

**MOUNT POCONO BOROUGH COUNCIL
PUBLIC HEARING MEETING
Thursday, October 17, 2024
6:00 PM**

Call to Order

Pledge of Allegiance

Roll Call

____ Norman DeLano, ____ Debra Fulton, ____ Ann Marie Harris, ____ Joe Simeone,
____ Erin Melbert, ____ Donald Struckle, ____ Claudette Williams, ____ Mayor Randy Altemose

Public Comment (Agenda items only)

New Business:

Conditional Use – Sheetz

Borough Council Comment

Public Comment

Adjournment

Mount Pocono Borough Planning Commission

Memo

Date: September 24, 2024
To: Borough Council
From: Planning Commission
RE: Sheetz Conditional Use

The Planning Commission, at its Regular Meeting on Wednesday, September 18, 2024, reviewed the Sheetz Conditional Use.

Upon its review the Planning Commission and the comment letters from the Zoning Officer and the Borough's Engineer indicating that the location of this project complies with the Borough Ordinances with potential waivers that may be requested from the Applicant. The Planning Commission recommends to Borough Council at its Conditional Use Public Hearing on October 17, 2024, at 6:00 P.M. as required by Borough Ordinance that the Sheetz plan on Pine Hill Road be approved upon meeting the comments from the Zoning Officer and the Borough Engineer.

Thank you for your consideration on this matter.

Respectfully,

Diana Jackowski
Planning Commission Recording Secretary



5420 Crackersport Road, Allentown, PA 18104
610.398.0904 610.481.9098
barryisett.com

September 13, 2024
Project # 313624.002

Planning Commission
Mount Pocono Borough
1361 Pocono Blvd.
Mount Pocono, PA 18344

RECEIVED
SEP 13 2024
MT. POCONO BOROUGH

Dear Commission Members,

RE: SHEETZ – MOUNT POCONO (PINE HILL ROAD)
Pine Hill Road
Sketch Plan

Barry Isett & Associates, Inc. (Isett) has reviewed the above referenced Sketch Plan submission consisting of the following items against the Borough of Mount Pocono Ordinances and general engineering practice:

1. Sketch Plan, including one plan sheet, dated August 27, 2024, prepared by Langan Engineering and Environmental Services, Inc. (Plan)
2. Sketch App Cover Letter, including three pages, dated August 28, 2024.
3. Borough of Mount Pocono Planning Commission Application Form, not dated.
4. ALTA Survey, including one plan sheet, dated July 31, 2024, last revised August 22, 2024, prepared by Langan Engineering and Environmental Services, Inc.

The 3.06±-acre Tract is located between Pocono Boulevard and Sterling Road, to the north of Pine Hill Road, with additional frontage on Belmont Avenue. The site contains a single-story vacant car wash building and two single-story vehicular repair buildings and associated parking. The has uncontrolled access to Pocono Boulevard and Belmont Avenue. A paved area with parking and roadway access is adjacent to an existing vehicle repair building provides direct, uncontrolled access to parking along Pine Hill Road. Lastly, one paved drive access off Sterling Road provides access to a gravel area. The Tract is in the C-2 (Commercial, General) and Airport Overlay Districts.

The Sketch Plan proposes a new Sheetz Convenience Store, with a restaurant totaling 6,139 sf, with a drive-thru pickup, a gas canopy with twelve self-serve gas fueling stations. One full access and one right in-right-out driveway is proposed on Pine Hill Road and one right-in-right-out driveway is proposed on Sterling Road, along with improvements for Pocono Boulevard, Pine Hill Road, and Sterling Road, are also proposed. 53 parking spaces are proposed, and the drive-thru pick up has the capacity for 13 vehicles to queue for ordering, paying, and picking up.

The following comments are offered for your consideration:

Zoning Ordinance (ZO)

The following zoning comments are subject to further interpretation by the Zoning Officer.

- 1) Per ZO § 215-22 and SALDO § 187-62.1.B, loading areas for both fuel tank refill and deliveries to the store should be provided on the Land Development plans.
- 2) Traffic Impact Study should be provided with the Preliminary Plan application per ZO § 215-41. Our office has been reviewing a Traffic Impact Assessment submitted for PennDOT approval.
- 3) Convenience Stores with fuel sales are a Conditional Use and Conditional Use Approval has been requested.
- 4) Uses requiring a Special Exception includes drive-thru uses.
- 5) Landscaping and buffers will be required per SALDO Chapter 187, ZO § 215-35.C.
- 6) Parking areas for more than 50 cars require details for snow removal and storage per ZO § 215-22.N.
- 7) Screening should be provided for the trash dumpster.
- 8) The fire department should be consulted on the suitability of a circulation for the site, and the sizing of the fire truck. A truck turn plan should be provided when submitting Land Development Plans.

The above comments are informational only, The Zoning Officer shall be the jurisdictional entity on Zoning requirements.

Subdivision and Land Development Ordinance (SALDO)

- 9) Highway Occupancy Permit will be necessary for this development per ZO § 215-22.H(3) and SALDO § 187-24.J. The Developer has already submitted an application for a scoping meeting.
- 10) It appears that Pine Hill Road will be widened to the required local road right-of-way width and Pocono Boulevard will be widened to 60'. Plans should show the area to be dedicated to the Borough and any areas to be dedicated to PennDOT.
- 11) Proposed driveways do not meet the distance requirements per SALDO § 187-48Q(8). The Plan states that a waiver from this requirement will be requested.

