



Township of Abington

Engineering & Code Department

Wayne C. Luker, President
Steven N. Kline, Vice President

Richard J. Manfredi, *Manager*
Amy R. Montgomery, *P.E., Director*

Subdivision & Land Development Notice Plan Review LD-18-04

Notice is hereby given that the Township of Abington will hold the following public meetings at the Abington Township Administration Building (1176 Old York Road) Planning Commission, Engineering & Code Committee and Board of Commissioners, to discuss the application of **Family Dining, Inc./Burger King**.

| MEETINGS | DATE AND TIME |
|-------------------------------|--------------------------------|
| Planning Commission Committee | August 28, 2018 @ 7:30 p.m. |
| Engineering & Code Committee | September 5, 2018 @ 7:00 p.m. |
| Board of Commissioners | September 13, 2018 @ 7:30 p.m. |

This is the application of **Family Dining Inc.** for the property located at 900 Easton Road, Abington, Pa. 19001. The applicant seeks approval to construct a 744 square foot playroom addition to the northwestern corner of the existing Burger King Restaurant and create two lanes to place orders through the drive-thru. The proposed two ordering points will funnel into one pick-up lane. The plan includes alterations to the existing parking lot and the installation of additional landscaping. This application was reviewed by the Zoning Hearing Board and a decision is pending. The property is zoned within the Main Street Low District of Ward #13 of the Township of Abington.

The application and plans are on file in the Engineering & Code Department and may be reviewed upon request. If there are any questions and/or comments that you may have, please feel free to contact me at 267-536-1010.

Mark A. Penecale
Planning & Zoning Officer
Township of Abington

- ***These meetings are subject to change if additional review time is required by Township Staff or requested by the applicant.***

**Township of Abington
APPLICATION FOR APPROVAL OF PLAN**

Submission Date 5/15/18 Application No. LS-1804

To the Board of Commissioners of the Township of Abington:

The undersigned hereby makes application for approval of plan type as indicated below, under the provisions of the Code of Abington Township, Chapter 146, entitled 'The Subdivision and Land Development Regulations of the Township of Abington of 1991', and any supplements and amendments thereto.

[Signature] COO - Family Dining, Inc
Signature of Applicant
[Signature]
Signature of Land Owner

Title of Plan Submitted: Burger King Restaurant #3284

A. Plan Type:

- | | |
|--|--|
| <input type="checkbox"/> Minor Subdivision | <input checked="" type="checkbox"/> Minor Land Development |
| <input type="checkbox"/> Preliminary Major Subdivision | <input type="checkbox"/> Pre Major Land Development |
| <input type="checkbox"/> Final Major Subdivision | <input type="checkbox"/> Final Major Land Development |
| <input type="checkbox"/> Preliminary Major SD & LD | <input type="checkbox"/> Final Major SD & LD |

B. Plan Identification:

Plan Dated: May 8, 2018 Engineer: Charles E. Shoemaker, Inc.

Plan Proposes: Brief narrative of the proposed activity. Commercial applications to include building square footage and specific uses; Residential applicants to include number of lots and amount of dwelling unit types:

Renovate existing Burger King restaurant exterior and drive-thru take out drive lanes. Proposed improvements include a 744 sf play area building addition, interior updates including four additional seating capacity, and double drive-thru lanes with order boards.

C. Property Identification:

Address/Location 900 Easton Road, ROSHARON PA 19038
between streets Edge Hill Road and Bradfield Road

(continued on next page)

D. Applicant Identification:

Applicant Family Dining, Inc. c/o Greg Winans, COO
Address 1780 Swede Road, Blue Bell, PA 19422 Phone 484-645-9980

Land Owner General Auto Outlet, L.P. c/o Goodman Properties
Address 636 Old York Road, Jenkintown, PA 19046 Phone 215-885-8383

Equitable Land Owner _____
Address _____ Phone _____

Architect Manning Design, LLC, c/o Lee Ann Miller
Address 233 Main Street, #1, Schwenksville, PA 19473 Phone 610-287-0184

Engineer Charles E. Shoemaker, Inc. c/o Gary A. Tilford, PLS
Address 1007 Edge Hill Road, Abington, PA 19001 Phone 215-887-2165

