



CONCORD TOWNSHIP PLANNING COMMISSION

GLEN MILLS, DELAWARE COUNTY, PENNSYLVANIA 19342

MEMORANDUM

TO: Concord Township Council
FROM: Mark Elser, CTPC Chairman
Benjamin Littell, CTPC Vice Chairman

SUBJECT: Conditional Use Application of Concord Acquisition LLC
Folio # 13-0001051-01

DATE: July 13, 2026

Comments by CTPC for Council Consideration:

Please be advised that the Concord Township Planning Commission has reviewed the Conditional Use Application dated May 8, 2026, for a Conditional Use of tax Folio # 13-0001051-01. In an effort for clarity, the Planning Commission's review is broken into two Sections below.

"Section A – Conditional Use Hearing Recommendations" provides specific recommendations and additional details pertaining to each of the six (6) items of relief that the Applicant is requesting at the Conditional Use Hearing.

"Section B – Application Comments" addresses the broader CU application, which includes statements by the Applicant that are related to the separate (but related) Land Development application. For clarity purposes, the Planning Commission has utilized the Applicant's CU application as an outline for Section B, and has added comments directly alongside each relevant statement.

Section A – Conditional Use Hearing Recommendations

Per the application, the Applicant is requesting six (6) specific items of relief at the Conditional Use Hearing. The Planning Commission would like to offer the following recommendations for each of these specific items of relief, for Council's consideration:

1) Conditional Use Approval for the transfer of a liquor license to allow the Giant Supermarket at Pad #4 to sell wine and beer.

If Council approves this Conditional Use, we recommend consideration of the following conditions/restrictions:

- a) The property owner must take reasonable measures to discourage loitering on the premises and in adjacent common areas. Exterior consumption of alcoholic beverages, specifically within the proposed adjacent community patio space, should be prohibited.
- b) If requested by the Township based upon documented nuisance activity, the property owner should be required to meet with Township staff to review operational measures intended to address recurring issues associated with the sale of alcoholic beverages.

The Planning Commission recommends that, as part of any approval of this Conditional Use, Council establish a set of enforceable action measures that can be imposed upon the Applicant to resolve any such recurring issues.

- c) The transfer of an "R" liquor license indicates that the use is anticipated in conjunction with a "restaurant." The Pennsylvania Liquor Control Board has specific permit requirements for maintaining such a license; however, the Applicant has provided insufficient data (no information) to the Planning Commission regarding how they intend

to implement and monitor the liquor sales within the Giant Supermarket. The Planning Commission recommends that Council require such additional information from the Applicant for their consideration. The Planning Commission specifically recommends that detailed floor plans showing the functionality and location of the intended liquor sales and restaurant uses within the Giant Supermarket should be part of that additional information for review.

- d) As evidenced through public records, Concord Township has approximately 29 active liquor licenses for approximately 18,450 residents (per census estimate from 2024), or 4.7 licenses per 3,000 residents. Criteria recognized by the liquor control board sets a county-wide quota of 1 active liquor license per 3,000 residents. The Planning Commission recommends that Council consider the potential oversaturation of alcohol sales within the Township, especially within the context of potential safety concerns that can result.

2) Conditional Use Approval for a Flagship car wash at Pad #9.

The proposed car wash includes potential impacts to the public infrastructure (including sanitary sewer, stormwater drainage, and queuing), as well as potential impacts to private residential wells (including concerns regarding the impact of runoff and groundwater infiltration of car wash related chemicals). If Council approves this Conditional Use, we recommend consideration of the following conditions/restrictions:

- a) Visual Screening & Noise Control
 - i) Any mechanical or utility equipment must be screened from public view and from adjacent properties.

- ii) Vacuum stations, if any, must be restricted to operation during specific hours to be determined by Council. All vacuum equipment must utilize noise-reduction technology and must be maintained in proper working order. Any outdoor loudspeakers, public address systems, and amplified music are prohibited.
- iii) The Applicant has not yet provided sufficient architectural renderings for the proposed use. The appearance of the building and screening should be subject to review by the Township's design review committee prior to final approval.

b) Queue Management

- i) The car wash facility must be operated in a manner that prevents vehicle queueing from extending out of the designated car wash queue area and into any internal private street, shared access easement, or fire lane.
- ii) The Applicant has not yet provided any information regarding the intensity of customers anticipated and traffic queuing expected; this data should be provided to Council and Township engineers for review prior to final approval.
- iii) If, at any future time, the Zoning Officer, Township Engineer, or other designated Township official determines that recurring queueing associated with the car wash operation is causing traffic congestion, circulation conflicts, safety concerns, or interference with access to adjacent properties, the Planning Commission recommends that the property owner be required to, upon written notice from the Township, submit a Queue Management Plan or similar mitigation plan for review and approval.
- iv) The Queue Management Plan may include operational modifications, employee-assisted traffic management, revised circulation patterns, additional stacking

improvements, or other reasonable measures necessary to address the identified impacts.

