

LAMB | MCERLANE^{PC}

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May 14, 2021

Via First Class Mail

Alyson M. Zarro, Esquire
Riley Riper Hollin & Colagreco
717 Constitution Drive
Suite 201, P.O. Box 1265
Exton, PA 19341

**Re: Charlestown Township
Conditional Use Application- Potters Industries, LLC
3222 Phoenixville Pike Owner, LLC
UPI # 35-4-106**

Dear Attorney Zarro:

Enclosed please find the Decision and Order regarding the above referenced Application.

Very truly yours,

LAMB MCERLANE PC

By: 

Mark P. Thompson

Enclosure

cc: Linda Csete, Charlestown Township

CHARLESTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

DECISION AND ORDER

**Application of Potters Industries, LLC
For Conditional Use Approval**

April 5, 2021

I. INTRODUCTION

Potters Industries, LLC (the "Applicant") filed an application for conditional use approval pursuant to Section 1002.1.A(3)(g) of the Charlestown Township Zoning Ordinance ("Zoning Ordinance") to permit a laboratory for scientific research. The use is proposed within of a portion of an existing building located on the property at 3222 Phoenixville Pike (the "Property"). The Property, identified as tax parcel 35-4-106, is located in the I/O Industrial/Office District and is improved with a 202,104 square foot building currently used as flex office-warehouse space. The Applicant is proposing to lease 26,000 square feet of space with 7,000 square feet of space used for laboratory space for scientific research (the "Laboratory").

A public hearing on the Applicant's conditional use application was commenced on April 5, 2021, with public notice properly provided. Kevin Doran, a consultant for the Applicant, and Wayne Druckenmiller from Formcraft Interiors testified at the hearing in support of the application.

II. DISCUSSION

The Property that is the subject of this application is located on the Property at 3222 Phoenixville Pike and is owned by 3222 Phoenixville Pike Owner, LLC, which has authorized the conditional use application (the "Property"). The Property consists of 45 acres located on the south side of Phoenixville Pike and is improved with a 202,104 square foot building utilized as flex space along with 723 parking spaces. The uses surrounding the Property consist of the Great Valley Commons, Glasgow Quarry, Krapf School Bus storage, and a variety of other commercial and industrial uses.

The Applicant is a single company consisting of two businesses with one focused on transportation safety and the manufactures roadway striping with reflective glass beads made of engineered glass microspheres and the other focused on the manufacturing of automotive additive materials with the materials for both businesses made of recycled scrap glass.

The Applicant is proposing to move laboratory space currently located at an existing facility in Conshohocken to the Property. The Applicant is proposing to lease 26,000 square feet of space within the building on the Property. The proposed Laboratory would be part of the Applicant's research and development space consisting of approximately 17,000 square feet with approximately 7000 square feet of office space. The building space occupied by the Applicant requires 82 parking spaces, which would be allocated to the Applicant. There are currently 104 parking spaces available on the Property, exceeding the number required for the use.

The Laboratory would be staffed with seven technicians including two managers, two chemists and an engineer. The total number of employees would be fifty at any one time. The laboratory would operate on a regular work day schedule from approximately 8AM to 6PM.

Section 27-1001 of the Zoning Ordinance provides the following: The I/O/B Districts are designed primarily for selected research and industrial establishments with a view to encouraging attractive, large-site, low-lot coverage developments in areas which are well suited for such uses. Further, the general purpose of this Part is to encourage only industrial uses which would not constitute a hazard or a nuisance to people, animals, or vegetation, and to discourage future development of the same land for residential use.

Section 27-1002 of the Zoning Ordinance governing uses in the Industrial/Office (I/O) District provides in relevant part as follows:

§ 27-1002 Use Regulations.

1. A building or other structure may be erected, altered, or used, and a lot may be used and/or occupied subject to Parts 11 and 12, for the following:

A. Industrial/Office (I/O) District

(3) Conditional Uses.

(g) Laboratory for scientific research and development.

A conditional use is a form of permitted use. *Pennridge Development Enterprises, Inc. v. Volovnik*, 624 A.2d 674 (Pa. Cmwlth. 1993). The fact that a use is permitted as a conditional use evidences a legislative decision that the particular type of use is not adverse to the public interest *per se*. *Vision Quest National Ltd. v. Board of Supervisors of Honeybrook Township*, 169 A.2d 915 (Pa. 1990). A conditional use applicant must demonstrate that it is entitled to a conditional use by establishing compliance with the specific objective criteria for the use detailed in the zoning ordinance. *Bray v. Zoning Board of Adjustment*, 410 A.2d 909 (Pa. Cmwlth. 1980).

