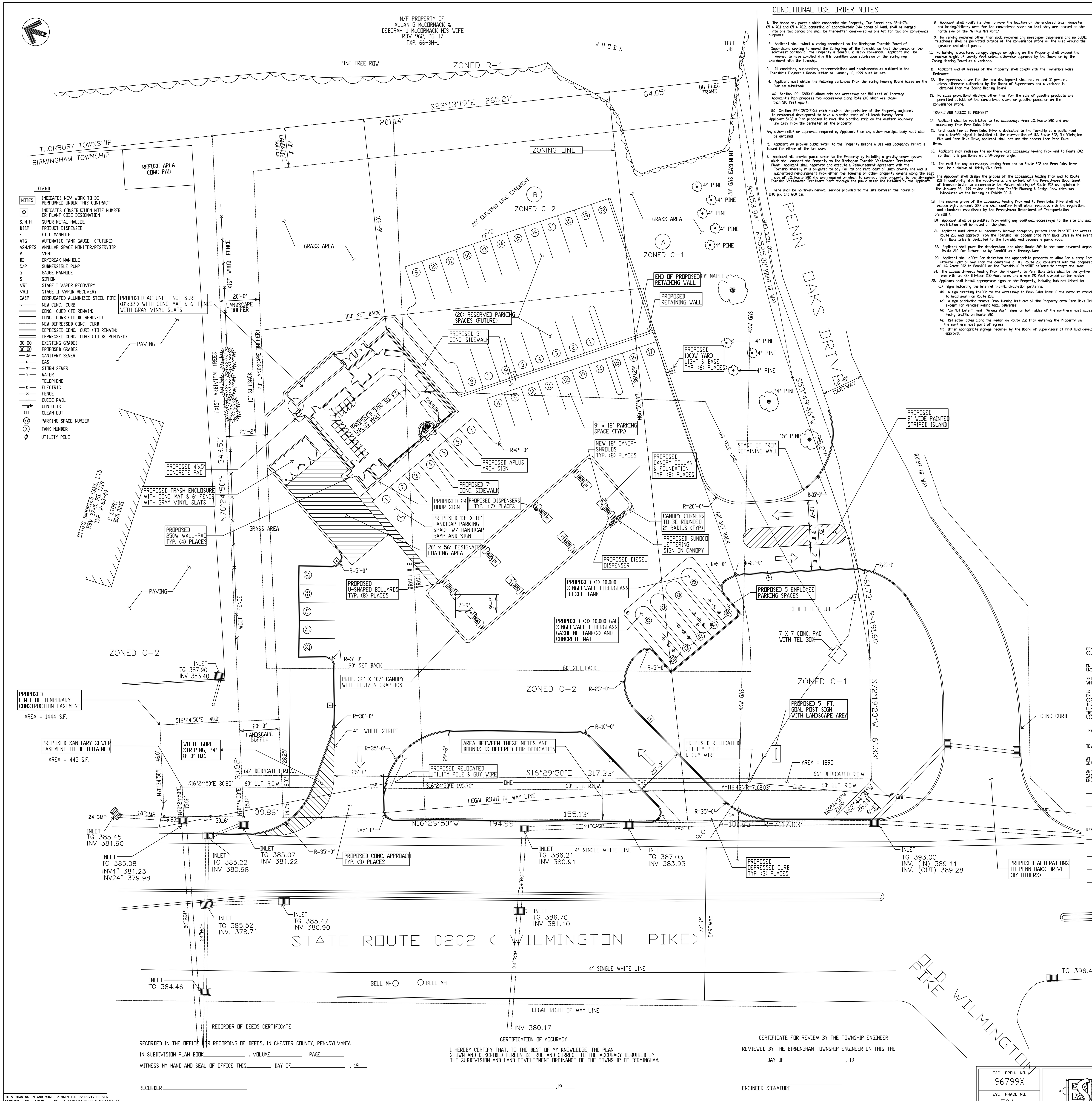


CONDITIONAL USE ORDER NOTES:

1. The three tax parcels which compromise the Property, Tax Parcel Nos. 65-4-78, 65-4-78.1 and 65-4-78.2, consisting of approximately 2.44 acres of land, shall be merged into one tax parcel and shall be thereafter considered as one lot for tax and conveyance purposes.