- 12) The Plan proposes a section of 12 parking spaces along Pine Hill Road. These 12 spaces should have a 20-foot buffer from the right-of-way per SALDO § 187-56.E(4).
- 13) Reserved space for additional parking to expand to the 85th percentile requirement should be provided per SALDO § 187-62.1F(1)(b). A reduction in reserved space is being requested as part of the Conditional Use application.
- 14) The applicant should verify that the proposed use of Convenience Market with Gas Pumps is the most appropriate and restrictive use for parking tabulation per SALDO § 187-62.1F(1)(a)[2]. Fast-Food Restaurant with Drive-Through Window appears more restrictive.
- 15) AASHTO turning templates for all vehicle types expected to access the site should be provided per SALDO § 187-62.1G(2).
- 16) The following Sketch Plan requirements were not included on the plan and could not be reviewed:
 - a) The Sketch Plan should be prepared as a simple overlay sheet placed on top of the existing resources and site analysis plan per SALDO § 187-28.
 - b) Soil types should be shown on the Sketch Plan per SALDO § 187-28J.
 - c) Proposed utilities including proposed methods of water supply and sewage disposal should be shown on the Sketch Plan per SALDO § 187-28M.

Driveways Ordinance

- 17) The proposed number of access driveways exceeds the permissible number per Section § 84-2F. The Plan states that a waiver from this requirement will be requested. Should the waiver not be granted, the proposed driveways should be designed to meet the requirements of § 84-2F.

General Requirements

- 18) PADEP Sewer Planning will need to be addressed as part of the proposed development.
- 19) Given the proposed drive-through lane will be crossing through a proposed drive aisle, the crossing should be striped and signs should be clearly posted specifying that vehicles should not block the crossing.
- 20) The applicant should specify if any proposed parking will be for Electric Vehicle charging. Spaces designated for Electric Vehicle charging should not be included towards the required parking tabulation.
- 21) Preliminary plans should be compliant with all Borough Ordinances, including but not limited to the SALDO, ZO, Streets and Sidewalks, Sewers, Water, etc.
- 22) The Land Development plans should show all right-of-way dedications, and the summation of the areas of all dedications with the lot should be consistent with the total area shown on the ALTA survey.

WHAT DEDICATE
TO BORO (LDR)

- 23) Potable water service should be coordinated with the PAWC.
- 24) Sanitary sewage should be coordinated with the MPMA.
- 25) Landscaping will be required per SALDO § 187-56.
- 26) A recreation facility fee will be applicable for this project.
- 27) A stormwater and possibly a traffic signal maintenance agreement will be applicable for this project.
- 28) Stormwater should be in accordance with the Stormwater Ordinance.
- 29) Erosion and sedimentation control approval and an NPDES Permit is required.

Please do not hesitate to contact us if you have any questions regarding this letter.

Sincerely yours,

Stan Wojciechowski, P.E., CME
Department Head
Municipal Engineering Services

INTEROFFICE MEMORANDUM

TO: MOUNT POCONO BOROUGH PLANNING COMMISSION
FROM: SHAWN MCGLYNN, ZONING OFFICER
SUBJECT: SHEETZ CONDITIONAL USE - PINE HILL ROAD
DATE: SEPTEMBER 16, 2024
CC: MARISSA DUFFY, BOROUGH MANAGER
DIANA JACKOWSKI, ADMINISTRATIVE ASSISTANT
CHARLES NICLAUS, BOROUGH ENGINEER
BOROUGH COUNCIL

RECEIVED

SEP 17 2024

MT. POCONO BOROUGH

The following is a report from the Zoning Office regarding the Conditional Use application submitted for a proposed Sheetz convenience store with gasoline pumps, curbside pick-up service, and a drive-thru window on Pine Hill Road. Specifically, this report is based on the submitted plan prepared by Langan Engineering and Environmental Services Inc. for Sheetz, Inc., dated August 27, 2024 (the Plan).

General

1. The Plan contains the proposed convenience store that is +/- 6139 SF in area, and a gas station canopy with gasoline pumps.
2. The parcel situated at 1221 Pocono Boulevard (tax ID 10.6.1.18-1) is +/- 3.06 acres, and the parcel situated at 1225 Pocono Boulevard (tax ID 10.6.1.18) is +/- 0.86 acres.
 - a. Based on the Plan and the submitted cover letter, it appears that the subject parcels are intended to be consolidated as part of the land development process, resulting in a single parcel that is +/- 3.21 acres.
3. The subject parcels are situated in the C-2 General Commercial Zoning District.
 - a. The proposed convenience store and gas station uses both require conditional use approval from the Borough Council, per the Mount Pocono Borough Schedule of Uses.
 - b. Drive-in stands/uses require special exception approval from the Zoning Hearing Board. The proposed drive-thru window and curbside pickup service both fall under this use category. **A special exception application has been submitted.**
4. In accordance with §215-22 of the Borough Zoning Ordinance, the parking and loading areas for this proposal shall be regulated by the standards set forth in the Mount Pocono Borough Subdivision and Land Development Ordinance (SALDO).
 - a. The Plan reflects a total of 52 parking spaces to serve the proposed convenience store and gasoline pumps.
 - b. Per the Parking Demand Table (Attachment 3 of SALDO), a convenience market with gasoline pumps would require 8.38 parking spaces per 1,000 SF of gross floor area (GFA) to meet average peak period demand, and 10.50 parking spaces per 1,000 SF GFA to meet 85th percentile peak period demand.
 - i. To meet average peak period demand, the proposed +/- 6139 SF convenience store would require 52 parking spaces. To meet 85th percentile peak period demand, 65 total parking spaces would be required.
 - c. Space is required to be reserved to allow for expansion to meet 85th percentile; reserved space has been outlined on the Plan, however it is indicated on the Plan that

a reduction will be proposed as allowed by §187-62.1F(4) of SALDO.

With regard to the Conditional Use standards and criteria outlined in §215-111D(1)-(6) of the Mount Pocono Borough Zoning Ordinance, the following comments (bolded) can be offered:

1. The proposed use shall be in harmony with the purposes, goals, objectives and standards of the Borough's Comprehensive Plan, this chapter, and all other ordinances of the Borough.
 - a. **Per the Mount Pocono Borough Schedule of Uses, The intent of the C-2 Zoning District is "to provide for the development of general commercial trades and service activities along major highways with limited driveway access and grouping establishments in commercial clusters and centers."**
 - b. **The proposed use generally appears to be in harmony with the intent of the C-2 Zoning District.**
2. The proposed use shall also be evaluated as to the degree to which the proposed location may be particularly suitable or unsuitable for the proposed use in terms of the physical characteristics of the site.
 - a. **The proposed location generally appears to be suitable for the proposed use.**
3. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, adjacent property values, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of this chapter, or any other plan, program, map or ordinance of the Borough or other government agency having jurisdiction to guide growth and development.
 - a. **Based on the buffering provided on the Plan, the proposed use generally appears as though it would not result in any undue adverse effect on the surrounding properties.**
4. The proposed use shall not impose an undue burden on any of the improvements, facilities, utilities, and services of the Borough, whether such services are provided by the Borough or some other entity. The applicant shall be wholly responsible for providing such improvements, facilities, utilities, and services as may be required to adequately serve the proposed use when the same are not available or are inadequate to serve the proposed use in the proposed location. As part of the application and as a condition of approval of the proposed use, the applicant shall be responsible for establishing ability, willingness, and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with this and other ordinances of the Borough. The permit approval shall be so conditioned.
 - a. **Based on the Plan, it does not appear that the proposed use would impose an undue burden on the Borough.**
5. The following additional factors shall be considered:
 - a. Location, arrangement, size, design and general site compatibility of buildings, lighting, and signs.
 - b. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, and traffic controls.
 - c. Location, arrangement, appearance and sufficiency of off-street parking and loading.
 - d. Adequacy and arrangement of pedestrian traffic, access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian

convenience.

- e. Adequacy of stormwater and drainage facilities.
 - f. Adequacy of water supply and sewage disposal facilities.
 - g. Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
 - h. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
 - i. Special attention to the adequacy and impact of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
 - i. **Provided that sanitary sewage and potable water services are coordinated with MPMA and PAWC, and any applicable SALDO and stormwater management regulations are met, the proposal appears generally compliant with the aforementioned line items.**
6. No application shall be approved unless it is found that, in addition to complying with all of the standards and criteria enumerated above, all of the applicable standards contained in this chapter shall be met. In instances where the supplemental standards contained herein do not adequately protect the general health, safety, and welfare of parties affected, all conditions and safeguards deemed necessary by the Council or Zoning Hearing Board to protect the general health, safety, and welfare as well as to implement the purposes of this chapter and the MPC shall be imposed as conditions of approval in accord with Section 912.1 or Section 913.2 of the MPC,[5] as the case may be.
- a. Conditions which may be imposed can include, but not be limited to, provisions for additional parking, traffic control, landscaping, setbacks, special measures addressing sales-period activities, environmental controls and other measures which mitigate any potential adverse impact the use may have on adjoining uses.
 - b. The applicant shall supply evidence regarding compliance with the express standards and criteria contained herein, and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the public health, safety, and welfare, and the proposed use shall be approved with appropriate conditions or denied based on said evaluation.
 - i. **The supplemental standards for convenience stores outlined in §215-47.1 of Borough Zoning Ordinance are as follows:**
 - 1. **"Gasoline pumps and other service appliances at convenience stores may be located in the required front yard, but shall not be situated closer than 30 feet to the road or street right-of-way line. Any aboveground storage tanks shall not be placed in the front setback area."**
 - a. **The proposal appears to be compliant with this regulation.**
 - 2. **"All other applicable standards shall also apply to convenience stores."**
 - a. **Subject to the aforementioned line items, the proposal outlined on the Plan appears to be generally compliant with the regulations set forth in the Mount Pocono Borough Zoning Ordinance.**

BOROUGH OF MOUNT POCONO

1361 POCONO BOULEVARD, SUITE 100
MONROE COUNTY, PENNSYLVANIA

PLANNING COMMISSION SUBMISSION APPLICATION FORM

Name of Proposed Development: Sheetz - Mount Pocono (Pine Hill Road) - Conditional Use Application

Proposed Number of lots: 1 Location/Street: 1221 and 1225 Pocono Blvd (SR0611)

Pin #: 10.6.1.18 and 10.6.1.18-1

Applicant/Owner: Sheetz, Inc. (Jessica Strittmatter)

Address: 243 Sheetz Way, Claysburg, PA 16625

Telephone: 814-341-1168 Fax #: _____

Email: jlstritt@sheetz.com

Engineer/Contact: Langan Engineering (Shaun Haas, PE, CPESC)

Address: 2700 Kelly Rd, Suite 200, Warrington, PA 18976

Telephone: 610-823-4013 Fax #: _____

Email: SHAas@langan.com

Borough Application Fee: \$ 5,000.00 Date Fee Paid: 8/28/24 ck #0622464

Deposit (if applicable): \$ _____ Date Paid: _____

Narrative of Project (attached sheet can be used): Please see included Narrative and Cover Letter

August 28, 2024

Via Federal Express and E-mail
(djackowski@mtpoconoboro.org)

Diana Jackowski
Mount Pocono Borough
1361 Pocono Blvd., Suite 100
Mount Pocono, PA 18344

**Re: Special Exception, Conditional Use and Sketch Plan Applications
Sheetz – Mount Pocono (Pine Hill Road)
Mount Pocono Borough, Monroe County, PA
Langan Project No.: 200189101**

Dear Diana:

Sheetz, Inc. is proposing to construct a Sheetz convenience store and associated improvements on two existing properties located at 1221 and 1225 Pocono Boulevard, also known as Tax ID 10.6.1.18 and 10.6.1.18-1, in Mount Pocono Borough, Monroe County, Pennsylvania. The site is located within the C-2 (Commercial, General) Zoning District as indicated on the Zoning Map of Mount Pocono Borough. The two existing parcels are currently owned by Harvest Properties I, LLC. As part of this project, the two existing parcels will be consolidated into one lot on which the proposed development will be constructed. More specifically, the proposed development consists of the following improvements:

- Consolidation of Tax ID 10.6.1.18 and 10.6.1.18-1 into one lot;
- A Sheetz Convenience Store and restaurant, a gas canopy with twelve gas fueling stations, and both curb-side pick-up and drive-thru window options for Made-to-Order foods, totaling 6,139 square-feet;
- Three site access driveways;
- Associated roadway improvements on Pocono Boulevard (SR 0611), Pine Hill Road and Sterling Road;
- One aboveground stormwater basin and an associated stormwater conveyance system; and
- Associated site improvements.

On behalf of Sheetz, Inc., this letter and the accompanying documents are being submitted to the Borough in support of the following applications associated with the above-referenced project:

- **Special Exception Application**, being submitted to the Mount Pocono Borough Zoning Hearing Board to permit the proposed drive-thru and curb-side pickup uses, both defined as "Drive-in Stands/Uses". Drive-in Stands/Uses are permitted by Special Exception within the C-2 zoning district as indicated in the Borough of Mount Pocono Code of Ordinances, § 215, Attachment 1 (Schedule of Uses). In addition, the applicant's proposal for exterior signage associated with the development exceeds the size, quantity and type

of signs permitted by the Mount Pocono Borough Sign Ordinance (Ch. 164). As such, the applicant is additionally requesting Special Exception approval to permit the installation of the proposed exterior signage;

- **Conditional Use Application**, being submitted to the Mount Pocono Borough Planning Commission to permit the proposed convenience store with gas station use. "Convenience Stores" and "Gas Stations" are permitted by Conditional Use within the C-2 zoning district as indicated in the Borough of Mount Pocono Code of Ordinances, § 215, Attachment 1 (Schedule of Uses). In addition, Conditional Use Approval is required to permit a reduction in the required reserved parking based on 85th percentile peak period demand; and
- **Sketch Plan Application**, being submitted to the Mount Pocono Planning Commission for Sketch Plan review.
 - **Note: A total of three site access driveways are proposed in association with this development, as shown on the included Sketch Plan. Per the Mount Pocono Borough Driveway Ordinance, §84-2F, a maximum of two (2) driveways are permitted for a single property tract or business establishment. However, this ordinance section also notes that exception may be made for properties where frontage exceeds 500 feet in length. The subject property has a total of 1,018.4 feet of combined frontage along Belmont Avenue, Pocono Boulevard, Pine Hill Road and Sterling Road.**

Enclosed please find the following documents for each application:

Special Exception Application

1. Five signed copies of the Borough of Mount Pocono Zoning Hearing Board Application Form;
2. Five copies of a plan titled "Sketch Plan – Sheetz | Mount Pocono (Pine Hill Road)", dated August 27, 2024;
3. Five copies of a plan titled "ALTA/NSPS Land Title Survey for Sheetz Mt. Pocono Pine Hill Road", dated July 31, 2024 and last revised August 22, 2024;
4. Five copies of a Memorandum prepared by Stevens & Lee, the applicant's attorney, detailing the relief and approvals being requested for the project; and
5. One check in the amount of \$1,000, made payable to Mt. Pocono Borough, for the Zoning Hearing Board Application Fee.

Conditional Use Application*

1. One copy of the Borough of Mount Pocono Planning Commission Application Form;
2. *Five copies of a plan titled "Sketch Plan – Sheetz | Mount Pocono (Pine Hill Road)", dated August 27, 2024;
3. *Five copies of a plan titled "ALTA/NSPS Land Title Survey for Sheetz Mt. Pocono Pine Hill Road", dated July 31, 2024 and last revised August 22, 2024;

4. Five copies of a Memorandum prepared by Stevens & Lee, the applicant's attorney, detailing the relief and approvals being requested for the project; and
4. One check in the amount of \$5,000, made payable to Mt. Pocono Borough, for the Commercial Conditional Use Application Fee.

Sketch Plan Application*

1. One copy of the Borough of Mount Pocono Planning Commission Application Form;
2. *Five copies of a plan titled "Sketch Plan – Sheetz | Mount Pocono (Pine Hill Road)", dated August 27, 2024;
3. *Five copies of a plan titled "ALTA/NSPS Land Title Survey for Sheetz Mt. Pocono Pine Hill Road", dated July 31, 2024 and last revised August 22, 2024;
4. One check in the amount of \$200, made payable to Mt. Pocono Borough, for the Sketch Plan Application Fee; and
5. One check in the amount of \$1,500, made payable to Mt. Pocono Borough, for the Professional Escrow Account.

****Per direction of the Borough, five total copies of the plan titled "Sketch Plan" and the "ALTA/NSPS Land Title Survey" are being submitted to the Planning Commission in support of both the Conditional Use and Sketch Plan Applications.***

All items listed above will also be submitted electronically via email to djackowski@mtpoconoboro.org, cniclaus@barryisett.com and other CC's.

If you should have any questions, or require additional information, please don't hesitate to contact me at 610-823-4013, or shaas@langan.com.

