

**RESOLUTION NO. 2015-112**

**A RESOLUTION OF RADNOR TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, APPROVING THE SETTLEMENT AGREEMENT ADDENDUM BY AND BETWEEN THE TOWNSHIP AND ENRICO PARTNERS, LP AMENDING THE 2003 SETTLEMENT AGREEMENT FOR THE PROPERTY KNOWN AS THE VILLANOVA CENTER**

*WHEREAS*, the Villanova Center consists of four buildings containing office, retail, recreational and restaurant uses located at 771-797 Lancaster Avenue; and

*WHEREAS*, Enrico and the Township are parties to a Settlement Agreement approved by the Delaware County Court of Common Pleas by Order dated October 1, 2003; and

*WHEREAS*, the Township and Enrico have had disagreements over the proper interpretation of the 2003 Settlement Agreement resulting in the filing of a complaint by Enrico at Delaware County Common Pleas Docket No. 2015-6716; and

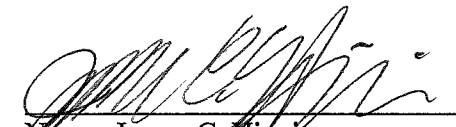
*WHEREAS*, the Township and Enrico now intend to resolve the foregoing litigation and to amend the 2003 Settlement Agreement between the parties.

*NOW, THEREFORE*, be it hereby *RESOLVED* that the Settlement Agreement Addendum amending the 2003 Settlement Agreement as set forth on the attached Exhibit "A" is hereby approved by the Radnor Township Board of Commissioners and the President of the Board is authorized to execute the Agreement on behalf of the Township.

*SO RESOLVED*, this 26 day of October, 2015.

RADNOR TOWNSHIP

By:

  
Name: James C. Higgins  
Title: President

ATTEST: 

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OCIRNE, INC. t/a	:	
ENRICO PARTNERS, L.P.	:	IN THE COURT OF COMMON PLEAS
	:	DELAWARE COUNTY, PENNSYLVANIA
Plaintiff	:	
v.	:	
	:	No. 2015-6716
TOWNSHIP OF RADNOR,	:	
and RADNOR TOWNSHIP	:	
BOARD OF COMMISSIONERS	:	
	:	
Defendants	:	

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**SETTLEMENT AGREEMENT ADDENDUM**

This Settlement Agreement Addendum (“Addendum”) is entered this \_\_\_ day of October, 2015 by and between Radnor Township (“Township”) and Ocirne, Inc, t/a Enrico Partners, L.P. (“Enrico”) in order to amend the 2003 Settlement Agreement between the Parties (as defined below) with respect to the number of off-street parking spaces that shall be required at the commercial property known as the Villanova Center.

**Recitals**

A. Enrico is the owner of a commercial property known as the Villanova Center located at 771-797 Lancaster Avenue in Radnor Township, Delaware County (the “Center”).

B. The Center is improved with a building with office/retail use at 795 Lancaster Avenue (the “795 Building”), a building with office use at 797 Lancaster Avenue (the “797 Building”), a building with office, retail, recreational, and restaurant uses at 789 Lancaster Avenue (the “789 Building”), and a new, unoccupied building at 775 Lancaster Avenue (the “775 Building”) which is proposed for restaurant, retail, recreational, and office uses. Any use of space within any of the buildings at the Center shall hereinafter be referred to as a “Use”.

C. Enrico and the Township are parties to a Settlement Agreement that was incorporated into and made a part of two Orders of the Delaware Court of Common Pleas entered April 2, 2003 and October 1, 2003 (the “2003 Settlement Agreement”).

D. The 2003 Settlement Agreement resolved a land use dispute concerning the Center by providing for a land development plan for its orderly development over three phases (the “2003 Approved Plan”).

E. The Center has had a mixture of office, retail, recreational, and restaurant uses amongst the existing buildings located at 789, 795, and 797 Lancaster Avenue, which have an aggregate gross floor area of 148,371 s.f.

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F. In September 2008, Enrico purchased the additional parcel fronting Route 30 at 775 Lancaster Avenue (the “Facciolo Parcel”), and prepared plans for the development of a new 32,236 s.f. mixed-use building on the Facciolo Parcel.