2. Applicant shall submit a zoning amendment to the Birmingham Township Board of Supervisors seeking to amend the Zoning Map of the Township so that the parcel on the southwest portion of the Property is zoned C-2 Heavy Commercial. Applicant shall be deemed to have complied with this condition upon submission of the zoning map amendment with the Township.

3. All conditions, suggestions, recommendations and requirements as outlined in the Township's Engineer's Review letter of January 18, 1999 must be met.

4. Applicant must obtain the following variances from the Zoning Hearing Board based on the Plan as submitted:

(a) Section 122-102(B)(4) allows only one accessway per 500 feet of frontage; Applicant's Plan proposes two accessways along Rote 202 which are closer than 500 feet apart;

(b) Section 122-102(D)(2)(a) which requires the perimeter of the Property adjacent to residential development to have a planting strip of at least twenty feet; Applicant 5/32 s Plan proposes to move the planting strip on the eastern boundary line away from the perimeter of the property.

Any other relief or approvals required by Applicant from any other municipal body must also be obtained.

5. Applicant will provide public water to the Property before a Use and Occupancy Permit is issued for either of the two uses.

6. Applicant will provide public sewer to the Property by installing a gravity sewer system which shall connect the Property to the Birmingham Township Wastewater Treatment Plant. Applicant shall negotiate and execute a Reimbursement Agreement with the Township whereby it is obligated to pay for its pro-rata cost of such gravity line and is guaranteed reimbursement from either the Township or other property owners along the east side of U.S. Route 202 who are required or elect to connect their property to the Birmingham Township Wastewater Treatment Plant through the public sewer line installed by the Applicant.

7. There shall be no trash removal service provided to the site between the hours of 10:00 p.m. and 6:00 a.m.

8. Applicant shall modify its plan to move the location of the enclosed trash dumpster and loading/delivery area for the convenience store so that they are located on the north-side of the 'A-Plus Mini-Mart.'

9. No vending machines other than soda machines and newspaper dispensers and no public telephones shall be permitted outside of the convenience store or the area around the gasoline and diesel pumps.

10. No building, structure, canopy, signage or lighting on the Property shall exceed the maximum height of twenty feet unless otherwise approved by the Board or by the Zoning Hearing Board as a variance.

11. Applicant and all lessees of the Property shall comply with the Township's Noise Ordinance.

12. The impervious cover for the land development shall not exceed 50 percent unless otherwise authorized by the Board of Supervisors and a variance is obtained from the Zoning Hearing Board.

13. No sales promotional displays other than for the sale of gasoline products are permitted outside of the convenience store or gasoline pumps or on the convenience store.

TRAFFIC AND ACCESS TO PROPERTY

14. Applicant shall be restricted to two accessways from U.S. Route 202 and one accessway from Penn Oaks Drive.

15. Until such time as Penn Oaks Drive is dedicated to the Township as a public road and a traffic signal is installed at the intersection of U.S. Route 202, Old Wilmington Pike and Penn Oaks Drive, Applicant shall not use the access from Penn Oaks Drive.

16. Applicant shall redesign the northern most accessway leading from and to Route 202 so that it is positioned at a 90-degree angle.

17. The radii for any accessways leading from and to Route 202 and Penn Oaks Drive shall be a minimum of thirty-five feet.

18. The Applicant shall design the grades of the accessways leading from and to Route 202 in conformity with the requirements and criteria of the Pennsylvania Department of Transportation to accommodate the future widening of Route 202 as explained in the January 28, 1999 review letter from Traffic Planning & Design, Inc., which was introduced at the hearing as Exhibit PC-3.

19. The maximum grade of the accessway leading from and to Penn Oaks Drive shall not exceed eight percent (8%) and shall conform in all other respects with the regulations and standards established by the Pennsylvania Department of Transportation (PennDOT).

20. Applicant shall be prohibited from adding any additional accessways to the site and such restriction shall be noted on the plan.

21. Applicant must obtain all necessary highway occupancy permits from PennDOT for access onto Route 202 and approval from the Township for access onto Penn Oaks Drive in the event Penn Oaks Drive is dedicated to the Township and becomes a public road.