Very truly yours,

Langan Engineering and Environmental Services



Shaun Haas, PE, CPESC
Senior Project Manager

cc: Ann Marie Harris – Planning Commission Chair (via E-mail to amharris@mtpoconoboro.org)
Shawn McGlynn – Zoning Officer/Code Enforcement Officer (via E-mail to smcglynn@sfmconsultingllc.org)
Amber Salazar, - SFM Consulting (via E-mail to amber@sfmconsultingllc.org)
Charles Niclaus, PE – Borough Engineer (via E-mail to cniclaus@barryisett.com)
Jessica Strittmatter – Sheetz (via E-mail to jlstritt@sheetz.com)
Steve Lyncha – Sheetz (via E-mail to slyncha@sheetz.com)
Julie Wagner Burkart – Stevens & Lee (via E-mail to julie.burkart@stevenslee.com)
Keith Ottis – Langan

MEMORANDUM

To: FILE (as Attachment to Application)
From: Julie Wagner Burkart of Stevens & Lee
Re: Mt. Pocono Borough Application for Conditional Use & Special Exception
Date: August 27, 2024

Project Narrative



The project that is the subject of this Application consists of a property within the C-2 General Commercial Zoning District and Airport Overlay District, comprised of two contiguous lots situated between the corners of Pine Hill Road and Belmont Avenue (Tax ID 10.6.1.18; 0.86 acres) and Pine Hill Road and Sterling Road (Tax ID 10.6.1.18-1; approx. 3.06 acres) to be consolidated to create one lot totaling nearly four acres for the development of a Sheetz Convenience Store and restaurant, gas fueling stations and both curb-side pick-up and drive-thru window options for Made-to-Order foods. The proposed new building for the store and restaurant is approximately 6,139 s.f. Other proposed structures include an underground storage tank for gas, a Canopy for twelve (12) fueling positions, a trash collection enclosure, and a drive thru ordering station with pick-up window at the rear of the building. A stormwater management basin is proposed along the eastern edge of the property. Access to the property is proposed in three areas: a right-in, right-out driveway on Pine Hill Road approximately 157' from the Pocono Boulevard intersection, a full access driveway on Pine Hill Road approximately 187' from the Sterling Road intersection, and a right-in, right-out driveway approximately 20' from the northern corner at Sterling Road.



The lots are the site of former Lee Myles Transmissions and an abandoned corner convenience store with car wash. To the north of the subject property is Pocono Beer & Beverage LLC on Belmont Avenue and Snowshoe Court Condominium development on Sterling Road. Across Belmont Avenue to the west are two wooded single family dwelling lots and Baileys Rib & Steakhouse and Vocelli Pizza. To the South, across Pine Hill is the Belmont Plaza Shopping Center. To the east of the subject property is an undeveloped parcel of approximately 1.19 acres.



The Easternmost parcel has driveway access onto Sterling Road on the northern portion of the property. The westernmost parcel has nearly entirely unrestricted access along Pocono Boulevard and Pine Hill Road. 53 Parking Spaces are proposed by the Applicant.

The Relief Requested:

Per the Schedule of Uses, 215 Attachment 1, in the C-2 Zoning District, a Restaurant is permitted as a by-right use, but a Convenience Store defined to include “self-service fuel” is permitted as a Conditional Use and Drive-in Stand/Use is permitted as a Special Exception.

Parking – The proposed parking, 53 spaces, meets the requirement for the average peak period demand of 53 parking spaces, however a reserve of 12 spaces must also be created to meet the 85th percentile peak period demand of 65 parking spaces.

Signage – Businesses are limited to two (2) on-premises exterior signs, excluding directional signs, and, given that this lot has frontage exceeding 500 linear feet, the two signs are limited in size to a total of 50 s.f. each. The Applicant is proposing 3 “Sheetz” building signs, 1 “MTO” building sign and 1 “24/7” building sign, all totaling 83.72 sf, two pole signs, one at each corner of Pin Hill Road, totaling 94.76 sf, Canopy signage totaling 81.54 sf and Drive-thru signage totaling 44.36 sf. Additional signage over the allowances within the Ordinance may be permitted by Special Exception. The Applicant’s signage proposal exceeds the size, quantity and type permitted under the Ordinance; however, it is consistent with signage permitted for neighboring commercial properties and is standard for this type of facility.



The proposed convenience store with fueling positions and a reduction in the required reserved parking requires Conditional Use approval from Borough Council and the drive-thru and curbside pick-up and additional signage requires Special Exception approval. The Applicant is seeking the necessary relief concurrently from the respective bodies. Impervious coverage, lot and setback requirements are met. While the Borough’s Driveway Ordinance only permits two access points, it does provide for exceptions where property frontage exceeds 500 linear feet, such as in this case. Driveway access will be separately reviewed for approval at a later point.

Applicable Ordinance Provisions:

§ 164-8 General requirements.

All signs erected within the Borough shall conform to the applicable building codes and to the following general requirements:

B. Limitation on number of signs. Any business shall be limited to two on-premises exterior signs advertising that business, including freestanding signs and signs attached to a building but excluding window decals and on-premises directional signage.

§ 164-10 On-premises signs.

On-premises signs include signs, graphics and other displays for commercial, industrial, institutional, service or entertainment purposes, promoting products, uses or services conducted, sold or offered on the same premises where the sign is located. These signs are allowed only in commercial and industrial zoning districts and are subject to the following:

A. Landscaping. A landscaped island containing shrubs and/or flowers with a minimum of 32 square feet in area and a minimum of one foot in height is required around all on-premises pole and monument signs. The island shall be formed from materials such as, but not limited to, stone, brick or landscape timbers. The area of the island shall be maintained to keep it free of weeds, debris and brush. A sketch of the sign and island shall be submitted with the sign permit application for review and approval by the Zoning Officer.

B. Number of signs allowed per lot. The number of freestanding signs or other displays allowed per lot or parcel of commercial property shall be as follows:

(1) For lots having up to 100 linear feet of frontage on any public or private street, one sign not exceeding one square foot in area for every two linear feet of lot frontage, up to a maximum of 25 square feet in area.

