

DOYLESTOWN BOROUGH PLANNING COMMISSION
March 27, 2018
CORRECTED MEETING MINUTES

The regular meeting of the Doylestown Borough Planning Commission was held at 7:30 PM on March 27, 2018 in the Council Chambers at 57 West Court Street, Doylestown PA 18901. Members present were as follows:

Gus Perea	Chairman
James Lannon	Vice Chairman
Kim Jacobsen	Member
Lisa Farina	Member
Heather Mahaley	Member
Karyn Hyland	Director of Building and Zoning
James Dougherty	Gilmore & Associates
Jordan Yeager	Solicitor

CALL TO ORDER: The meeting was called to order at 7:31 PM by Mr. Perea, followed by the Pledge of Allegiance in honor of Martin Corr. Mr. Perea noted that the Commission would address the agenda item under New / Old Business first.

APPROVAL OF MINUTES: On a motion from Mr. Lannon, seconded by Ms. Farina, the Commission voted unanimously to approve the corrected January 2018 meeting minutes.

LAND DEVELOPMENT WAIVER

2018-03 – 66 E. Oakland Avenue, TP #8-8-353, Anthony & Anita Trasatti, property owners

Ms. Kristen Holmes appeared on behalf of the applicants and stated that a plan has been prepared for the waiver application. The proposal is to construct a third floor addition to the existing structure; the current building is two stories, with retail space on the first floor and a residential dwelling on the second. The third floor will be an additional dwelling unit, intended to be owner-occupied for the first-floor business. Ms. Holmes reported that they have received letters from Gilmore & Associates, CKS Engineers (water review), and the Bucks County Water & Sewer Authority (which states that no additional capacity is needed).

Regarding the Gilmore letter, Ms. Holmes reported that it is “will comply.” She noted that the client has had architectural drawings prepared, showing the general appearance of the building as well as overall elevations. The median building height will be 31.23 feet, which is below the permitted 35. After a brief discussion, the Commission was satisfied that the height of the building would not exceed what is permitted. Referencing Section B in the Gilmore letter, Ms. Holmes noted that a cinder block retaining wall that is in poor condition will be replaced in-kind to improve its safety and appearance; she stated that the specific information would be provided. She added that there is an area noted on the plan for trash collection; it will be separate from the parking spaces to allow a truck sufficient room to maneuver in and out. Responding to a question from Mr. Lannon, Ms. Holmes stated that there would be individual cans, not dumpsters.

Ms. Holmes proceeded to the water and sewer comments, noting that no additional service is necessary. She added that, since no site improvements are proposed, an approval letter from the Conservation District is not required. The final comment on the Gilmore letter references the

modification of the staircase between the first and second floors; Ms. Holmes stated that it will be sided and enclosed. After some discussion regarding the parking area, the applicants stated that the parking spaces will be allocated in such a way as to avoid having vehicles overhanging the sidewalk.

Responding to a question from Ms. Jacobsen, the applicants stated that extending the rear stairs to the third floor would result in entrances going into both units' master bedroom areas. After further discussion, Ms. Hyland noted that it will have to be confirmed whether the design is being done according to the proper codes, because of the mixed use component of the project; this could potentially impact their zoning.

Mr. Lannon noted that the Bucks County Planning Commission was in favor of the application appearing before the Historic and Architectural Review Board; the Commission confirmed that the property is within the Historic District. Mr. Perea stated that the Commission is not seeing a true representation of how the steps will appear, and that it would be preferable to see a completed plan. Ms. Jacobsen noted that there are many deficiencies with the site, which the Commission recognizes; however, there is significant disagreement on the plans, and HARB's recommendations may result in additional changes. Speaking as the Commission's liaison to the HARB, Ms. Jacobsen stated that addition of a third floor would make the building a very significant one in a major section of town, and that the project would need refinement to complement the surrounding buildings. She emphasized that working with the HARB would result in a much better project. Mr. Perea stated that the Commission would be reluctant to approve such a project with so many conditional items.

On a motion from Ms. Farina, seconded by Ms. Jacobsen, the Commission voted unanimously to table the application.

SUBDIVISION / LAND DEVELOPMENT APPLICATIONS: None.

SITE DEVELOPMENT APPLICATIONS: None.

ORDINANCES & AMENDMENTS: None.

NEW / OLD BUSINESS:

ZHB # 2018-05 – 137 S. Main Street TP # 8-8-413, Keystone Social Club, ZHB application

Mr. Jordan Yeager, Borough Solicitor, noted that this is a relatively new issue for the Commission. He referenced ordinance section 802-7-B9, which deals with a special exception for off-street parking. All such special exceptions must be reviewed by the Planning Commission and Borough Engineer before they are considered by the Zoning Hearing Board; such an application has been submitted for 137 S. Main Street. Mr. Yeager explained that the Engineer has prepared a review letter dated March 23, 2018, and that the Commission can make a motion to adopt the Engineer's review if they are so inclined. Mr. Yeager explained that the applicant will attempt to establish that they meet the objective standards of the ordinance; Mr. Perea clarified that the Commission's action is to decide whether to recommend that Council accept the Gilmore letter of March 23.