G. On or about November 11, 2013, Enrico submitted an amended final land development plan for the Villanova Center to the Township for review and approval (the “2014 Plan”).

H. The 2014 Plan provided for the integration of the Facciolo Parcel into the Villanova Center, and for construction of a new mixed use building with office, retail and restaurant uses.

I. On January 27, 2014, the Township Board of Commissioners approved the 2014 Plan, subject to certain conditions.

J. As approved, the 2014 Plan proposed 552 parking spaces.

K. A dispute has arisen between the Township and Enrico regarding the proper calculation of required parking spaces at the Center. The dispute is the subject of litigation between the parties captioned Ocirne, Inc. t/a Enrico Partners L.P. v. Township of Radnor, et al.,

No. 15-6716, in the Delaware County Court of Common Pleas (the "Litigation"), in which Enrico seeks a declaratory judgment as to its rights under the 2003 Settlement Agreement and related relief.

L. To resolve their dispute and settle the Litigation, the Township and Enrico wish to enter into this Addendum to establish an agreed baseline parking requirement for the current existing and proposed Uses at the Center, as well as a straightforward and consistent methodology for the calculation of future parking requirements for the Center as Uses may change over time.

M. For guidance in resolving the dispute, the Township has requested Gilmore & Associates to perform a Shared Parking Analysis for the Villanova Center. The Shared Parking Analysis dated October 26, 2015 is attached hereto as Exhibit "A".

**Agreement**

NOW THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, and intending to be legally bound, the Township and Enrico hereby agree as follows:

1. This Addendum shall amend the 2003 Settlement Agreement between the Parties with respect to the required number of parking spaces at the Center and the calculation of required spaces as tenant Uses change over time. Except as modified by this Addendum, the 2003 Settlement Agreement shall remain in full force and effect.

2. The floor area calculations, restaurant seating calculations, employee counts and use descriptions set forth in paragraphs 3 and 4 below are based on actual current Uses and proposed Uses as of the date of execution of this Addendum.

3. The following current Uses exist in the 789, 795, and 797 Buildings at the Center (the “Existing Uses”):

**789 Building (Building Footprint: 87,000 s.f., 3 floors)**

Retail and recreational: 11,547 s.f. gross floor area (“GFA”)

Office: 61,756 s.f. GFA

Azie Restaurant: 8,000 s.f. GFA; 180 indoor seats; 30 outdoor seats (currently licensed); 15 maximum shift employees.

Avenue Kitchen Restaurant: 5,697 s.f. GFA; 103 licensed indoor seats, 42 available indoor seats (subject to meeting Township’s Food Establishment/Building Ordinances); 0 outdoor seats; 12 maximum shift employees.

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**795 Building (Building Footprint: 36,000 s.f., 2 floors)**

Retail: 18,000 s.f. GFA

Office: 18,000 s.f. GFA

**797 Building (Building Footprint: 25,371 s.f., 3 floors)**

Office: 25,371 s.f. GFA

4. The following Uses are currently proposed for the **775 Building (Building Footprint: 32,236 s.f., 2 floors)** recently constructed on the Facciolo Parcel (the “New Uses”):

Retail and Recreational: 8,456 s.f. GFA (includes Yoga Studio, Retail Jeweler, and Snap Kitchen Take Out)

Second Floor Office: 17,122 s.f. GFA (includes allocation of common areas)

First Watch Restaurant: 4,335 s.f. GFA (includes allocation of first-floor common areas); 132 indoor seats; 12 available outdoor seats (subject to meeting Township’s Outdoor Dining Ordinance); 18 maximum shift employees

Starbucks Restaurant: 2,323 s.f. GFA(includes allocation of first-floor common areas); 37 indoor seats; 12 available outdoor seats (subject to meeting Township's Outdoor Dining Ordinance); 5 maximum shift employees

5. The floor area calculations, restaurant seating calculations (including available but not yet licensed seats), employee counts and Use descriptions set forth in paragraphs 3 and 4 above establish the baseline uses ("Baseline Uses") for future calculations of parking requirements at the Center. Notwithstanding the classification of Snap Kitchen as a retail Use, Snap Kitchen shall be entitled to 12 indoor seats and 12 outdoor seats. These seats may not be used to calculate parking spaces to be reallocated or held in reserve by Enrico if Snap Kitchen is abandoned or converts to a different Use.

