

BEFORE MUNICIPAL COUNCIL OF THE MUNICIPALITY OF MONROEVILLE

A RESOLUTION OF MUNICIPAL COUNCIL)
OF THE MUNICIPALITY OF MONROEVILLE)
DENYING CONDITIONAL USE NO. 01-4-C)
OF COMMERCE GROUP, INCORPORATED)
CONCERNING PROPERTY LOCATED ON)
BUSINESS ROUTE 22/WILLIAM PENN HWY.)

RESOLUTION NO. 02-25

AND NOW, on March 12, 2002, it is RESOLVED by Municipal Council of the Municipality of Monroeville as follows:

That Conditional Use Application No. 01-4-C of COMMERCE GROUP, INCORPORATED, concerning property located on Business Route 22/William Penn Highway, approving a permitted use at an intersection of a major thoroughfare or transportation artery, to include a Group Unit Development, constructing two (2) retail stores and associated site improvements and the upgrading of a traffic signal at the intersection of Business Route 22/William Penn Highway and Duff Road, is "DENIED" this date.

ATTEST:

MUNICIPALITY OF MONROEVILLE



Marshall W. Bond
Municipal Manager



James J. Lomeo
Mayor

ENTERED INTO LEGAL BOOK ON: March 22, 2002

ADDENDUM A TO RESOLUTION NO. 02-25

Concerning File No. 01-4-C

The denial of the aforementioned Conditional Use, No. 01-4-C, is denied for the following reasons:

1. The twenty-five foot access easement, recorded in DBV 6714, page 290, providing access to property owned by John J. Bruno, has not been abandoned, and there is no agreement in place to abandon this easement. Therefore, seventeen parking spaces will be eliminated, and the land development applications do not meet the number of off-street parking spaces required in Section 403.10, Off-Street Parking and Loading, Monroeville Zoning Ordinance, 1443, as amended.
2. The thirty-foot grading easement, authorizing the Commerce Group to enter property owned by John J. Bruno, allowing grading in that area to provide a larger off street parking area and eliminating the need for a retaining wall, has not been executed with that property owner. The Commerce Group does not have standing to show development on another individual's property. Therefore, ten parking spaces will be eliminated, and the land development applications do not meet the number of off-street parking spaces required in Section 403.10, Off-Street Parking and Loading, Monroeville Zoning Ordinance, 1443, as amended. Additionally, it is possible that driveway areas would not meet minimum standards and traffic circulation would be negatively compromised.
3. Lot No. 2 of the Girman Plan of Lots, PBV 191, pages 94-95, is a separate land lease and can not be joined with Lot No. 1, PBV 191, pages 94-95, and Parcel A, PBV 191, pages 94-95, as a unified subdivision as reflected in Sheet No. 2 of 2 of the proposed subdivision plan. The signature sheet of the subdivision plan is in error as it shows all three properties under the ownership of the Commerce Group. Should Lot No. 2 continue under a land lease agreement, a signature block should be provided for that property owner. Additionally, easements for utilities and lighting are being shown on the subdivision plan as eliminated, and curb cut opening are being shown as closed without an opportunity for the property owner to sign off on the subdivision plan, and as such, are being done without the property owner's approval. Without accurate data regarding ownership, and proper documentation supporting the elimination of easements and closure of access points, this plan is deficient as per Section 2-03, Final Subdivision Approval, Monroeville Subdivision Ordinance, 744, as amended.

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4. This land development can no longer be considered as a Group Unit Development as it is in violation of Section 403.1, Planned Group Units, Monroeville Zoning Ordinance, 1443, as amended, which states that the entire site shall be owned or controlled by the developer. With the existence of a land lease for Lot No. 2, each property must be able to stand on its own, meeting the requirements of the Monroeville Zoning Ordinance, 1443, as amended, including, but not limited to, Yard and Lot Requirements, Off Street Parking Requirements, and Site Development Standards.