

**Minutes from the  
DOYLESTOWN TOWNSHIP PLANNING COMMISSION  
Regular Meeting**

February 23, 2015

The Doylestown Township Planning Commission Regular Meeting was held at 7:00 p.m., Monday, February 23, 2015 in the Doylestown Township Municipal Building, 425 Wells Road, Doylestown, PA. Members of the Planning Commission in attendance included Chairman; Judy Hendrixson, Vice Chairman; Thomas Kelso, Members; George Lowenstein, Edward Redfield and Ed Harvey. Other in attendance included Township Manager; Stephanie J. Mason, Board of Supervisor Liaison; Richard F. Colello and Township Planning Consultant; Judy Stern Goldstein.

**Review of Minutes:**

In the form of a motion by Mr. Lowenstein; seconded by Mr. Kelso the January 26, 2015 Doylestown Township Planning Commission Regular meeting minutes were approved.

Motion carried 5 to 0.

In the form of a motion by Mr. Kelso; seconded by Mr. Harvey the February 5, 2015 Butler Avenue Corridor Joined Planning Study meeting minutes were approved.

Motion carried 5 to 0.

**Public/Commission Comments** – None

**Plans for Scheduled for Discussion:** Buckingham Retail Properties LLC – Proposed Zoning Amendment and Land Development Plan (Swamp & Ferry Road)

Attorney; John Van Luvanee of Eastburn and Gray, LLC provided the commission with a brief overview of the property to include its current status in the C4 zoning District located at the corner of Ferry and Swamp Roads with two tax parcels comprise of approximately nine acres.

Upon his research to submit a petition to amend the zoning ordinance, according to the zoning map amendments, on September 19, 1989 three parcels at the intersection of Route 313 and Ferry Road were zoned from R1 District residential to C3 Commercial. Since, one parcel was consolidated, he noted the 1989 comprehensive plan was adopted the same night the three properties were zoned from R1 Residential to C3 Commercial. Also, the comprehensive plan future land use map noted the properties zoned as residential. In 1992, the C4 District was created for the three parcels. The uses were almost identical to C3, except hospital and drug rehabilitation center was moved out of C3 Commercial to C4 District. As a result, properties were zoned from R1 in 1989, then zoned commercial since.

The purpose of the zoning district, according to C4 District is to make provision for need of professional offices and medical facilities to serve the township and surrounding communities. Mr. Van Luvanee respectfully suggested the needs have been met with many professional offices along the area and three adjoining municipalities. The petition was filed proposing to add a new use for a motor vehicle fueling center. With most gas stations being developed by in conjunction with commercial convenience such as with Wawa and Turkey Hill. The new use will be re-define with

a criteria that will appropriately reflect the provisions that are necessary in order to protect and preserve the values of the adjacent property owners. Secondly, a use E2R for retail store as a permitted use in C4 will also be proposed. Mr. Van Luvanee corrected, a new use will be proposed as E3 midsize for a property between 10,000 to 15,000 feet. This will not be a petition to allow a big box retail store in the C4 District.

Considering the characteristic and setting of the site in which the use is proposed, it will also consider the concerns of the neighbors regarding buffering with significant setbacks for residential use and placing the out to the arterial roads surrounding the property. Mr. Van Luvanee then presented the commission with renderings of the proposed site. Referencing slides of the plan, he explained the Garret property wraps the site in an L shape around the Meyers and Eagle's Peak property. The site plans show the proposed Wawa with gas pumps will be closest to the intersection with substantial setbacks. The proposed Rite Aid facility will have a drive through in the back with no entrances or exits proposed along the Neal Road. Significant set backs were preserved along residential homes off Tedwill Road. The set back in the ordinance was measured from the center line of the road as the district boundary has an actual distance of over 100 feet to the closest building. This is because the boundary is not a residential property, but actually the road.