(2) For lots having 100 linear feet to 250 linear feet of frontage on any public or private street, one sign not exceeding 50 square feet in area.

(3) For lots having 250 linear feet to 500 linear feet of frontage on any public or private street:

(a) Two signs not exceeding 50 square feet in area each and having at least 250 feet between signs; or

(b) One sign not exceeding 50 square feet in area.

(4) Any business shall be limited to two on-premises exterior signs advertising that business, including freestanding signs and signs attached to a building, but excluding window decals and on-premises directional signage.

C. Sight hindrance. No freestanding sign or other display shall be erected so as to block or obstruct the sight line of automobiles exiting from the premises.

D. Sign height. No portion of any freestanding on-premises sign or other display shall be more than 20 feet above the highest elevation of the natural grade immediately adjacent to the sign.

E. Sign location. All freestanding signs or other displays shall be erected at least 10 feet from any property line or right-of-way and shall be located outside all clear sight triangles or a minimum of 10 feet from the edge of the travelway, whichever is the greater distance.

F. Sign location on premises. No freestanding on-premises sign shall be erected within 75 feet of any residence.

G. Sign separation. No freestanding on-premises sign shall be erected within 250 feet of any other freestanding on-premises sign.

H. Special exception. Any freestanding sign over 50 square feet in area will be allowed only upon the granting of a special exception by the Zoning Hearing Board based on the criteria in this chapter.

§ 164-11 Individual sign requirements.

The following signs are permitted in all zoning districts. Signs erected within the Borough shall conform to the following individual requirements, as well as the general requirements stated in this chapter:

A. Artwork. Works of art that do not include any commercial messages or references and conform to §§ 164-7 and 164-8 of this chapter are permitted.

B. Awning or canopy signs. Awning or canopy signs and other displays attached to individual buildings or units shall be allowed, in addition to the permitted freestanding signs and other displays, subject to the following:

(1) The permitted area of awning or canopy signs shall be one square foot for each two linear feet of awning or canopy up to a maximum of 16 square feet.

(2) No awning or canopy sign shall extend above the top of the awning or canopy.

(3) No awning or canopy sign shall contain multiple logos or insignias.

C. Directional signs. Directional signs giving directional assistance for the convenience of the public, not exceeding four square feet per side in area or located closer than five feet to any property line, are permitted. Directional signs may be internally lighted or illuminated by white light only.

(2) If erected on the same private property on which the facility is located, the sign shall:

(a) Be limited in content to the name of the business or enterprise, directional information and a directional arrow.

(b) Not reference any additional enterprise which is not located on the same premises.

(c) Not exceed eight square feet in area.

E. Individual sign limitation. One marquee, wall/window, projecting, or awning or canopy sign is permitted on each individual building.

F. Monument signs. Monument signs shall be allowed as freestanding signs subject to the following:

(1) The permitted area of a monument sign shall be one square foot per five linear feet of lot frontage on which the sign or signs are to be erected, up to a maximum of 32 square feet in area.

(2) The height of a monument sign shall not exceed 15 feet.

G. Pole signs. Pole signs shall be allowed as freestanding signs subject to the following:

(1) The permitted area of a pole sign shall be one square foot per five linear feet of lot frontage on which the sign or signs are to be erected, up to a maximum of five square feet in area.

(2) The top of a pole sign shall not exceed 15 feet in height and the base of the sign face shall be at least seven feet above the ground.

H. Portable signs. Portable signs shall be allowed as freestanding on-premises signs only under the following circumstances:

(1) When a standard freestanding sign cannot be erected without creating a hazard to traffic.

(2) Portable signs classified as freestanding signs shall in all cases be permitted only upon the granting of a special exception by the Zoning Hearing Board.

(3) Portable signs must conform to the general standards and size requirements of this chapter for on-premises signs.

I. Projecting signs. Projecting signs and other displays attached to individual buildings or units shall be allowed, in addition to the permitted freestanding signs and other displays, subject to the following:

(1) The permitted area of projecting signs shall be one square foot for each five linear feet of building or unit front facade to which it is attached, not to exceed 32 square feet.

(2) The base of all projecting signs shall be no less than eight feet above the ground.

(3) Projecting signs shall not be located or erected on the roof area of any building, shall be located only on the building walls, and shall not project above the building roof line or roof ridge.

(4) Projecting signs shall not project from the exterior wall of a building more than four feet.

(5) Projecting signs shall not project into any public or private street right-of-way.

J. Wall/window or marquee signs. Wall/window or marquee signs and other displays attached to individual buildings or units shall be allowed in addition to the permitted freestanding signs and other displays, subject to the following:

(1) The permitted area of wall/window or marquee signs shall be one square foot for each five linear feet of building or unit front facade to which it is attached, not to exceed 32 square feet in area.

(2) The top of all wall/window or marquee signs shall be below the roof line and at a height no greater than 20 feet above the ground immediately adjacent to the sign.

(3) All wall signs shall be installed flat against the wall of a building and shall not extend from the wall more than 12 inches.

§ 164-15 Gasoline station signs.

Automobile service and gasoline stations shall comply with all applicable regulations within this section, including the regulations for shopping centers (if applicable) and the following additional regulations:

A. Changeable fuel price signs. Freestanding signs identifying the name of the business may include changeable copy indicating the current price of fuel dispensed on the premises.

B. Company pole signs. One pole sign may be erected on the lot of a gasoline service station for the purpose of advertising the brand of gasoline sold at such station.

(1) The sign shall have a maximum height of 20 feet.

(2) The sign shall have a maximum area of 24 square feet per side.

§ 215-12 Definitions.