In this case, Section 27-1809 of the Zoning Ordinance sets forth the general standards for consideration relative to the grant of a conditional use approval. The Applicant presented sufficient testimony and evidence at the hearing for the Board to determine that the proposed Laboratory use complies with those standards and the Applicant's proposed use is permitted by Charlestown Township.

III. FINDINGS OF FACT

1. The Property that is the subject of this application is located on the Property at 3222 Phoenixville Pike and is owned by 3222 Phoenixville Pike Owner, LLC.

2. The Property consists of 45 acres located on the south side of Phoenixville Pike and is improved with a 202,104 square foot building utilized as flex space along with 723 parking spaces.

3. The uses surrounding the Property consist of the Great Valley Commons, Glasgow Quarry, Krapf School Bus storage, and a variety of other commercial and industrial uses. The Applicant, Turning Pointe Dance Center operates a dance studio for students from 3-18 years of age.

4. The Applicant manufactures transportation safety roadway striping with reflective glass beads made of glass microspheres and manufactures engineered glass automotive additive materials with the materials for both businesses made of recycled scrap glass.

5. The Applicant is proposing to move from its current facility in Conshohocken and lease 26,000 square feet of space within the building on the Property with approximately 7,000 square feet of laboratory space and 7,000 square feet of office space.

6. The building space occupied by the Applicant requires 82 parking spaces, which are available on the Property and would be allocated to the Applicant.

7. The proposed Laboratory would be staffed with seven technicians including two managers, two chemists and an engineer.

8. The proposed Laboratory would have no exterior noise associated with the use and any air discharge would be internal to the building on the Property and would comply with all applicable environmental permitting as the Applicant currently does at its facility in Conshohocken.

9. The Laboratory has a small amount of waste water associated with its operation which is collected in a fifty-gallon drum and disposed of on a monthly basis.

10. The total number of employees would be fifty at any one time.

11. The Laboratory would operate on a regular work day schedule from approximately 8AM to 6PM.

12. The proposed Laboratory use would have similar impact as an office space with respect to wastewater and electric usage.

13. The proposed Laboratory use would have no measurable impact on public services, utilities and surrounding properties.

IV. CONCLUSIONS OF LAW

1. The Applicant has standing.

2. The Applicant has satisfied the standards set forth in 27-1809 of the Zoning Ordinance for conditional use approval.

V. DECISION AND ORDER

AND NOW, this 5th day of April, 2021, upon consideration of the testimony and exhibits presented, it is ORDERED that the Applicant, Potters Industries, LLC is granted conditional use approval pursuant to Section 1002.1.A(3)(g) of the Charlestown Township Zoning Ordinance to permit a laboratory for scientific research use within of a portion of an existing building located on the Property at 3222 Phoenixville Pike identified as tax parcel 35-4-106 subject to the following conditions.

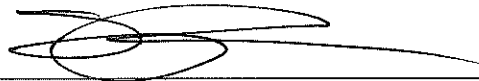
1. The proposed uses are subject to compliance with all terms and provisions of the Zoning Ordinance, and all other Township Ordinances and regulations, and in addition to the regulations of all other government agencies having jurisdiction over the use.

2. The scope of this approval is limited to the requested uses as shown on the Applicant's Plan (Exhibit T-8) and representations made by the Applicant as part of the record at the public hearing.

3. The Applicant shall comply with all exhibits, representations, and record evidence, including the February 23, 2021 Memorandum from Thomas Comitta Associates (Exhibit T-4) and February 22, 2021 letter of Advanced Geoservices (Exhibit T-6), which are incorporated herein as part of this approval.

4. The Applicant shall express to the Board in writing within fourteen (14) days of the date of this Decision and Order, their agreement to the above conditions or the Application is denied; the Board expressly finding and concluding that the Application in the absence of compliance with the said conditions is inconsistent with the objective criteria set forth in the applicable provisions of the Zoning Ordinance.

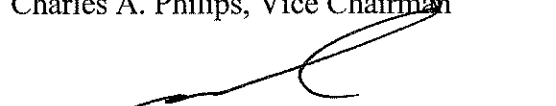
CHARLESTOWN TOWNSHIP




Frank Piliero, Chairman



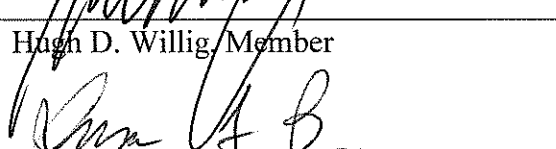
Charles A. Philips, Vice Chairman



Kevin R. Kuhn, Member



Hugh D. Willig, Member



Susan Bednar, Member

Linda M. Csete, Secretary