Attorney Kaplin/Stewart c/o Marc A. Snyder, Esq.
Address 910 Harvest Drive, P.O. Box 3037, Blue Bell, PA 19422 Phone 610-941-2562

| <u>IMPROVEMENTS PROPOSED</u> | <u>UNITS</u> | <u>ESTIMATED COST</u> |
|------------------------------|------------------------|-----------------------|
| Streets | No public improvements | _____ |
| Street Widening | _____ | _____ |
| Street Signs | _____ | _____ |
| Street Lighting | _____ | _____ |
| Curbs | _____ | _____ |
| Sidewalks | _____ | _____ |
| Storm Sewers | _____ | _____ |
| Water Supply | _____ | _____ |
| Fire Hydrants | _____ | _____ |
| Sanitary Sewers | _____ | _____ |
| Monuments | _____ | _____ |
| Shade Trees | _____ | _____ |
| Open Space | _____ | _____ |
| Park Lane | _____ | _____ |
| Other | _____ | _____ |
| Total Cost: | _____ | _____ |

Fees received from applicant: Application Fee \$ 150.00
Review Escrow \$ 1,000.00
Total _____

Fees acknowledged and application accepted as complete:

Signature of Official _____ Date 5/15/18

check # 18089 Rec # 881464
check # 18090 Rec # 88163

**Township of Abington
APPLICATION FOR MODIFICATION OF PLAN**

Submission Date 5/15/18 Application No. 45-18-04

To the Board of Commissioners of the Township of Abington:

The undersigned hereby makes application for modification of plan application requirements as indicated below, under the provisions of the Code of Abington Township, Chapter 146, entitled 'The Subdivision and Land Development Regulations of the Township of Abington of 1991', and any supplements and amendments thereto.

[Signature]
Signature of Applicant
COO-FAMILY
DINING, INC

[Signature]
Signature of Land Owner

Title of Plan Submitted: Burger King Restaurant #3284

A. Plan Type:

- | | |
|--|--|
| <input type="checkbox"/> Minor Subdivision | <input checked="" type="checkbox"/> Minor Land Development |
| <input type="checkbox"/> Preliminary Major Subdivision | <input type="checkbox"/> Pre Major Land Development |
| <input type="checkbox"/> Final Major Subdivision | <input type="checkbox"/> Final Major Land Development |
| <input type="checkbox"/> Preliminary Major SD & LD | <input type="checkbox"/> Final Major SD & LD |

| <u>Regulation Topic</u> | <u>Section #</u> | <u>Extent of Modification Requested</u> |
|------------------------------|------------------|---|
| Property Identification Plan | 146-11.A.4 | Adjacent tax parcels & owners only |
| Existing Features Plan | 146-11-B.3 | Adjacent land owner names only |
| Erosion Control Plan | 146-11.E.2 | Waive requirement for narrative report |
| Stormwater Management Plan | 146-11.F.a | Waive requirement-decrease of impervious area |
| Recreational Facilities Plan | 146-11.J | Waive open space/recreation facilities |
| Planning Modules | 146-11.K | No impact proposed |
| | | |
| | | |
| | | |
| | | |

.....
Fees acknowledged and modification request received:

[Signature] Date 5/15/18
Signature of Official



Township of Abington

Engineering & Code Department

Wayne C. Luker, President
Steven N. Kline, Vice President

Richard J. Manfredi, *Manager*
Amy R. Montgomery, *P.E., Director*

Mr. Gary A. Tilford
Charles E. Shoemaker, Inc.
1007 Edge Hill Road
Abington, PA 19001

August 13, 2018

Re: Land Development Plan for Family Dining - Burger King, known as Application LD-18-04, located at 900 Easton Road, Abington, PA 19001

Dear Mr. Tilford,

Staff of the Township of Abington have received and reviewed the land development submission packet submitted for a building expansion to accommodate a playground. The applicant also proposes modifications to existing windows, sidewalks, paved and green areas, and drive-through lanes. The property is zoned within the Main Street Low District of Ward No. 13 of the Township of Abington. The following is a listing of the staff review comments that will need to be addressed to the satisfaction of the Board of Commissioners of the Township of Abington.

Engineering/Code Department:

1. §146-11.A.(4) - Tax parcel numbers and owner's names are required to be shown for lots within 400 feet of the subject property. It is suggested the applicant request a waiver to this requirement.
2. §146-11.B.(2) - Cartway widths are required to be shown for all streets. The cartway widths must be labeled accordingly.
3. §146-11.B.(3) - Property lines and names of landowners within 400 feet of the site are required to be shown. It is suggested the applicant request a waiver to this requirement.
4. §146-11.B.(7) - All utilities within 400 feet of the site are required to be shown. It is suggested the applicant request a waiver to this requirement.
5. §146-11.B.(8)(d) - Steep slope delineation is required. All slopes 15% or greater must be identified on the plans.

