

PUBLIC NOTICE

PLEASE TAKE NOTICE that Zoning Hearing Board of Upper Gwynedd Township will hold an in-person public hearing(s) on Wednesday, December 21, 2022, at the Upper Gwynedd Township Building, 1 Parkside Place, North Wales (Upper Gwynedd Township), PA 19454, at 7:00 P.M. on the following matter:

Hearing No. 22-20: Windfall Lansdale, LLC, of 42 Okner Parkway, Livingston, NJ 07039 for property located at 1010 Church Road, Lansdale, PA 19466, for the following relief from the Upper Gwynedd Zoning Code to permit the use of an existing 10,500 square foot building as a daycare facility: (1) a special exception under Section 195-25.B(12)(b) or, in the alternative, a use variance from Section 195-25.B; and (2) a variance from Section 195-9.G to permit accessory play structures in the front yard; and (3) a variance from Section 195-25.K(3)(g) to permit a 2.8 foot setback between parking and the lot boundary line where a 10 foot setback is required; and (4) a variance from Section 195-35 and from the Schedule of Sign Regulations to permit two façade signs on the building. The Property is zoned LI – Limited Industrial District.

Hearing No. 22-21: Provco Pinegood Lansdale, LLC of 795 E. Lancaster Avenue, Suite 200, Villanova PA 19085 for property located at 1601 Valley Forge Road, Lansdale, PA 19446, for the following relief from the Upper Gwynedd Zoning Code to permit the sale of motor-fuels including gasoline at an existing WaWa convenience store location: (1) a special exception under Section 195-22.A(8)(c); and (2) a variance from Section 195-9.O(5)(b) to permit less than 10% of the parking lot facility to be devoted to landscaping; and (3) the following variances from Section 195-35 and from the Schedule of Sign Regulations: (a) a variance to allow a total sign area of 215.58 square feet where a total of 40 feet is permitted; (b) a variance to allow two ground signs measuring 46.87 square feet each where 24 square feet is permitted; (c) a variance to allow a sign height of 20 feet where 12 feet is permitted; (d) a variance to allow a total façade signage of 121.84 square feet where 40 square feet is permitted; (e) a variance to allow 20 façade signs where one façade sign is permitted; and (f) a variance to allow two red and green LED ground signs where only one color of LED is permitted. The Property is zoned C-Commercial District.

Hearing No. 22-23: Family Fun Gymnastics Center Inc. T/A Spirit Gymnastics Center of 38 Church Road, Telford, PA 18969 for property located at 1180 Church Road, Suite 20, Lansdale, PA 19446, for a special exception under Section 195-25.B(12)(b) from the Upper Gwynedd Zoning Code to permit a children’s gymnastics center and school or, in the alternative, a use variance from Section 195.B to permit the same. The Property is zoned LI- Limited Industrial District.

Copies of the application, exhibits, site plans or other materials received by the Township in connection with the above matter are on file with the Zoning Officer at the Township Building. Paper copies may be requested in writing from the Township at a cost as permitted by law. The public is invited to attend the public hearing and participate. If a member of the public would like to participate but requires assistance or accommodation, please contact the Township at mweaver@uppergwynedd.org or (215) 699-7777 prior to 10:00 a.m. on December 21, 2022.

Patrick Hitchens, Esquire
Solicitor for the Zoning Hearing Board of
Upper Gwynedd Township

As stated in the legal advertisement, copies of the applications, exhibits, site plans or other materials received by the Township for zoning cases to be heard by the Zoning Hearing Board are on file with the Zoning Officer. In an effort to make these documents more accessible, electronic copies are available below. Because Pennsylvania law does not require applicants to submit exhibits in advance of a hearing, other materials may be presented at the hearing that were not submitted in advance or that may differ from the materials submitted. Therefore, any individual interested in a particular zoning case is encouraged to attend the hearing in order to be apprised of all documents and information presented.

ZONING HEARING BOARD
 UPPER GWYNEDD TOWNSHIP
 MONTGOMERY COUNTY, PENNSYLVANIA
 Zoning Ordinance of November 23, 1987 as Amended

	Check One	Date: <u>11/16/22</u>
APPLICATION FOR VARIANCE(S)	<u>X</u>	
APPLICATION FOR SPECIAL EXCEPTION(S)	<u>X</u>	
APPEAL FROM ZONING OFFICER'S DECISION/DETERMINATION(S)	_____	

PROPERTY ADDRESS/
 LOCATION 1010 Church Road, Lansdale PA 19466 LOT SIZE 2.32 Acres ZONING DISTRICT LI - Limited Industrial


Check One (Applicant)
 _____ Owner
X Equitable Owner (under Agreement of Sale)
 _____ Lessor
 _____ Lessee

Applicant's Name: <u>Windfall Lansdale, LLC</u>	Check One
Address: <u>42 Okner Parkway, Livingston, NJ 07039</u>	Date Ownership Secured _____
Telephone: _____	Date of Agreement of Sale <u>X</u> <u>8/1/22</u>
	Date of Lease _____


Contractor's or Agent's Name <u>N/A</u>	Public Water Yes <u>X</u> No _____
Address <u>N/A</u>	Public Sewer Yes <u>X</u> No _____

Give full information as to Section of Zoning Ordinance involved and reasons why the Variance(s), Special Exception(s) or Appeal is desired and why it should be granted.

See attached Addendum



 Owner's signature, if Applicant
 is not Owner, agreeing to this
 Application

Applicant's Signature 
 Please Print Name: Matthew B. Jarman, AIA, MBA
 Attorney's Name: James J. Garrity, Esq. and Andrew R. Freimuth, Esq.
 Address: 460 Norristown Rd. Ste. 110, Blue Bell PA 19422
 Telephone: 610.825.8400

for T.G. Forstater and G.I. Forstater LLP

Record of Secretary - Zoning Hearing Board

Application No. _____	Hearing Date(s) _____	Decision Date _____
VARIANCE(S)	Granted _____	Denied _____
SPECIAL EXCEPTION(S)	Granted _____	Denied _____
APPEAL	Granted _____	Denied _____

RESTRICTIONS/CONDITIONS (if any)

- () Zoning Officer
- () Zoning Hearing Board
- () Board of Commissioners
- () Zoning Solicitor

Signature of Secretary _____

ADDENDUM

Windfall Lansdale, LLC (Applicant) is the equitable owner of the property located at 1010 Church Road, Lansdale, PA 19466 (the "Property"). The Property contains approximately 2.32 acres (gross) and is zoned LI - Limited Industrial District. The Property is a part of a larger condominium and presently improved with a 10,500 square foot one-story office building, signage, and associated parking facilities. The Property is located at the corner of Church Road and Pennbrook Parkway and primary access to the Property is via a two-way driveway from Pennbrook Parkway.

The Applicant intends to renovate the existing 10,500 square foot building to use the Property as a daycare center (the "Proposed Use"). In connection with the Proposed Use, the Applicant also intends to construct a 5,000 square foot outdoor play area with playground structures (the "Play Area") between the building and Pennbrook Parkway and reconfigure certain parking spaces to assist with pick-up/drop-off operations. The proposed daycare center operator pursuant to a lease agreement with the Applicant is The Learning Experience ("TLE"), who operates hundreds of early education centers nationally. TLE was founded in 1980 and is extremely focused on implementing its unique and proprietary programs and stringent standards on the appearance, operation and maintenance of its daycare centers.

In order to use the Property for the Proposed Use, the Applicant requests the following items of relief from the Upper Gwynedd Township Zoning Hearing Board:

1. Special exception pursuant to Section 195-25.B.12(b) of the Upper Gwynedd Township Zoning Ordinance ("Zoning Ordinance") for a daycare center use as a use of the same general character the permitted uses identified in Section 195-25.B and the permitted accessory uses identified in Section 195-25.B.11, particularly the educational use, which is permitted as accessory to an office use in the LI District. In the alternative, the Applicant requests a variance from Section 195-25.B. of the Zoning Ordinance, to permit the Property to be used for a daycare center use.
2. Variance from Section 195-9.G of the Zoning Ordinance to permit the play structures for the Play Area between the building and Pennbrook Parkway.
3. Variance from Section 195-25.K(3)(g) of the Zoning Ordinance to permit an extension of the existing 2.8-foot setback between parking and a lot boundary line, where a 10-foot setback is required.
4. Variance from Section 195-35 and the Schedule of Signs to permit additional façade signs on the existing building.

Proposed Use

The Applicant respectfully submits that it satisfies its burden of proof with regard to the standards and criteria for a special exception set forth in the Zoning Ordinance for the Proposed Use. Section 195-25.B.12(b) of the Zoning Ordinance allows any use of the same general character as a permitted use by special exception. As indicated above, the Applicant respectfully submits that the Proposed Use is similar in character to the permitted uses (both principal and

accessory) in the LI Limited Industrial District. In particular, Section 195-25.B.11 of the Zoning Ordinance specifically permits an educational, trade, technical and professional school or institute not incompatible with the district as an accessory use to any permitted use in the LI District. The requirements of the LI District clearly contemplate that an educational-type use is permitted, provided that the use is not incompatible with the zoning district. Arguably, a daycare use could be permitted as an accessory use in the LI District in accordance with the terms and conditions of Section 195-25.B.11. Of course, the Proposed Use would be a principal use. However, the Applicant respectfully submits that the Proposed Use is of the "same general character" (i.e. educational) and, therefore, a special exception would be appropriate. More importantly, the Proposed Use will certainly be comparable with the surrounding office and lighter industrial uses in the vicinity of the Property and will undoubtedly serve as a resource for daycare services for parents and guardians who may work in the nearby office buildings along with families that live in the nearby residential communities. Given the location of the Property and the compatibility of the Proposed Use with the other uses in the surrounding LI District, the Proposed Use will be an asset to the neighborhood and blend in harmoniously with the immediately surrounding area and the larger community, consistent with the intent of the Zoning Ordinance.

In addition, the Proposed Use satisfies the applicable specific criteria in the Zoning Ordinance. In particular, the Property meets the parking requirements for the Proposed Use. Pursuant to Section 195-28.A.19 of the Zoning Ordinance, a daycare center requires one parking space for every four (4) students, plus one parking space for each employee. The Proposed Use will have approximately 21 employees and approximately 145 students, and therefore would require approximately 58 parking spaces. The Property has sixty-two (62) parking spaces, four (4) of which are handicap accessible. In addition, the Property will comply with all applicable dimensional criteria in the Zoning Ordinance, except for the sections of the Zoning Ordinance for which variances are being requested in this Application as a result of the addition of the Play Area and adjustments to the parking configuration to accommodate the Proposed Use.