Mr. Van Luvanne then showed several three dimensional slides of the site plan with everything done to scale. This will show what the site will look like when completed. It will also provide an aerial view and a sense of how the site is separated from the adjacent neighborhood. Other slides showcased post development views taken from the back yard of several residents. The plan proposes to substantially supplement any area needed with buffering and will discuss in detail during site planning. Mr. Van Luvanne then went through several other slides of the site noted various buffered angles and setbacks along Swamp Road, Neal Road and Ferry Road. The slides also addresses comments pertaining to appearance of the buildings. The clients received approval from both Wawa and Rite Aid to have the building constructed with the same materials, so they are compatible. Buffering to soften the corners of the building was also completed to address concerns noted in one of the review letters. Hedges or appropriate shrubbery can also be added to shade the lights from the intersection. Wawa has also committed to build a canopy over the gas pumps to prevent a glare from lighting.

Land development plans have been filed to show what the ordinance will yield and upon amendment approval, the promised plan will be adhered to. The client is open to negotiations as long as the same objectives are followed and concerns are addressed. A meeting with the township staff to show the proposed plan was conducted, where it was recommended to present the plans to the neighboring residents. To date, the residents have not seen the rendering or three dimensional drawings, but have seen the plans and were given notice of tonight's meeting.

Mr. Van Luvanne stated the plan presented is a good and fits within the current C4 use. He noted the benefit of combining these properties is the ability to limit the points of egress and ingress along Route 313 with two property owners entitled to receive an access point. Additionally, there is no access to Neal Road with only once entrance to Ferry Road, one entrance and exit from Swamp Road to protect the residents. A traffic study has also been submitted and came in with the land development plan. David A. Tomcod of Pennoni Associates, Inc. has reviewed the traffic plan and Ms. Stern Goldstein noted in the Zoning Ordinance amendment review that traffic considerations are one item needed to be reviewed. The client's objective is to respect the traffic to make sure to mitigate the impact the development may have. He then introduced Traffic Engineer; Jennifer Wolf who was present to address any questions or concerns with regards to traffic.

Mr. Van Luvanne indicated two items pertaining to need as per the township's ordinance created for the purpose to provide an opportunity to develop the need of professional and medical offices. Many of the professional properties

have been available for a number of years and no preliminary land development has been submitted due to no demand this quarter. Because the properties are for sales and haven't been developed indicates circumstances have changed from twenty years ago when the ordinance was created. Most of the office space in Doylestown is currently soft with lots of space available and not competitive.

Mr. Van Luvanne indicated addressing the review letters this evening will not make sense since the clients cannot get to land development without going through zoning issues. Once zoning is approved, specifics may be incorporated in the zoning ordinance amendment to be certain the product is developed.

Ms. Stern Goldstein indicated the township would not like to entertain an amendment to the comprehensive plan to incorporate all the zoning changes previously completed and will not be generally consistent. Mr. Van Luvanne responded, a few years ago the NPC was amended that if a zoning change is passed the comprehensive plan should be updated. Mr. Lowenstein noted; the changes are not clear nor relevant today and can be done during the general overview of the plan and doesn't see a problem. Mr. Van Luvanne agreed.

Ms. Stern Goldstein announced, for public notice all review letters can be obtained by visiting the township administrative offices. She also offered to explain any issue that may be confusing. Mr. Lowenstein stated without having a change in zoning which might have aspects that will change things in the plan as well as the comments, it may have a significant impact on the neighborhood or properties.

Mr. Van Luvanne referenced Boucher and James, Inc. February 18, 2015 review letter regarding the comprehensive plan and similar land uses pertaining to homes located south of the site. Ms. Stern Goldstein clarified south is to the two sides of the property (Neal and Tedwill Road), as per the map noted on page 2. Mr. Van Luvanne the plan has less of a set back and fewer existing trees. As per the township ordinance, there are provisions for extensive buffer under certain circumstances (Section 125.E). The plans has room to provide the extra buffer, by definition as a four foot berm with specific upgrading landscaping criteria. If the set back is less than a certain amount, the plan may incorporate may construct an extensive buffering as specified. Ms. Stern Goldstein clarified it's the magnitude of the massing of the structure of the Rite Aid and how it's situated.

Mr. Lowenstein questioned how it fits to the overall area and was a township's final recommendation noted. There was several discussions between with three townships on how much can be salvaged. Mr. Van Luvanne explained there was an evaluation made to whether an older home located along the site should be saved. Upon discussion with New Britain Township, it was concluded traffic improvements could be made and the home could not as noted with a similar plan in Plumstead. Upon a discussion regarding the decision note to save an existing home and the structure of the new site, Mr. Van Luvanne noted the property will only have one owner.