- v) The approved corrective measures must be implemented within a timeframe established by the Township. The Planning Commission recommends that, prior to any approval, Council determine and implement appropriate enforcement measures to ensure future compliance.

c) Wastewater Management & Spill Containment

- i) The Applicant should be required to present to Council the plan regarding planned operations of the carwash, including aspects such as percentage of wastewater that is recycled, amount of wastewater generated, etc. Additional documentation supporting these attributes should be made available as requested by Council.
- ii) All wastewater generated by the car wash operation that is not recycled must be discharged into an approved municipal sanitary sewer system. No wastewater, rinse water, detergents, cleaning chemicals, sludge, or wastewater generated by the facility shall be discharged into any storm sewer, drainageway, detention basin, creek, stream, wetland, or other surface water feature.
- iii) All wash areas, chemical storage areas, and wastewater handling facilities must be located on impervious surfaces designed to prevent any runoff and subsequent infiltration into underlying soils.
- iv) To reduce pollutants entering the sanitary sewer system, the operator must, at its sole expense, coordinate with the Township engineer to implement stormwater best management practices (BMPs). This could include, but not be limited to, regular sweeping of paved areas, prompt removal of litter and debris, proper storage of

chemicals and waste materials, spill containment procedures, routine inspection of drainage infrastructure, etc.

- v) The operator must prepare and maintain a Spill Prevention and Response Plan or similar document addressing accidental releases of chemicals, fuels, oils, or wastewater. As a part of this plan, any release of pollutants to soil, groundwater, or surface water must be immediately reported to the Township and appropriate regulatory agencies, and must be remediated at the owner's expense. To ensure that any future remediation is funded by the Applicant (and that the burden does not fall to the Township), the Planning Commission recommends that Council consider requiring an environmental escrow fund or similar.
- vi) Additionally, all detergents, cleaning agents, waxes, solvents, and other chemicals should be phosphate-free, biodegradable, and non-toxic, and must be stored in enclosed areas protected from weather exposure and designed to prevent accidental releases. Bulk chemical storage containers must be provided with secondary containment systems capable of containing at least one hundred ten percent (110%) of the volume of the largest container.
- vii) The operator must maintain all water recycling and treatment equipment in good working order and must make maintenance records available to the Township upon reasonable request. Additionally, current Safety Data Sheets (SDS) or similar documentation for all hazardous materials used on-site must be maintained and made available to emergency responders upon request.
- viii) Residential drinking water wells are located within the downstream flow of stormwater discharge for the site. As such, and at the operator's sole expense,

enhanced environmental monitoring at the stormwater discharge locations for the property should be required. This includes periodic inspection reports, at intervals determined by Council in coordination with the Township Engineer, prepared by a qualified environmental professional documenting continued compliance with these conditions.

- ix) The Township and applicable utility providers must be permitted reasonable access to inspect wastewater management facilities for compliance purposes.
- x) Upon written notice from the Township or regulatory agency identifying an environmental violation, the operator must promptly undertake corrective actions to achieve compliance.

d) Other

- i) No vehicle repair, body work, oil changes, mechanical service, or outdoor detailing activities shall occur on the property unless separately approved.

3) Conditional Use Approval for a fast-food restaurant with drive-through service at Pad

#10A

and

4) Around the proposed “Lawn” amenity between Pad #11A, and Pad #11B, Conditional Use Approval for three fast-food restaurants with Seasonal Outdoor Seating Amenities (Pad #11A would house two restaurants, and Pad #11B, which would house at least one restaurant.)

The conditional use requests for fast-food restaurants, drive-thru service, and seasonal outdoor seating are interrelated. Because of the nature of these uses, as well as the location of these activities along route 202, these conditional uses could adversely impact

traffic, noise levels, pedestrian safety, and overall cleanliness of the adjacent pad sites and neighboring roadways and properties, among other potential issues. If Council approves these Conditional Uses, we recommend the following conditions/restrictions:

a) Drive-Through

As drive-thru restaurants have the potential to generate higher vehicle volumes, queueing, noise, and site circulation conflicts than other commercial uses, the Planning Commission recommends that, if Council approves this Conditional Use, it adopt conditions that provide the Township with the ability to address operational issues if they arise. These conditions are intended to ensure that vehicle queueing remains on-site, public streets are not obstructed, neighboring properties are protected from noise impacts, and the site can continue to function safely if operational characteristics change over time. If Council approves this Conditional Use, we recommend the following conditions:

i) Queueing & Traffic

(1) All drive-thru queueing must occur entirely within the approved stacking lanes.

Vehicles must not queue within public streets, internal shopping center drive aisles, fire lanes, parking aisles, loading areas, or cross-access easements.

Internal circulation routes must remain unobstructed at all times.

(2) Drive-thru operations should not utilize parking spaces for vehicle queueing.

(3) The approved stacking capacity must be maintained throughout the life of the use.

