

BEFORE THE BOARD OF SUPERVISORS OF THE
TOWNSHIP OF EAST LAMPETER

IN RE: Application of Tanger Devco, LLC)
and Tanger Properties Limited Partnership)
for project known as Tanger Outlet Center)
expansion)
LOCATION OF)
PROPERTY: 311 Stanley K. Tanger Drive)
Located south of Lincoln Highway)
East, Consisting of 13 acres,)
more or less)
ZONING)
DISTRICT: C-2 Commercial)

Case No. 2015-21

FINDINGS OF FACT AND DECISION

FINDINGS OF FACT

1. The applicant is Tanger Devco, LLC for property owned by Tanger Properties Limited Partnership (together "Applicant").
2. The property involved is a 13 acre tract acquired by Tanger Properties Limited Partnership from the adjacent property owner to the east of the current Tanger Outlet Center.
3. The property is located within the C-2 Commercial District.
4. The application requests expansion of the current Tanger Outlet Center onto the 13 acre tract.
5. The application requests conditional use approval under Sections 1203.2 and 1936 of the East Lampeter Township Zoning Ordinance, as the expansion project qualifies as a regional

impact development under the terms of the Zoning Ordinance.

6. The Applicant presented its case through Brian D. Spray, an engineer with Rettew Associates, Inc., who is qualified as an expert in land planning, through Charles Worsham, Senior Vice President, Construction and Development, Tanger Outlet Centers, and through John M. Schick, a traffic engineer employed by Rettew Associates, Inc. who qualified as an expert in traffic engineering.

7. In addition to information submitted on behalf of the witnesses, applicant presented, as Applicant's Exhibit 2, ultimately revised by Applicant's Exhibit 13, an updated conditional use plan consisting of eight sheets for the Tanger Outlet Center expansion.

8. In addition, Applicant presented, as Exhibit 3, an overhead view of the expansion area superimposed over an aerial photo.

9. The proposal involves the demolition of two existing buildings and the construction of four commercial buildings depicted as Buildings 12, 13, 14 and 15.

10. The total area of expansion involves no more than 126,000 square feet of commercial structures.

11. The proposal includes a new access drive for the Tanger center, planned to be constructed on the south side of the Lincoln Highway East opposite the access to the Dutch Wonderland site, which is on the north side of the Lincoln Highway East.

12. The new access would extend southward from that intersection between existing hotel uses known as the Country Inn and Suites, 2260 Lincoln Highway East, and the Lancaster Family Resort, 2250 Lincoln Highway East.

13. The Applicant made reference to Phase 2 of the township's current Lincoln Highway East streetscape plan which was included as Applicant's Exhibit 4.

14. The streetscape plan includes multi-use paths along Lincoln Highway East from Millstream Road to an area east of Bowman Road, several new roadway connections extending off of Lincoln Highway East and from Millstream Road to Bowman Road in a manner generally parallel and south of Lincoln Highway East and also includes an on-road bike network which partially follows the area proposed for new highway connections.

15. The Applicant explained how its circulation plan is designed to be consistent with the township's streetscape plan and did so by reference to Sheet 5 of the Revised Conditional Use Plan, as modified by Applicant's Exhibits 13 and 14.

16. The circulation plan includes both the proposed new access to Lincoln Highway East mentioned above and a generally east/west private roadway extending from Millstream Road through the proposed expansion site to the new accessway from Lincoln Highway East.

17. The east/west roadway is generally located in a manner which would be conducive to future expansion of such roadway to the east in the general area reflected in the township's Lincoln Highway East Streetscape Plan.

18. The circulation plan includes a hike/bike lane reflected on Applicant's Exhibits 13 and 14, the plans for which were changed during the course of the hearings in response to suggestions from Township staff and questions by members of the Township Board of Supervisors.

19. The circulation plan also depicts the proposed location of the service vehicle circulation, pedestrian circulation, secondary vehicular circulation within and around the parking

areas and the primary vehicular circulation areas, both the current ones from Lincoln Highway East and Millstream Road and the proposed new one opposite the Dutch Wonderland facility.

20. The application before the Board has been revised from that submitted with the original application to reflect adjustments which have been made by the Applicant subsequent to presenting the plan to the Township Planning Commission.

