

BEFORE THE BOARD OF SUPERVISORS OF THE
TOWNSHIP OF EAST LAMPETER

IN RE: Application of Keystone Custom)
Homes, Inc. and Brookfield)
Development Corp. for Development known)
As Devon Creek)
LOCATION OF)
PROPERTY: Southeast corner of New Holland)
Pike (S.R. 0023) and Hornig Road)
(T-620) consisting of 49 acres,)
more or less)
ZONING)
DISTRICT: Residential R-2)

Case No. 2014-27

FINDINGS OF FACT AND DECISION

Keystone Custom Homes, Inc. and Brookfield Development Corp. (collectively “Keystone”) are together the owner and developer of approximately 49 acres of land located generally at the southeast corner of New Holland Pike (SR 023) and Hornig Road (T-620) in East Lampeter Township, Lancaster County, Pennsylvania. The property previously received conditional use approval by decision dated June 7, 2008, subsequently amended on February 19, 2010, for a development to be then known as Warrington, now known as Devon Creek. The approval for the conditional use development was granted pursuant to the Township’s optional density incentive provisions of its zoning ordinance and as a regional impact development under the zoning ordinance. Keystone received final plan approval for what was termed Phase I-A of Devon Creek and commenced construction.

Subsequently, Keystone submitted an application, in November of 2014, seeking an

amendment to the conditional use decision in order to request a revised phasing plan for Devon Creek and to request approval for a revision to the mix of residential dwellings permitted by the conditional use decision. That application was subsequently revised and resubmitted by cover letter dated January 22, 2015.

The proposed revisions to the previous conditional use approval are summarized in the January 22, 2015 resubmission cover letter submitted as part of Keystone's exhibit booklet and noted as tab 4. In general, the proposal would decrease the total number of single family dwellings in Devon Creek from 134 to 129, reduce the total number of townhouse dwelling units within Devon Creek from 59 to 44 and increase the total number of duplex dwelling units within Devon Creek to 46 from 32, thus resulting in a net reduction of 6 dwelling units within the development. In addition, the phasing for Devon Creek would be revised, primarily by changing what would have effectively been the second phase of the development, labeled as Phase 1-B, located generally toward the rear or eastern side of the property, adjacent to an extension of the existing Coach Light Lane and instead developing as the effective second phase, relabeled as Phase II, the area generally behind and to the south of Phase I. Phase I, currently labeled as Phase I-A, is located at the northeast corner of the site adjacent to Hornig Road and New Holland Pike. Thirty units are proposed within Phase I-A, of which 16 are constructed or under construction and approximately 10 are occupied. The revisions to the phasing plans are reflected in tabs 5 and 8 of Keystone's exhibit packet.

In support of the application, Keystone has submitted an updated traffic analysis and testimony from its consultants generally reflecting the impact of the revised phasing and the rationale for the revision to the mix of dwellings. As part of its submission, Keystone has confirmed its original commitment to install appropriate traffic signals as soon as warranted by the then applicable

regulations and policies of the Pennsylvania Department of Transportation (PennDOT).

Keystone further explained the rationale for the requested changes. With respect to the phasing change, it makes apparent sense to plan for the second phase to be adjacent to the existing phase under current development. The previous plan called for the effective second phase to be separated from current phase under development and located more to the rear of the property adjacent to Coach Light Lane, which would be extended from the Hartman Station development located generally to the east of the site. Consequently, there would likely be an impact on the properties in the Hartman Station development at both an earlier stage of development and before additional access from the rest of the Devon Creek development would be available to help mitigate that impact.

With respect to the requested revision in the mix of dwellings, particularly from townhouses to duplex units, such proposed revision is market driven. The proposed duplex units are amenable to including a first floor master suite, which Keystone maintains is a desirable feature.

Last, the testimony suggests that construction of the commercial phase of the project is most appropriate after a sufficient number of residential unit are under development to support the commercial uses. Consequently, the phasing proposal generally provides for the Devon Creek main entry, at New Holland Pike, being constructed as part of Phase III followed by the area devoted primarily to commercial uses as Phase IV.

In addition, the Keystone representatives met several times with township staff which resulted in conditions being proposed by township staff which were agreed upon by Keystone and are further documented in a series of e-mails made part of tab 9 in the exhibit booklet. In particular, Keystone would:

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- (1) Include the Route 23 improvements to the west of the culvert near the main access point as part of the Phase II construction, recognizing that such improvement will be subject to PennDOT review and approval.
- (2) Provide for the enhanced bus stop improvements as previously committed.
- (3) Construct the main site access as part of Phase III.
- (4) Construct and install appropriate traffic signals as soon as the requisite warrant analysis is met.
- (5) Recognize that no building permits would be issued for any dwelling unit in Phase III until a Certificate of Occupancy has been issued for at least one of the multi-family buildings in Phase II, and that no building permits would be issued for any dwelling units in Phase IV until Certificates of Occupancy for all the multi-family buildings in Phase II have been issued.
- (6) In addition, as a response to further discussions between Keystone's representatives and township staff, Keystone has committed to provide an updated traffic analysis of the Hornig Road/New Holland Pike intersection as soon as the 75th certificate of occupancy for Devon Creek has been issued or 3 years has elapsed from the date of this decision, whichever first occurs and, in addition, at least every 3 years thereafter.
- (7) In addition, Keystone has committed to using its best efforts to restrict any kind of construction traffic through the existing adjacent developments, and in particular, through the existing Coach Light Lane and Harmony Hill Drive roadways.

Keystone representatives reiterated the commitment to provide for signalization at the Hornig

Road/New Holland Pike intersection and possibly at the Mondale Road/New Holland Pike intersection if the traffic at those intersections meet the warrant requirements but reiterated their expectation that the ultimate signalization at the main entrance of Devon Creek with New Holland Pike would result in signals not being required at the Hornig Road/New Holland Pike/Mondale Road intersection areas.

A number of residents of the existing Hartman Station development to the east of Devon Creek appeared and testified, generally expressing concerns with the impact of Devon Creek on traffic within the Hartman Station development and in particular along Coach Light Lane. Although the residents recognized that the Devon Creek development has already received approval, they generally have requested the township to take any action which would limit density within Devon Creek and would limit likely vehicular travel from Devon Creek through the Hartman Station development.

The Board recognizes that the Devon Creek development has already received conditional use approval and further recognizes that the proposed revisions represent improvements to the overall plan, provided that the conditions imposed by this decision and the commitments made, both as part of this proceeding and as part of the prior proceedings, are met. Consequently, the application as submitted and as depicted in the applicant's exhibit booklet, including tabs 1 through 10, is approved subject to the phasing plan being as depicted in tab 8, the commitments reflected in the e-mail correspondence included in tab 9, the reconfirmation of the commitments made in previous proceedings, the commitment to perform the updated traffic analysis as previously outlined, subject to the township further investigating possible traffic calming approaches for the connections to Coach Light Lane and Harmony Hill Drive and subject to Keystone using its best efforts to restrict

construction traffic to the main Devon Creek access from New Holland Pike and, in particular, from using Coach Light Lane and Harmony Hill Drive for construction traffic.


Decision made this 23rd day of February, 2015 following a hearing conducted the same day by a decision of 5 in favor, none opposed.

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 Craig Robert Lewis, Esquire, Kaplin Stewart Meloff Reiter & Stein, PC, Union Meeting Corporate Center, 910 Harvest Drive, P.O. Box 3037, Blue Bell, Pennsylvania 19422-0765.



Ralph M. Hutchison, Secretary

Date: 3/17, 2015