22. Applicant shall pave the deceleration lane along Route 202 to the same pavement depth of Route 202 for future use by PennDOT as a through-lane.

23. Applicant shall offer for dedication the appropriate property to allow for a sixty foot (60') ultimate right of way from the centerline of U.S. Route 202 consistent with the proposed widening of U.S. Route 202 to PennDOT or the Township if PennDOT refuses to accept the same.

24. The access driveway leading from the Property to Penn Oaks Drive shall be thirty-five (35) feet wide with two (2) thirteen (13) foot lanes and a nine (9) foot striped center median.

25. Applicant shall install appropriate signs on the Property, including but not limited to:
(a) Signs indicating the internal traffic circulation patterns.
(b) A sign directing traffic to the accessway to Penn Oaks Drive if the motorist intends to head south on Route 202.
(c) A sign prohibiting trucks from turning left out of the Property onto Penn Oaks Drive except for vehicles making local deliveries.
(d) "Do Not Enter" and "Wrong Way" signs on both sides of the northern most accessway facing traffic on Route 202.
(e) Reflector poles along the median on Route 202 from entering the Property via the northern most point of egress.
(f) Other appropriate signage required by the Board of Supervisors at final land development approval.

26. During construction of the proposed uses, all construction vehicles shall access the site via U.S. Route 202; no construction vehicles shall be permited to use the access off of Penn Oaks Drive.

27. The location of the underground fuel storage tanks, filler pipes and vents shall be positioned in the location depicted on the Plan.

28. At the time of final land development approval, Applicant shall contribute Fourty Thousand Dollars ($40,000.00) to the Township which shall be utilized for
(a) The signalization of Route 202 and Penn Oaks Drive.
(b) Improvements and upgrades to the depth of the pavement on Penn Oaks Drive which will be needed to support additional traffic generated by the proposed development.

29. Applicant shall install a striped path on the macadam between the gasoline pumps and the entrance to the convenience store for use as a pedestrian walkway.

30. Prior to obtaining final land development approval, Applicant shall submit confirmation that the traffic analysis submitted at the hearings on its original application for conditional use is correct and the proposed traffic patterns, parking and internal circulation are sufficient to meet the increased number of trips generated by the change in the Plan.

PARKING

31. Applicant shall provide a minimum of 35 parking spaces for the uses on the Property, which shall consist of 20 spaces to the rear of the convenience store and 15 spaces at the fueling positions.

32. Applicant shall also depict on the current land development plan a reserve parking area of 20 additional parking spaces to the rear of the convenience store within the rear yard green area (lawn) which do not have to be paved until such time as the Township determines that such additional spaces are required to effectively service the customers and a change in the use of the Property causes the need for additional parking. If the Township so notifies the then owner of the Property that additional parking spaces shall be installed, the owner must install them within sixty (60) days of receipt of said notice.

33. No parking shall be permitted along U.S. Route 202 at any time.

'A-PLUS MINI-MARKET' (CONVENIENCE STORE) AND FUEL FACILITY

34. No drive-through window shall be permitted in the 'A-Plus Mini-Mart' convenience store.

35. No vehicle repair or maintenance, other than routine replacement of fuel, oil, windshield washer fluid and air for tires, shall be permitted at the fuel sales facility.

36. All employees at the convenience store and fuel sales facility must be employed by the Sun Oil Company, its subsidiary, Mascot Petroleum, or a related affiliate or franchisee of Sun Company and no more than four employees shall be working at the convenience store in any one shift.

37. Applicant shall be limited to two 15,000 gallon underground tanks for the storage of gasoline and one 10,000 gallon underground tank for the storage of diesel fuel.

38. Applicant shall obtain all necessary permits and approvals required for the underground storage tanks and shall take reasonable protective measures to assure that oil and fuel waste does not leak into the public sewer system and water supply.

39. Diesel fuel may only be dispensed for use by passenger automobiles and light trucks such as pick-up trucks with single axles and will not be dispensed for use by large trucks with more than a single axle and tractor trailers, which are defined as 'a truck with a cab and no body used for pulling trailers.'