21. Through Charles Worsham, the Applicant presented the general architectural concepts for the expanded facilities through Applicant's Exhibit 5 which reflects the general layout, the general color scheme and the general architectural features of the proposed new buildings.

22. The materials, architectural features and colors will be designed to be consistent with the buildings contained in the existing Tanger Outlet site.

23. The Applicant requested and received Zoning Hearing Board approval for variances involving the 4 feet horizontal break for every 100 feet of building frontage and other related zoning dimensional requirements.

24. Through the testimony of Brian D. Spray and John M. Schick, the Applicant demonstrated compliance with the requirements of Sections 1934 and 1936 of the Zoning Ordinance, including detailed information concerning public water and sewer capacity, lot coverage, parking, lighting, impact of the project on traffic and other public systems, proposed improvements to surrounding roadways, upgrading of the existing traffic signal and the planned timing of the construction of the facility.

25. The parking required for the facility based on the proposed use and size of the new buildings is 628 spaces, which the plan proposes.

26. The lighting for the facility would be LED-based and would be incorporated on poles which vary from 12 feet to 32 feet in height. Those lights located near property lines would have cut-off structures to shield the light from the adjacent properties.

27. There is an option for additional parking on the east side of building 15 which is mentioned in light of the potential impact of the construction of the new roadway on the parking available to the neighboring hotels.

28. As part of the traffic impact study, the Applicant prepared both a pre and post-construction analysis of the entire Lincoln Highway East corridor from Strasburg Pike to Route 896. There will be additional studies of the corridor prepared during the preparation of the highway occupancy permit material for the Pennsylvania Department of Transportation (PennDOT) and for the submission which will be made during the land development plan process.

29. Based on the traffic studies completed to date, the Applicant is proposing a reconfiguration and additional turning lanes at the intersection of the new entrance to the site opposite the Dutch Wonderland property.

30. Although the Applicant originally proposed general improvements to Millstream Road, which would have been specified during the land development plan process, after negotiations with Township staff, Applicant proposed a general contribution to the Township to be used towards an adaptive traffic signal system along the Lincoln Highway East corridor as more specifically set forth in the list of conditions proposed as Applicant's Exhibit 16, all of which are being adopted as part of this Decision and are repeated in the subsequent portion of this Decision verbatim.

31. The Applicant demonstrated that all the intersections will function at a level of

service of D or better at the peak periods, including the Saturday shopping period.

32. The Applicant, in addition to seeking conditional plan approval is also seeking an extension of time to obtain a building permit and to complete construction with a request that the time to obtain a permit be extended to 18 months and the time to complete construction be extended to 36 months from the date of approval.

33. The Applicant was represented at the hearing by Caroline M. Hoffer of Barley Snyder.

34. The Township staff was represented at the hearing by Matthew J. Crème, Jr. of Nikolaus & Hohenadel, LLP.

35. No other individuals sought or received party status.

DISCUSSION AND DECISION

The Applicant, through its witnesses and exhibits, demonstrated compliance with all the requirements of the East Lampeter Township Zoning Ordinance, particularly Sections 1203.2, 1934 and 1936, subject to compliance with this Decision and the conditions being imposed as part of this Decision, and is therefore entitled to receive conditional plan approval for a regional impact development under the terms of the Zoning Ordinance. The Board of Supervisors hereby approves the conditional use application and the requested time extension subject to the following conditions, each of which are required in order to meet the requirements of the Zoning Ordinance:

1. Applicant shall provide Township with copies of the easements with the owner of 2250 Lincoln Highway East, currently 501 Hospitality Management, LLC, and the owner of 2260 Lincoln Highway East, currently Shri Narayan Lancaster, LP, for the improvements on these properties which will be constructed by Applicant. Applicant

acknowledges that the owners of any properties on which improvements or easements are proposed shall be required to sign the land development plans for the Project indicating acceptance of the improvements proposed for their properties.

