#### **PUBLIC NOTICE**

PLEASE TAKE NOTICE that Zoning Hearing Board of Upper Gwynedd Township will hold an in-person public hearing(s) on Tuesday, January 24, 2023, 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:

Continued 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 a special exception and variances from the Upper Gwynedd Zoning Code to relief from the Upper Gwynedd Zoning Code to permit the sale of motor-fuels including gasoline at an existing WaWa convenience store location as previously advertised. The Property is zoned C-Commercial District.

Hearing No. 22-22: Matthew and Shelly Bookler of 1237 Dickerson Road, North Wales, PA 19454 for properties located at the same address with parcel numbers 56-00-01858-00-3 and 56-00-03661-00-9, for the following relief from the Upper Gwynedd Zoning Code to permit the construction of a detached garage: (1) a variance from Section 195-9.G.(1) to permit a 20 foot setback from the street right-of-way where 50 feet is required; and (2) a variance from Section 195-9.M to permit an accessory building height at the mid-point of the highest and lowest roof elevation of 14 feet 2 inches where a maximum height of 14 feet is allowed. The Property is zoned R-2 Residential 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 January 24, 2023.

## 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 #22-21

11/17/2022 Check One Date: APPLICATION FOR VARIANCE(S) 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) Equitable Owner (under Agreement of Sale) Lessor Lessee Applicant's Name: Provco Pinegood Lansdale, LLC Date Ownership Secured 2/1/2018 795 E. Lancaster Ave., Ste.200 Date of Agreement of Sale Address: Villanova, PA 19085 Date of Lease Telephone: 215-885-8383 Public Water Yes No\_\_\_\_\_ No\_\_\_\_ Contractor's or N/AAgent's Name 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. Applicant's Signature Attorney for Applicant Owner's signature, if Applicant Please Print Name: is not Owner, agreeing to this Christen G. Pionzio 375 Morris Road, PO Box 1479, Lansdale, P. Application Attorney's Name: Address: 19446 Telephone: 215-661-0400 Record of Secretary - Zoning Hearing Board Decision Date Hearing Date(s) VARIANCE(S) Granted \_\_\_\_\_ Denied SPECIAL EXCEPTION(S) Granted \_\_\_\_\_ Denied \_\_\_\_\_ Denied APPEAL Granted RESTRICTIONS/CONDITIONS (if any) ) Zoning Officer ) Zoning Hearing Board

Signature of Secretary

) Board of Commissioners

) Zoning Solicitor

## 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.





## 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

#### DEED BK 6079 PG 01293 to 01298

INSTRUMENT # : 2018008712

RECORDED DATE: 02/07/2018 08:47:23 AM



#### **MONTGOMERY COUNTY ROD**

OFFICIAL RECORDING COVER PAGE Page 1 of 6

**SURETY TITLE COMPANY** 

Transaction #:

3875416 - 1 Doc

**Document Type: Document Date:** 

Deed

02/01/2018

(s)

Operator Id:

PAID BY:

Reference Info:

Document Page Count:

msanabia

RETURN TO: (Mail)

SURETY TITLE ABSTRACT CO LLC

11 Eves Drive Sulte 150

Marlton, NJ 08053

### \* PROPERTY DATA:

Parcel ID #: Address:

56-00-08605-00-6 1601 VALLEY FORGE RD

Municipality:

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 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
8 054 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

7/339CO-02 RECORD & RETURN TO: Surely Title Oc., LLC 11 Evel Dive, Suite 150 Marken, NJ 08068

Montgomery County

FEB 0 7 2018

Recorder of Deeds

Tax Parcel No.: 56-00-08605-00-6

1601 Valley Forge Road

### SPECIAL WARRANTY DEED

THIS INDENTURE made the day of February 2018, but made effective as of the 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 <u>Exhibit A</u> 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 at 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]

IN WITNESS WHEREOF, the Grantor has caused this Special Warranty Deed to be duly executed on the day and year first above written.

	<u>GRANTOR</u> ;
ž.	WAWA, INC., a New Jersey corporation
	By: Blille Printed Name: KRTAN A-SONAUSR Title: SR VP
STATE OF PENNSYLVANIA	: : SS.
COUNTY OF VELLWORLE	. 55.
as such, being	2018, before me, What I man bed Brian A Start of who acknowledged wa, Inc., a New Jersey corporation, and that he/she g authorized to do so, executed the foregoing ined by signing the name of the corporation by
IN WITNESS WHEREOF, I hereunto set r	ny hand and official seal.

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL

Wendy L. Marshall. Notary Public
Chester Heights Boro, Delaware County
My Commission Expires March 29, 2020

VEMSER TEXTS OF THE PENNSYLVANIA

/ Notary Public

## 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

#### 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



#### www.HRMML.com Lawyers@HRMML.com

28999-0026

J. Edmund Mullin Steven H. Lupin Douglas I Zeiders Carl N. Weiner Merle R. Ochrach Mark F. Himsworth Steven A. Hann Steven B. Barrett Christen G. Pionzio Ethan R. O'Shea Pradette A. Kearney Paul G. Mullin John J. Iannozzi William G. Roark A. Shearman, LL.M.

Christen G. Pionzio
Ethan R. O'Shea
Bernadette A. Kearney
Paul G. Mullin
John J. Iannozzi
William G. Roark
Lisa A. Shearman, LL.M.
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

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

Gaetano J. DiPersia

J. Braun Taylor

#### 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

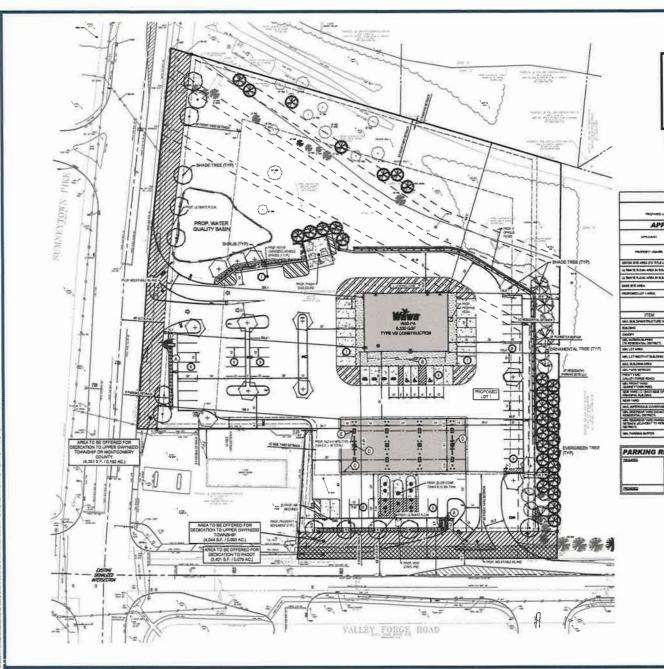
/s/ Christen G. Pionzio

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



LOCATION MAP

SCALE: 1" = 1,000" SOURCE GOOGLE COMMAPS

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## NOT APPROVED FOR CONSTRUCTION

**ZONING PLAN** 

PROVCO GROUP, LTD



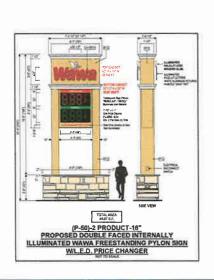
1500 MANOR CREVE, SUITE 200 CHALFORT, PA 18714 Print C15; 100-0101 Per 1315; 900-0102 www.BishlerEngineering.com

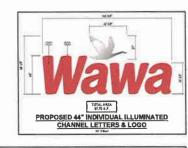
C.J. BOCK

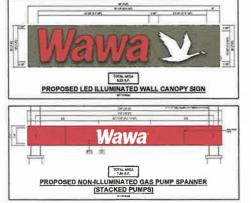
ZONING **PLAN** 

1 OF 2

REVISION 1 - 12033











REVISIONS				
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## NOT APPROVED FOR CONSTRUCTION

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PROJECT!	

#### ZONING PLAN

PROVCO GROUP, LTD

SOUTH VALLEY FORGE ROAD & SUPPLYTOWN PIKE UPPER GWYNEDD TOWNSHIP MONTGOMERY COUNTY, PA

## BOHLER/

1600 MANOR DRIVE, SUITE 200 CHALFONT, PA 18914 Phone (215) 996-9100 Foc (216) 996-9102 www.BohlerEngine-office.com

## C.J. BOCK

PROFESSIONAL ENGINEER
THROTUNG LIGHER IN METHER
WAS EMETICADE IN LOSS WITH

#### RET WILLS

ZONING PLAN

2 OF 2

REVISION 1 - 12/02/2022

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



APPLICATION FOR VARIANCE(S) APPLICATION FOR SPECIAL EXC APPEAL FROM ZONING OFFICER	EPTION(S)
Check One (Applicant)  Owner	LOT SIZE . 93 acres ZONING DISTRICT R-2
Applicant's Name: Matta Shelly Bookle  Address: 1237 Dickerson Rd., North	Check One Date Ownership Secured 8/11/29
Contractor's or Gemmi Construction Address P.O. Box 87, Michanics will address P.O. Box 87, Michanics P.O. Box 87, Michanics Will address P.O. Box 87, Michanics P.O. Box 87, Michanics Will address P.O. Box 87, Michanics Will address P.O. Box 87, Michanics P.O. Box 87	No No No No
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Owner's signature, if Applicant Plant is not Owner, agreeing to this	plicant's Signature asse Print Name:  Mg Hly T Book ler  orney's Name: Address: Telephone:
Record of Se	coretary Zoning Hearing Board
Application No Hearing Date(s)	Decision Date
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RESTRICTIONS/CONDITIONS (if any)  .  ( ) Zoning Officer ( ) Zoning Hearing Board ( ) Reard of Commissioners	

Signature of Secretary

) Zoning Solicitor

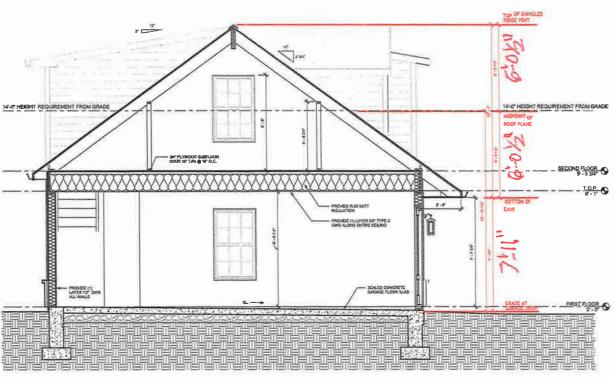
Please take notice of this new exhibit which calculates the roof height and demonstrates that The height variance component for the detached garage of Appeal #22-22 is no longer required.

However, the variance for the front yard setback (from Hancock Rd) is still required.









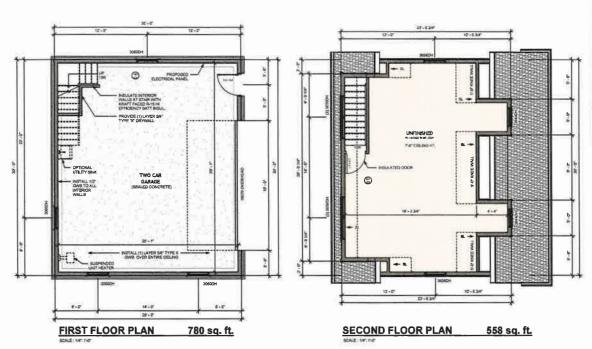
SCHEMATIC GARAGE SECTION



BOOKLER RESIDENCE DETACHED GARAGE 1237 DICKERSON ROAD NORTH WALES, PA, 19454

22-080

2022-12-22









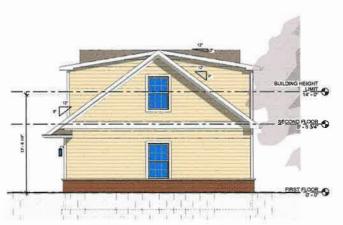
# BOOKLER RESIDENCE DETACHED GARAGE 1237 DICKERSON ROAD NORTH WALES, PA, 19454

22-080

THIS DOCUMENT IS COPYRIGHTED AND PROPERTY OF STAMPT, ASSOCIATES, LLC AND IS LICENSED FOR USE IN THIS TITLES PROJECT ONLY AND MAY NOT BE REPRODUCED IN PART OR WHOLLY WITHOUT DOWNS WRITTEN PERMISSION OF STAMPT, ASSOCIATES, LLC



FRONT ELEVATION
SCALE: 1/4" = 1'-0"



**RIGHT SIDE ELEVATION** 



LEFT SIDE ELEVATION SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1"-4"

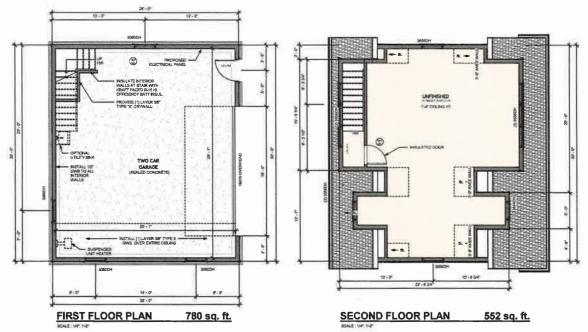


**BOOKLER RESIDENCE DETACHED GARAGE** 1237 DICKERSON ROAD NORTH WALES, PA,19454

22-080

2022-11-20

THIS DOCUMENT IS CONTINUATED AND PROPERTY OF STAMPEL ASSOCIATES, LLC AND IS LECENSED FOR USE IN THIS TITLES PROJECT ONLY AND MAY NOT BE REPRODUCED IN PART OR WHOLLY WITHOUT DIPRESS WRITTEN PERMESSION OF STAMPEL ASSOCIATES, LLC









# BOOKLER RESIDENCE DETACHED GARAGE 1237 DICKERSON ROAD NORTH WALES, PA, 19454

22-080

THE DOCUMENT IS COPYRENTED AND PROPERTY OF STAMPE, ASSOCIATES, LLC AND IS LICENSED FOR USE IN THIS TITLES PROJECT ONLY AND MAY NOT BE REPRODUCED IN PART OR WHOLLY WITHOUT DIPARESS WRITTEN PERMISSION OF STAMPE, ASSOCIATES, LLC







BUILDING HEIGHT SECOND FLOOR 9' - 5 3/4" FIRST FLOOR 

RIGHT SIDE ELEVATION

REAR ELEVATION
SCALE: 1/4 = 1'40"



## **BOOKLER RESIDENCE DETACHED GARAGE** 1237 DICKERSON ROAD NORTH WALES, PA, 19454

22-080

THIS DOCUMENT IS COPYRIGHTED AND PROPERTY OF STAMPIL ASSOCIATES, LLC AND IS LICENSED FOR USE IN THIS TITLES PROJECT ONLY AND MAY NOT BE REPRODUCED IN PART OR WHOLLY WITHOUT DURRESS WRITTEN PENNESSION OF STAMPIL ASSOCIATES, LLC