6. §146-11.B.(9)(a) – Soil types are required to be identified. Soil type(s) and description(s) must be added to the plans.
7. §146-11.D.(7) – Delineation of the limit of work areas is required. Although shown, the limit of work must be more clearly depicted with a heavier line weight.
8. §146-11.D.(9) – Areas for the temporary storage of site soil and materials must be identified. The storage areas must be depicted on the plans.
9. §146-11.E.(2) – An erosion control plan narrative is required. A narrative meeting the ordinance requirements must be added to the plans.
10. §146-11.G.(1)(c) – Waterlines are required to be shown on the utility plan. The existing water service to the building must be added to the plans.
11. §146-11.L. – Tentative architectural plans are required to be submitted. Only one building elevation has been submitted. The remaining elevations must be submitted for review.
12. §146-24.D.(1) – Minimum widths of Right-of-Way and paving shall be in accordance with the ordinance. Easton Road is a County Right-of-Way and Edge Hill Road is a PennDOT Right-of-Way, governed by those agencies. The plan shows the current right-of-way of Bradfield Road as 41.5 feet and pavement varying from 23 feet to 30 feet. Bradfield Road is required to have right-of-way of 50 feet and a paving width of 30 feet.
13. §146-27.A. – Sidewalks shall be provided along all streets. Sidewalk shall be extended along Bradfield Road to Edge Hill Road along the property frontage.
14. §146-27.F. – Curbs shall be extended along Bradfield Road to Edge Hill Road in accordance with Township standards.
15. §146-39.A.(1) – Shade trees are required along the right-of-way lines at a spacing of 1 tree per 50 feet. Based on the total street frontage, 23 trees are required.
16. §146-39.A.(3)[2] – For any use where the total number of parking spaces exceeds 10 stalls, at least (1) 2-1/2" caliper tree shall be planted within the parking area. An additional tree for each additional 15 spaces or portion thereof is required. The plan proposes a total of 53 parking spaces which requires 4 trees within the parking area. Since the parking area provides 19 spaces more than required by

ordinance, it is recommended that 4 landscape islands be created within the parking area to accommodate the 4 required trees.

17. §146-39.A.(4) – Credit is permitted to be taken for preservation of existing trees. The existing trees shall be tabulated on the plan if the applicant wants to take credit for them.
18. All defective curb and sidewalk along the road frontages, as identified by Township staff, shall be replaced as part of this project. A note regarding this requirement shall be added to the plans.
19. The Abington Township application number LD-18-04 shall be added to all plan sheets.
20. Engineered plans and a Building Permit are required for retaining walls over 48” in height. The proposed retaining wall near Edge Hill Road will require a Building Permit.
21. The existing and proposed impervious surface areas shall be tabulated in square feet on the plans for comparison and to demonstrate the extent of the proposed reduction.
22. Edge Hill Road is a State Right-of-Way (S.R. 3024). Any and all work proposed in the roadway and the Right-of-Way area must be approved/permited with PennDOT prior to start of construction.
23. Easton Road is a County Right-of-Way. Any and all work proposed in the roadway and the Right-of-Way area must be approved/permited with the Montgomery County Department of Roads and Bridges prior to start of construction.
24. Bradfield Road is a Township Road. Any work that is proposed in the roadway or Right-of-Way area will require a Highway Permit (Road Opening Permit) BEFORE constructions starts.
25. This property is in both the Tookany-Tacony-Frankford Watershed, District A and the Wissahickon Creek Watershed, District B. These plans indicate a reduction in stormwater run-off, so stormwater management will not be necessary.

26. The applicant shall provide the Engineering and Code Office with an "As-Built Plan" upon the completion of the project.

Fire Marshal's Office:

27. Fire lanes. Fire lanes shall be provided and maintained where the development groups is proposed, as designated by the Fire Marshal.

- (a) Fire lanes shall permit access to every building by fire-fighting equipment. Fire lanes shall be of an all-weather surface not less than 20 feet of unobstructed width, able to withstand live loads (with a thirty-ton minimum) of fire-fighting apparatus and have a minimum vertical clearance of 14 feet; and they shall be located not less than five feet nor more than 30 feet from any structure. The grade of the fire lane shall be within the limits established by the Fire Marshal.

- (b) No apparatus, device or structure, including but not limited to utility meters, transformers and protecting bollards, shall be located within a fire lane.

- (c) A fire lane or walkway may be no closer than five feet and no farther than 30 feet from a structure.

- (d) Fire lanes shall be marked with freestanding signs and/or marked curbs, sidewalks or other traffic surfaces painted in contrasting colors of a size, spacing and wording approved by the Fire Marshal.

28. Overhead obstructions. No driveway, roadway, alley, fire lane or other access way to any development site, building or group of buildings shall be obstructed in any manner and shall be maintained such that fire-fighting equipment will, at all times, have clear access to each and every structure.