2. The Project shall be developed substantially in compliance with and without material deviation from the conditional use plans and other materials presented to the Board, including but not limited to the conceptual architectural elevations of the buildings and access drive locations. At the discretion of the Board of Supervisors, the Board of Supervisors may, as part of the land development approval process, authorize minor modifications or deviations to accommodate fully engineered storm water management plans, sewer and water facilities, or other site conditions. In that regard, the building dimensions and layout may be modified based upon tenant requirements and the requirements of the Township Subdivision and Land Development Ordinance, but the location of the buildings and access drives shall be substantially as depicted on the conditional use plan. The expansion area shall not exceed a maximum gross floor area of 126,000 square feet of retail sales uses together with accessory storage, rest room, utility areas as shown on Applicant's Exhibit 13.
3. Applicant shall not be permitted to add any additional impervious surface coverage beyond that shown on the plans presented as a part of this conditional use proceeding except as permitted under the terms of Condition #2 above with regard to revisions determined not to be material deviations.
4. Applicant shall obtain all permits and approvals required by the township Zoning

Ordinance, Township Subdivision and Land Development Ordinance and all other applicable Township ordinances, regulations and specifications except to the extent specifically modified by this Decision or the Board of Supervisors, and by all county, state and federal laws and regulations relating to the development of the project.

5. To the extent that the conditional use plans do not depict compliance with the applicable requirements of the Township Subdivision and Land Development Ordinance, Applicant acknowledges that it will be required either to comply with the terms of the Township Subdivision and Land Development Ordinance or to obtain modifications to the terms of the township Subdivision and Land Development Ordinance for the land development plans for the Project. The approval of the conditional use does not indicate approval, and shall not be deemed to imply approval, of a future modification request of the terms of the Township Subdivision and Land Development Ordinance.
6. Applicant shall prepare or cause to be prepared such engineering studies, plans, specifications and other documents as are necessary to apply for any modifications to existing signal permits and any Highway Occupancy Permit(s) for the construction of the transportation improvements required by the Township and depicted on the conditional use plans. Upon completion, such studies, plans and other related documents shall be submitted to the Township for review by the township Engineer prior to submission to PennDOT. The Township will cooperate with Applicant in making such applications to PennDOT for permission to modify the traffic signals and construct the identified roadway improvements. The Board of Supervisors may at their discretion approve

Applicant's request for modification of the identified roadway improvements in this conditional use approval during the land development plan approval process. The final design and plan of the transportation and roadway improvements submitted to PennDOT for approval shall incorporate all improvements required by the Township in this conditional use approval, except as modified by approval of the Board of Supervisors, and the land development and storm water management ordinance and approvals to follow. PennDOT may require modifications to the final design and plan of the transportation and other roadway improvements submitted to it, accordingly, the Applicant shall be required to comply with and construct the transportation and roadway improvements approved by PennDOT.

7. All widening and striping improvements adjacent to Intersections of Lincoln Highway East (U.S. Route 30) and adjacent to the driveways of Applicant, Lancaster Family Resort, Country Inn and Suites and Dutch Wonderland shall be consistent with the Township's streetscape project for the corridor, including but not limited to the lane widths and cross section of Lincoln Highway East (U.S. Route 30), subject to approval of PennDOT and the approval of the owners of such properties to the extent their approval is necessary for completion of the improvements.
8. In accordance with the Pennsylvania Municipalities Planning Code ("MPC") and township ordinances, the installation of the improvements to be made by Applicant as required by these Conditions shall be secured through the posting of irrevocable letters of credit or surety bonds to PennDOT or Township, as the case may be. The letter(s) of

credit or surety bonds to be posted with the Township shall be in form acceptable to the Township solicitor and in an amount approved by the township engineer, in accordance with the provisions of Section 509 of the MPC.

9. The Applicant shall be responsible for constructing a bus shelter on the south side of Route 30 at the front of the Center if feasible, or for providing a sheltered bus stop area within the Center if approved by the Red Rose Transit Authority. The specific location of which and standards for which shall be as required by the Red Rose Transit Authority. The Applicant shall use its best efforts to coordinate the location of the shelter with the pedestrian improvements.
10. Applicant shall agree to provide a cross-access easement for vehicle and pedestrian access on the land development plan for a future access drive connection between the access drive located at the east end of the Project and the adjoining Hospitality Associates of Lancaster, L.P. property for the benefit of the Hospitality Associates of Lancaster, L.P. property and the property at 2260 Lincoln Highway East. The design and location of such access drive connection and the terms of the easement shall be subject to Applicant and township approval and compliance with Township ordinances but in no event shall be less than fifty (50) feet in width. The Applicant shall prepare a written declaration of easement in recordable form containing final terms of such cross-access easement for review and approval by counsel for the Township.
11. Applicant acknowledges that the Township shall not be obligated to issue any permits required for Applicant to proceed with this plan unless and until all properties on which

improvements are proposed have paid in full any outstanding fees for Township or Township Authority services to the properties.