Mr. Kelso commented the comprehensive plan references uses with landscaping and not transitions. Past discussion regarding the property has always been about uses with regards what is the least impact on the neighborhood. Mr. Kelso continued he will be looking at the site as what is the best use for transitions between the two residential neighborhoods with the increase in traffic. The zoning ordinance has to be considered separate from the plan submitted and in terms of use. Upon a discussion amongst the commission and Mr. Van Luvanne regarding the impact of the C4 use and spot zoning challenge, Mr. Kelso suggested consideration of a Village Commercial use for the site.

Mr. Lowenstein noted a traffic study was not included with the packet. Mr. Van Luvanne responded the study was part of the land development package and should have been received. Mr. Lowenstein indicated it's a major issue and will be of value.

Traffic Engineer; Jennifer Walsh reported Mr. Tomko's review letter was received earlier today and wasn't able to review in detail. However, she didn't note any issues of concern and cannot comply with. Under Penn Dot and the Township's criteria, a traffic impact study was performed for the proposed development. Ms. Walsh then informed the public, Penn Dot will perform a thorough review of the traffic study for the development.

Traffic counts were conducted for Swamp and Ferry Road, the driveways along Ferry Road and including Swamp and Neal Road. Existing condition analysis is viewed to inform how everything is operating today. Then assumptions are created to study what the traffic will be in future without the development. In this scenario, Baily square was considered. Although it wasn't constructed as the time of existing condition, it was going to be operational with all improvements at the intersection of Swamp and Ferry Roads. Next, an assumption was created to calculate what the development will generate from a trip generation standpoint. National standards are used as the trip generation manual from the Institute of Transportation Engineers. Another important note with the proposed development is given the Wawa and Rite Aid, the majority of traffic primarily is 50% to 65% of the traffic that is already on the roadway. No additional traffic is added to the roadway, rather traffic that is already on the roadway on a daily basis. The remaining traffic is categorized under new trips. During peak hours, the new trip constitute about less than three additional cars per minute during the peak hours. The impact to Swamp and Ferry was also viewed as an overall traffic impact. The total intersection carries anywhere from 2,200 to 2,600 cars during peak hours. Ms. Walsh indicated the proposed development will add approximately less than 3% of traffic.

The intersection of Swamp and Ferry was also evaluated under the Penn Dot and Township requirements, where any degradation to the inspection is mitigated through improvements to the intersection. The study will need to go back without development conditions. This means if the intersection is operating at a level of service C, once the development is in place, the intersection has to continue to operate under the same level through improvements. The proposed improvements include a north bound right turn lane at the intersection and signal timing modifications. The impact was able to be mitigated with the proposed right turn at the intersection of Swamp and Ferry. In addition, the site access along Swamp Road was also viewed. Taking into the consideration the development across the street, a restricted no access left turn with egress is proposed for the intersection. This will allow right and lefts in and only right out from the development. The development would not operate successfully if the right turn was allowed. Also, an island will be place to restrict a left turn out.

The Ferry Road access will have a full movement driveway and further away from the intersection. A right turn deceleration lane into the site is proposed and will address the current issues. Upon reviewing comments from the township's professionals, there are no issue and the applicant will comply. Penn Dot has conducted its first round of reviews of the traffic impact study, where the applicants will comply with all comments. Penn Dot is also in agreement with the north bound right hand turn lane.

Mr. Lowenstein requested additional copies of the traffic impact study be provided. Ms. Walsh agreed.

Mr. Tomcod commented he is unsure where the applicants currently stand, due to no response received. He then noted a request for an after study and questioned what the site design is based on versus what the site will look like when it first opens. If properly designed driveways with the available cueing capacity, the traffic signal timings can be changed and may cost a lot of money. Ms. Walsh responded; the applicants' will company and perform the after

study six months following the development. Ms. Walsh further explained, under the Penn Dot criteria, given the trip generation the site will generate an opening year analysis approximately in 2016 is needed. It's also required a five year analysis is performed, defined as a design year which will be the year 2021. The traffic study has been projected out to year 2021 with background growth and consideration of what will happen along the area as any other proposed development. All recommendations, such as site design is based on 2021 volume that will be occurring five years after the development is open.