6. The Baseline Uses described collectively in paragraphs 3, 4 and 5 above represent the following Use classifications:

- 122,249 square feet of office space;
  - 38,003 square feet of retail/recreational space;
  - 20,355 square feet of restaurant space.
- Total: 180,607 square feet

Per the Shared Parking Analysis prepared by Gilmore & Associates dated October 26, 2015, the average on-site peak parking demand at the Villanova Center, after full occupancy of the 775 Building, will be 540 parking spaces based on the above-described Uses. Accordingly, Enrico shall be required to supply a total of 540 parking spaces at the Center, including parking spaces reserved for handicapped parking (the "Baseline Parking Total").

7. The Baseline Parking Total differs from the number of parking spaces that would otherwise be required for individual Baseline Uses under section 280-103 of the Radnor Township Zoning Ordinance.

8. The method set forth in paragraphs 9 through 14 of this Addendum shall be the sole method for calculating the effect of future changes in Uses on the required number of parking spaces at the Center, notwithstanding any contrary provisions in the Radnor Township Zoning Ordinance.

9. The parties acknowledge and agree that Enrico is currently supplying 552 parking spaces at the Center, including parking spaces reserved for handicapped parking, which exceeds the Baseline Parking Total by twelve (12) parking spaces. Accordingly, Enrico is currently entitled to a reserve of twelve (12) parking spaces, which reserve may be applied to future Use changes or expansion at the Villanova Center. In addition, the parties agree that if Enrico supplies additional parking spaces within the Villanova Center in the future, such additional parking spaces may also be applied to future Use changes or expansion at the Villanova Center.

10. When a Use at the Center is changed in the future, the number of required parking spaces allocable to the abandoned Use and the number of spaces allocable to the new Use shall be calculated as follows:

- a. Office buildings, banks, recreational, or retail: Four spaces for each 1,000 s.f. of GFA (5 spaces/1,000 s.f. GFA x 80%);
- b. Restaurants: One space per three (3) indoor seating accommodations; plus 0 spaces for up to 12 outdoor seats; plus one space per four outdoor seats (13 to 24); plus one space per three outdoor seats (25 to 50); plus one space per two employees on the shift of greatest employment;
- c. Drive-thrus and other Uses not described above, as set forth on the list of permissible uses within the C-1 and/or C-2 Zoning Districts, attached hereto and incorporated herein as Exhibit "B": The number of spaces allocable to such new Use shall be calculated in accordance with the applicable Radnor Township Zoning Ordinance parking requirements in effect at the time of the change.

11. The Parties further agree that, when a Use at the Villanova Center is ceased or abandoned in whole or in part, the number of parking spaces allocated to such ceased or

abandoned Use shall not be relinquished, notwithstanding any contrary provision of the Radnor Township Zoning Ordinance, or any other law or regulation. Rather, such parking spaces shall be available for allocation to the new Use replacing the abandoned Use or to any other Use within the Center, or may be held in reserve by Enrico for allocation to any Use within the Center at any time in the future. Any allocation of such spaces shall comply with the process set forth in this Addendum.

12. Based on the forgoing principles, if Enrico or any occupant of the Center proposes to change its Use from retail/recreational to office, or office to retail/recreational (e.g., with no change in the floor area being utilized) there shall be no net gain or loss in the number of parking spaces required for the new or changed Use.

13. Based on the foregoing principles, if Enrico or any occupant of the Center proposes to change from one type of Use (retail/office, restaurant, recreational, etc.) to another, the following calculation shall be undertaken to determine how many parking spaces shall become available and/or be allocated to the new Use:

a. The number of parking spaces assigned to the abandoned Use, as determined in paragraph 10 above, shall be calculated. This number of spaces shall become available for allocation to the new Use.

b. The number of parking spaces required for the new Use, as determined under paragraph 10 above, shall be calculated. If this number exceeds the calculation of spaces made available by the abandoned Use, Enrico may allocate any parking spaces held in reserve to the new Use, to make up the difference, upon written notice to the Township. If no such allocation is made by Enrico, the new User will have to limit its operation accordingly so as to only require the number of spaces originally assigned to the abandoned Use, or request relief in the form of an amendment to this Addendum from the Township, which relief shall not be unreasonably denied.

Example: A retail use of 10,000 s.f. is proposed to be converted to restaurant use. The number of parking spaces



becoming available as a result of the abandonment of the retail use is 40 spaces (10,000 s.f. x .80 ÷ 200 s.f./parking space). The incoming restaurant use therefore has 40 spaces at its disposal which will determine how many seats and staff it can have under the formula in paragraph 10(b). For example, it could have 90 seats (90 seats ÷ 3 seats/space = 30 parking spaces) plus 20 employees on its maximum shift (20 employees ÷ 2 employees per space = 10 spaces). In addition, it could have up to 12 outdoor seats (subject to being licensed) without any additional parking spaces being required. If the restaurant wished to have more seats and/or employees, requiring more than 40 parking spaces, Enrico could allocate any parking spaces held in reserve to the new Use to make up the difference. If no such allocation is made by Enrico, the new User will have to limit its operation accordingly, or request relief in the form of an amendment to this Addendum from the Township, which relief shall not be unreasonably denied.

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14. Based on the foregoing principles, if an occupant of the Center abandons an existing Use, in whole or in part, and the parking spaces allocable to the abandoned Use are not consumed in their entirety by a replacement Use, the excess parking spaces made available by such abandonment may be reserved by Enrico and allocated to any existing, new, or expanded Use within the Center at any time. In such case:

a. The number of parking spaces assigned to the abandoned Use, as determined under paragraph 10 above, shall be calculated. This number of spaces shall become available for allocation by Enrico to any existing, new or expanded Use within the Center at any time, upon written notice to the Township.

Example: A restaurant Use occupying 10,000 s.f. is scaled back by half. The restaurant reduces its staff from 40 to 20 maximum shift employees and its indoor seating from 180 to 90 seats. Floor space occupied by the restaurant is reduced to 5,000 s.f. The number of parking spaces becoming available as a result of the partial abandonment of the restaurant use is 40 spaces (90 seats ÷ 3 seats/space = 30 parking spaces) plus 20 maximum shift employees (20 employees ÷ 2 employees/space = 10 spaces). Enrico will

then have 40 spaces available for allocation to any existing, new or expanded Use within the Center at any time.

If an office Use occupies the abandoned 5,000 s.f., the number of parking space allocated to this replacement use would be 20 (4 parking spaces for every 1,000 s.f. = 20). This would leave 20 additional parking spaces available for allocation to any existing, new or expanded Use within the Center at any time. For example, the 20 additional parking spaces could support up to 60 new seats at an existing restaurant at the Center depending on how many new employees are added.

15. Upon execution of this Addendum by both Parties, any and all prior allegations by the Township of violations of the off-street parking provisions of Radnor Township Zoning Ordinance at the Center by Enrico or any occupant of the Center shall be deemed to be settled, discontinued, and ended, without any liability or any admission of any improper conduct by any Party.

16. Without limiting the generality of paragraph 15 above, upon execution of this Addendum by both Parties, any Zoning Enforcement Notices concerning parking and/or parking required by restaurant seating issued to Enrico or any occupant of the Center prior to the date of this Addendum are hereby withdrawn, null and void, without any finding or admission of liability or improper conduct by any person.

17. If not already completed at the time of execution of this Addendum, the Township shall provide Enrico with a fully executed Component 4A of the Sewer Planning Module submitted by Enrico for the Villanova, to be forwarded to the appropriate authorities (i.e. DEP, DELCORA, etc.)

18. Tenant wall signs for the 797 Building and the 789 Building have previously been permitted or approved in locations more than 15 feet above the existing grade, but otherwise

have complied with § 280-122 (C)(2) of the Radnor Township Zoning Ordinance. New or replacement signs located on the 775 Building, the 789 Building, the 795 Building, and the 797 Building may be located at the same or equivalent height as previously permitted or approved, in order to provide for a uniform and visually consistent development at the Villanova Center. All signs shall be subject to the review process of the Radnor Township Design Review Board.

19. Upon execution of this Addendum, the Township shall resume all permitting activity with respect to the proposed new uses at the 775 Building on the Facciolo Parcel in an expedited fashion. Permits for Starbucks and First Watch shall be issued immediately upon receipt and review of completed applications, and other permit applications will be reviewed within fifteen (15) business days of their submission to Radnor Township, provided that such applications otherwise comply with applicable statutes, ordinances, rules, and regulations.

20. The Villanova Center has one (1) Gym Use (Anytime Fitness) and one (1) proposed Yoga Studio. Both Uses are permitted within the center as permissible uses under the 2003 Settlement Agreement as set forth on the list of uses attached hereto as Exhibit "B".

21. Upon execution of this Addendum, Enrico shall submit the Amended Plan (Rev. 12) to Radnor Township revised to reflect (a) the addition of twelve (12) additional parking spaces (total 564 spaces) within the Villanova Center, and (b) the updated square footage of Uses identified in this Addendum, for execution and recordation. The Amended Plan submitted for recordation shall contain parking calculations that are consistent with this Addendum, and shall make specific reference to this Addendum. The Township after due review by the Township Engineer shall execute said Amended Plan and deliver it to Enrico for recordation.

22. Other than resolving issues concerning parking requirements for Uses in the Villanova Center and existing/proposed square footage by Use as set forth above, this Addendum

shall not change, alter, amend, rescind or supersede any ordinance, code, requirement, rule or regulation of the Township, including, but not limited to, the Zoning Ordinance or the Building Code.

23. In the event that Uses at the Villanova Center are changed or expanded by Enrico in the future resulting in a parking deficiency under the terms of this Addendum, Enrico shall correct such deficiency within fifteen (15) days of written notice of the Township of such deficiencies. In the event that Enrico fails to correct any deficiency within fifteen (15) days, and Enrico fails to appeal, Enrico shall thereafter be subject to a fine of not more than \$500.00 per day. Fines shall be assessed on a per diem basis up to \$500.00 per day for each day of violation.

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Enrico shall have the right to appeal any determination of a parking deficiency and any fine by written notice to the Township within twenty (20) days of receipt of the Township's written notice of the deficiency. Upon timely appeal, the matter shall be submitted to Arbitration pursuant to the provisions of paragraph 24 below.

24. Any dispute concerning (a) any fine imposed by the Township against Enrico hereunder, (b) the interpretation of this Addendum, or (c) the performance of the parties' obligations hereunder, shall be subject to mandatory arbitration before a single arbitrator with expertise in land use and zoning law. The Arbitrator shall have the power to sustain or overrule any fine, to impose equitable remedies, and to award damages against either party. The parties shall agree on the identity of the arbitrator and shall share equally in the arbitrator's compensation. If the parties cannot agree on an arbitrator, the matter shall be submitted to the American Arbitration Association ("AAA") for disposition in accordance with AAA's rules. The arbitrator's decision shall be final and binding upon the parties, and may be entered as a judgment in any court of competent jurisdiction.

25. Upon written request by the Township, but not more than once every twelve (12) months, Enrico shall provide an updated list of Uses, associated square footages, employee counts and restaurant seats at the Villanova Center.

