

be excused from this condition in the even a purchaser or tenant refuses to permit the Developer to provide the redacted agreement/lease.

3. Developer shall upgrade South Spring Garden Street the entire distance from the southernmost point of the property's frontage to the northernmost point of the property's frontage, as depicted on the plan attached hereto prepared by Integrated Development Partners, titled Smith Farm Master Plan – Road Widening, Drawing No. 19-0053, dated September 2020, including that portion of South Spring Garden Street fronting along Tax Parcel Nos. 40-22-0485-014, 40-22-0485-073, 40-22-0485-005, 40-22-0485-004, 40-22-0485-013, 40-22-0485-003, 40-22-0485-027A, 40-22-0485-001, 40-22-0485-026, 40-22-0485-070, 40-22-0485-025 and 40-22-0485-022A (the "Off-Site Lots"), which are not part of the property (the "Upgrade Work"). The Upgrade Work shall include improving that portion of South Spring Garden Street to meet current South Middleton Township Subdivision and Land Development Ordinance standards for an urban collector street. The Upgrade Work shall not include any work that requires the acquisition of permanent or temporary rights-of-way or easements from the owners of any of the Off-Site Lots.
4. Developer shall provide a right-of-way on the project site to provide for an emergency access drive connection from Tax Parcel No. 40-09-0531-084 (the "Church Lot") to the project site. Developer shall construct a twenty (20) foot wide stone emergency access drive from the project site to the recently constructed southern parking lot on the Church Lot for purposes of ingress and egress in the event of an emergency on the Church Lot. As part of the connection, Developer shall construct a crossing of a drainage swale on the Church Lot. Developer shall work with the Township to design a simple drainage pipe and overflow berm for that crossing. The Developer shall not be responsible constructing a large culvert for a permanent road crossing. Developer's obligations under this condition shall be contingent upon the owner of the Church Lot granting the necessary rights for Developer to construct the improvements on the Church Lot. In the event the owner of the Church Lot does not grant those necessary rights, Developer shall have no obligation to construct any other form of emergency access connection to the Church Lot.
5. Prior to approval of a preliminary plan for the property, or any portion thereof, Developer shall enter into a development agreement with the South Middleton Township and South Middleton Municipal Authority that covers topics including, but not limited to, infrastructure installation, sewer and water capacity availability and service, and financial security for required improvements.
6. Developer shall consult with Township staff to identify a gravel area for no less than four (4) off-street parking spaces on what is identified as Lot 3A on the Master Plan for public parking to access the open space.
7. The approval of this conditional use does not guarantee the approval of any subdivision and/or land development plans; imply compliance with the requirements of the Subdivision and Land Development Ordinance, or the grant of any modifications of requirements thereof. The conditional use has not been reviewed for compliance with the Subdivision and Land Development Ordinance.
8. The terms, limitations, rights, and obligations shall be binding on the applicant, and any and all assigns, designees, successors-in-interest, and all other persons for entities claiming an interest in the subject property or any improvement thereof.

9. The representations made by the applicant, is the application for conditional use, the supporting documentation, and the testimony at the public hearing shall be considered conditions of this Conditional Use. Changes from said representations, documentation and testimony, other than minor technical changes, or failure to comply with the conditions of conditional use approval shall be considered a violation of the conditional use, and may result in revocation of the conditional use approval if not brought into full compliance with sixty (60) days of written notice of non-compliance from the Township.

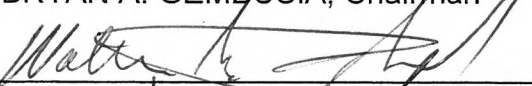
  
Agent or Representative  
11/24/20  
Date

ATTEST:

Sandra A. Quickef  
SANDRA A. QUICKEL, Secretary

BOARD OF SUPERVISORS  
SOUTH MIDDLETON TOWNSHIP

  
BRYAN A. GEMBUSIA, Chairman

  
WALTER G. REIGHARD, Vice Chairman

  
R. DUFF MANWEILER

Shelly L. Carozzi  
SHELLY L. CAROZZI

  
RONALD P. HAMILTON

November 12, 2020  
Date