

**WEST POTTSBORO TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**RESOLUTION NO.**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF WEST POTTSBORO TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, GRANTING FINAL APPROVAL OF A PRELIMINARY/FINAL LAND DEVELOPMENT AND SUBDIVISION PLAN SUBMITTED BY PROVCO PINEGOOD STOWE, LLC FOR A LOT CONSOLIDATION, LOT SUBDIVISION AND CONSTRUCTION OF A WAWA CONVENIENCE STORE WITH FUELING PUMPS AT 617 OLD READING PIKE AND GROSSTOWN ROAD IN WEST POTTSBORO TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA.**

**WHEREAS**, Provco Pinegood Stowe, LLC (hereinafter referred to as “Applicant”), a Pennsylvania limited liability company with a registered office address of 795 East Lancaster Avenue, Suite 200, Villanova, Pennsylvania 19085, proposes to consolidate two (2) improved and contiguous parcels of property located at 617 Old Reading Pike and 635 Old Reading Pike, situate in the Township, identified as Tax Parcel Nos. 64-00-03748-00-4 and 64-00-03745-00-7, respectively, and containing a total of 2.72 acres (hereinafter collectively referred to as the “Consolidated Property”); and

**WHEREAS**, the Consolidated Property is located within the Industrial Zoning District; and

**WHEREAS**, Applicant further proposes to subdivide the Consolidated Property into two (2) separate lots: proposed Lot 1 containing 2.27 acres (hereinafter referred to as “Lot 1”), and proposed Lot 2 containing 0.45 acres (hereinafter referred to as “Lot 2”); and

**WHEREAS**, Applicant submitted Preliminary/Final Land Development and Subdivision Plans consisting of twenty-five (25) sheets titled “Preliminary/Final Land Development and Subdivision Plans for Provco Pinegood Stowe, LLC”, prepared by Bohler Engineering, 1600 Manor Drive, Suite 200, Chalfont, Pennsylvania 18914, dated January 12, 2024 (hereinafter referred to as the “Plan”); and

**WHEREAS**, Applicant proposes by way of the Plan to construct a 6,049 square foot convenience store, with fifty-six (56) associated parking spaces and a fuel canopy with eight (8) fuel pumps, in addition to signage, lighting, landscaping and driveways on Lot 1; and

**WHEREAS**, the Plan was submitted and reviewed by the West Pottsgrove Planning Commission on February 15, 2024, at which time the West Pottsgrove Planning Commission recommend preliminary/final approval of the Plan, subject to certain conditions provided below; and

**WHEREAS**, the Plan was submitted and reviewed by the Montgomery County Planning Commission, which by letter dated February 9, 2024, generally supports the Plan with comments; and

**WHEREAS**, the Plan was reviewed by the West Pottsgrove Township Engineer and the West Pottsgrove Township Solicitor, and were found to be acceptable, under and subject to certain conditions provided below; and

**NOW, THEREFORE, BE IT AND IT IS HEREBY ENACTED AND RESOLVED** by the West Pottsgrove Township Board of Commissioners that the West Pottsgrove Township Board of Commissioners grant preliminary/final approval of the Plan, under and subject to Applicant satisfying the conditions stated herein.

**A. AUTHORITY; SHORT TITLES; DEFINITIONS**

1. This Resolution is adopted pursuant to and in accordance with the West Pottsgrove Township Subdivision and Land Development Ordinance of 2011, as amended (hereinafter collectively referred to as the “SALDO”), as set forth in Chapter 20 (Subdivision and Land Development) of the Code of Ordinances of West Pottsgrove Township.
2. This Resolution is to be known and may be cited as the “Provco Wawa Preliminary/Final Land Development and Subdivision Plan”.
3. Except as may be otherwise provided herein, and/or if the context clearly indicates otherwise, all words and phrases appearing in this Resolution, which also appear in the SALDO, shall have the same meanings in this Resolution as in the SALDO.