(4) If the Township determines that recurring queueing adversely affects traffic circulation, neighboring businesses, emergency access, or public safety, the

property owner will be required to submit a Queue Management Plan or similar document for review and approval, at the Applicant's expense. The Queue Management Plan may include operational modifications, employee-assisted traffic management, revised circulation patterns, mobile-order management, additional pavement markings, or physical site improvements necessary to address the identified impacts. The Planning Commission recommends that Council include applicable enforceable measures to ensure that recurring queueing issues are mitigated to the satisfaction of the Council and the Township Engineer.

ii) Pedestrian Safety

- (1) Drive-thru traffic should be designed to yield to pedestrians.
- (2) Clearly marked pedestrian crossings and stop signs must be provided where sidewalks intersect drive-thru lanes.
- (3) Pedestrian access between parking areas and building entrances should remain unobstructed.
- (4) Special care shall be utilized when designing and field demarcation of any handicap parking spaces. (all of which shall comply with the federal laws)

iii) Noise Control

- (1) Speaker volume must be maintained at the minimum level necessary for safe operation.
- (2) Order boards and pickup windows must be oriented away from neighboring properties.

- (3) Drive-thru service should be limited to the approved hours of operation at the discretion of Council. Any expansion of drive-thru operating hours will require Township review.

iv) Other

- (1) Approval of the drive-thru is based upon the operational characteristics presented by the applicant. Any modification that materially increases traffic generation, queue lengths, stacking demand, or operational intensity—including the addition of drive-thru lanes, expanded menu service, or significant changes to customer service operations—will require review by the Township to determine whether an amendment to the Conditional Use is necessary.
- (2) If documented operational deficiencies attributable to the drive-thru result in recurring traffic congestion, unsafe circulation, or interference with adjacent businesses, the Township may require reasonable corrective measures, including operational changes or site modifications, to mitigate the identified impacts.

b) Fast Food Use

Without appropriate conditions, fast-food operations can cause adverse impacts to traffic flow, noise levels, and surrounding commercial and residential properties. If Council approves this Conditional Use, we recommend the following conditions/restrictions:

i) Site Maintenance

- (1) The property must be maintained in a clean, orderly, and safe condition at all times. Any operational characteristics that increases capacity, parking demand, or traffic generation shall require review by the Township.
- (2) The property owner must maintain the restaurant premises and adjacent portions of the shopping center reasonably affected by the restaurant free of litter and debris. Staff shall conduct regular litter patrols during operating hours, including a final sweeping of exterior spaces at the close of business.
- (3) A sufficient number of exterior trash and recycling receptacles shall be provided and maintained daily including removal of all exterior trash at the close of business. (All enclosures shall be in keeping with the architectural concepts of the buildings and of sufficient height to fully conceal the containers inside of them.)
- (4) Grease storage containers and dumpsters shall be screened from public view. Any underground storage tanks for grease or other products shall be properly designed, permitted, installed and maintained to prevent any seepage or overflow into the ground aquifer.
- (5) As a condition of any approval, the Planning Commission recommends that the design meet residential standards at the monitoring station located at the property line. For any food service or high-impact retail tenants, the applicant must install and maintain approved commercial grease interceptors and pretreatment systems to prevent commercial fats, oils, and grease (FOG) from degrading the residential-grade downstream collection lines.

(6) The Applicant should be required to submit flow data to the Township Sewer Department at intervals as required by Council.

ii) Parking & Traffic

(1) Restaurant and retail operations shall not utilize required parking spaces for storage, delivery staging, or outdoor seating unless specifically approved. Cart corals shall be designed into the land development plan and shall not be counted as parking spaces.

(2) If recurring parking shortages attributable to the restaurant are documented by the Township, the property owner may be required to submit a parking utilization study and implement reasonable corrective measures.

(3) While the application rendering has identified buildings 11A and 11B as restaurant use, there are five (5) additional buildings identified with potential “retail/restaurant” uses – including up to five (5) individual separate “multi-tenant retail/restaurant” tenants within Building 7 alone. It is therefore unclear how many restaurants are proposed in total.

(a) Council should carefully consider if the total number of potential restaurant uses is excessive and will generate conflicts of parking and traffic in particular time intervals. The number of restaurants may impact the availability of parking and traffic congestion and proper waste disposal including sewer effluent loading.

(b) This uncertainty regarding future tenant use, coupled with a proposed site design that maximizes the 70% impervious coverage limit, any reduction granted by Council to the code-required 6 parking spaces per 1000 SF must

include protections for the Township, including a parking reserve area (as mentioned under bullet point #6 below).