For the purpose of this chapter, the following words, terms and phrases have the meaning herein indicated:

ACCESS POINT. One combined entrance/exit point, or one clearly defined entrance point separated from another clearly defined exit point. This term shall not include access ways or driveways that are strictly and clearly limited to use by only emergency vehicles; such accesses are permitted by right as needed.

ACCESSORY USE OR STRUCTURE. A use of land or of a structure, or portion thereof, customarily incidental and subordinate in extent or purpose to the principal use of the land or building and located on the same lot with such principal use. A portion of a principal building used for an accessory use shall not be considered an accessory structure.

CONDITIONAL USE. A use in a particular zoning district to be allowed or denied by the Borough Council pursuant to public notice and hearing and recommendation of the Borough Planning Commission as authorized by § 603(c)(2) of the Municipalities Planning Code.

CONVENIENCE STORE. A retail establishment of up to 5,000 square feet selling prepackaged food products, household items, newspapers and magazines, candy, and beverages, a limited amount of freshly prepared foods, such as sandwiches and salads, for off-premises consumption, self-service fuel or other goods commonly associated with the same.

DRIVE-IN STAND/USE. An establishment that, by design, physical facilities, service, or packaging procedures, encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

FLOOR AREA or FLOOR AREA, GROSS. The sum of the total horizontal areas of all floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, any space where the floor-to-ceiling height is less than six feet, elevator shafts, common stairwells in an apartment building, and unenclosed porches, decks and breezeways.

GAS STATIONS. A retail establishment where motor fuels are dispensed into the fuel tanks of motor vehicles and may include the sale of other retail products. It may also include light maintenance activities, such as tune-ups, oil changes, lubrication, tire changing, and minor repairs, but shall not include heavy automobile maintenance activities such as engine overhauls, body work and painting.

PRINCIPAL BUILDING. The building in which the primary or predominate use of a lot is conducted including any structure that is physically attached to the principal building.

PRINCIPAL PERMITTED USE. A use allowed in a particular zoning district which may be approved by the Zoning Officer provided the application complies with all requirements of this chapter.

PRINCIPAL USE. The primary or predominate use(s) of a lot.

RESTAURANT, TAKE-OUT. An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant part of the consumption takes place outside the confines of the restaurant. See "drive-in stand/use" for uses where ordering and pickup of food takes place from a vehicle.

SPECIAL EXCEPTION. A use in a particular zoning district to be allowed or denied by the Zoning Hearing Board pursuant to public notice and hearing and recommendation of the Borough Planning Commission as authorized by Section 603(c)(1) of the Municipalities Planning Code.[12]

§ 215-47.1 Convenience stores. [Added 12-2-2013 by Ord. No. 5-2013]

A. Gasoline pumps and other service appliances at convenience stores may be located in the required front yard but shall not be situated closer than 30 feet to the road or street right-of-way line. Any aboveground storage tanks shall not be placed in the front setback area.

B. All other applicable standards shall also apply to convenience stores.

§ 215-22 Off-street parking and loading. [Amended 3-2-2009 by Ord. No. 2-2009; 4-20-2009 by Ord. No. 3-2009; 7-6-2009 by Ord. No. 4-2009; 11-7-2011 by Ord. No. 5-2011[1]; 12-2-2013 by Ord. No. 5-2013]

This § 215-22 shall apply to all new and expanded uses and to changes of use and all such uses shall be provided with parking and loading areas adequate to meet the needs of the use. Any

proposal which is considered a land development as defined by Chapter 187, Subdivision and Land Development, shall be governed by the parking and loading area design standards in that chapter. Following the establishment of any land development, the ongoing operation and maintenance of the off-street parking and loading facilities shall comply with the requirements of this § 215-22 and violations shall be subject to the enforcement provisions of this chapter.

F. Number of spaces to be provided. The number of parking spaces required by this § 215-22F shall be considered the minimum requirements unless modified in accord with this § 215-22F.

(1) Parking required for nonresidential uses.

(b) Land uses WITH 85th percentile data listed in the Parking Demand Table.

[1] Constructed. The number of paved parking spaces constructed shall conform to the average peak period demand as noted in the Parking Demand Table.

[2] Reserved. Space shall be reserved to allow for expansion to the 85th Percentile, as listed in the Parking Demand Table, unless a reduction is approved in accord with § 215-22F (4).

(4) Applicant proposed reduction/increase. The required number of parking spaces may be reduced or increased subject to conditional use approval by the Borough Council for uses classified as principal permitted uses and conditional uses and by the Zoning Hearing Board for uses classified as special exceptions. The applicant shall provide evidence justifying the proposed reduction or increase of spaces, such as studies of similar developments during peak hours. The applicant shall also provide relevant data, such as number of employees and peak expected number of customers/visitors. Any conditional use approval to permit such decrease or increase shall be subject to the following:

(a) Ordinance and plan consistency. The project design and number of parking spaces shall be consistent with the purposes contained in this chapter and the goals and objectives of the Borough Comprehensive Plan.

(b) Quality of design. The applicant shall demonstrate to the Borough Council that the proposed decrease will result in an adequate number of parking spaces or the increase will not produce an excess number of spaces for the use based on a specific study of the parking demands for the proposed use or empirical data reported by a generally accepted source such as the Institute of Transportation Engineers, the Urban Land Institute, the American Planning Association, or similar entity.

(c) Local conditions. In making its determination the Borough Council or the Zoning Hearing Board shall also consider, among others, the demographics and character of the neighborhood, demographics of targeted customers and employees, availability of mass transit, existing on-street parking conditions, and any employer instituted transportation demand management programs.

(d) Burden; conditions. If the Borough Council or the Zoning Hearing Board, in its sole discretion, determines that the applicant has met the burden of proof, it may grant a conditional use for the decrease or increase. The Borough Council or the Zoning Hearing Board may impose

such conditions as will, in its judgment, secure the objectives and purposes of this chapter, including, but not limited to, reserving parking.

