

**HATFIELD TOWNSHIP
RESOLUTION #16-26**

**PRELIMINARY/FINAL CONDITIONAL LAND DEVELOPMENT APPROVAL
FOR HATFIELD EQUITIES, LLC FOR ROYAL FARMS
LOCATED AT THE INTERSECTION OF BETHLEHEM PIKE,
COUNTY LINE ROAD AND LINE LEXINGTON ROAD,
HATFIELD TOWNSHIP, PA**

WHEREAS, HATFIELD EQUITIES, LLC (the “Applicant”), is the owner/developer of property located at the intersection of Bethlehem Pike, County Line Road and Line Lexington Road, for a Royal Farms, consisting of approximately 3.01 acres which is further identified as Hatfield Township, Montgomery County Tax Parcel No. 35-00-00778-006 in the C – Commercial Zoning District (the “Property”); and

WHEREAS, the Applicant has requested preliminary/final approval of the land development application for the Property as shown on a set of plans consisting of 21 sheets entitled “Preliminary/Final Land Development Plans for Royal Farms #240” prepared by D.L. Howell & Associates, Inc. dated January 12, 2016, last revised June 30, 2016 and a Post-Construction Stormwater Management Report dated March 23, 2016, last revised June 30, 2016 (collectively the “Plan”); and

WHEREAS, the Applicant proposes to raze all structures on the Property and construct a 5,379 sq. ft. convenience store with separate gas pump islands, associated parking and stormwater management; and

WHEREAS, the Plan has been reviewed by the Township Engineer, Township Traffic Engineer, the Township Landscape Architect, Hatfield Township (the “Township”) and Montgomery County reviewing agencies, and has been found to be suitable for preliminary/final approval, subject to the conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED, that the Hatfield Township Board of Commissioners grants preliminary/final approval of the Plan subject to the following conditions and requirements:

1. Following final approval, but prior to issue of permits, the Applicant shall execute a Land Development Escrow Agreement (the “Agreement”), a Storm Water Operations and Maintenance Agreement, execute and deliver all necessary and appropriate deeds of dedication, and post financial security for construction of improvements on the Property, all of which shall be in a form acceptable to the Township Solicitor.
2. The Applicant shall comply with the McMahon Associates, Inc. letter of July 13, 2016.

3. The Applicant shall comply with the review letter prepared by McCloskey & Faber dated July 21, 2016.
4. The Applicant shall comply with all provisions and conditions set forth in the July 13, 2016 CKS Engineers, Inc. letter to Hatfield Township.
5. The Township grants waivers to the Applicant from the following requirements of the Township Subdivision and Land Development Ordinance as well as the Stormwater Management Ordinance:
 - (a) Section 250-9, permitting the combination of preliminary and final plan requirements and to consider the plan as a preliminary/final;
 - (b) Section 250-40.D requiring a minimum 15 ft. separation between a building wall and parking area. The Plan proposes 5 ft.
 - (c) Section 250-31 requiring sidewalk along street frontages. This is a partial waiver. The Plan proposes the installation of sidewalk along the majority of Bethlehem Pike frontage. Sidewalk is not proposed for the County Line Road or Line Lexington Road frontages.
 - (d) Section 250-30.C requiring curbing to have an 8 inch reveal on straight (upright) curbing. The plan proposes a 6 inch reveal for the internal curbing as well as some sections of the rolled concrete curb.
 - (e) Section 250-38.B regarding the spacing of the required street trees.
 - (f) Section 242-18.B.2.g.2 requiring all storm pipe to be reinforced concrete pipe (RCP). The discharge pipes from each of the underground basins must be O-ring RCP.
 - (g) Section 250-38.E to permit a deficiency of 12 trees relative to the requirement for replacement trees.
6. This approval and the grant of waivers set forth in paragraph 5 are further conditioned upon the acceptance of these conditions by the Applicant by signing a copy of this resolution and returning it to the Township. In addition, the Applicant agrees to a payment of \$2,100.00 for the deficiency of 12 replacement trees and \$1,800.00 for 60 linear ft. of sidewalk along Bethlehem Pike. Furthermore, the Applicant shall provide an easement to the Township for the installation of sidewalk, if and when the Township chooses to install same, between where the sidewalk along Bethlehem Pike ends and the side property line.

7. The Applicant shall comply with the Decision and Order and conditions contained in the Zoning Hearing Board Decision for Case No. Z16-01 and for Case No. Z16-08, both of which are attached hereto and made a part hereof as Exhibit "A".
8. Prior to issuance of any permits, all outstanding legal, engineering, and administrative fees applicable to this subdivision must be paid by Applicant.
9. This approval is subject to the fulfillment of all of the foregoing conditions, in their entirety, and no permit shall be issued, nor shall any development take place on the Property, unless and until all such conditions are fulfilled.
10. In the event that said execution of the Resolution is not delivered to the Township office by 7:00 PM, Wednesday, July 27, 2016, it shall be deemed that the Applicant does not accept these conditions and any approvals conditioned upon the acceptance of the conditions are revoked and the Application shall be considered denied for the reasons of the deficiencies found in the above-referenced review letters as described in the Township Storm Water Management Ordinance, the Township Subdivision and Land Development Ordinance, as authorized in Section 508 of the Pennsylvania Municipalities Planning Code, 53 PS Section 10508.