Further, the Proposed Use will not result in any detrimental impact to the neighborhood or the public health, safety and welfare generally. The hours of operation of the daycare center will be Monday through Friday from 6:30 am to 6:30 p.m. Student drop-off and pick-up times will be staggered over several hours to ensure that there will be no vehicle queuing concerns or any traffic circulation issues caused by the Proposed Use. As noted above, there is adequate parking located on the Property for the Proposed Use. The average parent pick-up and drop-off times are 3-5 minutes and many of the children in the center are siblings, which reduces the number of vehicle trips. As part of the modifications to the Property to accommodate the Proposed Use, the Applicant will install eight (8) parking spaces immediately in front of the entrance to the building, which will allow parents to park and pick-up or drop-off their child or children without the need to cross any traffic lanes within the parking lot on the Property. Should those spaces all happen to be occupied, there are plenty of additional parking spaces in the parking lot in close proximity to the front entrance for parents to park for drop off and pick up, and neither the Applicant nor TLE believe that such a condition is a safety concern. The building on the Property and the overall size of the Property also provide suitable space for all of the services and resources expected of a daycare center today. The proposed Play Area will be screened with landscaping and a solid vinyl fence with a security gate for the safety of the children. As mentioned above, the Proposed Use will blend in harmoniously with the uses of the surrounding properties and the LI District and both the Applicant and TLE expect that the Proposed Use will be an asset to the community.

Based on the foregoing, the Applicant respectfully submits that it is entitled to the special exception, and respectfully requests that the Zoning Hearing Board grants the same. Nevertheless, in the event that the Zoning Hearing Board does not believe the Proposed Use is of the same general character as the permitted uses in the LI District, the Applicant is requesting a variance from Section 195-25.B of the Zoning Ordinance in the alternative.

The Applicant respectfully submits that the proposed Application satisfies the standards and criteria for a variance. Initially, the Property is uniquely suited to a daycare center use in that the building on the Property is a one-story, detached building, with easy and direct access to parking with vehicle circulation directly in front of the main entrance to the building. The Property also has adequate room to add the Play Area without the need to make modifications to the existing parking facilities or any other substantial improvements to the building or the Property itself. Finally, the Property presents a unique opportunity for the Applicant and TLE to provide a daycare center in close proximity to many offices, businesses and residences, which will serve as a valuable amenity to the neighborhood.

For the reasons set forth above, the Applicant does not believe that the requested variance, if granted, would alter the essential character of the neighborhood or the LI District generally, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. The repairs, general exterior maintenance and landscape improvements to the existing office building will enhance the character of the Property. The landscaping screening around the proposed Play Area will allow students to safely play outside with toys and minimize the exterior appearance, if any, of the Proposed Use. In the end, the Applicant submits that the Proposed Use represents the minimum variance necessary to allow for the use of the Property as a daycare center with an accompanying Play Area.

Based on the foregoing, the Applicant respectfully submits that it is entitled to the variance requested in the alternative, and respectfully requests that the Zoning Hearing Board grants the same, if necessary.

Play Area Structures and Parking Setback

In connection with the Proposed Use, the Applicant also respectfully requests dimensional variances to locate play structures within the Play Area. Section 195-9.G of the Zoning Ordinance prohibits structures between the principal building and the street right of way and in any designated setbacks. As indicated above, the Property is a corner property, with frontage on both Pennbrook Parkway and Church Road. Therefore, the prohibition on the location of structures between the principal building and the street significantly impacts the use of the yards on the Property. As an existing, developed site, the side yard and rear yard on the Property are currently improved with the access drive to the site and required parking for the Property. The existing building is also uniquely oriented so that the front of the building faces the interior of the site and not one of the street frontages. Not surprisingly, a Play Area with play structures is customarily required and certainly expected as part of any daycare center operation today. Due to the limitations and unique conditions described above, the Applicant has no choice but to locate the Play Area and the structures therein between the building and the street.

The Applicant believes that the play structures will not have any negative impact on adjoining properties or the public generally and that the requested variance is the minimum relief variance necessary to allow for the construction of a Play Area with play structures for the children. The Play Area and structures have been located along Pennbrook Parkway, which is a street less traveled than Church Road. As a result, any potential visual impact of the play structures has been minimized. In fact, the Applicant does not believe the play structures will have any visual impact on adjoining properties or the traveling public considering the proposed solid fencing and landscaping. In addition, the rear of the existing building currently faces Pennbrook Parkway, making it a logical location for the Play Area and corresponding play structures.

Further, pursuant to Section 195-25.K(3)(g) of the Zoning Ordinance, parking may not be located within 10 feet of a lot boundary line. As shown on the site plan submitted with the Application, much of the existing parking on the Property is located within 10 feet of the boundary line for the Property. As indicated above, the Property is a part of a larger condominium. The Applicant intends to close an existing driveway connection at the northeast corner of the Property and replace that area with 3 additional parking spaces and a green area. The proposed additional spaces extend along the same existing parking setback of 2.8 feet. In order to extend this existing nonconforming condition, the Applicant requests a variance from the requirements of Section 195-25.K(3)(g). Due to existing conditions, there is no way to construct the additional parking spaces as part of the closure of the existing driveway connection in strict conformity with the requirements of the Zoning Ordinance. Notwithstanding, the Applicant does not believe that there will be any detrimental impact on adjoining or adjacent properties as a result of this variance. The proposed condition is no different than the condition that exists today. Moreover, the proposed additional parking spaces are located next to a wooded area and will replace an existing driveway connection that is no longer necessary.

Based on the foregoing, the Applicant respectfully requests that the Zoning Hearing Board grant the requested variances from Section 195-9.G and Section 195-25.K(3)(g).

Signage

Finally, the Applicant requests a variance from the requirements of Section 195-35 and the Schedule of Signs to permit additional façade signs in connection with the Proposed Use.

Section 195-35 and the Schedule of Signs permits a total of 200 square feet of ground and façade signs in the LI Limited Industrial district. The total number of signs may not exceed one ground sign per street frontage and one façade sign per lot. The Applicant intends to install signage and occupy the existing ground sign for the Property along Church Road. The ground sign has a sign area of 38.75 square feet. In addition, the Applicant proposes two façade signs each measuring 51 square feet for a total of 102 square feet of façade signs. Despite having a total sign area less than the maximum permitted sign area of 200 square feet, a variance is necessary to permit a second façade sign on the building.

The Applicant submits that it is entitled to the variance requested to permit the additional façade sign. As detailed in the drawings submitted with the Application, the proposed façade signs will be located above the main entrance to the building, which faces the parking area internal to the site and is not visible from either Church Road or Pennbrook Parkway. The main entrance

façade sign is necessary so that the main entrance to the building is not only easily identifying but looks attractive and inviting the families and any visitors of TLE. Without this façade sign, the main entrance would look uninviting and rather sterile. However, because the main entrance façade sign is not visible to the traveling public, the Applicant requires an additional façade sign so that the Property and the Proposed Use can be conveniently and properly identified by motorists traveling to the Property. Therefore, the Applicant is proposing a second façade sign on the north elevation which faces Pennbrook Parkway. The Applicant selected this location because there is currently no signage identifying the for motorists traveling north on Church Road. The existing ground sign to be occupied by TLE on Church Road is located past the intersection of Pennbrook Parkway and Church Road for motorists traveling north on Church. As a result, the proposed second façade sign is necessary to adequately identify the Property to motorists traveling to TLE from all directions.

Despite the additional façade sign, the Applicant does not believe that the additional signage will have any negative impact on adjoining or adjacent properties or the public generally. To the contrary, the additional façade sign will allow traveling motorists to property identify TLE and access the Property. In addition, several buildings in the facility of the Property have multiple façade signs, most of which are much larger than the proposed façade signs. More importantly, only one of the proposed façade signs will be visible to the traveling public, resulting in what effectively amounts to one outwardly appearing façade sign.

Finally, the signage detailed on the drawings submitted with the Application note two panels on either side of the main entrance which contain numbers and letters associated with TLE's educational branding. The Applicant does not believe that these numbers and letters constitute signage as they are not intended to identify the Proposed Use or TLE. Similar to the façade sign above the main entrance, the numbers and letters are intended to make the main entrance inviting and appealing to families, students and visitors of the Property. To the extent that the Zoning Hearing Board believes that the numbers and letters are signage, the Applicant would request the appropriate variance to permit the numbers and letters. Notably, each panel is 16 square feet for a total of 32 square feet. No relief would be required for total sign area if these numbers and letters were considered signage. Like the façade sign above the main entrance to the building, these numbers and letters will only be visible from the parking lot on the Property.

GENERAL PRELIMINARY SITE PLAN NOTES:

1. THIS SITE PLAN IS FOR PRELIMINARY DESIGN ONLY AND IS NOT APPROVED BY TLE. THE FINAL SITE PLAN WILL BE OWNED/DEVELOPED BY A CIVIL ENGINEER RETAINED BY THE OWNER/DEVELOPER OF THE PROPERTY. JARREL KIZEL ARCHITECTS WILL NOT BE RESPONSIBLE FOR ITS ACCURACY.
2. SITE LIGHTING REQUIRED. DESIGN SHALL BE PROVIDED BY OTHERS. THIS INCLUDES ALL EXTERIOR AREAS, ALONG WITH PHOTOMETRICS INDICATING ALL LIGHT INTENSITY LEVELS, AS WELL AS THE LOCATION, TYPE AND HEIGHT OF ALL EXTERIOR LIGHTING FIXTURES.
3. UNLESS LOCAL MUNICIPALITIES OR LACK OF SPACE REQUIRE THE UNITS TO BE PLACED ON OR WITHIN THE ROOF OF THE BUILDING, ALL EXTERIOR HVAC UNITS SHALL BE LOCATED ON THE GRADING WITHIN THE PROPERTY LINES. UNITS SHALL NOT BLOCK SIDEWALKS AND MUST BE FENCED IN.
4. UNLESS OTHERWISE DIRECTED, PROVIDE A MINIMUM OF (4) PARKING SPACES, PER 1000 SQ. FT. OF BUILDING, INCLUDING (2) HANDICAP ACCESSIBLE PARKING SPACES. PROVIDE ADDITIONAL PARKING SPACES IF REQUIRED BY LOCAL ZONING ORDINANCE IF SUCH REQUIREMENT EXCEEDS THE RATIO INDICATED HEREIN.
5. PROVIDE STEEL BOLLARDS AT EXTERIOR PLAY AREA FENCING WHICH IS ADJACENT TO A STREET OR CLOSE TO ANY INTERNAL VEHICLE TRAFFIC.
6. PROVIDE A GATED DUMPSTER ENCLOSURE WITH INTERIOR DIMENSIONS OF 10'-4" WIDE X 8'-0" DEEP. ENCLOSURE TO BE WHITE PVC FENCING SIMILAR TO THE PLAYGROUND FENCING UNLESS OTHER MATERIALS ARE REQUIRED BY LOCAL ZONING ORDINANCE. DUMPSTER LOCATION TO BE NEAR THE BUILDING BUT AWAY FROM THE FRONT ENTRANCE.
7. PROVIDE A MINIMUM OF A 4'-0" SIDEWALK AROUND THE COMPLETE PERIMETER OF THE BUILDING (4 SIDES). A SIDEWALK WITHIN THE PLAY AREA SHALL BE LOCATED ADJACENT TO THE EXTERIOR WALL. SIDEWALKS NOT WITHIN THE PLAY AREA SHALL BE SEPARATED A MINIMUM OF 3'-0" / FROM THE EXTERIOR WALLS WITH CONNECTIONS TO EACH EXTERIOR DOOR.
8. ALL SIDEWALKS EXCEPT FOR THE ONES IN THE PLAY AREA AND IN THE FRONT OF THE BUILDING SHALL BE ENCLOSED WITH A 4'-0" HIGH PVC FENCE AND GATES AND SHALL LEAD TO THE PLAYGROUND AND THE FRONT SIDES OF THE BUILDING.
9. PROVIDE A LIGHTED MONUMENT SIGN WHICH IS VISIBLE FROM THE MAIN STREET OR ROADWAY SERVING THE PROPERTY.
10. A MINIMUM OF (1) BUILDING SIGN SHALL BE PROVIDED ABOVE THE MAIN ENTRANCE TO THE BUILDING. IF THE FRONT OF THE BUILDING IS NOT FACING THE MAIN STREET OR ROAD, A SECONDARY BUILDING SIGN MAY BE REQUIRED BY TLE IF PERMITTED BY ZONING.
11. LAWN/LANDSCAPE IRRIGATION SYSTEM REQUIRED. DESIGN SHALL BE PROVIDED BY OTHERS.
12. LOCATION OF UTILITIES TO BE NOTED IN CIVIL DRAWINGS; NOT TO BE INSTALLED BENEATH PLAYGROUND AREA.
13. PLAYGROUND GRADING TO EXCEED 1/8"-1/4" PER FT.
14. EXTERIOR LIGHTING WILL BE DESIGNED IN CIVIL DESIGN PHASE.



1. CONTRACTOR SHALL SURVEY AND MARK THE BOUNDARIES OF THE PROPERTY. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE AND SHALL OBTAIN THE NECESSARY APPROVALS FROM THE LOCAL MUNICIPALITY. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE AND SHALL OBTAIN THE NECESSARY APPROVALS FROM THE LOCAL MUNICIPALITY. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE AND SHALL OBTAIN THE NECESSARY APPROVALS FROM THE LOCAL MUNICIPALITY.

Jarmel Kizel
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Interior Design
Implementation Services

THE LEARNING EXPERIENCE
ACADEMY OF EARLY EDUCATION
1010 CHURCH RD
LANSDALE, PENNSYLVANIA

ISSUE		
NO.	DATE	DESCRIPTION
1		ISSUE
2		ISSUE
3		ISSUE
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20		ISSUE

PROFESSIONAL CERTIFICATION
SEAL OF LICENSED ARCHITECT
MATTHEW S. JARREL
LICENSE NUMBER: 0012858

Project Number: TLEP023-000
Drawn By: M.S.
Checked By: M.S.
Date: 11/17/17
Approved By: M.S.

SCHEMATIC SITE PLAN
Drawing Number: **SSP-01**

ZONING SCHEDULE				
ZONE LI - LIMITED INDUSTRIAL DISTRICT				
Bulk Regulation	Unit	Required	Proposed	
Min. Lot Area	Sq. Ft.	43,500	101,184	C
Min. Lot Width	Feet	200	322.2	C
Min. Front Yard Setback (Building)	Feet	75	75.6	C
Min. Front Yard Setback (Play Area)	Feet	75	32.9	V
Min. Side Yard	Feet	25	N/A	C
Min. Rear Yard Setback	Feet	40	63.1	C
Lot Coverage % of building*	%	25.8%	10.2%	C
Lot Coverage Impervious Surface %	%	40%	42.4%	ENC
Parking				
Min. Setback at any lot line	Feet	10	2.8	ENC
Min. Front Yard Setback	Feet	50	50.0	C

Abbreviations
C - Conforms
ENC - Existing Non-Conformance
V - Variance Required

Notes:
1. Code based on Township of Upper Gwynedd Township, Montgomery County, Pennsylvania (Chapter 195)
2. The maximum building coverage shall be 20% of the square-foot area of the lot plus 2 1/2% per acre multiplied by the lot area in acres. (195-231.2)

Pennbrook Business Center Condo Association
1180 Pennbrooke Pwy
Lansdale, PA 19446

October 25, 2022

Neal R. Pearlstine Esq
Pearlstine & Associates, P.C.
298 Wissahickon Avenue
North Wales, PA 19454

RE: 10101 Church Road, Unit X

Dear Mr. Pearlstine,

Pennbrooke Condo Association has reviewed your request and approves the change of use to a "Daycare" and also approves the improvements noted on the attached Site Plan dated September 6, 2022 attached hereto.

Very truly yours,


John Fiore, Jr.
President

GENERAL PRELIMINARY SITE PLAN NOTES

1 THIS SITE PLAN IS FOR PRELIMINARY DESIGN ONLY AND IS NOT APPROVED BY THE FINAL SITE PLAN WILL BE PROVIDED BY A CIVIL ENGINEER RETAINED BY THE OWNER/DEVELOPER OF THE PROPERTY. JARME KIZEL ARCHITECTS WILL NOT BE RESPONSIBLE FOR ITS ACCURACY.

2 SITE LIGHTING REQUIRED DESIGN SHALL BE PROVIDED BY OTHERS. THIS INCLUDES ALL EXTERIOR AREAS, ALONG WITH PHOTOMETRICS INDICATING ALL LIGHT INTENSITY LEVELS, AS WELL AS THE LOCATION, TYPE AND HEIGHT OF ALL EXTERIOR LIGHTING FIXTURES.

3 UNLESS LOCAL MUNICIPALITIES OR LACK OF SPACE REQUIRE THE UNITS TO BE PLACED ON OR WITHIN THE ROOF OF THE BUILDING, ALL EXTERIOR HVAC UNITS SHALL BE LOCATED ON THE GROUND WITHIN THE PROPERTY LINES UNITS SHALL NOT BLOCK SIDEWALKS AND MUST BE FENCED IN.

4 UNLESS OTHERWISE DIRECTED, PROVIDE A MINIMUM OF (1) PARKING SPACES, PER 1000 SQ. FT. OF BUILDING, INCLUDING (2) HANDICAP ACCESSIBLE PARKING SPACES PROVIDE ADDITIONAL PARKING SPACES IF REQUIRED BY LOCAL ZONING ORDINANCE IF SUCH REQUIREMENT EXCEEDS THE RATIO INDICATED HEREIN.

5 PROVIDE STEEL BOLLARDS AT EXTERIOR PLAY AREA FENCING WHICH IS ADJACENT TO A STREET OR CLOSE TO ANY INTERNAL VEHICLE TRAFFIC.

6 PROVIDE A GATED DUMPSTER ENCLOSURE WITH INTERIOR DIMENSIONS OF 12'-4" WIDE X 8'-0" DEEP. ENCLOSURE TO BE WHITE PVC FENCING SIMILAR TO THE PLAYGROUND FENCING UNLESS OTHER MATERIALS ARE REQUIRED BY LOCAL ZONING ORDINANCE. DUMPSTER LOCATION TO BE NEAR THE BUILDING BUT AWAY FROM THE FRONT ENTRANCE.

7 PROVIDE A MINIMUM OF A 6'-0" SIDEWALK AROUND THE COMPLETE PERIMETER OF THE BUILDING (4 SIDES). A SIDEWALK WITHIN THE PLAY AREA SHALL BE LOCATED ADJACENT TO THE EXTERIOR WALL. SIDEWALKS NOT WITHIN THE PLAY AREA SHALL BE SEPARATED A MINIMUM OF 3'-0" FROM THE EXTERIOR WALLS WITH CONNECTIONS TO EACH EXTERIOR DOOR.

8 ALL SIDEWALKS EXCEPT FOR THE ONES IN THE PLAY AREA AND IN THE FRONT OF THE BUILDING SHALL BE ENCLOSED WITH A 4'-0" HIGH PVC FENCE AND GATES AND SHALL LEAD TO THE PLAYGROUND AND THE FRONT SIDES OF THE BUILDING.

9 PROVIDE A LIGHTED MONUMENT SIGN WHICH IS VISIBLE FROM THE MAIN STREET OR ROADWAY SERVING THE PROPERTY.

10 A MINIMUM OF (1) BUILDING SIGN SHALL BE PROVIDED ABOVE THE MAIN ENTRANCE TO THE BUILDING IF THE FRONT OF THE BUILDING IS NOT FACING THE MAIN STREET OR ROAD. A SECONDARY BUILDING SIGN MAY BE REQUIRED BY THE IF PERMITTED BY ZONING.

11 LAWN/LANDSCAPE IRRIGATION SYSTEM REQUIRED DESIGN SHALL BE PROVIDED BY OTHERS.

12 LOCATION OF UTILITIES TO BE NOTED IN CIVIL DRAWINGS; NOT TO BE INSTALLED BENEATH PLAYGROUND AREA.

13 PLAYGROUND GRADING TO EXCEED 1/8"-1/4" PER FT.

14 EXTERIOR LIGHTING WILL BE DESIGNED IN CIVIL DESIGN PHASE.

15 NOTWITHSTANDING THE ABOVE, IT IS RECOGNIZED THAT THIS IS AN EXISTING BUILDING AND EXISTING PARKING LOT. MINOR MODIFICATIONS TO EXISTING CONDITIONS ARE PROPOSED AND ITEMS SUCH AS LIGHTING, PAVEMENT AND LANDSCAPING ARE EXISTING TO REMAIN.



