

**UPPER PROVIDENCE TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

RESOLUTION 2025-25

**RESOLUTION OF THE TOWNSHIP OF UPPER PROVIDENCE
APPROVING PRELIMINARY LAND DEVELOPMENT FOR 7, 9, 13,
STATE RD & 719, 721 SUMMER ST SUBJECT TO CONDITIONS.**

WHEREAS, Act 247 of 1968, the Pennsylvania Municipalities Planning Code, empowers the governing body of a municipality to regulate subdivisions and land developments within the municipality; and

WHEREAS, Upper Providence Township is desirous of orderly and appropriate land use and development to protect the health, safety and welfare of residents; and

WHEREAS, Aria Hotels LLC ("Applicant") is the owner of a certain 1.57 acre property located at 7, 9, and 13 State Rd, and 719 and 721 Summer Steet, Upper Providence Township, which lies in the B-Business/R-4 Residential Zoning Districts at which Applicant desires to change the lot lines to create two lots, with a daycare use at 7, 9, and 13 State Rd, and 719 Summer Steet and to retain the single family use 721 Summer Steet. ("Property");

WHEREAS, the Applicant proposes to consolidate 7, 9, and 13 State Rd, and 719 Summer Steet to construct a 10,000 SF building with a 5,000 SF outdoor play area and construct off-street parking areas with associated site improvements including stormwater management, site landscaping and lighting, ("Project"); and

WHEREAS, the Applicant proposes to alter the lot lines for 721 Summer Steet to create a 11,059 sq ft lot with landscaped buffers while retaining the existing single family use, ("Project"); and

WHEREAS, the Applicant has caused to be prepared and filed with the Township a certain land development plan for the Project dated July 3, 2025, being Delaware County Planning Department File No. 25/48-3058-91-07-18-19-25 ("Plan"); and

WHEREAS, the Delaware County Planning Department has reviewed the Plan and, pursuant to its staff comments dated August 12, 2025, recommended that the Plan be approved contingent upon consideration of staff comments; and

WHEREAS, the Upper Providence Township Planning Commission has reviewed the Plan and, pursuant to its review letter dated August 1, 2025, recommended that the Plan be approved subject to five conditions; and

WHEREAS, Applicant now desires Council to conditionally approve the Preliminary Plan pursuant to Section 508 of the Municipalities Planning Code;

NOW, THEREFORE, BE IT RESOLVED by the Upper Providence Township Council, that the Plan is hereby granted Conditional Preliminary Land Development Plan Approval subject to the satisfaction of the following conditions:

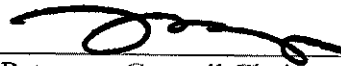
1. Prior to recording the Final Plan, Applicant must address to the satisfaction of the Township Engineer the comments and conditions contained in the July 24, 2025, Kelly Engineers and Surveyors review letter including, but not limited to, complying with the Township Engineer's recommendations regarding securing outside agency approvals for the Fire Marshall/Emergency Services Review, PA DEP Sewage Facilities Planning Module, and PennDOT Highway Occupancy Permit.
2. Applicant shall comply with the conditions provided in the Upper Providence Township Planning Commission review letter dated August 1, 2025.
3. Prior to recording the Final Plan, Applicant shall comply with all applicable comments contained in all Delaware County Planning Department review letters including the staff comments dated August 12, 2025 to the satisfaction of the Township Engineer;
4. Applicant must obtain any necessary approvals and reviews from the Township Engineer, Delaware County Planning Department, Pennsylvania DEP, or any other necessary outside agency, and obtain any necessary planning modules, approvals, or permits, before the Final Plan is recorded;
5. Applicant must complete all required easements and/or maintenance agreements or declarations, including, but not limited to, a stormwater management facilities operation and maintenance agreement, in forms satisfactory to the Township Engineer and Township Solicitor prior to recording the Plan. Applicant will provide all necessary legal descriptions for any necessary easements;
6. A revised, recordable final plan shall ultimately be submitted for Township administrative review and approval that addresses all requests for further plan details, additions, corrections, and clarifications set forth in the abovementioned review letters;
7. Prior to recording the Final Plan, Applicant shall execute a Land Development Agreement and Financial Security Agreement drafted by the Township Solicitor and post financial security in the form of a bond, letter of credit or cash escrow to guarantee the installation of the Project's public improvements in amounts recommended by the Township Engineer;
8. All outstanding Township fees, Township's engineering fees, and Township's legal fees, and any other professional fees associated with the review and approval of the application and Plans shall be paid in full before the Plan is recorded in accordance with Section 510 of the Pennsylvania Municipalities Planning Code;
9. The proposed emergency access driveway to Summer Street shall be restricted to use by emergency vehicles only. The access road shall not be used for primary access or general circulation.

10. Waivers. The Plan Notes reference four waivers that will be requested. However, no application/justification has yet been filed for the requested waivers. The applicant shall formally request waiver approval from Upper Providence Subdivision & Land Development Ordinance sections 1230.18(e)(3), 1230.18(e)(4), 1230.18(f)(4), and 1230.1 prior to final approval of the plans.

11. The properties shall be maintained clear of trash and vegetation shall be maintained consistent with the Property Maintenance Code throughout the duration of the application, construction, and completion.

This Resolution shall bind the Applicant, and the Applicant's successors and assigns. Only Preliminary Land Development Approval is conveyed by this Resolution. This Resolution does not and shall not authorize the construction of improvements or buildings exceeding those shown on the Plans and Applicant shall be required to obtain Final Land Development Approval and record the Final Plan prior to proceeding with any land development. Furthermore, this Resolution, and the approvals and conditions contained herein, shall be rescinded automatically upon Applicant's or Applicant's agent's failure to accept, in writing, all conditions herein imposed within seven (7) days of receipt of this Resolution, such acceptance to be evidenced by Applicant's or Applicant's agent's signature below.

TOWNSHIP OF UPPER PROVIDENCE

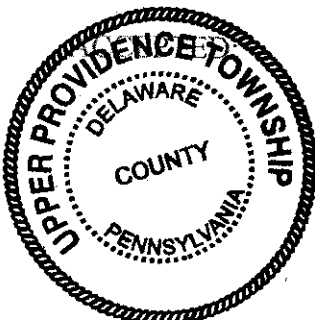


Marsha Peterson, Council Chairperson

Attest:



Barry Luber,
Township Secretary



ARIA HOTELS LLC



By: