

Zoning Hearing Board May 26, 2020 Public Hearing

The Zoning Hearing Board will be holding a public hearing on **Tuesday, May 26, 2020** at 7:00pm, which is its regularly scheduled date and time. Due to COVID-19 and related health restrictions, the hearing will be held virtually. The Zoning Hearing Board and its solicitor, the zoning officer, the applicant, witnesses, and all individuals with party status shall participate via video conference. The public is welcome to dial into the hearing to listen and participate. If you would like to join the meeting, dial 1-646-749-3122, then put in the Access Code: 571-082-861. Any questions that you have before or during the hearing can be emailed to mweaver@uppergwynedd.org. The public will have the opportunity to participate via telephone during the public comment portion. The public may also submit written comments in advance to mweaver@uppergwynedd.org or by mailing your public comments to Upper Gwynedd Township, 1 Parkside Place, North Wales, PA 19454. All written comments should be submitted with the person's name and address. If a member of the public is requesting party status to the application, please contact mweaver@uppergwynedd.org immediately in order to make the appropriate arrangements for participation in the hearing.

Please be aware that the Zoning Hearing Board decides who may participate in the hearing before it as a party, subject to Section 908(3) of the Municipalities Planning Code (MPC). The MPC permits party status to any person "affected" by the application. Having taxpayer status alone is not enough to claim party status; however, a person whose property or business abuts the property that is the subject of the appeal may qualify as a party.

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 May 26, 2020. The hearing will be recorded and later uploaded to the Township website. Click here for the Agenda and to review copies of the applications, exhibits, site plans or other documents submitted to the Township in advance of the hearing: <https://www.uppergwynedd.org/zoning-hearing-board/agenda/upper-gwynedd-township-zoning-hearing-board-meeting-agenda-2>.

The following is a summary of the matters to be heard:

Hearing Nos. 16-11 and 19-05: Provco Pinegood Sumneytown, LLC, 765 E. Lancaster Ave, Villanova, PA 19085

In July, 2016, Provco Pinegood Sumneytown, LLC (the "Applicant") filed an application (No. 16-11) requesting various items of zoning relief to permit the Applicant to construct and operate a 5,585 square foot Wawa convenience store with motor vehicle fuel sales at eight (8) fuel dispensing facilities (sixteen (16) individual fueling stations), a canopy, 56 parking spaces and accessory signage (the "Project"). The Project is proposed to be constructed on two adjoining properties in the Township located at 708 Sumneytown Pike, North Wales, PA 19454 and 1610 West Point Pike, Lansdale, PA 19446, being Montgomery County Tax Parcel Nos. 56-00-08524-00-6, 56-00-08527-00-3 and 56-00-08521-00-9. The Applicant is now the legal owner of these properties, which are entirely located in the C-Commercial District. The ZHB issued a decision on Application No. 16-11, which was appealed to the Montgomery County Court of Common Pleas. The Montgomery County Court of Common Pleas (per the March 23, 2018 Order of the Honorable Daniel J. Clifford) sent the application back to the Zoning Hearing Board for it to conduct hearings to gather additional testimony on certain issues (known as a "remand"). Upon remand, the Zoning Hearing Board assigned the remand hearings a new application number, No. 19-05.

The Zoning Hearing Board held one (1) remand hearing on Application No. 19-05 on June 25, 2019. At that time, the parties agreed to continue the hearings on Application 19-05 until the Court of Common Pleas decided an evidentiary matter. On November 12, 2019, the Court of

Common Pleas issued an Order (“November 2019 Court Order”) resolving the evidentiary matter and providing additional direction to the Zoning Hearing Board on the scope of the remand hearings. Since the Applicant does not desire to present any additional evidence on the issue(s) permitted by the November 2019 Court Order, the Parties have stipulated that no further testimony is necessary and agree that the Zoning Hearing Board should re-issue its original decision in order to permit examination by the Court of Common Pleas (the “Stipulation”). The Zoning Hearing Board will consequently hold a hearing, where it will consider Application 19-05 and the Stipulation.

Hearing No. 20-01: Pulte Homes of PA, LP, 150 Allen Road, Suite 303, Basking Ridge, NJ 07020

Pulte Homes has filed an Application requesting certain zoning relief to permit the installation of a ground sign on Open Space ‘A’ which is denoted on the residential development plan for “Newbury – Phase II” now known as “Gwynedd Park” located at Hancock Road and Sanctuary Road, Upper Gwynedd Township, North Wales, PA 19454 and which property is located in an R-4 Residential Zoning District. The following zoning relief is requested: 1. A 7.05 square-foot ground sign area variance from Section 195-35 J of the Upper Gwynedd Zoning Code (Code) and the Schedule of Sign Regulations relating thereto (Sign Regulations). 2. A variance from said Code Section and Sign Regulations to permit the ground sign to identify the name of the residential development. 3. A variance from said Code Section and Sign Regulations to permit said sign to be permanent and to be internally illuminated.