THIS PLAN HAS NOT BEEN APPROVED BY THE LEARNING EXPERIENCE

Jarmel Kizel
ARCHITECTS AND ENGINEERS, INC.
42 OKNER PARKWAY
LIVINGSTON, NEW JERSEY 07039
TEL: 973-994-9669
FAX: 973-994-4069
www.jarmelkizel.com
Architecture
Engineering
Interior Design
Implementation Services
100 New Street 20th Floor, Suite 2000, New York, NY 10038
The State Board Of Engineers & Land Surveyors, License No. 34516

ISSUE / REVISION			
NO.	DATE	DESCRIPTION	INT.
01	08/15/2022	FOR TLE APPROVAL	M.S.

PRINCIPALS
MATTHEW B. JARMEL, AIA, MBA
RICHARD A. JARMEL, PE
IRWIN H. KIZEL, AIA, PP

ARCHITECTS & ENGINEERS
JEREMY D. BOYER, AIA
RONALD A. BROKESBYRNE, PE
SHAMON CROWNOVER, PE
GERARD P. GESARIO, PE
SAMIR BRANKEEM, PE

FREDERICK KRIGAO, AIA
DAVID L. LESENE, PA
KAROLINA PODKONCZAK, AIA
CHERYL SCHWABER, AIA
STEVEN T. ZWACH, AIA

Project:
THE LEARNING EXPERIENCE
1010 CHURCH ROAD
LANSDALE, PENNSYLVANIA

Project Number: TLEPA22-200
Scale: 1" = 50'

Drawn By: M.S.
Approved By: M.B.J.

Drawing Name:
CONCEPT PLAN 01

Drawing Number:
CP-01

Initial Date: SEPTEMBER 06, 2022

ARCHITECT OF RECORD
MATTHEW B. JARMEL, AIA, MBA
10/16/2022

ZONING HEARING BOARD
 UPPER GWYNEDD TOWNSHIP
 MONTGOMERY COUNTY, PENNSYLVANIA
 Zoning Ordinance of November 23, 1987 as Amended

APPLICATION FOR VARIANCE(S) **Check One** Date: 11/17/2022
 APPLICATION FOR SPECIAL EXCEPTION(S) _____
 APPEAL FROM ZONING OFFICER'S _____
 DECISION/DETERMINATION(S) _____

PROPERTY ADDRESS/
 LOCATION 1601 Valley Forge Road LOT SIZE 4.144 ZONING DISTRICT C
 acres

Check One (Applicant)
 Owner
 Equitable Owner (under Agreement of Sale)
 Lessor
 Lessee

Applicant's Name: Provco Pinegood Lansdale, LLC **Check One**
795 E. Lancaster Ave., Ste. 200 Date Ownership Secured 2/1/2018
 Address: Villanova, PA 19085 Date of Agreement of Sale _____
 Telephone: _____ Date of Lease _____

Contractor's or Agent's Name N/A Public Water Yes No _____
 Public Sewer Yes No _____

Address _____

Give full information as to Section of Zoning Ordinance involved and reasons why the Variance(s), Special Exception(s) or Appeal is desired and why it should be granted. **See attached.**

 Owner's signature, if Applicant is not Owner, agreeing to this Application

Applicant's Signature *Christen Pionzio*
 Please Print Name: Christen Pionzio, Attorney for Applicant
 Attorney's Name: Christen G. Pionzio
 Address: 375 Morris Road, PO Box 1479, Lansdale, PA 19446
 Telephone: 215-661-0400

Record of Secretary – Zoning Hearing Board

Application No. _____ Hearing Date(s) _____ Decision Date _____
 VARIANCE(S) Granted _____ Denied _____
 SPECIAL EXCEPTION(S) Granted _____ Denied _____
 APPEAL Granted _____ Denied _____

RESTRICTIONS/CONDITIONS (if any)

- () Zoning Officer
- () Zoning Hearing Board
- () Board of Commissioners
- () Zoning Solicitor

Signature of Secretary _____

**Attachment to Zoning Hearing Board Application
Provco Pinegood Lansdale, LLC
1601 Valley Forge Road
Upper Gwynedd Township**

Give full information as to Section of Zoning Ordinance involved and reasons why the Variance(s), Special Exception(s) or Appeal is desired and why it should be granted:

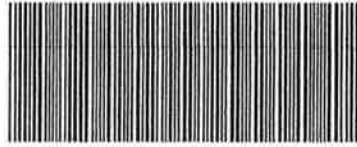
The Applicant requests the following:

1. A Special Exception pursuant to Section 195-22.A.(8)(c) to permit the sale of motor fuels including gasoline.
2. Sign variances from Section 195-35 and Attachment "Schedule of Sign Regulations" as follows:
 - a. A variance to permit a total sign area of 215.58 square feet, where a total of 40 square feet is permitted.
 - b. A variance to permit 2 ground signs (one for each frontage) measuring 46.87 square feet each, where 24 square feet is permitted.
 - c. A variance to permit a sign height of 20 feet, where 12 feet is permitted.
 - d. A variance to permit total façade signs of 121.84 square feet, where 40 square feet is permitted.
 - e. A variance to permit a total of 20 façade signs, where 1 façade sign is permitted.
 - f. A variance to permit two (2) red and green LED signs (ground signs, one on each frontage), where only one color of LED on the message screen is permitted.
3. A variance from §195-9.O(5)(b) to permit less than the required amount of parking lot landscaping area, where 10% of the parking lot facility must be devoted to landscaping.

The Applicant is redeveloping the Property with better facilities and landscaping than exists today. The Property suffers a hardship in that it is oddly shaped which was not created by the Applicant. Minor modification of the Zoning Ordinance is necessary to achieve reasonable use of the Property. What is proposed is in keeping with the character of the neighborhood and not adverse to the public health, safety and welfare.



DEED BK 6079 PG 01293 to 01298
INSTRUMENT # : 2018008712
RECORDED DATE: 02/07/2018 08:47:23 AM



3739410-0006Q

RECORDER OF DEEDS
MONTGOMERY COUNTY
Jeanne Sorg

One Montgomery Plaza
 Swede and Alry Streets ~ Suite 303
 P.O. Box 311 ~ Norristown, PA 19404
 Office: (610) 278-3289 ~ Fax: (610) 278-3869

MONTGOMERY COUNTY ROD

OFFICIAL RECORDING COVER PAGE

Page 1 of 6

Document Type: Deed
Document Date: 02/01/2018
Reference Info:

Transaction #: 3875416 - 1 Doc
 (s)
Document Page Count: 5
Operator Id: msanabla

RETURN TO: (Mail)
 SURETY TITLE ABSTRACT CO LLC
 11 Eves Drive
 Suite 150
 Marlton, NJ 08053

PAID BY:
 SURETY TITLE COMPANY

*** PROPERTY DATA:**

Parcel ID #: 56-00-08605-00-6
Address: 1601 VALLEY FORGE RD

Municipality: PA
 Upper Gwynedd Township
 (100%)
School District: North Penn

*** ASSOCIATED DOCUMENT(S):**

CONSIDERATION/SECURED AMT:
\$2,100,000.00

FEES / TAXES:

Recording Fee: Deed
 Additional Pages Fee
 Affordable Housing Pages
 State RTT
 Upper Gwynedd Township RTT
 North Penn School District RTT

Total:

DEED BK 6079 PG 01293 to 01298
 Recorded Date: 02/07/2018 08:47:23 AM
 I hereby CERTIFY that this document is
 recorded in the Recorder of Deeds Office in
 Montgomery County, Pennsylvania.



Jeanne Sorg

Jeanne Sorg
Recorder of Deeds

Rev1a 2016-01-29

PLEASE DO NOT DETACH

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

NOTE: If document data differs from cover sheet, document data always supersedes.

***COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT FOR ANY ADDITIONAL**

**PREPARED BY &
RECORD AND RETURN TO:**

MONTGOMERY COUNTY COMMISSIONERS REGISTRY
56-00-08605-00-6 UPPER GWYNEDD
1601 VALLEY FORGE RD

WAWA INC
B 054 U 004 L 4546 DATE: 02/07/2018

JW

Christopher J. Preate, Esquire
Cozen O'Connor
One Liberty Place, 28th Floor
1650 Market Street
Philadelphia, PA 19103

7133900-02
RECORD & RETURN TO:
Surety Title Co., LLC
11 Evans Drive, Suite 150
Meriden, NJ 08058

Montgomery County

FEB 07 2018

Recorder of Deeds

Tax Parcel No.: 56-00-08605-00-6
1601 Valley Forge Road

SPECIAL WARRANTY DEED

THIS INDENTURE made the 1st day of February 2018, but made effective as of the 2 day of February 2018, by and between WAWA, INC., a New Jersey corporation, with an address at 260 W. Baltimore Pike, Wawa, Pennsylvania 19063 (the "Grantor"), of the one part, and PROVCO PINEGOOD LANSDALE, LLC, a Pennsylvania limited liability company, with an address at 795 E. Lancaster Avenue, Suite 200, Villanova, Pennsylvania 19085 (the "Grantee"), of the other part.

WITNESSETH, that the said Grantor for and in consideration of the sum of _____ lawful money of the United States of America, unto it well and truly paid by the said Grantee, at or before the sealing and delivery, hereof, the receipt whereof is hereby acknowledged, has granted, conveyed, bargained and sold, aliened, enfeoffed, released and confirmed and by these presents does grant, convey, bargain and sell, alien, enfeoff, release and confirm unto the said Grantee and its successors and assigns:

ALL THAT CERTAIN real property and the improvements located thereon situate in the Township of Upper Gwynedd and County of Montgomery, Pennsylvania, all as more particularly described by metes and bounds on Exhibit A attached hereto, and by this reference incorporated herein for all purposes.

TOGETHER WITH all and singular the buildings, improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in any wise appertaining, and the reversions and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantor, as well as law as in equity, of, in and to the same.

TO HAVE AND TO HOLD the said lot or piece of ground above described with the buildings and improvements thereon erected, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors

and assigns, to and for the only proper use and behoof of the said Grantee, its successors and assigns forever.

AND the said Grantor, for itself and its successors and assigns does by these presents, covenant, promise, grant and agree, to and with the said Grantee, and its successors and assigns, that the said Grantor and its successors and assigns, all and singular the hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, against it the said Grantor, its successors and assigns and against all and every person or persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under it or any of them, shall and will WARRANT and forever DEFEND.