- (4) As the HOP application is still pending with PennDOT, it is difficult to determine if off-site traffic will be sufficient to adequately provide safe access and passage for all motorists. The Planning Commission may have additional comments related to traffic once additional clarity is provided by PennDOT.

c) Outdoor Seating

Without appropriate conditions to minimize noise, preserve adequate parking and circulation, and protect adjacent properties from nuisance impacts, outdoor dining can cause adverse impacts to surrounding commercial and residential properties. If Council approves this Conditional Use, we recommend the following conditions to ensure that the use remains subordinate to the principal restaurant and does not evolve into an outdoor entertainment venue or create adverse impacts on neighboring properties:

i) Delineation of Outdoor Dining Space

- (1) Seasonal Outdoor Seating shall not be permitted in parking areas.
- (2) Decorative fencing, planters, or other screening elements may be required to define the outdoor dining area and reduce visual impacts.
- (3) Temporary or seasonal enclosures, if any, will require separate approval.
- (4) Any expansion of the outdoor dining area, increase in seating capacity, modification of monthly, daily or hours of operation, installation of permanent structures, or other material change to the approved operation will require review and approval by the Township.

ii) Nuisance Control

- (1) Outdoor dining activities must be conducted in a manner that does not create a nuisance for onsite movement and neighboring properties.
- (2) Operational hours for the outdoor dining service should be limited per Council's discretion. Outdoor seating areas must be vacated by patrons no later than thirty (30) minutes after the close of outdoor service.
- (3) Live entertainment, DJs, amplified music, public address systems, or outdoor speakers are prohibited unless separately approved by the Township.
Background music, if permitted, must be maintained at a volume that is not audible beyond the immediate restaurant area and must comply with applicable municipal noise standards.
- (4) Alcohol service, if applicable, must be limited to the approved outdoor dining area. The outdoor dining area must remain clearly delineated.
- (5) Lighting of the outdoor dining areas should be fully designed and shown on the applicable plans for review. Because of the proximity to U.S. Route 202, the Planning Commission recommends that Council in conjunction with the Township Engineer impose relevant restrictions on any exterior lighting at the outdoor dining areas.

iii) Site Maintenance

- (1) The proximity of the proposed outdoor dining area to U.S. Route 202 heightens the importance of maintaining the site in a clean and orderly condition, including the prompt removal of litter and debris to protect the appearance of the corridor and prevent windblown trash from leaving the property.

- (2) The outdoor dining area must be maintained in a clean and orderly condition to ensure that trash and debris do not spread beyond the designated outdoor dining area.
- (3) Trash receptacles must be provided and emptied regularly, including at the close of business daily.
- (4) Outdoor dining spaces must be swept and washed daily.
- (5) Tables, chairs, umbrellas, planters, and other furnishings must be maintained in good repair.

iv) Other

- (1) Outdoor dining space is dedicated to the use of the retail/restaurant tenants for at least a portion of the day, and therefore should not be included as “open space” in the calculation of required open space for the site.
- (2) Outdoor dining occupancy must be included in the calculation of parking requirements for the site.
- (3) If the Township receives documented complaints regarding noise, trash, lighting, traffic, or other nuisance conditions associated with the outdoor dining area, the Township may require reasonable operational modifications to bring the use into compliance with the conditions of approval and applicable ordinances.
- (4) The Township should be provided additional clarity as to how the restaurants proposed in Buildings 11A and 11B will share outdoor seating and the lawn amenity, in order to ensure a functionable design. Outdoor seating indicates that the customer will be provided with table service, but, as currently shown, one of

the restaurants will be isolated from the seating area, requiring servers to “walk around” the other restaurant via the exterior sidewalk.

5) Approval pursuant to §210-196.D.(1) of the Zoning Ordinance to permit parking spaces between the roadway and the proposed buildings.

While the Applicant has some shrub landscaping along the U.S. Route 202 corridor, the Planning Commission desires a more ascetically pleasing fence and pier approach (as proposed by TCA) along the frontage. Moving the sidewalk behind the pier and fence arrangement for the safety of pedestrians walking along this sidewalk should be considered. A cross-section profile should be presented by the Applicant to clearly depict how headlights may luminate off-site from the elevated parking areas.

6) Approval pursuant to §210-197.G. of the Zoning Ordinance to provide 763 parking spaces, or a ratio of 4.83 spaces per 1,000 square feet of gross floor area in the shopping center.

- a) Planning Commission generally agrees that reducing unnecessary parking and therefore reducing impervious coverage, when possible and with the appropriate safeguards, is a net positive.
- b) While the applicant has stated their belief that the proposed use may function adequately with a parking ratio of ~4.8 spaces per 1,000 square feet, the current site plan provides no safeguards should that ratio understate the usage. Most concerning is that, as the current site plan utilizes the maximum allowable impervious coverage (70%), there is insufficient area for any future parking expansion should parking demand exceed projections, tenant composition change, or the use of the property otherwise require a more parking-intensive use. Accepting the proposed reduced

parking ratio without additional safeguards for these future potential changes could result in adverse consequences for the Township residents and neighboring properties.