Mr. Dougherty stated that the ordinance requires that 30% of parking be on-site; the applicants are asking for only 10%. The ordinance also requires that the off-site parking meet SALDO requirements, which they cannot confirm as they do not have the site plan for the proposed off-site lot. Mr. Dougherty added that the applicants have a letter from the office manager of

Weichert Realtors (located next door) stating that they can use a certain number of spaces after 5:00pm; however, the ordinance requires some sort of formal contract or legal agreement. Responding to a comment from Ms. Jacobsen, Mr. Dougherty added that the spots must be for the exclusive use of the applicant, and they cannot guarantee that the spots in question are not allocated to someone else (such as the Ag Works building across the street). Mr. Yeager noted that the Engineer has only had the opportunity to review what was submitted with the application; the applicants would be able to present additional evidence before the ZHB itself. Referring to Comment 8 on the Engineer's review letter, dealing with handicapped parking, Ms. Hyland stated that the availability of property handicapped parking has not been demonstrated in the application.

Mr. Edward Wild, of Benner and Wild Attorneys at Law in Doylestown, appeared on behalf of the applicants to explain the application. He stated that the proposal is for a Use 33 eating place, which is permitted in the RC1 zoning district. He provided the Commission with a number of materials, including the Engineer review letter, Ms. Hyland's zoning review letter, a blowup of the area, and a package of exhibits that he intends to present before the ZHB. He hoped that this would explain why the sought-after special exception is something for the Commission to consider favorably. He stated that, in the past, the ZHB has found that the property suffers from a hardship, and issued a decision allowing only five on-site parking spaces. Mr. Wild explained that the idea of their application is for a dinner-only supper club that would allow only one seating per table per night; tables would therefore not "turn over." He stated that a total of nine parking spaces would be required for the proposed use; Mr. Perea noted that, if they are requesting that three spots be located off-site, this would mean that the applicants are asking for off-site parking of over 30%.

Referring to the proposed off-site spaces in the Weichert lot, Ms. Jacobsen noted that if any of those spaces are dedicated to the Ag Works building, they would not be available for the applicants to use. Mr. Wild stated that if the Weichert lot is empty after 5:00pm, it would be "good planning" to allow a neighboring building to share those spaces. Ms. Farina pointed out that the Weichert location could move, which would put the spaces in additional jeopardy. Mr. Wild noted that this application seems to have "taken on an adversarial bent," but suggested that it could provide a vibrant use for a long-vacant building. Responding to a question from Ms. Farina, Mr. Wild stated that the proposal is not for a tavern or bar; there would be no liquor license. He noted that the ZHB hearing has been continued to April 18th, and respectfully asked that the Commission give a recommendation in favor of the application. The applicants themselves stated that their intention is to be a good contributor to the community in general. They are working on the establishment of an official lease for the parking spaces, which they will have in advance of the ZHB meeting. They emphasized that their proposal is for a quiet, intimate dining experience, not anything loud or invasive to the neighborhood. Responding to a question from Mr. Perea, the applicants stated that it would not initially be a membership-only club; they plan to sell a limited number of tickets for each evening, but that memberships could be possible in the future.

Ms. Mahaley noted that the only access to the parking lot is along a walkway that may lack sufficient lighting, and that without a proper study they cannot determine whether that is so. Mr. Perea stated that the Commission's responsibility is to look at the application through the lens of the ordinance and determine if the objective criteria for a special exception are being met; the indication from the Engineer's review letter is that they are not being met. In good conscience, it seems as though the Commission cannot endorse the plans in opposition to their Engineer's review letter. Mr. Yeager emphasized that there is an established required number of spots – in that regard, the Commission's decision is purely mathematical. Mr. Wild respectfully suggested

that the Commission could make a recommendation “as an advisory body, as to whether this is good planning.” Mr. Wild added that their intention was to establish that the criteria are being met at the ZHB hearing itself.

Ms. Jacobsen pointed out that, on the Bucks County Flood Plain Viewer (exhibit A1), the Weichert property appears to be two separate tax parcels. Her concern is that Weichert may not actually have sufficient spaces to offer, and that some may in fact belong to the Ag Works building. She suggested that this has been an issue for the property in the past, and that it should be researched. Ms. Hyland added that shared parking should be determined on a case-by-case basis; in the heart of town it is sometimes encouraged, while on the fringes of town it can be less desirable.

Mr. Lannon made a motion to accept the content and substance of the Gilmore & Associates letter dated March 22, amended March 23, as submitted. Ms. Farina seconded the motion, and Mr. Perea opened the floor to public comment. Responding to a question from the audience, Mr. Yeager explained that the Borough Engineer looks at what is submitted and compares it to the requirements; regarding a lighting plan, for instance, the applicants will have the opportunity to show the ZHB that they meet the objective standards. Mr. Wild stated that the ordinance does not require a lighting plan for off-site parking; it states that lighting must be “adequate.” Mr. Perea noted that the applicants will have the burden of proof to determine whether the lighting is adequate. The Commission then voted unanimously to approve Mr. Lannon’s motion, as seconded by Ms. Farina.

HARB Walking Tour of Completed Projects

Ms. Jacobsen stated that the HARB is planning a walking tour of completed projects for May or June, and invited all members of the Planning Commission to attend. Referencing the Land Development Waiver application, Mr. Perea stated that the HARB should be able to help the plans evolve in the right direction.

ADJOURNMENT: There being no further business, on a motion from Ms. Jacobsen, seconded by Mr. Perea, the Commission adjourned at 9:29 PM.

Respectfully submitted,

Dirk A. Linthicum

Meeting Minutes Secretary