DULY PRESENTED AND ADOPTED by the Hatfield Township Board of Commissioners, Montgomery County, Pennsylvania, in a public meeting held this ____ day of _____, 2016.

ATTEST:

**HATFIELD TOWNSHIP
BOARD OF COMMISSIONERS**

Aaron Bibro
Township Manager

Thomas C. Zipfel, President

ACCEPTED: HATFIELD EQUITIES, LLC

By: _____

(Print Name and Title)

Date: _____



**BEFORE THE ZONING HEARING BOARD
OF HATFIELD TOWNSHIP**

**HATFIELD EQUITIES LLC
Z16-01**

DECISION AND ORDER

FINDINGS OF FACT

1. On or about January 27, 2016 Hatfield Equities LLC d/b/a an Interstate Commercial Real Estate (the "Applicant") submitted an Application (the "Application") to the Hatfield Township Zoning Hearing Board (the "Board") requesting special exception approval pursuant to the Hatfield Township Zoning Ordinance (the "Ordinance").
2. The real property which is the subject of the Application (the "Subject Property") is designated as Montgomery County Parcel 35-00-00778-006, with a mailing address of 935 Bethlehem Pike.
3. The Subject Property is located in the C-Commercial District, as designated on the Hatfield Township Zoning Map.
4. The Subject Property is owned by the Applicant, thereby establishing its standing to pursue the Application.
5. A hearing on the Application (the "Hearing") occurred before the Board on March 31, 2016.
6. The Applicant was represented at the Hearings by Robert J. McNelly, Esquire, and offered the expert testimony of Joseph Russella (Site Design Engineer); John Kennedy (Land Planner); and Frank Tavani (Traffic Engineer) to support the Application.
7. The Subject Property was developed in 1997 and has remained in use since that time as a convenience store with gasoline sales, a car wash, and a fast-food restaurant with drive-thru.

8. The existing gasoline sales, when instituted upon the Subject Property, was permitted by conditional use pursuant to then-applicable Ordinance provisions.

9. The existing gasoline sales was granted conditional use approval by the Board of Commissioners prior to commencement of that use.

10. Since commencement of gasoline sales upon the Subject Property, Ordinance provisions have changed such that gasoline sales are currently permitted upon the Subject Property only by special exception.

11. The Applicant now seeks to redevelop the Subject Property so as to eliminate all current uses, and commence a new convenience-store-use, with new gasoline sales in conformance with the currently-valid Ordinance.

12. In order to realize its desire to utilize the Subject Property for gasoline sales in the C-Commercial District, the Applicant has requested a special exception pursuant to Ordinance Section 282-121.K(1).

13. The Applicant offered testimony that use of the property for gasoline sales will not be in any manner detrimental to the public health, safety, and welfare.

14. The Subject Property is currently the subject of a land development application pending before Hatfield Township, which will address all land development issues including (without limitation) internal circulation of traffic upon the Subject Property.

15. The Applicant is not requesting any other relief from the requirements of the Ordinance, pertaining to signage or otherwise, except for the special exception request referenced above.

16. No one appeared at the Hearing in opposition to the Application.

DISCUSSION

the Applicant has requested a special exception pursuant to Ordinance Section 282-121.K(1) to conduct gasoline sales upon the Subject Property located within the C-Commercial District. In order to establish entitlement to a special exception the Applicant must satisfy the general criteria for the grant of special exceptions set forth in Section 282-230 of the Ordinance.

The Board is satisfied that the special exception requested complies with the intent of the Ordinance¹, will not adversely affect neighboring land uses², and will be properly serviced by existing public service systems³. Accordingly, the Board is satisfied that the Applicant satisfies the general criteria for the grant of the requested special exception, provided certain conditions are met.

The Board is specifically authorized to impose conditions necessary to ensure compliance with the purpose and intent of the Ordinance⁴. In this case, the Applicant has offered certain conditions as part of its case-in-chief, by assuring the Board that the proposed use will be conducted in accordance with the testimony and exhibits presented at the Hearings. Adherence to details of the specific ultimate description of the use and improvements proposed, is an integral part of, and drives, this Board's decision. Accordingly, any and all relief and approvals granted hereby are specifically conditioned upon adherence to the testimony and exhibits presented at the Hearing.

CONCLUSION OF LAW

Subject to the conditions set forth below, the Applicant has satisfied the criteria necessary to show entitlement to the special exception requested.

¹ Ordinance Section 282-230.A.

² Ordinance Section 282-230.C.

³ Ordinance Section 282-230.D.

⁴ Ordinance Section 282-230.G.

ORDER

AND NOW, this 31st day of March, 2016, the Application of Hatfield Equities LLC d/b/an Interstate Commercial Real Estate for a special exception pursuant to Ordinance Section 282-121.K(1) to permit gasoline sales in the C-Commercial District is hereby GRANTED, subject to the conditions that:

- 1) use of the Subject Property shall be in conformance with the testimony and exhibits presented at the Hearing;
- 2) the Applicant shall conform with, among other things, all applicable regulations governing the storage, sale, and distribution of gasoline upon the Subject Property; and
- 3) internal circulation upon the Subject Property shall be as determined by the Board of Commissioners, in its sole and absolute discretion, during the land development process.

**ZONING HEARING BOARD
OF HATFIELD TOWNSHIP**



JAMES BLEAKLY



NEIL BRADY



DANIEL KERR