- c) Therefore, Planning Commission strongly recommends that, if Council approves the parking reduction conditional use, Council should require the Applicant to design and designate a “parking reserve area,” as outlined below:
- i) As part of the site plan for the Land Development approval process (including review by the Planning Commission), the applicant must design a “parking reserve area” sufficient to accommodate the difference between the proposed parking ratio of ~4.8 spaces per 1,000 square feet and the otherwise code required parking ratio of 6.0 spaces per 1,000 square feet, based on the total building square footage proposed.
 - ii) The “parking reserve area” should be fully designed and engineered on the Land Development site plan, including parking space striping, to demonstrate that the parking included within the “parking reserve area” will fit within the 70% impervious coverage limit while meeting all applicable code requirements.
 - iii) The “parking reserve area” should be included within the 70% impervious limit (as it potentially could be imperviously covered in the future), and remain free of all development and improvements, including buildings, stormwater facilities, utilities, storage units, and other temporary or permanent improvements that would preclude future conversion to parking.
 - iv) The “parking reserve area” should not be counted toward any open space requirements, as it could potentially be utilized for parking in the future.
 - v) Stormwater management systems should be constructed to accommodate the additional drainage from the “parking reserve area”

- vi) If, at a future point in time, the Zoning Officer determines that parking demand changes due to use changes, routinely exceeds available parking, or otherwise creates operational issues, the Township may require construction of all or a portion of the reserve parking area.
- d) If the Applicant is unwilling to abide by the proposed “parking reserve area” as outlined above, then the Planning Commission recommends that Council reject this request for a reduction to the parking ratio, thereby requiring the Applicant to construct parking in accordance with the 6 spaces per 1000 SF as outlined in the Code.

Section B – Application Comments

The Conditional Use application includes statements by the Applicant that are related to the separate (but related) Land Development application. For clarity purposes, the Planning Commission has utilized the Applicant's CU application as an outline for Section B, and has added comments directly alongside each relevant statement. The Applicant's application is in red font below, with the Planning Commission comments and recommendations in black font.

AMENDED ADDENDUM TO CONDITIONAL USE APPLICATION

*Concord Acquisition LLC, a Pennsylvania limited liability company (the "**Applicant**"), by and through its attorneys, Buckley, Brion, McGuire & Morris LLP, hereby submits this Amended Addendum to the Conditional Use Application (the "**Application**"), filed with the Concord Township Council ("**Township**"). This Amended Addendum is in the alternative to the Addendum previously filed with the Application but restates the shared content for ease of reference.*

*1. Applicant is the owner of a 23.897 gross acre parcel of real property located along the west side of Wilmington-West Chester Pike (S.R. 0202) and the south side of Ridge Road in Concord Township, Delaware County, with an address of 0 Wilmington Pike, Chadds Ford, PA 19317, identified as Tax Parcel No. 13-0001051-01 (the "**Property**").* The Planning Commission notes that there may be an existing utility and access easement on the northwest corner of the site, which would impact the net lot area. The G.D. Houtman minor plan and associated reference on the Kelly & Close plan from 2018 indicate this easement. The Planning Commission recommends that the applicant should confirm, and either (1) adjust the net lot area and proposed future impervious surfaces in all applicable calculations OR (2) place

a note on the plan to extinguish any claims to such an easement in the future, which may also require the adjacent property owner (as the beneficiary of the easement) to also acknowledge extinguishing of the easement. Relatedly, the Planning Commission recommends that, if any PennDOT SWM utility easement rights were granted on previously recorded plan sets, those easements should be reflected in the net lot area calculations.

2. A copy of the Deed to the Property is attached hereto as Exhibit "A".

*3. Pursuant to the Township's Zoning Ordinance and Zoning Map (collectively, the "**Ordinance**"), the Property is located in the Township's C-2 Planned Business and Commercial District.*

4. Applicant proposes to develop the Property with a planned shopping center and the uses described herein. A planned shopping center is a permitted principal use as part of an integrated retail development. Other multiple principal uses, including restaurants, carwashes, and fitness centers are also identified in the application. The Planning Commission recommends that Council consider these multiple principal uses in the site area, and that the Applicant identify the development lot areas for each principal use proposed and confirm that each development lot area meets the necessary yard and area regulations of §210-128.

5. A planned shopping center is a use that is permitted by right in the C-2 District pursuant to Section 210-127.A(2) of the Ordinance.

6. It is noted that the Applicant has filed an Application for Preliminary/Final Land Development Approval, for consideration by the Township, contemporaneously with this

Application. Acknowledged and considered under the separate land development application process. The Planning Commission reserves the right to provide additional Conditional Use comments that may be revealed during the Land Development review process.

Efforts By Prior Owner

*7. Applicant's predecessor in title (the "**Prior Owner**") previously obtained Conditional Use and Land Development Approvals for the development of the Property as a 165,250 square foot shopping center pursuant to a plan which is similar, though not identical to the Applicant's proposed development of the Property. These efforts of the Prior Owner resulted in the preparation of that certain Amended Final Subdivision and Site Plan prepared by Kelly & Close Engineers and last revised August 17, 2018, which was duly approved and recorded on November 2, 2018, in Book 42, Page 299 (Instrument # 2018052977) (the "**Recorded Plan**").* The current CU application and pending land development application are new applications that stand on their own merits subject to all current ordinances and regulations. Historical, expired plans for the site were not considered as a part of the Planning Commission's review.