[remainder of page left intentionally blank; signature page follows]

The mailing address of the above-named Grantee is:

c/o Provco Group
795 E. Lancaster Avenue, Suite 200
Villanova, Pennsylvania 19085

On behalf of the Grantee

PROVCO PINEGOOD LANSDALE, LLC
a Pennsylvania limited liability company

By: 

Printed Name: GERALD HOLTE

Title: PRESIDENT

Exhibit A

Legal Description of the Property

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected situate in the Township of Upper Gwynedd, County of Montgomery and State of Pennsylvania bounded and described according to a plan of survey made for Wawa, Inc. by Control Point Associates, Inc., dated September 02, 1998 revised January 28, 2000, as follows:

BEGINNING at a point on the Southeasterly legal right-of-way line of Valley Forge Road (33 foot wide right-of-way; aka State Route 363) said point being a common corner between the herein described parcel and unit 110 block 54 lands now or formerly of John H. Gibson and Margaret Gibson and Joseph Egner and Katherine Egner, Deed Book 2992, Page 0384, from said point running, thence:

1. ALONG the division line between the herein described parcel and unit 110 block 54 South 39 degrees 21 minutes 00 seconds East, a distance of 135.84 feet to a point, thence;
2. CONTINUING along the division line of the herein described parcel and unit 110 block 54 North 46 degrees 39 minutes 00 seconds East, a distance of 174.94 feet to a point on the Southwesterly legal right-of-way line of Sumneytown Pike (50 foot wide right-or-way), thence;
3. ALONG the Southwesterly legal right-of-way line of Sumneytown Pike South 39 degrees 21 minutes 00 seconds East, a distance of 168.54 feet to a point, thence;
4. CONTINUING along the Southwesterly legal right-of-way line of Sumneytown Pike South 37 degrees 06 minutes 00 seconds East, a distance of 230.95 feet to a point, said point being a common corner between the herein described parcel and lands now or formerly of John M. Coughlin and Amy G. Coughlin, unit 3 block 54, thence;
5. ALONG the division line between the herein described parcel and unit 3 block 54 and also unit 2 block 54 South 63 degrees 15 minutes 30 seconds West a distance of 423.60 feet to a point, said point being a common corner between the herein described parcel and unit 108 block 54, lands now or formerly of Rodrick J. Danner, Jr. and Patricia White Danner, thence;
6. ALONG the division line between the herein described parcels and unit 108 block 54 North 42 degrees 26 minutes 00 seconds West a distance of 412.03 feet to a point on the Southeasterly legal right-of-way line of Valley Forge Road (33 foot wide right-of-way), thence;
7. ALONG the Southeasterly legal right-of-way line of Valley Forge Road North 46 degrees 36 minutes 58 seconds East, a distance of 270.77 feet to the point and place of BEGINNING.

PARCEL NO. 56-00-08605-00-6

BEING the same premises which William A. Gum, Inc., a Pennsylvania corporation, by Deed dated 03/06/2000 and recorded 03/22/2000 in the Office of the Recorder of Deeds in and for the County of Montgomery in Deed Book 5311, Page 430, granted and conveyed unto WAWA, Inc., a New Jersey corporation



HAMBURG, RUBIN, MULLIN,
MAXWELL & LUPIN, PC
ATTORNEYS AT LAW

www.HRMML.com
Lawyers@HRMML.com

28999-0026

J. Edmund Mullin
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Douglas I Zeiders
Carl N. Weiner
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Mark F. Himsworth
Steven A. Hann
Steven B. Barrett
Christen G. Pionzio
Ethan R. O'Shea
Bernadette A. Kearney
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Nathan M. Murawsky
Kathleen A. Maloles
Steven J. English
Noah Marlier
Danielle M. Yacono
Kevin M. McGrath
John F. McCaul
Gabriella T. Lacitignola
Annie L. Neamand
Zachary R. Morano
Franqui-Ann Raffaele
Gaetano J. DiPersia
J. Braun Taylor

OF COUNSEL:
Jonathan Samel, LL.M
John C. Rafferty, Jr

LANSDALE
ACTS Center—Blue Bell
375 Morris Road
Post Office Box 1479
Lansdale, PA 19446-0773
Phone 215-661-0400
Fax 215-661-0315

HARRISBURG
Phone 717-943-1790
Fax 717-943-1792

December 6, 2022

E. Van Rieker, Zoning Officer
Upper Gwynedd Township
1 Parkside Place
North Wales, PA 19454

**Re: 1601 Valley Forge Road – Proposed Wawa
Provco Pinegood Lansdale, LLC
Zoning Hearing Board Application**

Dear Van:

Wawa requested revisions to the Zoning Plan, 12 of which depicting a last revision date of 12/2/2022 were delivered to you. These should replace the Zoning Plans submitted with the application and a PDF of the Plan is attached.

Parking was removed and the drive aisles between the canopy and Sumneytown Pike were increased to 30 ft. wide, while a 5ft. island between parking spaces was added for EV chargers. Nothing affects the relief requested, but I wanted you to have the most updated version.

Very truly yours,

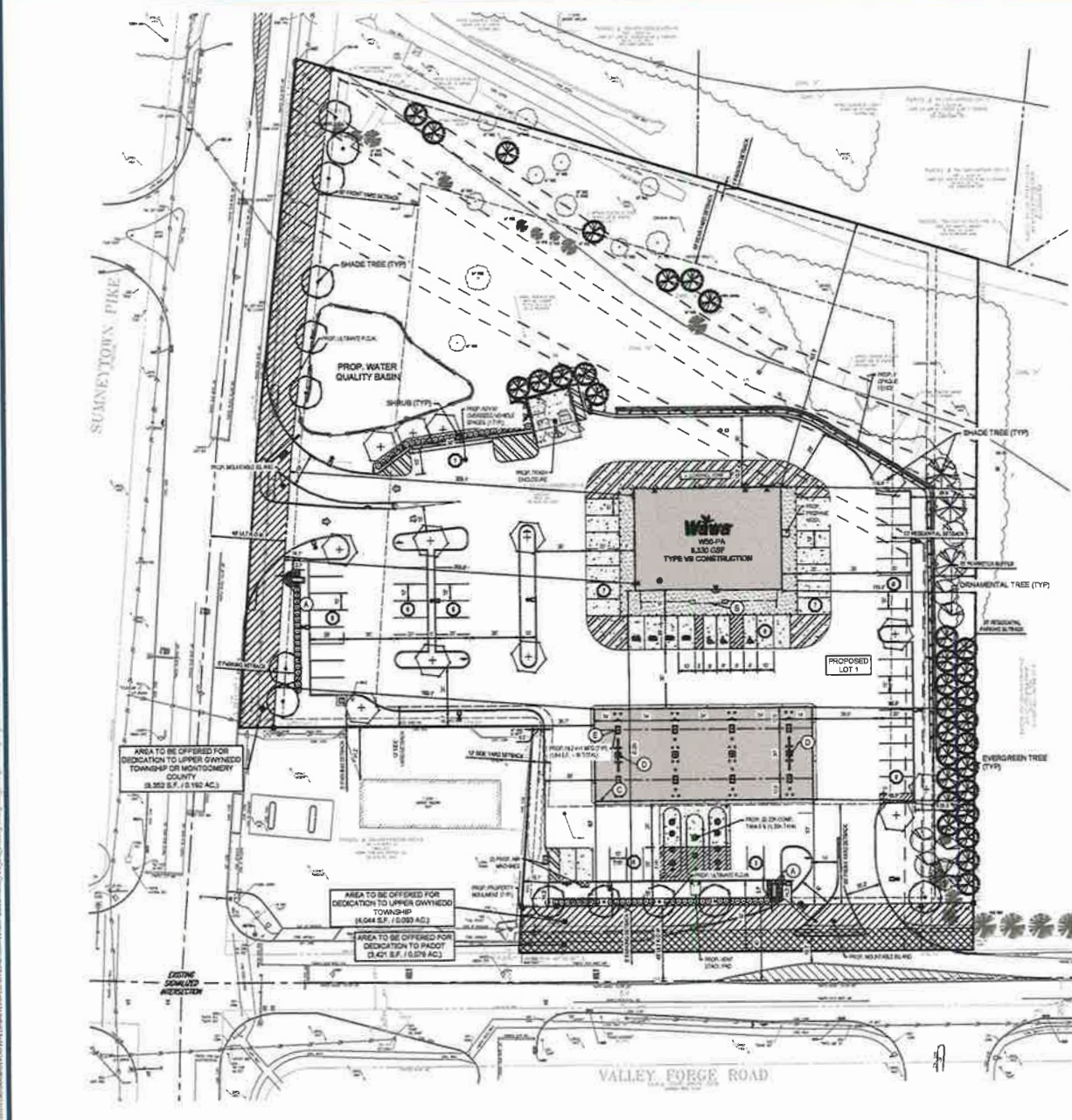
HAMBURG, RUBIN, MULLIN,
MAXWELL & LUPIN

/s/ Christen G. Pionzio

By: _____
CHRISTEN G. PIONZIO

CGP/dcbk
Enclosure

CC: Bruce Goodman, Provco Pinegood Lansdale, LLC – via email
Joe Botta, Pineville Properties – via email
Mike Cooley, The Provco Group – via email
Joy Caldwell, The Provco Group – via email
Shawn Muntz, Bohler Engineering – via email



REFERENCES AND CONTACTS

REFERENCES
 RECORDS & ENGINEERING SURVEY: ALLEGANY AND SULLY'S SURVEY - RECORDS OF VALLEY FORGE ROAD, SUMMIT TOWNSHIP BY CONTROL POINT ASSOCIATES 125 MANOR DRIVE, SUITE 210 CHALFOUNT, PA 18814 PLANS DATED: 04/15/14 DATED: 2/20/14

CONSULTANTS
 CIVIL/MECHANICAL ENGINEERING: BOHLER ENGINEERING 125 MANOR DRIVE, SUITE 200 CHALFOUNT, PA 18814
 ELECTRICAL ENGINEERING: BOHLER ENGINEERING 125 MANOR DRIVE, SUITE 200 CHALFOUNT, PA 18814
 GEOTECHNICAL ENGINEERING: BOHLER ENGINEERING 125 MANOR DRIVE, SUITE 200 CHALFOUNT, PA 18814

THE ABOVE REFERENCED DOCUMENTS ARE INCORPORATED BY REFERENCE AS PART OF THESE PLANS. CONVEYED SOLELY FOR INFORMATION AND NOT GUARANTEE THE ACCURACY OF THE INFORMATION PROVIDED OR DERIVED FROM THESE DOCUMENTS BY OTHERS.



