

**Minutes from the
DOYLESTOWN TOWNSHIP PLANNING COMMISSION
Regular Meeting
September 28, 2015**

The Doylestown Township Planning Commission Regular Meeting was held at 7:00 p.m., Monday, September 28, 2015 in the Doylestown Township Municipal Building, 425 Wells Road, Doylestown, PA. Members of the Planning Commission in attendance included Vice Chairman; Thomas Kelso. Members; George Lowenstein, Edward Redfield and Ed Harvey. Others in attendance included and Board of Supervisor Liaison; Richard F. Colello, and Township Planning Consultant; Judy Stern Goldstein.

Absent: Chairman; Judy Hendrixson and Township Manager; Stephanie J. Mason

Public\Commission Comments – None

Review of Minutes:

In the form of a motion by Mr. Kelso; seconded by Mr. Harvey the July 14, 2015 Doylestown Township Planning Commission Work Session meeting minutes were approved.

Motion carried 3 to 1 with Mr. Lowenstein abstaining due to his absence.

In the form of a motion by Mr. Kelso; seconded by Mr. Redfield the July 27, 2015 Doylestown Township Planning Regular meeting minutes were approved.

Motion carried 4 to 0.

Tabor Property – Sketch Plan

Mr. Kelso reported the Tabor Property sketch plan is a proposed zoning change, where under the Pennsylvania' municipality's planning code, is a legislative matter and is up to the Board of Supervisors to either approve, change or denied the change. The Planning Commission's role will be strictly advisory to the Board. The review procedure has no time limit, and the plan development process maybe lengthy.

Robert W. Gundlach, Esquire of Fox Rothschild reported the proposed sketch plan is in preliminary status and the purpose of tonight's meeting is to request the commission's input of the concept.

The property is currently zoned C3 Commercial and allows office use similar to the Commerce Center located across from the site. The Tabor home operates in a variety of counseling related capacity. It also houses a daycare and offices throughout three buildings in the existing home and two stone commercial buildings.

Over the years, Tabor has sold off several portions of their land. Most recently, five single homes were built along New Britain Road and office use across the street near the Commerce Center. Bids where requested from developers for the sale of approximately 14 acres for residential housing, where Tabor will retain six acres. The applicant; Sauerman Associates, LP entered into an agreement of sale contingent upon obtaining the stipulated permits and approvals. As part of the plan, the applicant reviewed a variety of residential property options and commercial uses. It was found commercial uses on the west side of Easton Road are not appropriate. The better

option would be single family dwellings along the fourteen acres. However, the site is not currently zoned for single family homes and will require rezoning. The rezoning proposed is for the R1 District, which is consistent with the surrounding zoning and the text amendment to allow single family homes in combination with the preservation of a historic structure. Currently the R1 District allows a B15 use, which is described as townhomes in combination with the historic structure. This will be a more appropriate use and better situation on the property.

The frontage of the historic home will be preserved as open space and deed restrictions with the exception of some limited type of driveway will serve as the home in the front. However, the trees, landscaping and open space along the corner will remain intact. The applicant is proposing to use the existing signalized intersection to access the land for the single family homes with a newly developed second right in and right out for circulation and second access, although it's not required for the small amount of traffic projected for the proposed twenty single family homes. The 50-foot rear buffer located in the back of the tract and narrower buffer along the sides and frontage will be respected. To date, surveys have not been completed where the existing trees have yet been classified, but scheduled upon recommendation of the township for the proposed zoning change. A preliminary draft for the ordinance amendment for a V16 new use, which is similar to the B15 use as a preservation of a historic home with single family homes. Tabor intends to continue occupying the site under the current uses during the transition and not make any material changes to the exterior of the site.

Mr. Kelso question what is the building on site where the proposed lot line goes through. Mr. Gundlach indicated it's to be an old wooden structure that has no historic significance is proposed to be removed. The pole barn behind the daycare will be relocated on to the Tabor portion of the property to be used as maintenance storage. The main residence will be renovated and restored.

Mr. Lowenstein requested clarification on the proposed rezoning. Mr. Gundlach explained; it's proposed to reserve a portion of the site zoned in the R1 District and the remaining zoned C3 to allow the existing uses to remain. Kristen Holmes of HC Engineering added; the proposed subdivision line bisects through the property leaving approximately five acres, then bends through the property between the existing buildings to allow preservation of both the existing home and dormitory building. As it bisects the two buildings, it leaves approximately 20 feet between the dormitory and the proposed subdivision line and 25 feet between the subdivision line and the home. Upon Mr. Lowenstein question regarding spacing, Ms. Holmes continue to explain there is approximately 45 feet between the buildings, which is existing. There are larger spaces along the west portion of the property for the proposed residential subdivision portion as the rear yard of the lots.

Ms. Stern Goldstein commented the subdivision line between the two existing structures will create a non-conformity. Ms. Holmes responded; the setbacks for the individual lots have a side yard of 10 feet and will also be a larger development side yard to the existing home along the subdivision yard. Mr. Kelso clarified by asking what is the side yard requirement on the C3. Ms. Holmes answered; the requirement for the C3 is 75 feet. Mr. Kelso then noted a non-conformity will be created and questioned if it will be the only one. Ms. Holmes agreed and answered; the minimum side yard setback is proposed at 25 feet of the subdivision line. There is also a rear yard setback requirement of 75 feet and the applicant is proposing 19.4 feet, which is 20 feet between the dormitory and the proposed subdivision line.

Mr. Kelso then commented if a zoning change is being requested to create non-conformities for the subdivision, which may or may not be granted by the Board of Supervisors. Ms. Holmes indicated a request for relief as part of the subdivision process. Mr. Lowenstein noted approval may need to be granted by the Zoning Hearing Board and not the Board of Supervisors. Mr. Kelso agreed.

Mr. Kelso then questioned how the applicants expect the process to move forward. Mr. Gundlach indicated the applicants are requesting the recommendation of the planning commission regarding if C3 Commercial zoning along the permitted use of the C3 is appropriate for the proposed site. Or use of single family homes is would be a better alternative from a planning stand point. If no support is provided for the concept, the applicants will not move forward with the planning process. There are some setback issues with the C3 and the R1. Mr. Kelso question if there is a commitment on records to preserve the buildings. Mr. Gundlach answered; there is a current commitment to preserve the existing home.

Mr. Kelso then question if there are any restrictions in the deed on how the property is used. Mr. Gundlach was unaware of any restrictions and does not have information on prior agreements.

Resident: Gary Nice worked at the Tabor home for fifteen years and reported the Fretz family left the property to the Lutheran Church. The church then created an orphanage where it later evolved into the Tabor Children Services. Mr. Nice commented approximately 15 years ago there was a promise to preserve the green entrance to Doylestown. Also, woodlands will be preserved as part of the plan where the homes will be built and adjusted around the woodlands accordingly. Ms. Holmes added; street trees are also proposed along Easton Road to green the view shed. Additionally passed the proposed access, the existing trees are to remain and preserved as open space.

Mr. Kelso questioned what is the difference between the rear setback between lot 15 and 11. Ms. Holmes answered; there are tract set back requirements and there are individual lot set back requirements. The larger setback is considered a 50 feet rear year set back. Along the side of the property is a 25-foot side yard setback.

Mr. Lowenstein commented the zoning change request to residential is a broader question than dealing with a new use and how it's broken up. He then questioned if the applicants are asking the commission to provide their comments on the proposed residential property, which can be accomplished without a R1 District or regular use for private homes and without a new use. Mr. Gundlach responded; he would like to receive comments on the current proposed plan as presented. Tabor is currently selling the land and the applicant's idea has a less aggressive use and consistent of what is currently being utilized. The core of the plan is preserving open space, especially in front of the historic home. The tradeoff will be on the north side of the property that will be developed. Mr. Lowenstein noted with the change in zoning, there is no guaranty the use will be utilized by others. The commission have to consider if the plan is a viable piece for the R1 District. Mr. Gundlach responded; the zoning change will be part of step two of the planning process. Mr. Kelso agreed with Mr. Lowenstein's comments and indicated the plan will have to be reviewed carefully by the commission. As contributors to the B1 use, there is a reason why Mr. Kelso and Mr. Lowenstein did not apply the it to the R1 District. Mr. Kelso then disagreed with Mr. Gundlach's statement of the use being utilized currently by indicating the lots for new homes are normally large lot single family homes.

Upon a brief discussion regarding the proposed plan development and the history of the Tabor Home, Mr. Kelso commented he is pleased with the construction of the Commerce and Heritage building, but is struggling with the proposed land development and suggested the commission conduct a site visit. He has concerns with the open space, lot line placement and what the outside boundary might look like. Mr. Gundlach agreed and offered to coordinate a date for the site visit.

Resident; Tara Conway questioned if the proposed site is located near the basketball courts along New Britain Road. She is concerned with the increase of traffic the proposed site may develop. Mr. Kelso questioned if the traffic on New Britain Road has increased over the years. Ms. Conway answered; the traffic has increased with a tremendous amount of accidents at the intersection of New Britain Road and Easton Road. Mr. Gundlach responded; all the land

across the residence and shaded on the corner will be preserved where no improvements to be constructed. There are no additional curb cuts or driveways other than the existing towards the Tabor Home. Access to the single family homes will be directed by the existing traffic light off Easton Road. There is also a second right in and out north of the access. Mr. Gundlach then indicated there is no change proposed except for Lots 7 and 8 at the corner, but the land within the 50-foot buffer will be proposed to be retained as open woodlands.

Ms. Conway questioned if the single family homes will have public water and sewer connection. Mr. Gundlach confirmed public water and sewer access will be provided to the new homes and no outside connection from the adjacent neighborhood will be required.

Mr. Kelso reported notices will not be forwarded notifying when the next meeting with the applicants is scheduled. The Planning Commission meets every month and encouraged any residents interested in attending to call or check the township's website for details.

Mr. Nice questioned if any fencing is proposed. Ms. Holmes answered; It's too early in the planning process to determine fencing, but will look into the matter. She then noted the larger set back because the homes will be closer to the proposed roads with a larger distance from the property line at approximately 100 feet. Fences are not required to comply with the building setbacks, but there are separate fencing requirements which need to be adhered to.

Mr. Kelso questioned if the tract boundaries or setbacks accumulative with the individual lot setbacks. Ms. Holmes answered; the tract boundaries are overlapping with the individual setbacks. Ms. Stern Goldstein commented the tract boundary set backs on the draft use are less than the existing B15 tract boundaries.

Mr. Gundlach provided the commission with rendering of types of homes proposed to be constructed at approximately 3,000 square feet.

Continued Discussion and Review – Proposed Amendment to Zoning and Subdivision Land Development Ordinances including Sign Ordinance.

Mr. Lowenstein stated as per the Supreme Court recent decision, the ordinances may not need many definitions. When having so many definitions in one section, they don't always match, never used and defined as never used. One of the major issues is there are so many definitions. Upon reviewing the exempt sign portion, Mr. Lowenstein indicated many deal with different subjects and many can be narrowed down. He also suggested placing more uniform limits on time each sign can be posted for better managing. Mr. Kelso agreed and it fits within the Supreme Court reports in creating uniformity.

Mr. Lowenstein noted the ordinance does not mention regulations for hanging signs. Ms. Stern Goldstein added the bulk of the issues are temporary signs. Mr. Lowenstein offered to provide a reduce version of the ordinance with simplified definitions.

Mr. Kelso indicated there two reactions to the Supreme Court decision. The first is to make the ordinance more liberal or they make it more restrictive. He cannot see making the township's ordinance more liberal, particularly with size of signs. Code Enforcement Officer; Sinclair Salisbury added; the township's temporary signs are liberal. Mr. Kelso added the temporary signs have no quantity limits. The signage today is similar to bill boards 50 years ago

where there were no limits in size and amount and if one property owner installs one sign the new property will install two.

Ms. Stern Goldstein noted a concern as the ordinance should be more business friendly. Mr. Kelso disagreed and indicated it is not one of the problem the township currently has. Mr. Salisbury reported the township has 10% of building frontage.

Mr. Kelso suggested the commission wait until a response is received by Mr. Garton of the Supreme Court report. There are few options for items to review before, such as dealing with work that was completed on the non-temporary signs.

Mr. Sinclair noted some additional concerns as use of the lighting, requirement for street numbers on the signs and the range and number of temporary signs. Ms. Stern Goldstein added the general concept was approved, but some tweaking is needed depending upon Mr. Garton's remarks. Also, the concept on how restrictive or liberal regulations will become is going to be a topic of discussion.

Upon a discussion regarding the township's procedures of signage in violation, Mr. Sinclair explained if a vendor has a legal temporary sign, a temporary sign permit is issued for a fee of \$50.00 per month. However, it does not limit the number of signs. Any sign against the state code, such as on a utility pole will be disposed of.

Mr. Lowenstein noted the ordinance also does not limit what can be placed on a sign, such as pornographic materials. The ordinance only regulates the amount of time signage can be posted.

Mr. Salisbury questioned if the commission was aware of the zoning ordinance clean up. Mr. Kelso indicated the commission is aware and currently creating a list. Ms. Stern Goldstein added a memo was sent by Boucher and James stating other outstanding ordinance, which was not included in the Commission's packet.

Mr. Salisbury reported a copy of the Comprehensive Plan was received and will scan for the Commission's files.

Adjournment:

The September 28, 2015 Doylestown Township Planning Commission Regular meeting was adjourned at 8:06 p.m.