*8. The Prior Owner secured all other necessary governmental permits and approvals necessary to construct the planned shopping center on the Property, including but not limited to, highway occupancy permits from PennDOT, traffic signal permits from PennDOT, a joint 105 permit from the U.S. Army Corps of Engineers and Pennsylvania Department of Environmental Protection ("**PaDEP**"), sewer planning module approval from the Township, NPDES permit from PaDEP and soil and erosion control approval from Delaware County*

Conservation District. Consistent with the response above, the Planning Commission's understanding is that all of the previous outside agency approvals were based on the previous recorded plan set and have since expired. The Planning Commission believes that the Applicant should demonstrate that all outside agency permits are applicable to the current proposed plans not yet approved by Council.

9. The Prior Owner purchased 30,008 gallons per day (121 EDU's) of sewage capacity from the Township for use at the planned shopping center. Acknowledged as evidenced of payment from Pettinaro and transfer to the current applicant. The Planning Commission defers confirmation to the Township sewer department in conjunction with legal consultation.

10. The Prior Owner assigned to Applicant all permits, approvals and purchased sewer capacity that it obtained to develop the Property with the planned shopping center as depicted on the Recorded Plan. The Planning Commission's understanding is that the Recorded Plan was never duly exercised and has since expired together with third party permits.

11. The Prior Owner dedicated additional right of way to PennDOT for Wilmington-West Chester Pike and Ridge Road as required by the Recorded Plan. The Planning Commission recommends that the Applicant and/or Township Engineer confirm all legal descriptions as was noted during the 2018 plan review to confirm that the recorded PennDOT easement deeds are consistent with the current plan set.

12. The Prior Owner completed the construction and dedication of a new sewer pumping station to Concord Township and installed new sewer laterals to allow other adjacent

properties to connect as was required by the Recorded Plan. The Planning Commission defers to the Township sewer department.

13. Applicant seeks to adapt and re-use the foregoing efforts by the Prior Owner in order to effectuate a similar, but not identical, plan of development, pursuant to this, new Conditional Use Application and the Application for Preliminary/Final Land Development Approval contemporaneously filed herewith. The Planning Commission does NOT agree with the context and relevance of the Applicant's statement. As mentioned above, the current land development plan submission and CU application are being considered on their own stand-alone merits to meet all current applicable codes and regulations. The applications currently under review are not "adapted" or "re-used" efforts, but are entirely new development plans as evidenced by the submission process.

14. For reference, the total leasable area of the proposed shopping center, as described in more detail below, would be 158,132 square feet, or approximately 7,000 square feet smaller than the shopping center previously approved in the Recorded Plan. Acknowledged, though the Planning Commission, as mentioned above, views this application as an entirely new submission that must stand on its own merits as it pertains to the applicable ordinances, codes, and regulations.

Applicant's Proposed Plan

15. The Plan. Applicant requests Conditional Use Approval to construct the uses and improvements as depicted on the Preliminary/Final Development Plans prepared by Bohler

Engineering, dated August 22, 2025 and last revised on May 8, 2026 (the “**Plan**”). The Plan is attached hereto as Exhibit “B”. Acknowledged (pending Preliminary/Final waiver).

16. “**Fast-Food Restaurants**”. Applicant notes that Section 210-4 of the Concord Township Zoning Ordinance defines “Restaurant, Fast Food” as:

“A building used for the purpose of furnishing food to the public for consumption on the premises within the principal permitted building and for off-premises consumption”

(emphasis added) which, in the era of curbside pickup, DoorDash, UberEats, and similar services, encompasses practically every restaurant – including many full-service and fine dining restaurants – which will occupy space in the proposed Shopping Center. Accordingly, using the Ordinance Definition of Fast-Food Restaurant, any restaurant would be deemed a “Fast-Food Restaurant” under the Zoning Ordinance’s definition of that term. The Planning Commission defers to the Zoning Officer and/or Council for intent and clarity of ordinance definitions.

17. **Multi-Tenant Retail / Restaurant Building Uses.** The areas depicted on the Plan with the label “Multi-tenant Retail / Restaurant” indicate buildings in the proposed shopping center which will be offered to the public for lease by one or more commercial tenants. Any such occupancy and use of those premises, in the future, would conform with the Township’s Zoning Ordinance, including both uses permitted by right such as retail stores, offices, studios, banks; and uses which are permitted pursuant to separate Conditional Use Approval or Special Exception Approval to be sought at the time of occupancy. Those other, future, potential uses may require separate Conditional Use Approval or other relief which are not presently sought by Applicant as part of this Application. Any such future development would occur only in strict conformity with the Township’s applicable ordinances, and the testimony, evidence, plans, and representations presented in the Council’s consideration of this Application, as supplemented during those future

proceedings. The Planning Commission recommends that Council carefully consider the co-mingling of principal uses, lot areas, parking and other shared use facilities if or whenever presented. **See bullet points #2, #3, #4, and #6 in Section A of this letter.**