Mr. Tomcod then questioned how is the length of the turning lanes are determined. Ms. Walsh answered; Penn Dot also has criteria for acceleration, left turn lanes and what is needed for intersections based on the 2021 figures submitted by the applicants. The analysis is conservative and further out then the opening year, which adheres to the Penn Dot criterion. The site access has to operate with the left hand restriction and signage will physically be channeled to the right.

Mr. Tomcod then question what steps were taken to obtain a highway occupancy permit. Ms. Walsh explained; once the traffic impact study is approved through Penn Dot then the applicants will respond to comments and submit a revised traffic study. Upon approval final approval is received, the highway occupancy permit process begins which are developing all the design plans for the roadway, site access and a thorough review. This process will take two to three submissions to Penn Dot on all the design plans for the roadway and access. Mr. Lowenstein commented Penn Dot's only concern is what they are responsible for and hasn't seen what the site's plan goal is to improve the site. Ms. Walsh responded; the plans will also go through the township's approval process and be provided with copies of the traffic studies and highway occupancy permits.

Ms. Stern Goldstein commented pedestrian traffic needs to be accommodated which will play into what will occur with vehicular. There are sidewalks in the development off the frontage and in the office complex in New Britain and very little proposed in the plan. Mr. Van Luvanne answered; the applicants assumed the commission will instruct where the sidewalks should be placed. Ms. Stern Goldstein responded; the township would like to see connections along the roads within the development between each uses to get to the adjacent uses as stated in Boucher and James, Inc. and Pennoni Associates' review letters. Mr. Van Luvanne stated the applicant will comply by placing sidewalk along the perimeter of the road with respect to the external and internal location. Ms. Stern Goldstein suggested to ensure the sidewalks are part of the vocabulary moving forward. Mr. Tomcod added; another improvement requested for the intersection is a crosswalk for the west bound approach off Swamp Road. The traffic signal at the intersection is owned and maintained by Doylestown Township and three municipalities and all share in maintenance costs. Because the township maintains the traffic signal, the Bailey Square improvements were reviewed and recommendations were made.

Resident; Karen Murphy of 68 Valley View Drive questioned if the applicants studied the impact having a right turn onto Swamp Road will generate more traffic onto the adjacent neighborhood. Or when the exit onto Ferry Road when traffic backs up during rush hour and vehicles uses the neighborhood as a cross road. Ms. Walsh answered; the operation at the access and when the cueing backs up, signage is proposed to direct vehicles not to block the driveways. During the peak hours, the trips are distributed in and out to create three less trips. The traffic coming in and out of the site will be distributed. Mr. Van Luvanne added; no vehicle will be able to drive through the neighborhood once the project is complete. Ms. Walsh included considering the high passing traffic, drivers will become well aware of the restriction.

Resident; Steve Murphy of 68 Valley View Drive disagreed with Mr. Van Luvanne's comment and explained near the existing bus stop, cut through traffic occurs because of the backup off Tedwill. The concern is with the right turn only

lane is far enough out that when a vehicle exits the complex from either side, they will not realize a left hand turn can be made. It will increase traffic along the neighborhood, because once the vehicle realizes a left hand turn cannot be made, the vehicle will make a right back into the complex. Mr. Tomcod commented there are two issues. The first internally in the site, the drivers will need to be educated where they can and can't go. Mr. Lowenstein commented the plans did not take the issue into account with the traffic study was completed. He suggested to view other options to create a gentler solution. Mr. Van Luvanne agreed and stated steps can be taken to minimize the traffic. He then questioned what assumption should be taken when. Ms. Walsh added the existing cut through issue is separate going into the development. She believes vehicles making a right along the community will be a very small percentage, because the traffic pattern will become habit quickly.

Ms. Mason introduced Chairman of the Traffic Advisory Committee; Mark Shiner and indicated the main duty of the committee is to listen to residents traffic concerns. She suggested the applicants view these concerns to take in to consideration when completing the analysis and work with the Traffic Advisory Committee to help improve the current condition should the project move forward. This will assist in getting a handle of what it is, what is the impact and apply the committee's suggestions to improve what exists.