- (a) All tree/shrub limbs shall be pruned or trimmed back, and all above-ground utility/cable lines shall be installed such that every access way as set forth above will have a vertical clearance of at least 14 feet.

- (b) Fire Department connections shall be provided at locations approved by the Fire Marshal. Required sprinkler system and standpipe connections shall be located within 50 feet of public streets or fire lanes and 200 feet of a hydrant.

29. Trash containers and enclosures.

- (a) No trash container or enclosure may be located in any fire lane, right-of-way, easement or parking space.

Planning and Zoning Officer:

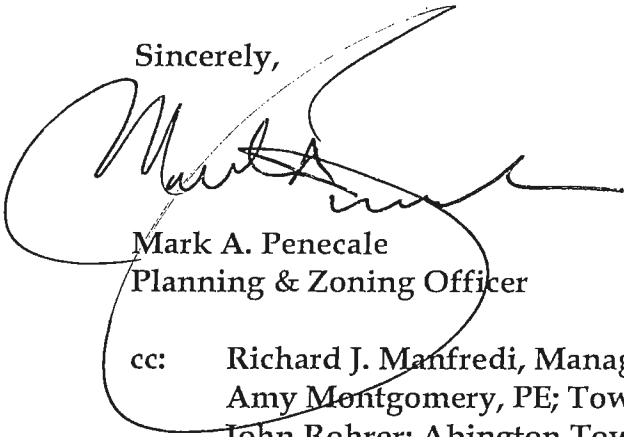
30. The property is zoned within the Main Street Low District of Ward No. 13.
31. This property is triangular in shape and is required to have one front yard and two side yards as per the requirements of Section 2601.0.4.c of the Zoning Ordinance. This property will use Easton Road as its front yard and Bradfield and Edge Hill Roads as side yards.
32. Seven existing non-conforming dimensional features on the site will be brought into compliance with the requirements of the Zoning Ordinance.
33. Section 2103.A, Use A-11.1, Drive Thru Facility requires a minimum of 6 vehicle stacking per drive thru facility. The application lists one of the proposed alterations as a "double drive thru lanes with menu boards". This includes two ordering points, therefore, it is my opinion that this constitutes two drive thru facilities. A dimensional variance will be required.
34. Section 2103.A, Use A-11.5 requires the drive-through-facility be a minimum of 50 feet from a residential use or a zoning district that allows for a residential use. The plan submitted for review lists this setback at 46.5 feet. Therefore a dimensional variance will be required.
35. The plan must be revised to comply with the requirements of Section 2402.2 of the Zoning Ordinance. The site contains greater than 50 on-site parking stalls.

Wastewater Treatment Facility:

36. After reviewing all the plans and documents you provided and review of Abington Township previous site plans, the maximum previous use was 108 seats. The total proposed use of 104 seats would still be within the previous sanitary sewer capacity of 108. Therefore, no additional sanitary sewer capacity would need to be purchased for the proposed revision/addition to the existing structure and occupancy.

This application is scheduled to be reviewed by the Planning Commission, Engineering and Code Department and the Board of Commissioners of the Township of Abington. If there are any questions pertaining to the comments listed above, I would ask that you contact the reviewing department directly or I can be reached at 267-536-1010. This letter will be updated once the formal opinion & order of the Zoning Hearing Board has been rendered.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Penecale', is written over a large, light-colored circular scribble or stamp.

Mark A. Penecale
Planning & Zoning Officer

cc: Richard J. Manfredi, Manager, Township of Abington
Amy Montgomery, PE; Township Engineer
John Rohrer; Abington Township Fire Marshal
George Wrigley, Director, Wastewater Treatment Facility
Scott Marlin; Engineering & Code Department
File Copy (2)

ZONING HEARING BOARD OF ABINGTON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

APPLICATION OF FAMILY DINING, INC., APPLICANT,
AND GENERAL AUTO OUTLET, OWNER, FOR CONSENT TO CONSTRUCT
A BURGER KING RESTAURANT WITH A DRIVE-THRU LANE
AND WINDOW FOR PREMISES AT 900 EASTON ROAD, GLENSIDE,
ABINGTON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA

PREMISES ZONED "F-1" COMMERCIAL DISTRICT

APPLICATION NO. 81-5

OPINION AND ORDER OF THE BOARD

Applicant, Family Dining, Inc., under Agreement of Sale with the owner, General Auto Outlet, of premises at 900 Easton Road, Glenside, Pennsylvania, zoned "F-1" Commercial District, in Ward No. 13, filed an application with the Abington Township Zoning Hearing Board to construct a Burger King Restaurant which will include a drive-thru lane.