26. Notices pursuant to this Addendum shall be sent by email and certified mail, return receipt requested, addressed as follows:

If to Enrico:

Jerry Holtz  
Enrico Partners  
Two Villanova Center, Suite 200  
795 East Lancaster Avenue  
Villanova, PA 19085  
[jholtz@provcogroup.com](mailto:jholtz@provcogroup.com)

If to the Township:

Robert Zienkowski, Township Manager  
Radnor Township  
301 Iven Avenue  
Wayne, PA 19087  
[rzienkowski@radnor.org](mailto:rzienkowski@radnor.org)

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With an email copy to:

David R. Moffitt, Esquire  
Saul Ewing LLP  
1200 Liberty Ridge Drive  
Suite 200  
Wayne, PA 19087  
[dmoffitt@saul.com](mailto:dmoffitt@saul.com)

With an email copy to:

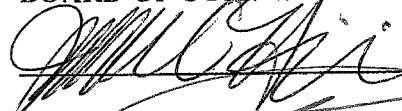
John B. Rice, Esquire  
Grim Biehn & Thatcher  
104 South 6th Street  
P.O. Box 215  
Perkasie, PA 18944  
[jrice@grimlaw.com](mailto:jrice@grimlaw.com)


27. This Addendum shall be binding on the Parties hereto and each of their managers, officers, agents, employees, and representatives, as well as their successors and assigns, including future Township Boards.

28. Upon full execution, Enrico and the Township shall jointly submit the Addendum to the Court for approval, and shall cause the Litigation to be settled, discontinued and ended. In addition, the parties shall cause this Addendum to be duly recorded in the Office of the Recorder of Deeds for Delaware County.

Intending to be legally bound hereby the Parties hereto have set forth their hands and seals as of this 26 day of October, 2015.

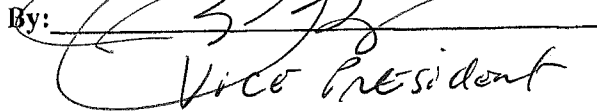
**RADNOR TOWNSHIP  
BOARD OF COMMISSIONERS**

  
\_\_\_\_\_  
**President**

  
\_\_\_\_\_  
**Secretary**

**ENRICO PARTNERS, LP**

By: **Ocirne, Inc., its general partner**

By:   
\_\_\_\_\_  
**Vice President**



**GILMORE & ASSOCIATES, INC.**  
ENGINEERING & CONSULTING SERVICES

October 26, 2015

File No. 13-07016.01

Mr. John B. Rice, Esquire  
Grim, Biehn & Thatcher  
Radnor Township Solicitor  
104 South 6<sup>th</sup> Street  
P.O. Box 215  
Perkasie, PA 18944-0215

Reference: Shared Parking Analysis  
Villanova Center  
771-797 Lancaster Avenue  
Radnor Township, Delaware County, PA

Dear Mr. Rice:

Pursuant to your request, Gilmore & Associates, Inc. (G&A) has prepared the shared parking analysis for the Villanova Center located in Radnor Township based on data received October 14, 2015 from Traffic Planning and Design, Inc. and offers the following discussion for your consideration:

The Township requested G&A prepare a shared parking assessment for the Villanova Center as follows:

Compare the total parking supply of the existing/proposed site to the average parking demand based on the information contained in the Parking Generation Manual, 4<sup>th</sup> Edition, 2010 from the Institute of Transportation Engineers ("ITE"), including the shared parking analyses relating to the complementary nature of the uses proposed.

The existing/proposed uses are as follows:

- 122,249 square feet of office space;
- 38,003 square feet of retail space;
- 20,355 square feet of restaurant space (18,032 sf of High-Turnover Restaurant and 2,323 sf of Coffee Donut Shop without Drive-Through Window)

The provided information identifies a total of 180,607 square feet for the site and the record plan approved by the Board of Commissioners included a total of 552 parking spaces for the overall site plan. For the purposes of this discussion 552 parking spaces represents the available parking supply for the site.

Based on the *Institute of Transportation Engineers Parking Generation, 4<sup>th</sup> Edition*, the average peak parking rate for each of the proposed uses are as indicated below; each table is segregated by type of land use and Weekday/Weekend to determine the maximum peak parking demand required for shared parking consideration.

Table 1 *Parking Generation Average Parking Demand by Use* indicates a maximum number of 717 parking spaces would be required during the average weekday for each of the separate land uses on the Villanova Center site. By comparison, 477 spaces would be required during the weekend for the same site.