Mr. Kelso questioned if any traffic counts were performed within the residential neighborhood. Ms. Walsh answered traffic counts were only conducted at Swamp and Ferry and Swamp and Neal Roads and not in the community.

Mr. Shiner questioned to describe the improvements near the traffic light and will it become three lanes as a right, left and straight. He understands the cut through issue, especially when the nearby shrine events end. He then questioned how the proposed Wawa will impact Ferry Road. Ms. Walsh answered; with the improvements through Valley Square at the right turn lane, the cueing will be reduced slightly and the overall delay at the intersection will either be the same or reduced. The conditions will have to be brought back to what they can be, if the development never existed as a requirement. Mr. Shiner than questioned what are the plans for the widening of Route 313, between Dublin and Doylestown. Mr. Tomcod answered; the project is still in the planning stage and on the books for construction beginning year 2021.

Mr. Lowenstein commented upon reviewing the plans, he noted a bump out that is still in use and should be considered. The bump out is located near the Rite Aid pharmacy and within the system of the next property, where the entire property should be at the same level as the intersection.

Resident; Gerald Miller of 36 Valley View Drive commented the proposed improvements will add to the current dangerous exits from the community. He suggested to widen the road instead. Ms. Walsh responded; the site proposes three lanes, including a separate left turn lane to cue up at the site. The left turn will direct into the proposed site as a three lane cross section.

Resident; Peter Fechtmann of 180 Tedwill Road questioned if a study was performed to determine how many cars sit on Route 313 going up during rush hour. Ms. Walsh answered; the study was based on the 65% was closer to the peak as with the standards. It was calculated 65% for the AM and PM peaks and would be less during the midday and Saturday peaks at the request of the traffic engineer. The new trips that are being generated, removing the pass by in the AM was 103, Midday was 169, PM was 159 and Saturday was 169 trips at an average of less than three vehicles per minute. In some cases, the results were two vehicles per minute. Mr. Tomcod suggested to clarify what the peak hours are. Ms. Walsh responded; AM is 7:00 to 9:00am, PM is 4:00 to 6:00pm, Saturday is 11:00am to 2:00pm and during a weekday.

Resident; Pat Mosha of 60 Valley View Drive questioned if a new 24 hours Wawa location will be added with traffic. Ms. Walsh answered; based upon the different uses of convenience marts, a proposed 24 hours Wawa will be proposed.

A resident of 12 Valley View Drive questioned is there an assumption that no one will travel on Neal Drive to Ferry Road north, towards Chapman Drive. With the right turn off Swamp Road, the drivers will not go to Pine Run Road to get on Swamp Road. The plans should consider a once quiet neighborhood will now become a main thorough fare for vehicle to get on Ferry Road.

Resident; Bob Diken of 76 Valley View Drive agreed with Mr. Shiner's statement regarding the traffic from the Shrine and commented the area receives many visitors from other states who visit the Wawa will enter the neighborhood and cut through from Neal to Tedwill to get on Ferry Road. He expressed concern for children getting to the bus stop for school. Ms. Hendrixson responded the township has been working to have sidewalks or bike/hike paths constructed throughout Doylestown Township and that this would be a requirement of the development.

Resident; Kimberly Abbasi of 12 Allen Drive commented the safety of the children is threaten along Neal Road due to speeding vehicles departing from the proposed Wawa. With a 24 hours operation, this will increase the vehicle traffic along the neighborhood at all hours. She also noted with most residences operating off well water, having a gas station will contaminate the water.

Resident; Kimberly Cathers of 200 Tedwill Road resides on the corner where the proposed Wawa will be constructed and indicated the current traffic going onto Ferry Road is bad and will become worse with a convenient store. She also agrees the children will not be safe crossing the street with the increase in traffic from vehicles cutting through to get to Ferry Road, especially during rush hour.

Resident; Barbara Schempp of 10 Valley View Drive noted several articles reporting the dangers of living near a gas station and believes the proposed Wawa is a travesty and will ruin the neighborhood. Russell Schempp added as a former owner of three gas stations, he confirmed Ms. Schempp's comments regarding the dangers of living next to a gas station with spillage.