40. Applicant shall observe all required safety precautions associated with underground fuel storage tanks, either gasoline or diesel, and shall adhere and comply with all governmental regulations and agency requests, including but not limited to the Occupational Safety and Health Agency (OSHA) and the Pennsylvania Department of Labor and Industry.

41. The facade, building materials and color scheme for the convenience store and canopy over the gasoline pumps shall be subject to the Board of Supervisors approval when granting approval of Applicant's final land development plan, subject however to the following minimum conditions:
(a) The exterior materials for the two uses shall be cossitt split faced block design in a color which is Harmonious with the surrounding commercial structures to the north and west, Otto's BMW and Stillman Volvo (earth or beige tones).
(b) The canopy over the gasoline pumps shall compliment the overall site design, minimize the canopy's visual impact and be limited to a flat roof no higher than seventeen (17) feet.
(c) Applicant shall be permitted to install a multi-colored band depicting the Applicant's trademark, 'A-Plus Mini-Mart' on the convenience store in a manner consistent with the architectural rendering introduced as Exhibit A-3.
(d) The multi-colored band around the convenience store may not be illuminated.
(e) The roof on the convenience store shall be a pitched gable roof made with standing seam metal. Applicant shall submit the ratio of the pitched roof to the Township Planning Commission for review and approval.

42. Applicant shall submit architectural renderings and plans for the Board's approval as part of the preliminary plan submission.

43. Based on the considerable distance from the adjacent residential property and the Applicant,s testimony regarding security measures that will be installed at the convenience store, Applicant shall be permitted to operate the 'A-Plus Mini-Mart' convenience store and gasoline facility 24 hours a day, 7 days a week.

44. A maximum of seven pumps with fourteen (14) fueling stations to dispense gasoline shall be permitted together with one pump to dispense diesel fuel (for a total of 15 fueling stations).

45. Deliveries by vendors and suppliers to the convenience store and fuel facility, including gasoline and related petroleum products, shall occur during off-peak hours and all delivery vehicles must access the Property via U.S. Route 202 and shall not use the accessway off of Penn Oaks Drive.

46. No alcoholic beverages may be sold from the 'A-Plus Mini-Mart' convenience store.

47. The location of an automated teller machine (ATM) is restricted to the inside of the 'A-Plus Mini-Mart ' convenience store.

48. Based on Applicant's testimony from the hearings held on the original application for conditional use, the proposed 'A-Plus Mini-Mart' is a medium level security location, and in accord with the Crime Spotter Packet introduced as Exhibit A-15 at the original hearings, Applicant shall provide and install the following security measures if the Township Board of Supervisors determines that they are necessary or the convenience store is open and operated 24 hours a day:
A. An Inactive Remote Interactive Security (IRIS) Management System in accordance with the testimony of David Lyons and described in Exhibit A-16. If the IRIS security system ceases to operate for a period of twenty-four hours, Applicant shall immediately notify the Township and shall agree to any reasonable changes in the hours of operation until such time as the IRIS system is fully operational.
B. All security devices consistent with the Applicant's testimony and Exhibit A-15 at the original hearings, except or a security fence.

49. Prior to the issuance of a Use and Occupancy Permit for the ' A-Plus Mini-Mart, ' Applicant shall obtain verification and approval from the Township's Chief of Police that the security systen required by paragraph 46 above is fully operational and working.

50. Applicant will remove cash from the convenience store in the manner described in the public hearings by limiting the amount of accessible cash to Fifty Dollars ($50.00) at any time of day. If Applicant changes the method of sorting money and cash received at the 'A-Plus Mini-Mart' in any manner that is inconsistent with the method described in the testimony of David Lyons, Applicant shall obtain approval from the Board of Supervisors.

51. There shall be no external storage of trash or recyclables on the Property except in the designated trash enclosures which shall be constructed of non-combustible materials.

52. Applicant shall submit the proposed location of the water line and fire hydrants on the Property to the Township Fire Marshall for approval.

