

**CHELTENHAM TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 41-19**

**CHICK-FIL-A DEVELOPMENT**  
**PRELIMINARY/FINAL LAND DEVELOPMENT APPROVAL**

**WHEREAS**, Chick-fil-A (“Developer”) is the owner and developer of a certain tract of land known as 2421 West Cheltenham Avenue comprising approximately 0.87 acres in Cheltenham Township on which the Developer intends to expand a drive-through facility to a dual lane configuration, along with the addition of canopies and a 510-foot addition to the existing restaurant building in the C-1 Commercial District (collectively, “Development”); and

**WHEREAS**, the Development is more particularly shown on a set of plans (13 Sheets) prepared by Maser Engineering dated February 9, 2019, a Stormwater Management Statement prepared by Maser Engineering dated October 25, 2018, and a Parking and Drive-Through Evaluation prepared by McMahon Engineering dated December 15, 2018 (collectively, the “Plans”); and

**WHEREAS**, the Township Engineer issued a review letter dated March 13, 2019; and

**WHEREAS**, the Township Planning Commission reviewed the application at its meeting on March 25, 2019 and recommended approval; and

**WHEREAS**, the Township’s Traffic Consultant, F. Tavani and Associates, Inc. issued a review letter dated March 20, 2019; and

**WHEREAS**, the Shade Tree Advisory Commission (“STAC”) provided certain recommendations and conditions at their meeting on March 14, 2019; and

**WHEREAS**, the Montgomery County Planning Commission (“MCPC”) reviewed the application in a letter dated March 14, 2019; and

**WHEREAS**, the Township Zoning Hearing Board issued certain zoning relief for the subject property in Appeal No. 18-3610, which decision is incorporated herein by reference.

**NOW, THEREFORE, BE IT RESOLVED** that the Cheltenham Township Board of Commissioners hereby **GRANTS PRELIMINARY/FINAL APPROVAL** of the land development as shown on the Plans described herein subject, however, to the following conditions:

1. At this time, the Cheltenham Township Board of Commissioners waives strict compliance with the following provisions of the Cheltenham Township Subdivision and Land Development Ordinance:

- a. the requirement per §260-32.D(2) and §260-32.D(5) that the location, names and widths of streets and cartways and the names of adjacent property owners.

2. Prior to final plan submission to the Township, the Developer shall revise the Plans to conform to the recommendations and conditions of the STAC meeting on March 14, 2019, as reflected in the STAC Minutes of March 14, 2019 which are incorporated herein by reference.

3. Prior to final plan submission to the Township, the Developer shall revise the Plans to resolve to the satisfaction of the Township Engineer all issues set forth in the review letter of the Township Engineer, dated March 13, 2019, the entire contents of which are incorporated herein by reference.

4. Prior to final plan submission to the Township, the Developer shall revise the Plans to conform to the review comments and recommendations of the MCPC set forth in their March 14, 2019 letter, not inconsistent herewith, the entire contents of which are incorporated herein by reference.

5. The Development shall be constructed in strict accordance with the content of the Plans, notes on the Plans and the terms and conditions of this Preliminary/Final Approval Resolution.

6. Prior to recording the Plans, Developer shall provide the Township with all required approvals from outside agencies having jurisdiction over the Development, including, but not limited to, approval from the Pennsylvania Department of Transportation, the Pennsylvania Department of Environmental Protection (“DEP”), the Montgomery County Conservation District and the Montgomery County Department of Assets and Infrastructure, as applicable.

7. Prior to the start of construction, Developer shall notify the Township Manager and the Township Engineer and schedule a preconstruction meeting with the Township. Developer shall provide the Township Manager and the Township Engineer with at least seventy-two (72) hours notice prior to the initiation of any grading or ground clearing (whether for the construction of public improvements or in connection with individual buildings or additions) so that the Township may certify that all appropriate erosion and sedimentation control facilities have been properly installed and also that snow fencing or other types of boundary markers (acceptable to the Township) have been installed to protect such trees as are specifically proposed not to be eliminated during the construction of the Development.

8. Prior to recording the Plans, Developer shall enter into a Land Development and Financial Security Agreement (“Financial Security Agreement”) with Cheltenham Township. The Financial Security Agreement shall be satisfactory to the Township Solicitor and the Developer shall obligate itself to complete all of the public improvements including, but not limited to, all proposed stormwater management facilities, shown on the Plans in accordance with Township criteria and specifications as well as to secure the completion of the said public improvements by posting satisfactory financial security as required by the Pennsylvania Municipalities Planning Code (“MPC”).

9. The cost of accomplishing, satisfying and meeting all of the terms and conditions and requirements of the Plans, notes to the Plans, this Preliminary Approval Resolution, and the Financial Security Agreement shall be borne entirely by the Developer and shall be at no cost to the Township.

10. Although the maintenance of all stormwater collection, detention and conveyance facilities shall be the responsibility of Developer, its successors and assigns, Developer shall, prior to the recording of the Plans, execute a declaration to reserve easements in favor of the Township so that the stormwater facilities may be maintained by the Township (with all expenses charged to the Developer) in the event that the maintenance responsibilities of the stormwater facilities are not fulfilled after reasonable notice to do so. The terms and conditions of the declaration shall be satisfactory to the Township Solicitor, and the declaration shall be recorded simultaneously with the Plans.

11. Consistent with Section 509(b) of the MPC, as amended, the payment of all applicable fees and the funding of all escrows under the Land Development and Financial Security Agreement shall be accomplished within ninety (90) days of the date of final approval unless a written extension is granted by Cheltenham Township. Any such extensions granted by Cheltenham Township shall only apply to the time restriction set forth in Section 509(b) of the MPC and shall not modify or affect any other time restriction set forth in the MPC.

12. With particular reference to the landscaping of the property, the Development shall be in substantial accordance with the documents, testimony and other evidence presented by the applicant at the hearings before the Zoning Hearing Board and the presentation to the STAC.

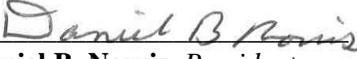
13. Under the provisions of the MPC, the Developer has the right to accept or reject conditions imposed by the Board of Commissioners upon preliminary approval. In the absence of an appeal filed in writing within thirty (30) days from the date of this Resolution, the conditions set forth herein shall be deemed to have been accepted by the Developer. If the Township receives written notice of an appeal of any of the conditions set forth herein filed within thirty (30) days from the date of this Resolution, this approval and the waivers granted in Paragraph 1 (which waivers are granted contingent upon the acceptance of the conditions set forth herein) shall be deemed to be automatically rescinded and revoked and the application shall be considered denied based upon the failure to fully comply with all of the sections set forth in Paragraph 1, all as authorized by Section 508 of the MPC.

**ADOPTED and APPROVED** by the Cheltenham Township Board of Commissioners at its public meeting held on **June 19, 2019**.

**ATTEST:**

  
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**Bryan T. Havir**  
*Township Manager and Secretary*

**TOWNSHIP OF CHELTENHAM  
BOARD OF COMMISSIONERS**

By:   
**Daniel B. Norris, President**