BUILDING ON A FOUNDATION OF EXCELLENCE

65 East Butler Avenue | Suite 100 | New Britain, PA 18901  
Phone: 215-345-4330 | Fax: 215-345-8606  
www.gilmore-assoc.com

EXHIBIT

tabbler

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Table 1: Parking Generation Average Peak Parking Demand by Use<sup>1</sup>

Land Use Description	Land Use Code	Size (S.F.)	Average Parking Rate WEEKDAY (per K.S.F.)	No. of Parking Spaces Average Rate WEEKDAY	Average Parking Rate WEEKEND (per K.S.F.)	No. of Parking Spaces Average Rate WEEKEND
Office Building	701	122,249	2.84	348	39 <sup>2</sup>	39 <sup>2</sup>
Shopping Center	820	38,003	2.55	97	2.87	110
High-Turnover Restaurant <sup>3</sup>	932	18,032	13.3	240	16.3	294
Coffee/Doughnut Shop w/o Drive-Thru	936	2,323	13.56	32	14.4	34
<b>TOTAL</b>		<b>180,607</b>		<b>717</b>		<b>477</b>

<sup>1</sup>Assumes suburban setting and average parking demand rate.

<sup>2</sup>No Saturday parking rate is available for Office Building; therefore, Urban Land Institute (ULI) Shared Parking Weekend Rate used.

<sup>3</sup>Assumes Restaurant with Bar or Lounge

Table 2: Weekday Average Peak Parking Demand by Time of Day

TIME OF WEEKDAY	LUC 701 Office Building (Suburban)	LUC 820 Shopping Center	LUC 932 Restaurant	LUC 936 Coffee/Donut Shop w/o Drive-Through Window	TOTAL Average PEAK Parking Demand by Hour
7AM	59%	5%	0%	73%	234
8AM	79%	18%	0%	100%	324
9AM	95%	38%	5%	63%	400
10AM	100%	68%	7%	57%	449
11AM	98%	91%	16%	42%	481
Noon	90%	100%	49%	39%	<u>540</u>
1PM	77%	97%	39%	27%	464
2PM	84%	95%	27%	27%	458
3PM	81%	88%	19%		413
4PM	72%	78%	22%		379
5PM	46%	62%	60%		364
6PM	25%	64%	94%		375
7PM	0%	77%	100%		315
8PM	0%	70%	81%		262
9PM	0%	42%	84%		242
10PM	0%	0%	0%		0

The ITE Parking Generation material provides the average demand during a typical weekday and weekend; as indicated in Table 2 *Weekday Average Peak Parking Demand by Time of Day* identifies the peak demand during the weekday as 540 parking spaces during the Noon-1PM period. During the



Weekend, Table 3 *Weekend Peak Parking Demand by Time of Day* identifies the peak demand is 383 parking spaces during the 6PM-7PM period.

Table 3: *Weekend Peak Parking Demand by Time of Day*

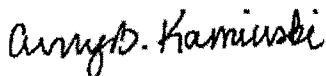
TIME OF WEEKEND	LUC 701 Office Building (Suburban)	LUC 820 Shopping Center	LUC 932 Restaurant	LUC 936 Coffee/Donut Shop w/o Drive-Through Window	TOTAL Average PEAK Parking by Hour
7AM	59%	13%	0%	100%	71
8AM	79%	27%	0%	90%	91
9AM	95%	60%	5%	80%	145
10AM	100%	75%	7%	65%	164
11AM	98%	90%	20%	62%	217
Noon	90%	100%	41%	40%	279
1PM	77%	100%	53%	32%	307
2PM	84%	98%	46%	100%	276
3PM	81%	91%	38%		243
4PM	72%	76%	63%		297
5PM	46%	67%	80%		327
6PM	25%	72%	100%		<b>383</b>
7PM	0%	51%	93%		330
8PM	0%	52%	70%		263
9PM	0%	44%	33%		145
10PM	0%	29%	9%		58

**CONCLUSIONS**

The Villanova Commons site currently includes a parking supply of 552 parking spaces; given that the shared parking analysis identifies the average peak demand for this mixed-use site occurs during the weekday period and requires 540 parking spaces, the onsite parking supply (552 parking spaces) exceeds the peak parking demand (540 parking spaces) by 12 spaces and the onsite parking appears to be adequate.