53. Applicant shall not sell any franchise products through or by a co-user in the convenience store which includes, but is not limited to any outside advertisement of franchise products or the installation of a sign for the advertisement of a franchise products on the premises. Applicant shall be permitted to sell products from modules inside the convenience store only, such as 'TCBY Yogurt,' 'Duncan Donuts ' and the like, provided the preparation of the food product is performed off-site, all products are sold for consumption off of the Property, and such activity does not conflict with any other conditions of this decision.

STORMWATER MANAGEMENT

54. Applicant shall install inspection and clean-out ports in the stormwater management facility to insure proper functioning and continual maintenance of the facility.

55. All stormwater retention systems and basins must be approved by the Township Engineer prior to final land development approval.

LANDSCAPING AND BUFFER

56. All landscaping on the Property shall be consistent with the final approved Plan and shall comply with all landscape standards and regulations imposed in Section 122-102(C) of the Ordinance.

57. Applicant shall be responsible for the continual maintenance of all landscaping and buffering as presented in the testimony at the conditional use hearings and as depicted on the Final Land Development Plan.

58. Applicant shall submit a list of the proposed species for landscaping to the Township Planning Commission or approval.

59. Applicant shall install a landscape buffer consisting of primarily evergreen trees and a scattering of deciduous trees and shrubs on the east side of the parking lot in order to supplement the existing tree line between the Property and the resident property on the east.

60. Applicant shall be hereafter responsible for replacing any dead trees and shrubs which are depicted on the Plan to assure a continual buffer from adjacent properties.

SIGNS

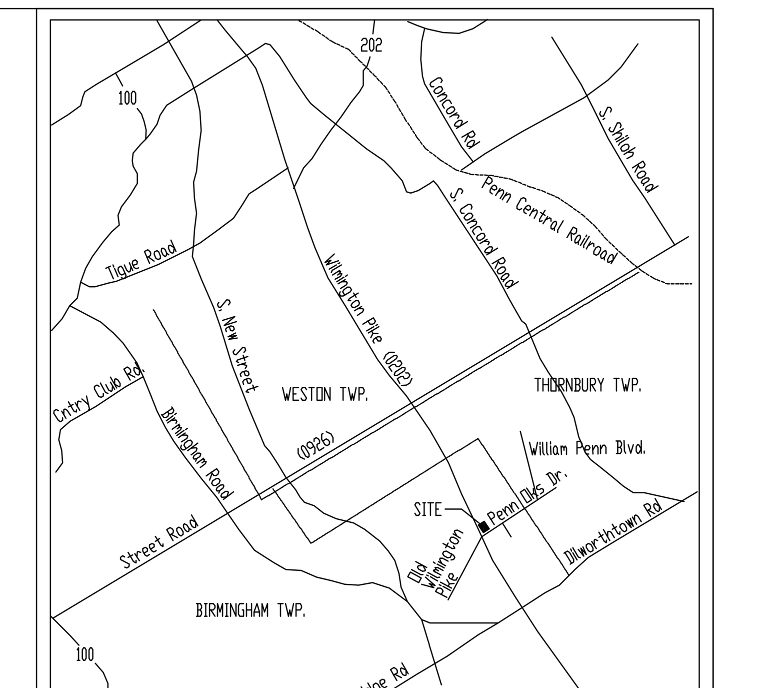
61. Applicant shall not be permitted to place signage along Penn Oaks Drive except for signs necessary for traffic direction and control. All signage installed by Applicant must comply with Article XII of the Ordinance regulating signs.

62. Applicant shall install ' No Parking' signage along Penn Oaks Drive where required by the Board or Township police department and shall install a 'No Trucks Except Local Deliveries' on Penn Oaks Drive east of the accessway.

63. All signs on the Property shall comply with Article XVII of the Ordinance unless otherwise approved by a variance from the Zoning Hearing Board pursuant to Section 122-127 of the Ordinance.

LIGHTING

64. Applicant shall comply with all lighting standards and regulations imposed in Section 122-102(G) of the Ordinance, with the following additional conditions:
(a) There shall be a maximum number of twelve fixtures mounted flush underneath the canopy covering the gasoline pumps.
(b) The lighting for the entire Property shall be positioned in such a way as to avoid glare onto the neighboring Properties and shall be of such minimum wattage as is necessary to safely illuminate the proposed uses and provide a maximum illumination of oot candle of illumination at the property line.



