

TOWNSHIP OF LOWER MERION

Building and Planning Committee

Issue Briefing

Topic: 1400 Mill Creek Road, Gladwyne, Barker's Mill, Gladwyne, Ward 2, 3634C, 3634AAA

Prepared By: Robert Duncan, Assistant Township Manager

Date: February 7, 2020

I. Action To Be Considered By The Board:

An amendment to a condition of approval requiring the Final Plan to be recorded within 12 months of the Preliminary Land Development Plan approval.

II. Why This Issue Requires Board Consideration:

The Board of Commissioners must review and render decisions on all requests to extend expired or expiring land development approvals and amend conditions of approval.

III. Current Policy Or Practice (If Applicable):

N/A

IV. Other Relevant Background Information:

The background for the conditional use and land development approval associated with this application has been provided with the conditional use application. This request is limited to the code requirement to record the Final Land Development Plan within one year of the Preliminary Plan (PP) approval as required in code section 135-13 B (1). The PP was approved in May 2018 and the condition below was included as a condition of the PP approval. The plan has never been recorded.

- The Final Plan, complying with all applicable requirements, shall be filed with the Department of Building and Planning within twelve (12) months from the date of the Preliminary Plan approval.

Section 135-13 B of the code requires the Final Plan to be recorded within 12 months of the PP approval. This section of the code also includes language to extend the 12-month period subject to meeting the requirements of Section 135-13 B (1), subsections a through c. A copy of the code section is included below.

135-13 B. Submission and approval.

- (1) The final plan, complying with all applicable requirements, shall be filed with the Director of Planning for a final approval within 12 months from the date of the approval of the preliminary plan. Failure to comply with the time limitation herein provided shall make the approval of the preliminary sketch plan null and void unless an extension of time is granted in accordance with this section. The twelve-month period may be extended by the Board of Commissioners upon application by the applicant, filed in writing, within said twelve-month period upon demonstration of the following;
 - (a) That one or more conditions existent at the time of preliminary plan approval have changed.
 - (b) That such change of circumstances was beyond the applicant's control and has prevented submission of the final plan within the twelve-month period.
 - (c) That such circumstances have been overcome or will be overcome in the foreseeable future.

In order for the Final Plan to be considered for extension of the one year recording requirement, the applicant must demonstrate that one or more conditions existent at the time of preliminary plan approval have changed, circumstances beyond the applicant's control prevented submission of a Final Plan, and such circumstances have been or will be overcome in the foreseeable future. Staff has not received any document to demonstrate compliance with these standards.

If the Board of Commissioners follows the Hearing Officer's recommendation and denies the Conditional Use plan application, the Board must also deny this request to extend the period to record the Final Plan, since conditional use approval was a condition of the PP approval.

V. Impact On Township Finances:

This application has no impact on Township finances.

VI. Staff Recommendation:

If the Board denies the Conditional Use application, staff recommends they also deny this request to amend the condition of approval requiring the Final Plan to be recorded within 12 months of the PP approval.