12. Applicant shall design to Township standards and construct a multi-use trail along Millstream Road from Applicant's point of access to Millstream Road to its intersection with Lincoln Highway East (U.S. Route 30). The Township desires a twelve (12) foot wide trail be installed where site conditions and available right-of-way or pedestrian easement reasonably permit a twelve (12) foot wide trail, however the minimum width shall not be less than eight (8) feet without the approval of the Board of Supervisors as part of the land development plan approval process. The multi-use trail may be, but shall not be required to be, located on the properties on the west side of Millstream Road if Applicant is able to reach a satisfactory agreement for the construction and maintenance of the multi-use trail with the property owners. Should Applicant be unable to reach a satisfactory agreement for the construction and maintenance of the multi-use trail with the property owners on the west side of Millstream Road, as part of the land development approval process Applicant shall propose an alternative to the Township acceptable to the Board of Supervisors. The final design and location of the multi-use trail shall be determined during the land development plan approval process.

13. Applicant has offered, subject to the Township's agreement not to require any improvements to Millstream Road, including, without limitation, widening, reconstruction, installation of curb or sidewalk, other than the multi-use trail as defined in Section 12 above, to contribute the amount of Two Hundred Fifty Thousand and

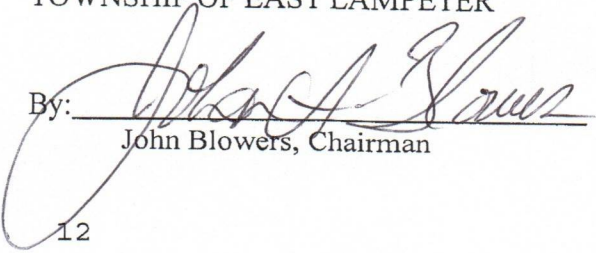
00/100 (\$250,000) Dollars towards the installation of software and related equipment necessary to upgrade the existing responsive system to an adaptive traffic signal system for the fifteen (15) intersections along the Lincoln Highway East corridor (from the Greenfield Road (T-549)/Lincoln Highway East (SR 0462) intersection on the west to the Eastbrook Road (SR 896)/Lincoln Highway East (SR 0030) intersection on the east).

14. Applicant shall provide during the land development approval process proof of adequate water volume and pressure serving the Property satisfactory to Township's designated first due fire company.
15. Any violation of the Conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the MPC and in the Zoning Ordinance.
16. Applicant, its successors and assigns, shall at all times comply with and adhere to the evidence presented to the Board of Supervisors at the public hearings, except to the extent modified by these Conditions.
17. The Conditions set forth in this Decision shall be binding upon the Applicant and its successors and assigns.

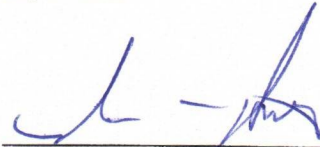
Decision made this 7th day of December, 2015, following hearings conducted on September 29, 2015, October 26, 2015 and November 9, 2015.

BOARD OF SUPERVISORS FOR THE
TOWNSHIP OF EAST LAMPETER

By: _____


John Blowers, Chairman

The undersigned certifies that a copy of this Decision has been, by First Class Mail, postage prepaid, served upon the Applicant c/o Caroline M. Hoffer, Esquire of Barley Snyder, 126 East King Street, Lancaster, Pennsylvania, 17602 and Matthew J. Crème, Jr., Esquire, Nikolaus & Hohenadel, LLP, 212 North Queen Street, Lancaster, Pennsylvania, 17603.



Ralph M. Hutchison, Secretary

Date: 12/7, 2015