Upon due advertisement, a public hearing was held in the Abington Township Building, 1176 Old York Road, Abington, Pennsylvania, on January 27, 1981, and a continued hearing was held on February 17, 1981.

Present at each of the hearings were:

Charles Kahn, Jr., Chairman)
Michael J. Sullivan, Member) Zoning Hearing Board
Arthur L. Bigelow, Member)
John F. Gaffney, Esq., Solicitor for Zoning Hearing Board
Family Dining, Inc., Applicant
H. Kenneth Butera, Esq., attorney for Applicant

Various members of public testifying in opposition to the application.

A record of the proceedings was stenographically compiled and after careful consideration, the Board makes the following:

FINDINGS OF FACT

1. Applicant is lessee of certain premises under lease from the owner, General Auto Outlet, and intends to construct a Burger King Restaurant on said premises at 900 Easton Road, Glenside, Abington Township, Montgomery County, Pennsylvania.

2. The application requested the right to construct the restaurant, the restaurant use being permitted under the provisions of Section 401.2D of the Abington Township Zoning Ordinance.

3. Applicant, in the alternative, contends that the restaurant is not a prohibited drive-in restaurant, and in the alternative, requested a special exception under Section 401.2K on the ground that the proposed drive-thru window is an accessory to the principal restaurant use on the tract.

4. Under the provisions of Section 401.2K of the Zoning Ordinance, an accessory use on the same lot with and customarily incidental to a permitted use is itself a permitted use.

5. Applicant's hours of operation shall be from 11:00 a.m. to 10:00 p.m. on weekdays, and until 11:00 p.m. on Friday and Saturday evenings.

6. Applicant's property is bounded by three street frontages, i.e., Easton Road, Edge Hill Road, and Bradfield Road.

7. Many protestants testified as to heavy traffic and high incidences of accidents on the public highways surrounding the tract.

8. Applicant testified and agreed that it would be amenable to widening and opening and grading in accordance with a revised plan submitted to the Zoning Hearing Board, said plan being dated February 5, 1981.

9. Applicant agreed to provide and enforce to the best of its ability for "Right Turn Only" signs upon all egresses from the premises.

10. Applicant agreed to provide surface drainage to satisfy all the requirements of the Abington Township Ordinances.

11. Applicant agreed to, at its expense, provide a traffic study to be submitted to the Abington Township Police Safety Officer and to abide by the reasonable recommendations provided therein.

DISCUSSION

It is clear that a restaurant use is permitted under the provisions of the Abington Township Zoning Ordinance; therefore, the applicant need not be before this Board for the restaurant operation. In a prior application which was eventually decided by the Court of Common Pleas of Montgomery County, it was stated by the Honorable Judge Moss, inter alia, "there is insufficient evidence to establish that the so-called 'drive thru' feature has

been or is an accessory use customarily incidental to restaurants in Abington Township or in this County." In the instant application, the applicants presented a great deal of unrefuted testimony and evidence in this regard which shows indeed, that the fairly new concept of drive-thru windows are customary and incidental to the fast food business. Thus, the Board is satisfied that the restaurant use is permissible and proper and so is the drive-thru window aspect of the restaurant, being an accessory use on the same lot and customarily incidental to the permitted restaurant use.

The Board is well aware of the concerns of many respected and vocal citizens in regard to the heavy traffic on the streets surrounding the premises in question. The applicant also evinced its awareness of these traffic problems and has consented to certain conditions being imposed to the grant of the requested use by this Board as indicated in the above Findings of Fact. The Board thus issues the following:

ORDER

AND NOW, this 17th day of March, A.D., 1981, the Abington Township Zoning Hearing Board approves the application of Family Dining, Inc. to construct a restaurant with a drive-thru window facility as shown on the plan submitted to the Board, the latest revision being February 5, 1981. This grant is conditioned upon the applicant complying with its agreement and testimony before the Board to the following: It will widen, open,

and grade the tract in accordance with the revised plan of February 5, 1981; it will provide and enforce to the best of its ability "Right Turn Only" signs at all egress points from the premises; it will provide surface drainage to satisfy all Abington Township Ordinances in this regard; and it shall, at its expense, submit a traffic study within a reasonable time after this hearing to the Abington Township Police Safety Officer and comply with all reasonable recommendations of said study.

ZONING HEARING BOARD OF
THE TOWNSHIP OF ABINGTON

BY: *Charles Kahn, Jr.*
CHARLES KAHN, JR., Chairman

Michael J. Sullivan
MICHAEL J. SULLIVAN, Member

Arthur L. Bigelow
ARTHUR L. BIGELOW, Member



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