*18. **Seasonal Outdoor Restaurant Seating.** As explained in more detail below, Applicant seeks approval pursuant to Section 210-127.D(11) to implement Seasonal Outdoor Restaurant Seating for three restaurant uses on the Property. The proposed buildings which would house these restaurants are located adjacent to a planned outdoor lawn amenity. For the avoidance of confusion or doubt, only those areas described in this Application as “Seasonal Outdoor Restaurant Seating” would feature food and beverage service of the sort contemplated by Section 210-127.D(11). There are other proposed areas, throughout the Shopping Center, which feature seating, tables, or other types of furniture for shopping center customers to use, some of which may be provided by Tenants, but those areas will not include food or beverage service. **See bullet points #3 and #4 in Section A of this letter.***

*19. **Pad #4 – Supermarket with Beer & Wine Sales.** As depicted on the Plan, at Pad #4, Applicant proposes to construct a 52,875 square foot supermarket with beer and wine sales, which supermarket use is permitted by right in the C-2 Zoning District pursuant to §210-127.A.(2)(a). The Planning Commission defers to Council as to whether a “supermarket” is a “retail store” as identified in §210-127.A.2(a). Under Article XVIIA of the code, a “Supermarket” is defined as a permitted principal use is for the Loop Road Overlay District; however, we do not see any similar language under the definition as a principal use within a C-2 district. **See bullet point #1 in Section A of this letter.***

- a. *Applicant seeks Conditional Use Approval pursuant to Section 210127.D.(9), to construct a 52,875 square foot supermarket, which will receive a transfer of a liquor license, as depicted on the plan. The proposed supermarket will be operated by Giant Food Stores, with beer and wine sales.*

20. Pad #5 – Club Studio by LA Fitness. *As depicted on the Plan, at Pad #5, Applicant proposes to construct a 32,015 square foot Club Studio by LA Fitness club, which physical fitness club use is permitted by right in the C-2 Zoning District pursuant to §210-127.A.(7).* The Planning Commission notes that the Applicant is potentially proposing multiple principal permitted uses on a single site area, and defers to Council.

21. Between Pad #4 and Pad #5 – Community Patio. *As depicted on the Plan, in the space between the buildings located as Pad #4 and Pad #5, Applicant proposes to provide an outdoor gathering area of approximately 9,300 square feet to offer places for customers of the shopping center to congregate, relax, and play. A portion of the outdoor space may be used, non-exclusively and from time to time, by the fitness club as an outdoor fitness area for its customers.* While the site rendering gives the appearance that the Community Patio area is substantially pervious lawn area, the architectural renderings indicate that a substantial amount of the space will be covered with impervious surface materials. The Applicant's current land development plans are very close to exceeding the 70% impervious surface permitted, and the Planning Commission recommends that the Applicant further document how they have measured the total impervious areas. Exceeding the 70% impervious would require a variance and may adversely impact the SWM calculations and environmental impacts.

22. **Pad #6 – Multi-Tenant Retail / Restaurant Building.** As depicted on the Plan, at Pad #7, Applicant proposes to construct a 9,600 square foot multi-tenant retail / restaurant building, to be occupied exclusively for uses which are permitted under the Township's Zoning Ordinance. **See bullet points #3 and #4 in Section A of this letter.**

23. **Pad #7 – Multi-Tenant Retail / Restaurant Building.** As depicted on the Plan, at Pad #7, Applicant proposes to construct a 14,432 square foot multi-tenant retail / restaurant building, to be occupied exclusively for uses which are permitted under the Township's Zoning Ordinance. **See bullet points #3 and #4 in Section A of this letter.**

24. **Pad #8 – America's Tire Retail Store.** As depicted on the Plan, at Pad #8, Applicant proposes to construct a 7,020 square foot America's Tire Retail Store, which retail store and retail service use is permitted by right in the C-2 Zoning District pursuant to §210-127.A.(2)(a) and §210-127.A.(2)(b). The Planning Commission has not been provided any architectural renderings for the exterior or interior of this building, and it is unclear how the Applicant intends to meet the <60% service area as noted in section 210-127A.2(b)2.

25. **Pad #9 – Flagship Carwash.** Applicant seeks Conditional Use Approval pursuant to Section 210-127.D(10) of the Zoning Ordinance, to construct a 12,038 square foot Flagship Car Wash as depicted on the Plan at Pad #9. **See bullet point #2 in Section A of this letter.**

26. **Pad #10A – Fast-food Restaurant with Drive-Through.** Applicant seeks Conditional Use Approval pursuant to Section 210-127.D(2) of the Zoning Ordinance, to construct a 2,274 square foot fast-food restaurant with drive-through service, as depicted on the Plan at Pad #10A. **See bullet points #3 and #4 in Section A of this letter.**

27. Pad #10B – Multi-Tenant Retail / Restaurant Building. As depicted on the Plan, at Pad #10B, Applicant proposes to construct a 4,800 square foot multi-tenant retail / restaurant building, to be occupied exclusively for uses which are permitted under the Township's Zoning Ordinance. See bullet points #3 and #4 in Section A of this letter.