LOCATION MAP
 SCALE: 1" = 1,000' SOURCE: GOOGLE COMMAPS

ZONING TABLE

ZONE: C (COMMERCIAL)
 COUNTY: SUMMIT DISTRICT: PP (PLANNED INDUSTRIES)
 PROPOSED USE: WAWA FOOD MARKET (FRESH MARKET) WITH VEHICLE REPAIR BY SPECIAL ELECTION

APPLICANT & OWNER INFORMATION

APPLICANT	PROVCO GROUP, LTD. 16 EAST JACKSON AVE. SUITE 200 WALTON, PA 18880
PROPERTY OWNER	PROVCO GROUP, LTD. 16 EAST JACKSON AVE. SUITE 200 WALTON, PA 18880
OWNER SITE ADDRESS	63-82 AC
ULTRA UTILITY AREA IN SOUTH VALLEY FORGE ROAD	-10.71 AC
100% UTILITY AREA IN SUMMIT TOWNSHIP	-1.53 AC
BASE SITE AREA	52.09 AC
PROPOSED LOT AREA	1.73 AC

BULK REQUIREMENTS

ITEM	REQUIRED	EXISTING	PROPOSED
MIN. BUILDING STRUCTURE HEIGHT	8'-0"	8'-0"	12'-0"
MAXIMUM	20'-0"	20'-0"	32'-0"
MINIMUM	8'-0"	8'-0"	12'-0"
MIN. SIDEWALK CLEARANCE	8'-0"	8'-0"	8'-0"
MIN. SIDEWALK WIDTH	5'-0"	5'-0"	5'-0"
MIN. SIDEWALK CLEARANCE FROM DRIVE	5'-0"	5'-0"	5'-0"
MIN. SIDEWALK CLEARANCE FROM DRIVE	5'-0"	5'-0"	5'-0"
MIN. SIDEWALK CLEARANCE FROM DRIVE	5'-0"	5'-0"	5'-0"
MIN. SIDEWALK CLEARANCE FROM DRIVE	5'-0"	5'-0"	5'-0"
MIN. SIDEWALK CLEARANCE FROM DRIVE	5'-0"	5'-0"	5'-0"

PARKING REQUIREMENTS

VEHICLE	150 SQ. FT. OF FREE PAVEMENT SPACE FOR EVERY 1.00 BUSINESS FLOOR AREA
TRUCK	100 SQ. FT. OF FREE PAVEMENT SPACE FOR EVERY 1.00 BUSINESS FLOOR AREA
TRUCK	100 SQ. FT. OF FREE PAVEMENT SPACE FOR EVERY 1.00 BUSINESS FLOOR AREA

PROPOSED SIGNAGE

NO.	DESCRIPTION	AREA (SQ. FT.)
1	1 "WAWA" ARCHITECTURE CHANGES (12.7' X 7.0')	137.0
1	1 "WAWA" ARCHITECTURE CHANGES (12.7' X 7.0')	137.0
1	1 "WAWA" ARCHITECTURE CHANGES (12.7' X 7.0')	137.0
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1	1 "WAWA" ARCHITECTURE CHANGES (12.7' X 7.0')	137.0
1	1 "WAWA" ARCHITECTURE CHANGES (12.7' X 7.0')	137.0

BOHLER
 SITE CIVIL AND CONSULTING ENGINEERING
 CIVIL ENGINEERING
 PROGRAM MANAGEMENT
 LANDSCAPE ARCHITECTURE
 SUSTAINABLE DESIGN
 PRINTING SERVICES
 PROJECT MANAGEMENT
 125 MANOR DRIVE, SUITE 200
 CHALFOUNT, PA 18814
 TEL: 717-586-6000
 WWW.BOHLERENGINEERING.COM

REVISIONS

NO.	DATE	COMMENTS
1	11/25/2022	GENERAL REVISIONS

NOT APPROVED FOR CONSTRUCTION

PROJECT NO.: P22011234567
 CHECKED BY: JES
 DATE: 11/25/2022
 SCALE: P22011234567

ZONING PLAN
 FOR
 PROVCO GROUP, LTD

PROPOSED WAWA FOOD MARKET
 SOUTH VALLEY FORGE ROAD & SUMMIT TOWNSHIP
 UPPER GWYNEDD TOWNSHIP
 MONTGOMERY COUNTY, PA
 13846

BOHLER
 1600 MANOR DRIVE, SUITE 200
 CHALFOUNT, PA 18814
 Phone: (717) 586-6000
 Fax: (717) 586-6000
 WWW.BOHLERENGINEERING.COM

C.J. BOCK
 PROFESSIONAL ENGINEER
 MONTGOMERY COUNTY, PA 18814
 ALLEGANY COUNTY, PA 15502
 ALLEGANY COUNTY, PA 15502

ZONING PLAN

SHEET NUMBER:
1 OF 2

REVISION 1 - 12/02/2022

RECEIVED
NOV 21 2022

ZONING HEARING BOARD
UPPER GWYNEDD TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA
Zoning Ordinance of November 23, 1987 as Amended

BY: ZHO #22-23

Check One

Date: 11-20-2022

APPLICATION FOR VARIANCE(S) _____
APPLICATION FOR SPECIAL EXCEPTION(S)
APPEAL FROM ZONING OFFICER'S _____
DECISION/DETERMINATION(S) _____

PROPERTY ADDRESS/
LOCATION Suite 20, 1180 Church Road LOT SIZE NA ZONING DISTRICT LI-Limited

Check One (Applicant)

Owner
 Equitable Owner (under Agreement of Sale)
 Lessor
 Lessee Family Fun Gymnastics Center, Inc. T/A Spirit Gymnastics Center

Applicant's Name: Eugene Speer, President

Check One
Date Ownership Secured _____
Date of Agreement of Sale _____
Date of Lease 10-20-2022

Address: 38 Church Road, Telford PA 18969
Telephone: _____

Contractor's or Agent's Name _____

Public Water Yes No _____
Public Sewer Yes No _____

Address _____

Give full information as to Section of Zoning Ordinance involved and reasons why the Variance(s), Special Exception(s) or Appeal is desired and why it should be granted. see Attached Resume

Front and signature page on Exhibit D (Lease)

Owner's signature, if Applicant is not Owner, agreeing to this Application

Applicant's Signature Eugene Speer, President
Please Print Name: Eugene Speer

Attorney's Name: Bruce Baldwin
Address: 800 East High Street, PO BOX 444, Pottstown PA 19464
Telephone: 610 228-4582

Record of Secretary - Zoning Hearing Board

Application No. _____ Hearing Date(s) _____ Decision Date _____

VARIANCE(S) Granted _____ Denied _____
SPECIAL EXCEPTION(S) Granted _____ Denied _____
APPEAL Granted _____ Denied _____

RESTRICTIONS/CONDITIONS (if any)

- () Zoning Officer
- () Zoning Hearing Board
- () Board of Commissioners
- () Zoning Solicitor

Signature of Secretary _____



REQUEST FOR SPECIAL EXCEPTION

Table of Exhibits

Exhibit A	Detail of Daily Operations
Exhibit B1	Traffic Flow photos
Exhibit B2	Traffic flow – Drop Off & Pick Up Procedures
Exhibit C	Fit-out Plan for 1180 Church Road Facility
Exhibit D	Lease
Exhibit E 1-4	Sample Lesson Plans
Exhibit F	Approval notice for the 513 Dickerson Road facility
Exhibit G	Corporate Resume
Exhibit H	Economic Impact of Payroll on Area Communities



GYMNASTICS

513 DICKERSON ROAD NORTH WALES, PA 19454
215-699-2900 SPIRITGYMNASTICS@AOL.COM
WWW.SPIRITGYMNASTICS.COM

DETAIL OF DAILY OPERATIONS

INSTRUCTOR AND PROFESSIONAL COACH CREDENTIALS

All Coaches and Instructors are required to be Professional Members of USA Gymnastics. This ensures that they have received Professional Training and have passed Nationally recognized Background Checks. Among the other requirements for this Certification are training in Safety and Risk Management, Fundamentals of Gymnastics Instruction, Safe Sport Training, and Tough Coaching or Emotional Abuse. In addition, most Coaches and Instructors at Spirit have College Degrees including at the Associates, Bachelors, and Advanced Degree Levels.

The limited day time operations of the Center begin at 9:30 AM when the day staff arrives.

PRESCHOOL CLASSES

A limited number of preschool classes start at 10:30 AM. These classes are for children between the ages of 2 and 5 ½. Typically, a parent of these children stays during the 45 minute classes; and then they take the children home. The children do not enter or leave the building without their parents. A typical preschool class has 5 or 6 toddlers with the same number of parents. Traffic flow and parking are minimal.

The activities during this time consist of gymnastics classes. During these classes, the preschool children are taught physical skills such as running, jumping, rolling, walking on a floor beam, climbing, and swinging. In addition, they are taught listening skills, self-confidence, and socialization skills

CLASS AND TEAM PROGRAMS

Attendance is taken daily as each student enters the building. It is closely tracked and monitored within a portal which allows access to parents as well as coaches and administrators.

The school age class programs and the progressive team practices start after 3:30 PM. The parent of a school age, progressive class gymnast is permitted to observe the 55-minute class of their child. These parents accompany the gymnast into and out of the building. Since most of the progressive classes occur after 4:30 PM, there is minimal contact with the other business tenants of the building.