KEY MAP
1"=600'

DATUM:

ELEVATIONS REFER TO APPROXIMATE U.S.G.S. DATUM
BENCHMARK = 2 x 4 CB10 TOP OF GRATE.
ELEVATION = 386.70 TAKEN FROM THE SUBDIVISION PLAN OF BIRMINGHAM AUTO CENTER, PREPARED BY HOUGHLOEW ASSOC. INC., PLAN NO. SUB-1.

NOTES:

SEE GRADING & UTILITY PLANS FOR ALL UTILITY AND STORM WATER MANAGEMENT.

PROPOSED USE INCLUDE A 24 HOUR APLUS CONVENIENCE STORE WITH 7 GASOLINE FUELING PUMPS + 1 DIESEL FUELING PUMP

There are no known deed restrictions.

CERTIFICATE OF OWNERSHIP, ACKNOWLEDGEMENT OF PLAN, AND OFFER DEDICATION
CORPORATE

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CHESTER

ON THIS, THE ________ DAY OF________________ , 19______ , BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED

BEING________________________ OF________________________
WHO BEING DULY SWORN ACCORDING TO LAW, DEPOSES AND SAYS THAT THE CORPORATION

IS THE ________________________ OF THE PROPERTY SHOWN ON THIS PLAN, THAT HE IS AUTHORIZED TO EXECUTE SAID PLAN ON BEHALF OF THE CORPORATION, THAT THE PLAN IS THE ACT AND DEED OF THE CORPORATION, THAT THE CORPORATION DESIRES THE SAME TO BE RECORDED AND ON BEHALF OF THE CORPORATION FURTHER ACKNOWLEDGES, THAT ALL STREETS AND OTHER PROPERTY IDENTIFIED AS PROPOSED PUBLIC PROPERTY ARE HEREBY DEDICATED TO THE PUBLIC USE - (EXCEPT THOSE AREAS LABELED 'NOT FOR DEDICATION').

MY COMMISSION EXPIRES ________________________ ,19____

TOWNSHIP OF BIRMINGHAM BOARD OF SUPERVISORS FINAL PLAN APPROVAL CERTIFICATE

AT A MEETING ON ________________________ , 19________ THE TOWNSHIP OF BIRMINGHAM BOARD OF SUPERVISORS APPROVED THIS PROJECT, INCLUDING THE COMPLETE SET OF PLANS

AND INFORMATION WHICH ARE FILED WITH THE SUPERVISORS IN FILE NO.________ , BASED UPON ITS CONFORMITY WITH THE STANDARDS OF THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF BIRMINGHAM.

CERTIFICATE FOR APPROVAL BY THE PLANNING COMMISSION

REVIEWED BY THE PLANNING COMMISSION OF THE TOWNSHIP OF BIRMINGHAM ON THIS ________ DAY OF ________________ , 19________ .

ZONING INFORMATION:

TOTAL LOT AREA: 2.44 ACRES
NET LOT AREA: 2.40 ACRES (104,544 SQ. FT.)

ZONING REGULATIONS

DISTRICT: C-2 COMMERCIAL (HIGHWAY COMMERCIAL)

	REQ'D.	PROVIDED
MIN. LOT AREA:	2.0 ACRES	2.4 ACRES
MIN. FRONTAGE:	400'	317'
MIN. LOT WIDTH:	400' (@ BUILDING LINE)	317'
FRONT YARD:	60'	60'
SIDE YARD:	15'	21'-2"
REAR YARD:	100'	105'-1"
BUFFER YARD:	20'	20'
MAX IMPERVIOUS:	50%	42%
MAX. HEIGHT:	35'	17'

PARKING REQUIREMENTS:

GASOLINE SERVICE: 2 SPACES / PUMPS - 16
RETAIL STORES: 1 SPACE / 200 SF (SALES) - 12
EMPLOYEE: 1 SPACE / EMPLOYEE - 4
32 PRK. REQ'D.