28. Pad #11A – Fast-Food Restaurants and Related Seasonal Outdoor Seating. As depicted on the Plan, in the area of Pad #11A, Applicant proposes to construct a 5,715 square foot multi-tenant retail / restaurant building to be used for up to two (2) retail / restaurant uses. The northerly portion of this building would be occupied by a Turning Point Restaurant. The user of the southerly portion of this building has not yet been identified.

a. Applicant requests conditional use approval for the operation of up to two Fast-Food Restaurants within the building depicted as Pad #11A, pursuant to section 210-127.D(2)

b. Applicant proposes to use the "Patio" area depicted to the north of Pad #11A (to wit: approximately 1,027 square feet south of the 40-foot-wide, natural grass lawn area between Pad #11A, and Pad #11B), and the "Patio" area depicted to the east of Pad #11 (to wit: approximately 333 square feet), each as seasonal outdoor restaurant seating related to the two Fast-Food Restaurants proposed for Pad #11A, and requests Conditional Use Approval for the same, pursuant to section 210-127.D(11). See bullet points #3 and #4 in Section A of this letter.

29. Pad #11B – Fast-Food Restaurant with Seasonal Outdoor Seating and Multi-Tenant Retail / Restaurant Building. As depicted on the Plan, in the area of Pad #11B, Applicant proposes to construct a 6,201 square foot multi-tenant retail / restaurant building to

be used by a restaurant with seasonal outdoor seating, and other uses permitted under the Township's Zoning Ordinance, requiring the following relief:

- a. Applicant proposes to use the proposed building at Pad #11B for a Fast-Food Restaurant and requests Conditional Use Approval for the same, pursuant to section 210-127.D(2).*
- b. Applicant proposes to use the "Patio" area depicted to the south of Pad #11B (to wit: approximately 1,027 square feet south of the 40-foot-wide, natural grass lawn area between Pad #11A, and Pad #11B) as seasonal outdoor restaurant seating related to the Fast-Food Restaurant proposed for Pad #11B, and requests Conditional Use Approval for the same, pursuant to section 210-127.D(11). See bullet points #3 and #4 in Section A of this letter.*

30. Pad #12 – Multi-Tenant Retail / Restaurant Building. *As depicted on the Plan, at Pad #12, Applicant proposes to construct a 5,830 square foot multi-tenant retail/ restaurant building, to be occupied exclusively for uses which are permitted under the Township's Zoning Ordinance. See bullet points #3 and #4 in Section A of this letter.*

31. Pad #13 – Multi-Tenant Retail / Restaurant Building. *As depicted on the Plan, at Pad #13, Applicant proposes to construct a 5,320 square foot multi-tenant retail / restaurant building, to be occupied exclusively for uses which are permitted under the Township's Zoning Ordinance.*

Other Authorizations Sought

32. Parking Between Buildings and Roads. *Similar to the Recorded Plan, the Plan provides parking between the buildings and roads (Wilmington-West Chester Pike and Ridge*

Road). Thus, pursuant to Section 210-196.D(1) of the Ordinance, Applicant seeks the Township Council's authorization to locate parking between the buildings of the shopping center and those roads, as depicted on the Plan. **See bullet point #5 in Section A of this letter**

33. Parking Count. As depicted on the Plan, Applicant proposes to provide a total of 763 parking spaces (or 4.83 parking spaces per 1,000 square feet of gross floor area), which Applicant will demonstrate to be an adequate number of parking spaces at the Conditional Use Hearing. Similar to the approval granted in the Recorded Plan, Applicant seeks the Township Council's approval of this number of parking spaces pursuant to §210-197.G. The Planning Commission is concerned that a reduction to parking, without proper safeguards, could have severe negative impacts for the Township. **See bullet point #6 in Section A of this letter**

34. Contemporaneous Land Development Application. It is noted that the Applicant has filed an Application for Preliminary/Final Land Development Approval, for consideration by the Township, and, contemporaneously with submission of these revised materials, has resubmitted plans coordinated with the improvements described herein, in relation to that separate application.

Request for Hearing

35. Conditional Use Hearing. Applicant shall present evidence of the criteria set forth in Section 210-237 of the Ordinance, and otherwise demonstrate Applicant's entitlement to the relief sought, at the hearing. As outlined in this letter, the Planning Commission has specific concerns with the implementation of the proposed §210-237 conditional uses, and

encourages the Council to carefully consider and implement the appropriate conditions and restrictions. The Planning Commission reserves the right to add any additional comments which may be discovered during the Land Development process and applicable to this application prior to the close of the hearing.

36. Prior Application Preserved. *The resubmission materials described herein are in the alternative to the previously-submitted application materials, which shall be held in abeyance and withdrawn if, as, and when the improvements described herein are approved, unappealable, and unappealed. With respect to the previously submitted application materials, the Applicant hereby grants an indefinite extension of time for the holding of a hearing, or action upon the same pursuant to §908(1.2) (relating to Conditional Use Approval) and §508 (relating to Land Development Approval), which extension Applicant may rescind by written notice to the Township.*

WHEREFORE, *Applicant respectfully requests that the Concord Township Council hold a hearing and grant Applicant the conditional uses and other relief outlined above.*

Respectfully submitted:

Mark S. Elser Chair of Planning Commission

Benjamin Littell, CTPC Vice Chairman