

Borough of Doylestown Zoning & Planning Committee

Meeting Minutes

Meeting Date: Monday, January 14, 2019
Scheduled Time: 7:00 PM
Location: Council Chambers

Present

Councilpersons present were Chairman Tim Brennan, Susan Gordon, Don Berk, and Ben Bell. Staff present was Karyn Hyland, Director of Building & Zoning, and Phil Ehlinger, Deputy Borough Manager.

Call to Order

The January meeting of the Zoning & Planning Committee was held in the Council Chambers of Borough Hall, 57 W Court Street on Monday, January 14, 2019, and was called to order by Mr. Brennan at 7:00 PM.

Review and Approval of Minutes

On a motion from Ms. Gordon, seconded by Mr. Berk, the December minutes were unanimously approved as submitted.

Zoning Hearing Board Recent Meeting – January 16, 2019

ZHB 2019-01 – 400 N. Main Street & 498 N. Main Street – Starbucks, Capital Enterprises Inc., and 498 N. Main, LP, property owners

Ms. Hyland reported that this is an application to allow Starbucks to reconfigure their drive-thru; it requests dimensional variances. Responding to a question from Mr. Bell, Ms. Hyland stated that any restrictions on the development of another parcel (owned by the same owner) are usually privately issued, and the Borough would not be involved. She explained that the reason both properties are listed on the application is because the drive-thru lane will be extended over both parcels.

ZHB 2019-02 – 400 N. Main Street – formerly Friendly's, Capital Enterprises Inc., property owner

Ms. Hyland reported that this is a front-yard setback variance request, to allow for seasonal seating / dining in the front yard area. Noting that she was unaware whether new tenants had been lined up, Ms. Hyland suggested that this could be a step to make the property more desirable to potential tenants. Responding to questions from the Committee, Mr. Ehlinger stated that Capital Enterprises Inc. owns the shopping center complex. Mr. Ehlinger also stated that, although the Borough is not aware of the specific details, there are often competitive clauses included in leasing agreements to protect anchor stores (in this case, Acme). However, in this case, the Borough is only enforcing zoning elements.

ZHB 2019-04 – 93 & 95 Wood Street, Lisa Pavlow, property owner

Ms. Hyland reported that this is a request for dimensional relief to allow for a subdivision. There are two houses currently on the property; they would like to have a total of three.

The Committee took no action on the January 16 ZHB applications.

Zoning Hearing Board Recent Meeting – January 30, 2019

ZHB 2019-03 – 401 S. Main Street – Tina Mazaheri, property owner

Ms. Hyland reported that this is a request for both use and dimensions, to allow for 21 dwelling units. The Committee has seen this application in a different form; however, the ZHB did not grant that previous relief request. As far as design and layout, nothing has changed; the applicants would like to re-state their case using a different strategy. Responding to a question from Mr. Brennan, Ms. Hyland stated that

Borough staff has no position regarding the application, and that the Solicitor was not sent for their last appearance at the ZHB. Responding to a question from Mr. Bell, Ms. Hyland stated that part of the applicants' plans is to outline cost estimates, which they did not do previously. Responding to a question from a Doylestown resident, Ms. Hyland noted that, with the proposed use, there is a specific requirement for open space; that is part of the relief being requested by the applicants.

ZHB 2019-05, Lantern Drive, Lantern Drive Realty LP, property owner

Ms. Hyland reported that this is a request to allow a restaurant use in the TND1 district. The application would involve the construction of a building included in the previously-approved land development plan, but which was never erected. She confirmed that the building has not changed dimensionally. Responding to questions from the Committee, Ms. Hyland stated that the building was always intended to be commercial, with some professional uses allowed as well. Mr. Ehlinger explained that medical officers were excluded, due to intensity of use, and that a full-blown restaurant was not permitted. He also stated that the application has a high bar to meet, architecturally.

Mr. Scott MacNair of Clemons Richter & Reiss, P.C., appeared on behalf of the residential Homeowner's Association. He stated that the maximum space for any individual use in the proposed building is 2,600 square feet; this application is for 6,400. The Association is opposed to the application and is hoping that the Committee will recommend that the Solicitor will attend the Zoning Hearing Board meeting. Residents are concerned about issues involving traffic, parking, noise, crowds, intoxicated patrons, odors, and safety and security.