**B. GRANT OF REQUESTED WAIVERS**

Applicant has requested certain waivers from the provisions of the SALDO and the West Pottsgrove Stormwater Management Ordinance No. 11 of 2022, as amended (hereinafter

collectively referred to as the “SWMO”), as set forth in Chapter 19 (Stormwater Management) of the Code of Ordinances of West Pottsgrove Township. Those waivers are specifically set forth and contained on sheet 1 of the Plan and are summarized as follows:

1. SALDO § 301.2 & § 301.3 – To permit the simultaneous submission of preliminary and final plans;
2. SALDO § 411.5.A – To permit for grading less than 3 feet to the property line;
3. SALDO § 415.1.A – To permit sidewalk and border areas along a portion of Grosstown Road only;
4. SALDO § 431.2.A – To permit a driveway length of 15 feet on Grosstown Road and 25 feet on Old Reading Pike;
5. SALDO § 431.5.A – To permit 3% of the parking lot to be shaded by plantings;
6. SALDO § 434.2.C(1) – To permit a 3-foot-wide buffer planting area along the property lines;
7. SALDO § 434.5.C – To permit only shrubs and groundcover for planting islands;
8. SALDO § 408.1.F – To forego the replacement of trees at 2.5-inches caliper at a rate of 2 new trees to 1 tree removed;
9. SALDO § 432.1.A – To forego the installation of curbing along all existing public streets;
10. SALDO § 434.3.B.1 – To forego the planting of trees at the rate of at least 1 tree per 40 linear feet of frontage;
11. SWMO § 301.R – To forego the granting of a riparian corridor conservation easement to the Township;
12. SWMO § 308.F(2) – To forego the planting of two 1-inch trees per every 6-inch caliper tree removed; and
13. SWMO § 307(C)(2) – To permit the use of an 8-inch yard drain pipe along the northern property line and no less than 4-inch pvc pipe for the building roof and canopy drains.

The West Pottsgrove Township Board of Commissioners hereby grants the above thirteen (13) waivers, which waivers are granted under and subject to Applicant satisfying the conditions stated herein.

**C. CONDITIONS OF PLAN APPROVAL**

Approval of the Plan is hereby granted subject to the following conditions:

1. The Plan, following Plan approval and release by West Pottsgrove Township, shall be recorded within ninety (90) days at the expense of Applicant, with a copy delivered to West Pottsgrove Township.
2. All recording costs and applicable taxes and fees, if any, shall be paid by Applicant.
3. Applicant shall address all of the comments contained in the letter from Bursich Associates, a division of Van Cleef Engineering, dated February 12, 2024, to the satisfaction of the Township Engineer.
4. This Resolution approves the proposed improvements to Lot 1 only and any proposed improvements to Lot 2 will require land development approval from the West Pottsgrove Township Board of Commissioners prior to any construction thereof.
5. Applicant shall have paid all engineering and legal fees due and owing to West Pottsgrove Township prior to the release of the Plan for recording.
6. Under the provisions of the Pennsylvania Municipalities Planning Code, Applicant has the right to accept or reject the conditions imposed by the West Pottsgrove Township Board of Commissioners upon Plan approval. Applicant shall signify its acceptance of the conditions contained herein by signing a copy of this Resolution and returning it to West Pottsgrove Township within thirty (30) days of the date of this Resolution. In the event that execution of this Resolution is not delivered to West Pottsgrove Township office by 12:00 p.m. on **April 5, 2024**, or West Pottsgrove Township receives written notice of an appeal or a rejection of any of the conditions set forth herein within thirty (30) days from the date of this Resolution, this approval and the waivers granted in Section B, Paragraphs 1 through 11, hereof (which waivers are granted contingent upon the acceptance of the conditions set forth herein), shall be

deemed to be ultimately rescinded and revoked, and the Plan shall be considered denied based upon the failure to fully comply with all of the sections set forth in Section B, Paragraphs 1 through 11, all as authorized by Section 508 of the Pennsylvania Municipalities Planning Code.

**D. EFFECTIVE DATE**

This Resolution shall be effective immediately upon the adoption hereof.

**ENACTED** and **RESOLVED**, at a public meeting of the Board of Commissioners of West Pottsgrove Township held on this 6th day of March, 2024.

**WEST POTTS GROVE TOWNSHIP  
BOARD OF COMMISSIONERS**

BY: \_\_\_\_\_  
Stephen Miller, President

ATTEST: \_\_\_\_\_  
Courtney Harris, Secretary

**ACCEPTANCE**

The undersigned states that they are authorized to execute this Acceptance on behalf of the Applicant and the owners of the property, which is the subject matter of this Resolution, that they have reviewed the conditions imposed by the Board of Commissioners in the foregoing Resolution and that they accept the conditions on behalf of the Applicant and the owners and agree to be bound thereto. This Acceptance is made subject to the penalties of 18 Pa.C.S.A. § 9404 relating to unsworn falsification to authorities.

PROVCO PINEGOOD STOWE, LLC

Date: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
Print Title