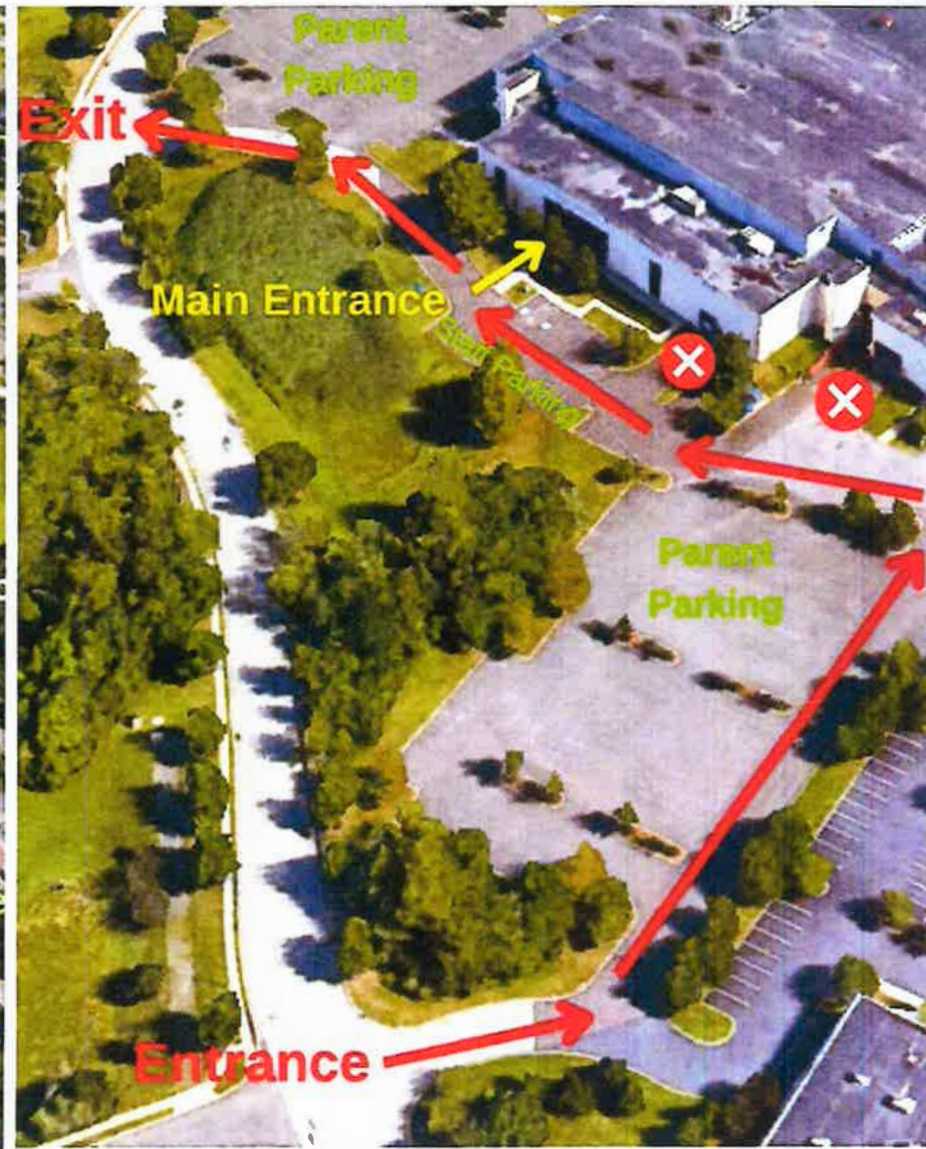
Typically, the team member parents are not permitted to observe the two-to-four-hour team practices. Exhibit D provides the photo and description of the drop off and pickup procedures for team practices. The team members are not permitted to enter the drive through line or enter the parking lot without the supervision of a coach or parent.

During these evening hours, the class children are taught the skills listed in the sample lesson plans in Exhibit F1 – F5. After learning proficiency in these skills, the class children are invited to advanced classes or the developmental team program. In the gymnastics Team Program, the children are taught more advanced skills which are used in competitions with other teams in the area, or even in other States throughout the Country.

OTHER ACTIVITIES

Other activities would include Birthday Parties, Open Gyms, Clinics, and Camps. Typically, these are held on Friday evenings, Weekends, or Holidays. A limited number of Team Camp programs are held during the weekdays in the Summer. When held, the Parent drop off and pick up procedures are described in Exhibit B2.

Spirit Gymnastics New Facility



1 Mile from Dickerson Road to Church Road

STUDENT DROP OFF AND PICK UP PROCEDURES

Team parents are not permitted to observe team training practices in most cases. They drop off the gymnasts at the front door, and then exit the property. In the photos of Exhibit D, the drive through process is displayed with arrows.

After the team training process is completed each evening, the traffic for picking up the Team members follows the same pattern. The coaching staff observes the cars as they arrive; and sends the gymnast to their family cars.

This process has been in place for the last two years.

Class Student parents have the option of observing the classes through the windows in the lobby. If the parents are not coming in to observe the class, they follow the drop off and pick up procedures. If the parents intend to observe the class, they will park in lot, and accompany the child into and out of the building.

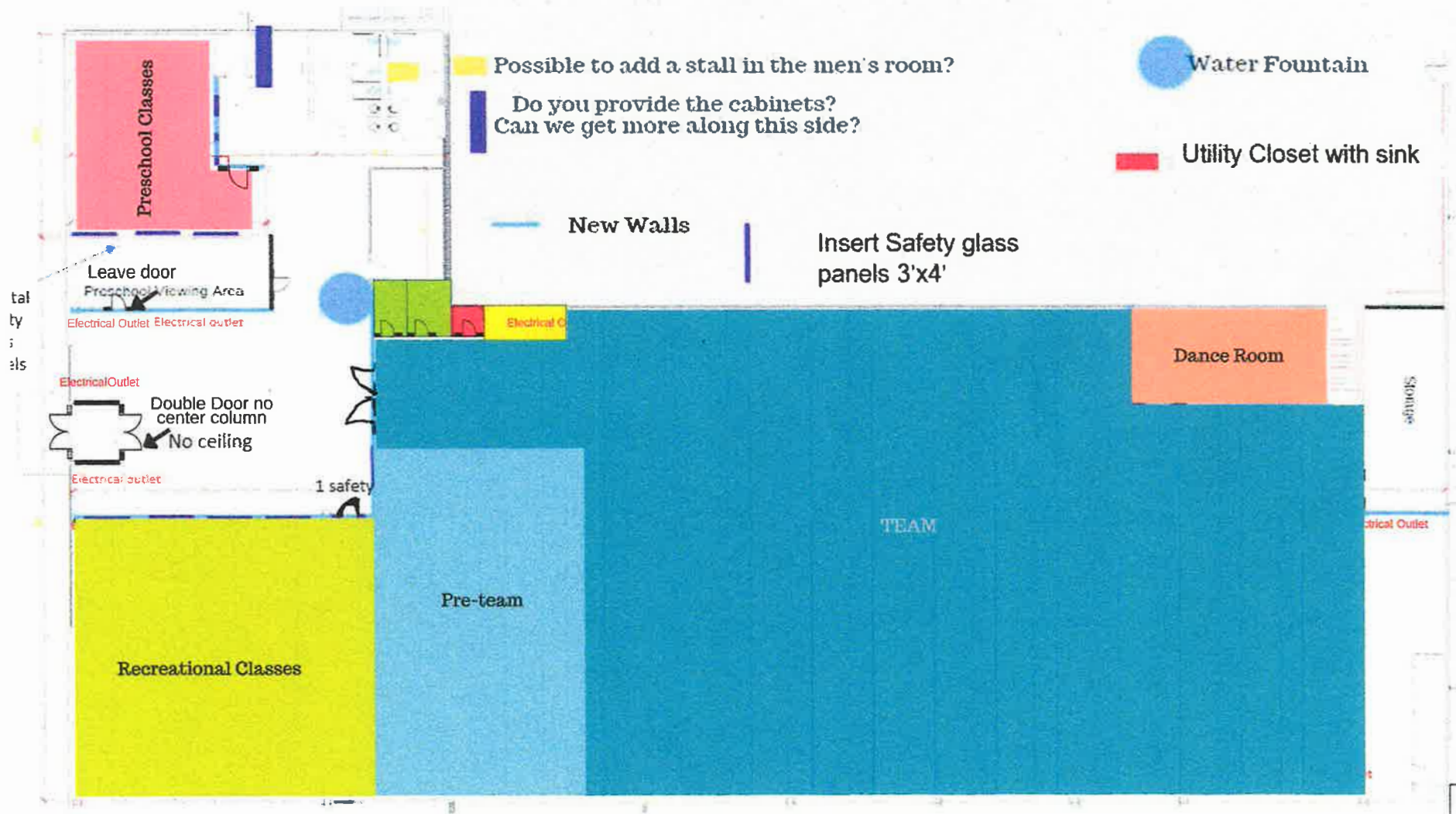


EXHIBIT C

LEASE AGREEMENT

THIS LEASE AGREEMENT ("Lease") is dated as of this 20th day of October, 2022 (the "Effective Date") by and between VVCHURCH LLC, a Delaware limited liability company ("Landlord") and FAMILY FUN GYMNASTICS CENTER, INC., a Pennsylvania corporation, t/a SPIRIT GYMNASTICS ("Tenant").

In consideration of the mutual covenants and agreements herein contained, Landlord and Tenant, intending to be legally bound hereby, agree as follows:

1. SUMMARY OF TERMS AND CERTAIN DEFINITIONS

A. "Building": The building located on the Property, which consists of approximately 450,000 square feet.

B. "Premises": The premises comprising an approximately 21,417 rentable square feet of warehouse/industrial space in the Building and as more particularly described on Exhibit "A" attached hereto and made a part hereof. Notwithstanding the foregoing, from time to time at Landlord's option and sole cost and expense, Landlord shall have the right to measure and/or re-measure the Premises, the Building, and any other locations therein. Following any such measurement and/or re-measurement, upon Landlord's request the parties shall execute and deliver (within five (5) days of Landlord's request) an amendment to this Lease confirming the re-measured area of the Premises and adjusting any and all Lease terms and calculations which are based upon the measurement of the Premises and/or the Building accordingly including, but not limited to, the Minimum Rent and Tenant's Proportionate Share.

C. "Property": That certain real property, including the Building, having an address of 1180 Church Road, Lansdale, Pennsylvania.

D. "Term": One hundred twenty (120) months commencing on the Commencement Date (the "Term").

E. "Commencement Date": That date upon which Landlord delivers the Premises to Tenant with Landlord's Work having been substantially completed. If Landlord fails to deliver the Premises to Tenant by one hundred and twenty (120) days from the Effective Date, then either party shall have the right to terminate the Lease upon at least ten (10) business days (such ten (10) business day period being the "Delivery Cure Period") prior written notice delivered to the other party (such notice being the "Delivery Termination Notice") provided, however, that notwithstanding the foregoing, if Landlord delivers the Premises to Tenant prior to the expiration of such Delivery Cure Period, then any Delivery Termination Notice provided by Tenant in accordance with the aforementioned termination right shall be deemed null and void upon Landlord's delivery of the Premises to Tenant and this Lease shall remain in full force and effect and the Commencement Date shall be deemed established as of such delivery date. Following the timely delivery of the Delivery Termination Notice and Landlord's failure to deliver the Premises to Tenant as of the final day of the Delivery Cure Period, the Security Deposit shall be returned to Tenant, less any deductions permitted under this Lease, and this Lease shall be deemed null and void and of no further force or effect except those obligations that expressly survive the expiration or termination of this Lease. Upon Landlord's request, the parties shall execute and deliver (within five (5) days of Landlord's request) the Memorandum of Commencement Date in the form and substance attached hereto as Appendix "1". Tenant shall not record the Memorandum of Commencement Date or a memorandum or other notice thereof."