Ms. Kellie McGowan of Eastburn and Gray, P.C., appeared on behalf of the applicants. She stated that the applicants had held a meeting with residents and has another one scheduled, at which they plan to gather feedback and work toward solutions for their concerns. The proposed building is located furthest from the residential areas, and there is a total of 59 devoted parking spaces. Their current plan involves a roughly 5,200 square foot restaurant (including a seasonal use rooftop area), with office uses proposed as well. The architectural plans are still a work in progress. Ms. McGowan noted that the rooftop deck is no longer facing the neighborhood, and there is another commercial building partially shielding it from residences. Traffic and circulation will be dealt with via a signage plan. She noted that the applicants are a sophisticated commercial operation with other locations in Center City, Philadelphia, and Washington DC. Ms. McGowan added that the building has been marketed for 15 years but has not had a viable proposal until now. She asked that the Committee defer to the Zoning Hearing Board in their determination of hardship.

Responding to a question from Mr. Bell, Ms. McGowan stated that the parking calculations were based on the 5,200 square foot proposal for the restaurant. Responding to a question from Mr. Brennan, Ms. McGowan stated that the overall building is 10,000 square feet and will be proposed as a mixed use that could include a restaurant. Responding to a question from Ms. Gordon, Ms. McGowan explained that there are two primary accesses to Lantern Hill, with a third driveway from Veterans Drive. Responding to a question from Mr. Bell, Mr. Ehlinger stated that this site and the site of the proposed park are far enough away that the Borough has no concerns in that regard.

Ms. Judy Marchand of 1 Woodbridge stated that she opposes the restaurant application, noting that there are already three restaurants within walking distance of the community. Ms. Sue Reynolds also spoke in opposition to the rooftop deck, stating that it is contrary to Doylestown's architectural standards. Mr. Carl Slobotnik stated that the neighborhood is currently a mix of residential, commercial, and retain; he would not want to see the dynamic of the community disrupted. Mr. Gary Sentman, 39 Woodbridge, stated that they have held several residents-only meetings regarding the project, and the result was near-unanimous disapproval of the project. There were concerns raised over deliveries, trash pickups, hours of operation, privacy, and parking. Responding to questions from Mr. Brennan, residents noted that their main concerns were related to the scale of the project. Ms. Ellen Bower, 8 Edison, stated that she is opposed to the application and is concerned that, if the restaurant fails, a "derelict building" will be left behind. She added that no one is opposed to the building, if it is properly zoned. Mr. Scott Neilson, 10 Woodbridge, voiced concerns regarding truck deliveries. Mr. Vince Haas, 12 River Drive, suggested that the project

could be costly to residents in terms of property values. Mr. Chris Fox, 12 Edison, stated that the application could disturb the ambiance of the neighborhood.

Ms. McGowan stated that her clients will present testimony regarding all the concerns raised, including hours of operation and traffic. She suggested that the application may improve property values and be a benefit to the neighborhood; the applicants will continue to have a dialogue with the community. Mr. Brennan stated that the residents have voiced valid concerns. He made a motion, seconded by Mr. Berk, to send the Solicitor to the Zoning Hearing Board meeting to represent the interests of the Borough; the motion was carried unanimously. Mr. Bell thanked the Lantern Hill residents for expressing their concerns.

Historic & Architectural Review Board Recommendations – October 25, 2018

SIGNS

1 W. Court Street, Geronimo Brewing, Andrew Scott, applicant

Ms. Hyland reported that this is an application to replace an existing sign.

BUILDING

20/28 E. State Street, demolition and new construction, County Theater, County Theater Inc., property owner

Mr. John Toner, executive director of the County Theater, and Mr. John Cluver, architect, appeared before the Committee and explained that they have appeared before the Historic and Architectural Review Board, where they received a positive response. Their project includes the demolition of the Poor Richards building and the construction of an addition adjacent and connected to the County Theater. The project has four goals: to expand the Theater, improve the theatergoing experience, provide a stronger community presence, and contribute to the historic character of Doylestown. To this end, it was determined that the Theater must remain unchanged, that the addition must be secondary to the Theater, that it must be in harmony with the Theater, and must be in harmony with Doylestown.