PARKING PROVIDED:

GASOLINE SERVICE: - 16
RETAIL STORES: - 22
EMPLOYEE: - 5
43 PRK. PROVIDED

IMPERVIOUS:

43,391.86 SQ. FT.± OR 42%

PROPERTY OWNER:

SUN CO., INC. (R & M)
4041 MARKET STREET
ASTON, PA 19014-3197
(610) 859-5415
RBV 2213, PG 93 TXP. NO. 65-4-78 -A
RBV 2826, PG 19 TXP. NO. 65-4-78.1 B- 65-4-78.2

SOURCE OF TITLE

A BEING THE SAME PROPERTY WHICH ALFRED J. VILONE, INC., A DELAWARE CORPORATION GRANTED AND CONVEYED UNTO ALLAN F. FERVER, JR. AND MARGARET T. FERVER, HUSBAND AND WIFE, BY DEED DATED OCTOBER 15, 1990 AND RECORDED IN RECORD BOOK VOLUME 2213, PAGE 93, CHESTER COUNTY RECORDS. TAX PARCEL NO. 65-4-78

B BEING THE SAME PROPERTY WHICH ALLAN F. FERVER AND MARGARET T. FERVER, HIS WIFE GRANTED AND CONVEYED UNTO ALLAN F. FERVER, JR. AND MARGARET T. FERVER, HIS WIFE BY DEED DATED JANUARY 9, 1992 AND RECORDED IN RECORD BOOK VOLUME 2826, PAGE 19, CHESTER COUNTY RECORDS. TAX PARCEL NO. 65-4-78.1, AND PARCEL NO. 65-4-78.2

DEVELOPER:

SUN CO., INC. (R & M)
4041 MARKET STREET
ASTON, PA 19014-3197
(610) 859-5415

0 10' 20' 40' 60'

RECORDER OF DEEDS CERTIFICATE

RECORDED IN THE OFFICE FOR RECORDING OF DEEDS, IN CHESTER COUNTY, PENNSYLVANIA

IN SUBDIVISION PLAN BOOK______________ , VOLUME__________ PAGE________

WITNESS MY HAND AND SEAL OF OFFICE THIS________ DAY OF________________ , 19____

RECORDER ____________________

CERTIFICATION OF ACCURACY

I HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE, THE PLAN SHOWN AND DESCRIBED HEREON IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF BIRMINGHAM.

________________________ ,19____

CERTIFICATE FOR REVIEW BY THE TOWNSHIP ENGINEER

REVIEWED BY THE BIRMINGHAM TOWNSHIP ENGINEER ON THIS THE ________ DAY OF________________ , 19________

ENGINEER SIGNATURE

REV. NO.	DATE	REVISIONS	DRAWN BY	CHK' D. BY	APPV' D.
7	02-03 00	REVISED PER TOWNSHIP COMMENTS AND PA L&I	TCM	RCM	
6	10-21 99	INDICATED PENN DOT R.O.W., REVISED TEMP. EASEMENT	TCM	RDM	
5	9-14 99	ADDED SHT. 15, REV. CUO#20, ADDED INLETS RT.202	TCM	RDM	
4	8-11 99	ADDED SHEET 14	TMS	RDM	
3	8-11 99	ADDED SHEET 14 REVISED AS PER CONDITIONAL USE ORDER			
2	05-13 99	GENERAL REVISIONS PER TWP. REVIEW	TCM	DSD	
1	10-16 98	GENERAL REVISIONS	TCM	DSD	

SUNOCO Inc.
Engineering Department
Willow Grove, PA

LOCATION: SUNOCO CENTER ROUTE 202 (WILMINGTON PIKE) BIRMINGHAM TWP., PA. CHESTER COUNTY

PROJECT NO. 56508

PRELIMINARY/FINAL DEVELOPMENT PLAN
PROPOSED IMPROVEMENTS
Sheet 2 of 15

SCALE: 1"=20'-0"

APPROVED S. DEFLAVIS
CHECKED EAE
DRAWN TMS
DATE 02/10/98

FACILITY NO. 0714-0098
DRAWING NO. D-2
REV. NO. 7

ESI PROJ. NO. 96799X
ESI PHASE NO. 504

ENGINEERING SOLUTIONS, Inc.
436 Creamery Way
Suite 100
Exton, PA 19341
Phone: 610.524.1357
Fax: 610.524.1317

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