

The Upper Gwynedd Township Zoning Hearing Board (ZHB) will hold a public hearing at the Upper Gwynedd Township Building, One Parkside Place, North Wales (Upper Gwynedd Township), PA. 19454, at 7:00 p.m. on **Tuesday, June 25, 2019** on the following matter:

**Hearing No. 19-05;** In July, 2016 Provco Pinegood Sumneytown, LLC (Applicant) filed an Application (at hearing #16-11) requesting various zoning relief to permit Applicant to construct and operate a Wawa convenience store with sales of motor vehicle fuels and a canopy over the fueling stations at properties located at 708 Sumneytown Pike, North Wales, PA 19454 and 1610 West Point Pike, Lansdale, PA 19446, of which Applicant is now the legal owner, both of which are in a C-Commercial Zoning District. After hearings, on November 22, 2016 the ZHB rendered a Decision granting the following zoning relief: an interpretation that a canopy over motor vehicle fueling stations is an accessory building and that motor vehicle fuel sales is an accessory use to a permitted by right principal convenience store retail use pursuant to Article II section 195-3 "Definitions – Accessory Building and Accessory Use" and sections 195-22A (1) and (7) of the Upper Gwynedd Zoning Code (Code) and certain sign variances (ZHB Decision).

That ZHB Decision was appealed by the Township and Merck, Sharpe and Dohme Corporation to the Court of Common Pleas of Montgomery County, PA which then reversed and remanded the Application back to the ZHB for further testimony (Trial Court Order). Applicant then appealed the Trial Court Order to the Pennsylvania Commonwealth Court which quashed that appeal finding that the Trial Court Order was not a final, appealable order, thus remanding the matter back to the ZHB for a further hearing.

The subject parties differ in their interpretation of the purpose and scope of the remand hearing and the additional testimony to be heard. Applicant states that it is to make determinations consistent with the Trial Court Order and Commonwealth Court opinion, including whether Applicant needs and is entitled to special exception relief for the proposed fuel station, and whether the convenience store retail sales use and the motor vehicle fuel sales use are principal or accessory uses. The Township states that it is to comply with the Trial Court Order to determine, pursuant to the Township's Zoning Code, whether the Application for the gasoline sales operation will be authorized as a special exception.

A copy of the original 2016 Application and any exhibits and site plans attached thereto and the aforesaid Court Orders are on file with the Zoning Code Enforcement Officer at the township building and are available for review and copying, at a reasonable Township cost, during normal township business hours. The public is invited to attend and will be given an opportunity to be heard.