(e) Form of reservation. Each parking reservation shall be in a form acceptable to the Borough Solicitor that legally binds current and future owners of the land to keep the reserved parking area in open space and, if the Borough determines it is necessary, to provide the additional parking in the time and manner as stipulated in the reservation document. Proof of recording of the agreement shall also be provided to the Borough before the issuance of a zoning permit for the project.

(f) Reserved parking disturbance and stormwater. The reserve parking areas shall remain undisturbed or shall be landscaped, but shall be included in the calculations of lot coverage area and for stormwater management and for the requirement of a NPDES permit. The stormwater facilities shall be constructed in accord with the approved sequencing design as parking areas are constructed.

(g) Multiple uses. (See also § 215-22L.) For projects involving more than one use and/or structure the total number of parking spaces required shall be determined by summing the number of spaces for each individual use.

(h) Handicapped parking. Parking for the handicapped shall be provided in accord with the Americans With Disabilities Act [3] and shall count as part of the spaces required for the use by this § 215-22.

Parking Demand Table (excerpt applying Zoning Officer's determination as to use)

	Average	85th Percentile
853 Convenience Market With Gasoline Pumps	8.38/	10.50/ 1,000 square feet GFA

§ 215-111 Conditional uses and special exceptions.

D. Standards and criteria. The standards and criteria applied to conditional uses and special exceptions are intended to ensure that the proposed use will be in harmony with the purposes, goals, objectives and standards of this chapter and other ordinances of the Borough. In addition to the applicable general provisions of this chapter and to the standards and criteria provided in this chapter for specific conditional uses and specific special exceptions, the following standards and criteria shall be applied in the review of applications for conditional uses and special exceptions:

- (1) The proposed use shall be in harmony with the purposes, goals, objectives and standards of the Borough's Comprehensive Plan, this chapter, and all other ordinances of the Borough.
- (2) The proposed use shall also be evaluated as to the degree to which the proposed location may be particularly suitable or unsuitable for the proposed use in terms of the physical characteristics of the site.
- (3) The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public

improvements, public sites or rights-of-way, adjacent property values, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of this chapter, or any other plan, program, map or ordinance of the Borough or other government agency having jurisdiction to guide growth and development.

(4) The proposed use shall not impose an undue burden on any of the improvements, facilities, utilities, and services of the Borough, whether such services are provided by the Borough or some other entity. The applicant shall be wholly responsible for providing such improvements, facilities, utilities, and services as may be required to adequately serve the proposed use when the same are not available or are inadequate to serve the proposed use in the proposed location. As part of the application and as a condition of approval of the proposed use, the applicant shall be responsible for establishing ability, willingness, and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with this and other ordinances of the Borough. The permit approval shall be so conditioned.

(5) The following additional factors shall be considered:

(a) Location, arrangement, size, design and general site compatibility of buildings, lighting, and signs.

(b) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, and traffic controls.

(c) Location, arrangement, appearance and sufficiency of off-street parking and loading.

(d) Adequacy and arrangement of pedestrian traffic, access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.

(e) Adequacy of stormwater and drainage facilities.

(f) Adequacy of water supply and sewage disposal facilities.

(g) Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.

(h) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.

(i) Special attention to the adequacy and impact of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

(6) No application shall be approved unless it is found that, in addition to complying with all of the standards and criteria enumerated above, all of the applicable standards contained in this chapter shall be met. In instances where the supplemental standards contained herein do not adequately protect the general health, safety, and welfare of parties affected, all conditions and safeguards deemed necessary by the Council or Zoning Hearing Board to protect the general health, safety, and welfare as well as to implement the purposes of this chapter and the MPC

shall be imposed as conditions of approval in accord with Section 912.1 or Section 913.2 of the MPC,[5] as the case may be.

(a) Conditions which may be imposed can include, but not be limited to, provisions for additional parking, traffic control, landscaping, setbacks, special measures addressing sales-period activities, environmental controls and other measures which mitigate any potential adverse impact the use may have on adjoining uses.

(b) The applicant shall supply evidence regarding compliance with the express standards and criteria contained herein, and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the public health, safety, and welfare, and the proposed use shall be approved with appropriate conditions or denied based on said evaluation.

[5] Editor's Note: See 53 P.S. §§ 10912.1 and 10913.2, respectively.

Chapter 84 Driveways

§ 84-1 Application for approval; permit required.

Any person desiring to construct, lay out or resurface a driveway shall make application to the Borough Office for approval of the location, design and construction specifications of such construction. Application forms will be available at the Borough Office upon request. The construction, layout or resurfacing of a proposed driveway shall not proceed prior to the receipt of a written permit, signed by the Zoning Officer of the Borough, approving the application and plans as submitted or approving the same with such reasonable terms and/or conditions as the Borough may deem necessary and appropriate. A "driveway" shall be defined as any means for passage of vehicles providing access to any street. *The Borough Zoning Officer may, in his discretion, refer any application to the Borough Engineer and/or the Borough Planning Commission for recommendation.*

§ 84-2 Driveway specifications.

Upon the grant of a permit, the work shall be accomplished in accordance with the following conditions:

F. The permissible number, arrangement and width of driveways shall be governed in part by the street frontage of the abutting private property. The number of driveways permitted shall be the minimum number required to serve adequately the needs of the abutting property. Frontages of 80 feet or less shall be limited to one driveway. Not more than two driveways shall be permitted for any single property tract or business establishment. Exception may be made where the frontage exceeds 500 feet in length. *Decision of the Zoning Officer denying a permit for an additional driveway may be appealed to Borough Council, who may refer the matter to the Planning Commission for its recommendation.*