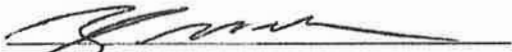
F. "Rent Commencement Date": The Commencement Date.

IN WITNESS WHEREOF, intending to be legally bound hereby, the parties hereto have caused this Lease to be executed by their duly authorized representatives the day and year first above written.

THIS LEASE CONTAINS A WAIVER OF TRIAL BY JURY, PROVIDES FOR THE REMEDY OF CONFESSION OF JUDGMENT BY LANDLORD AND WAIVES CERTAIN OTHER RIGHTS AND REMEDIES BY TENANT. IN CONNECTION THEREWITH, TENANT VOLUNTARILY AND KNOWINGLY WAIVES TENANT'S RIGHT TO A TRIAL BY JURY, ITS RIGHT, IF ANY, TO NOTICE AND TO BE HEARD BEFORE THE ENTRY OF CONFESSION OF JUDGMENT, AND WAIVES OTHER RIGHTS AND REMEDIES AS SET FORTH IN THE LEASE. TENANT ACKNOWLEDGES THAT IT HAS READ AND UNDERSTOOD ALL OF THE PROVISIONS OF THIS LEASE, INCLUDING THE CONFESSION OF JUDGMENT AND WAIVER OF JURY TRIAL, AND HAS BEEN ADVISED BY COUNSEL AS NECESSARY OR APPROPRIATE.


LANDLORD

VVCHURCH LLC,
a Delaware limited liability company

By: 
Zachary Moore, Authorized Signatory

TENANT

FAMILY FUN GYMNASTICS CENTER, INC.,
a Pennsylvania corporation,
t/a Spirit Gymnastics

DocuSigned by:
By: 
Name: Eugene Speer
Title: President

Preschool 2-3

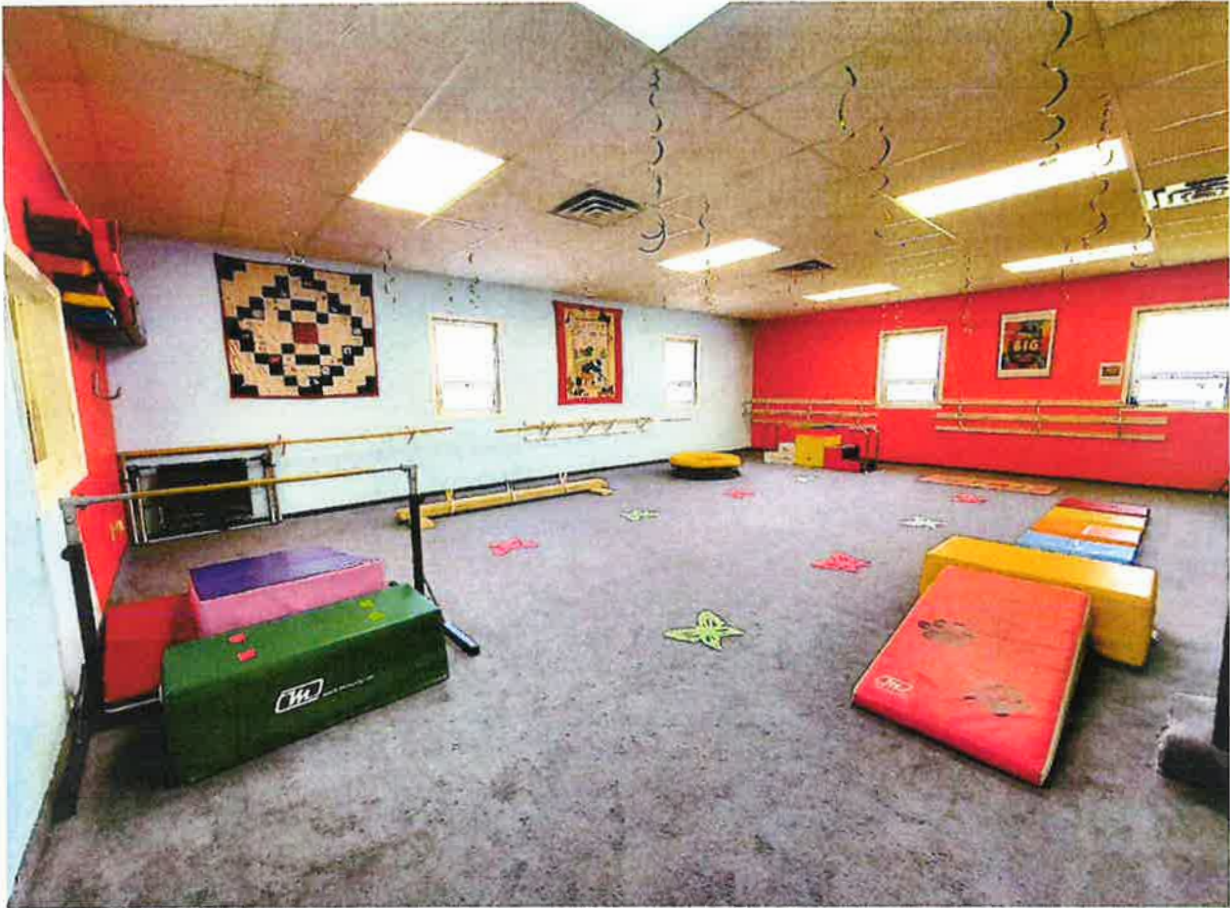
Week of 4/11



- Welcome
 - Invite parents to join the room for those children who need it. Parents are welcome to sit on the butterfly in the middle with their gymnast while you show the stations and then may help their gymnast as needed for comfort.
- Stations
 - White Beam - step/jump over bunny ears. Half way through, remove bunny ears and have them pretend to be little chicks going across the beam
 - Mini trampoline - 5 jumps with "bunny ear" arms by ears
 - Rainbow bars - either bear walk across or climb up and down the steps holding on to the bars
 - Slide
 - Tunnel
 - Jump from board to block, forward roll (add barrel for those who are not comfortable and have them just reach across the barrel).
 - Bar - hold onto bar, walk feet up wedge, spin flower

Preschool 3-5

Week of 4/11



- Warm up
 - Jumping jacks
 - Pizza stretch or "Head, Shoulders, Knees, Toes"
 - Table Top bridges
 - butterflies
- Stations
 - White Beam - step/jump over bunny ears. Half way through, remove bunny ears and have them pretend to be little chicks going across the beam
 - Mini trampoline - 5 jumps with "bunny ear" arms by ears
 - Rainbow bars - either bear walk across or climb up and down the steps holding on to the bars
 - hopscotch
 - Rainbow block - frog jumps
 - Jump from board to block, forward roll (add barrel for those who are not comfortable and have them just reach across the barrel).
 - Bar - forward roll over bar. Challenge them to pull back over after.

ZONING HEARING BOARD

(Filed at 513 Dickerson Rd)

September 22, 1995

Mr. Eugene D. Speer
38 E. Church Road
Telford, PA 18969

**RE: DECISION
Family Fun Gymnastics Center, Inc. Appeal
Hearing No. 95-15**

Dear Mr. Speer:

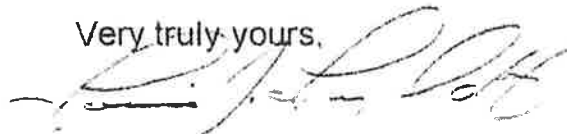
This is to advise you that the Upper Gwynedd Township Zoning Hearing Board at its public hearing held on Thursday, September 21, 1995 granted your application requesting a special exception pursuant to Article V, §195-25B(11)(b) and Article V, §195-21B(4)(a) of the Zoning Code to permit you to conduct a children's gymnastics center and school as an educational use on the subject property. Your request for a use variance was rendered moot as a result of the grant of the special exception.

The special exception was granted based upon the testimony and exhibits presented at the time of the hearing.

This is not to be considered the grant of a building permit.

Thank you for your attendance at the hearing.

Very truly yours,



LOUIS J. LANZILOTTA
Secretary



ESTABLISHMENT:

01 AUG 1993

Incorporated as FAMILY FUN GYMNASTICS TRAINING CENTER, INC

DBA: Spirit Gymnastics Training Center

MISSION STATEMENT:

Development and administration of professional training for Gymnasts stages pre-school through secondary graduation with aims of recognizing athlete's highest potential as part of a team-based, family friendly environment.

PASSION FOR ATHLETIC EXCELLENCE

- Fosters future generations of elite leaders and effective team-members, instilling attributes of health + fitness, self-discipline, overcoming obstacles, belief in oneself + teammates, and a will-to-win spirit that demands respect among all.
- Orchestrates training for an annual roster of up to 500 team and recreational gymnasts.
- Attained state, regional, and national recognition as a top-tier team program, having competed at Eastern National Championships as recent as the 2022 season.
- Maintains one of Northeastern Pennsylvania's most state-of-the-art gyms, equipped with the industry's leading training and competitive equipment.
- Demonstrated history of monumental podium success, taking home a combination of state, regional, and national titles every year since establishment.
- Developed the careers of 10 collegiate competitors that include partial and full-ride scholarships to such noteworthy institutions as Temple University, West Chester University, Cornell University, Duke, Pittsburgh, NC State, and Springfield College!

GOING BEYOND THE PODIUM

- Two-time hosts of *Beam Queen Boot Camp* National Training Program (2021-2022), drawing renown Olympic gymnasts and coaches, College gymnasts and coaches, and participating student-gymnasts from across US and international programs.
- Annual Hosts of invitational competitions that draw gymnasts from over 7 states stretching from Virginia to New-York.
- Upstanding business pillar of the North Wales/Upper Gwynedd community with over 20 years of outreach and local investment.
- Host and participant of annual community day functions that encourages collaboration and support between local businesses.
- Featured on televised events both at local and regional levels.

PAYROLL IMPACT FOR AREA COMMUNITIES

2021		
29 EMPLOYEES	ANNUAL PAYROLL	\$266,554.00
2022 (to 10-31-2022)		
31 EMPLOYEES	ANNUAL PAYROLL	\$295,072.00

The impact of our training and team programs on the area communities and the Upper Gwynedd Township has increased every year from the very beginning. We project that this impact will continue to grow in the larger facility at 1180 Church Road.