Mr. Cluver displayed several renderings and elevations, and stated that the bulk of the auditorium will be pushed back from the street. The façade will be lit with both up- and down-lighting. He noted that, since the HARB meeting, they have received additional comments regarding the demolition of Poor Richards. However, after meeting with a preservation historian and assessing the structure, the nature of the building would not fit the program needs of the Theater. The applicants wanted (and tried) to make it work, but there were just too many compromises. Mr. Cluver noted that the street view of Poor Richards is basically a modification, with no original material remaining. Responding to questions from Mr. Brennan, the applicants stated that sprinklers will be installed, and that there will be full exit capacity to meet code requirements. Responding to a question from Mr. Berk, the applicants stated that the anticipated timeframe for the project is roughly a year. Mr. Dick Patterson of 54 N. Church Street stated that the Theater has made a commitment to the HARB to be careful about preserving any elements of historic significance during the demolition, and have talked to the Doylestown Historical Society as well.

Ms. Kathryn Auerbach stated that Poor Richards is a very significant building to both the Borough and the Township, and that she is shocked and disappointed by the plan. She referenced the unique trusses inside the structure, and suggested that it is of great importance to both the town and the nation. Ms. Monica Menniti also spoke in support of preserving the building. Mr. Jesse Crooks, director of operations for the Theater, thanked Ms. Auerbach for her analysis of the building. He stated that the Theater had discussed preserving the building, but that it was simply not structurally sound; the front and rear facades were removed over time, and the building is not structurally sound. Mayor Ron Strouse, who serves on the Board of the Theater, stated that the process has been a very public one, and that there was a very deliberate process to evaluate the existing building and determine what historic value remained. There was also a score of public meetings that provided the community with many opportunities to discuss what kind of design was preferred. The HARB was also unanimous in recommending the application. Ms. Pam Byers and Mr. Mark Dibner spoke in support of the project. Ms. Ellen Happ, architect, stated that the HARB has resisted the demolition of several historic structures, but that here they have made the right

decision. The proposed addition to the theater should trump a building in such a state of disrepair. Mr. David Kirkpatrick, a Mary Street resident, stated that the building is obviously of historic value.

Mr. Bell noted that no one relishes the thought of knocking down a stone building, but that the decision to do so will hopefully aid the long-term interests of the Borough. Mr. Brennan thanked everyone for attending and voicing their concerns. Mr. Ehlinger stated that Borough Council is charged with reviewing HARB recommendations based on PA Act 167, which has a very specific criteria: does the building contribute to the Historic District as a whole? And are the architectural elements visible from a public way specifically contributing? He noted that the HARB has done a remarkable job of balancing historic preservation and property rights for 47 years.

6 & 12 Lacy Avenue – siding replacement and preservation of historic signage – Diane Bradley, property owner

Ms. Hyland reported that a pair of interesting historic signs were revealed after the removal of shingles. A solution has been found that will help preserve and display the signs, while still allowing the homeowner to move forward with new siding.

171 Mechanics Street, window replacement, Joan Doyle, applicant

Ms. Hyland reported that this is an application for window replacement.

On a motion from Mr. Brennan, seconded by Ms. Gordon, the Committee voted unanimously to forward the HARB sign recommendations to Borough Council. On a motion from Mr. Brennan, seconded by Mr. Berk, the Committee voted unanimously to forward the HARB recommendation for 20/28 E. State Street to Borough Council. On a motion from Mr. Brennan, seconded by Ms. Gordon, the Committee voted unanimously to forward the HARB recommendation for 6 & 12 Lacy Avenue to Borough Council. On a motion from Mr. Brennan, seconded by Ms. Gordon, the Committee voted unanimously to forward the HARB recommendation for 171 Mechanics Street to Borough Council.

Land Development/Subdivision None.

Land Development Waivers None.

Ordinances, Amendments & Resolutions None.

New/Old Business None.

Adjournment

On a motion from Mr. Brennan, seconded by Ms. Gordon, the Committee unanimously voted to adjourn at 9:37pm.

Respectfully Submitted,

Dirk A. Linthicum

Meeting Minutes Secretary