Resident; Peter Murphy on behalf of the community, he would like the applicants to consider the area is mainly residential and doesn't believe a Wawa is the best way to welcome visitors. With a twenty four operation, crime will be a factor when the convenient store is used as a local hangout. Also, the community doesn't have many street lights and is very dark at night and anyone can easily wonder through the neighborhood. Noting the comprehensive plan was changed several times, Mr. Murphy appreciates the commission considering keeping the current C4 use and allow the area remain residential with less impact. He also appreciates the Village Zoning suggestion and hopes it will remain at a C4 use without amendments.

Light and noise pollution will also impact the community and the residents will need more than a canopy to assist with the increase. Mr. Murphy noted on September 25 2014, researchers of the John Hopkins Bloomberg school of Public Health published a study suggesting drops of fuel from a gas station are a hazard to the environment. The cement pavement is not impervious and fuel spillage will add up over the years. The spillage will eventually seep through the concrete and contaminate the public water system. The drainage for the proposed site is into two rain gardens with no public sewer.

A resident commented on Mr. Van Luvanne's statement regarding pharmacies being a need in the zoning area. He noted several pharmacies along the area, such as Giant, Acme and along Main Street in Doylestown Borough. There are also many gas stations leading towards the Borough and Swamp Road.

Resident; Russell Schempp commented that Plumstead Township turned down the exact same plan directly across the street approximately fifty feet away. He suggested contacting the Planning Commission to find out why.

Mr. Van Luvanne indicated if the Planning Commission is prepared to make a recommendation with no amendments, this will be one issue. However, if the commission is interested in answers to general land development concerns, Mr. Van Luvanne offered to contact Wawa representative to address them at a future meeting. Ms. Hendrixson indicated the first issue is zoning with the second as land development. She then stated the traffic is a major issue and is dealing more than with the immediate site, where the commission has to view closely.

Mr. Kelso indicated regardless of the land development plan the commission will need to closely examine the zoning history and use. They need to review the C4 use and how it will impact all areas to determine the best zoning classification. It's difficult to look at a land development plan in terms of use, because the details needs to be the focus. Mr. Kelso then suggested to look at the work previously completed with the uses.

Mr. Lowenstein commented tonight's presentation was worthwhile with zoning issues being well defined. The commission job is to work through details before a plan is presented to the Board of Supervisors.

Mr. Van Luvanne asked the commission if they would like a professional attend the next meeting to address any concerns or issues, such as with the gas station and zoning.

A resident commented the original plan was barring and one of the criteria for passing a barring for non-conforming use is the burden of proof that there is no viable economical use. Mr. Kelso responded; no application for a variance was ever submitted. Mr. Van Luvanne added; a zoning change or variance will be needed with the proposed use. Most likely, a petition for a change in zoning will be submitted.

Ms. Hendrixson announced the next meeting of the Doylestown Township Planning Commission will be Monday, March 23<sup>rd</sup> and suggested the applicants meet with the Traffic Advisory committee prior.

Mr. Tomcod questioned if supplemental data will be needed prior to the next meeting. He then suggested several studies be performed, such as a D study or a destination study through the areas to determine who is coming and going. A speed study on all roads concerned based on the speed limit and an origin and destination study for Neal Road. Mr. Tomcod questioned what else can the site be used for in accordance to the ordinance and is it worth conducting a trip generation comparison. Mr. Van Luvanne agreed and indicated similar studies will be conducted.

Mr. Tomcod then reported if the site is not development as originally presented and comes in as an allowable use, the volume of traffic will be limited. Only generated traffic to the site will be available.

Mr. Van Luvanne then asked the question once again if a professional is needed to address concerns. The commission agreed by consensus currently it will be premature.

Upon questioning the time frame of the land development process, a resident commented the community has joined as a group and plan to be part of the process until a decision is made. Mr. Redfied suggested as a group to place issues and concerns on a paper and submit to the commission prior to each meeting, so it placed on record.

90 Day Clock – For discussion

Ms. Mason reported a sketch plan is scheduled to be presented at the March 23<sup>rd</sup> regular meeting. She then suggested having the sketch plan scheduled prior to the next Buckingham Retail Properties LLC – Proposed Zoning Amendment and Land Development Plan presentation.

**Adjournment:** The February 23, 2015 Doylestown Township Planning Commission Regular meeting was adjourned at 9:01pm.