If you have any questions regarding the above, please contact this office.

Sincerely,



Amy B. Kaminski, P.E., PTOE,  
 Transportation Services Manager  
 Gilmore & Associates, Inc.

## EXHIBIT "B"

### C-1 AND C-2 ZONING DISTRICT PERMITTED USES

1.

Retail store designed primarily to provide daily service to residents of the immediately surrounding area and with a gross floor area not in excess of 10,000 square feet.

2.

Restaurant or similar establishment.

3.

Personal service shop, such as barbershop, beautician or clothes-cleaning and -pressing pickup agency, but not including laundry, dry-cleaning or clothes-pressing establishment.

4.

Retail service shop or custom shop, such as bakery, candy, ice cream or similar shop; custom tailoring or millinery shop; clock, watch or jewelry shop; radio, television or household appliance repair shop, provided that:

(a)

Any processing activity, if located on the ground floor, shall be not less than 15 feet from the front of the building and shall be screened by a wall or partition from the front portion of the building used by customers.

(b)

Any article made shall be sold at retail from the premises.

(c)

The area devoted to processing shall constitute not more than 40% of the gross floor area.

5.

Office or studio, to include the establishment of a veterinarian.

6.

Bank or similar financial institution.

7.

Automatic self-service laundry, when authorized as a special exception by the Zoning Hearing Board, subject to the general standards prescribed in § 280-145.

8.

Telephone central office, including office open to the general public; radio broadcasting studio; and other governmental or public-service use.

9.

Motor vehicle parking lot.

10.

Accessory uses may include:

(a)

Storage within a completely enclosed building in conjunction with a permitted use.

(b)

Living accommodations or sleeping quarters for the proprietor of a store or business establishment or for a watchman or similar employees, provided that no such dwelling accommodation shall be located on the first floor.

(c)

Signs, as permitted in Article XXI, Signs.

(d)

Outdoor dining in accordance with the requirements of § 280-115.4.

11.

Church or similar place of worship, including rectory or parish house, provided that such rectory or parish house contains not more than one dwelling unit.

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12.

Any use permitted in C-1 Local Commercial Districts.

13.

Retail store, including department store, variety store, furniture store, specialty shop or any other retail store or shop designed primarily to serve an area larger than the immediately surrounding neighborhood.

14.

Hotel, motel or inn, on a lot not less than two acres in size.

15.

Central or headquarters office building.

16.

Manufacturing display room, retail outlet or display room of a wholesale establishment.

17.

Club, fraternity house or lodge.

18.

Newspaper publishing, job-printing or similar establishment.

19.

Mortuary.

20.

Catering establishment.

21.

Indoor place of amusement or recreation, including theater or bowling alley, health spa, racquet-sports club, poolroom, billiard room or amusement arcade.

22.

Retail service shop or custom shop, for making articles sold at retail from the premises, provided that any processing activity, if located on the ground floor, shall be not less than 15 feet from the front of the building and shall be screened by a wall or partition from the front portion of the building used by customers.

23.

The following uses, when authorized as a special exception by the Zoning Hearing Board, subject to the general standards prescribed in § 280-145, and provided that special consideration shall be given to the suitability of the use in the proposed location in terms of logical land use pattern and the continuous and compact development of retail frontage:

(a)

An automobile sales agency (not to include a used car lot or a trailer or truck sales agency as a main use), provided that:

(i)

The lot shall be not less than 15,000 square feet in size.

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(ii)

All facilities shall be located and all services shall be conducted within the confines of the lot.

(iii)

All lubrication, repair or similar activities shall be accessory.

(b)

Laundry, dry-cleaning or clothes-pressing establishment, provided that the equipment and materials to be employed will not involve danger from fire or explosion and that the use will not detract from the predominant commercial character of the district.

(c)

Wholesale business establishment, other than permitted above.

(d)

Business school, not to include trade school.

(e)

Indoor storage building or warehouse in conjunction with a retail store or other permitted use.

(f)

Any use of the same general character as any of the above permitted uses, but not to include any use first permitted in C-3 Districts.

24.

Accessory uses ?