



# 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	September 25, 2018 @ 7:30 p.m. *
Administrative Code & Land Use	October 3, 2018 @ 7:00 p.m. *
Board of Commissioners	October 11, 2018 @ 7:30 p.m. *
Plan Review Period Expiration	November 12, 2018 **

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 approved by the Zoning Hearing Board on August 21, 2018. 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.*
- \*\* *Extension Letter dated September 13, 2018.*

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

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

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.

GRW - 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, ROSHYPPA 19038  
between streets Edge Hill Road and Bradfield Road

(continued on next page)



**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.

GRW COO - FAMILY  
 Signature of Applicant 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

Amee S. Farrell  
Direct Dial: (610) 941-2547  
Direct Fax: (610) 684-2010  
Email: afarrell@kaplaw.com  
www.kaplaw.com

September 13, 2018

**VIA ELECTRONIC MAIL (MPENECAL@ABINGTON.ORG)**

Mark Penecale  
Zoning Officer  
Abington Township  
1176 Old York Road  
Abington, PA 19001

**RE: Family Dining, Inc. - 900 Easton Road Land Development Application LD-18-04**

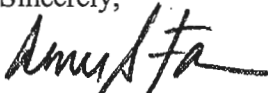
Dear Mark:

As you are aware, this office represents Family Dining, Inc. ("Applicant"), in connection with the above noted land development application. Revised plans in response to the Township Engineer's review letter were submitted this week in connection with the pending application.

Accordingly, please allow this letter to serve as confirmation that the Applicant grants Abington Township a 60-day extension of the applicable time periods under the Pennsylvania Municipalities Planning Code related to the rendering of a decision on the Application.

If you have any questions or require any further information, please do not hesitate to contact me. I thank you for your attention to this matter.

Sincerely,



Amee S. Farrell

ASF:asf

cc: (via electronic mail)  
Greg Winans, Family Dining, Inc.  
Gary Tilford, CES, Inc.  
LeeAnn Miller, Manning Design, LLC



# Township of Abington

*Engineering & Code Department*

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

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

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

September 17, 2018

**Re: Revised 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 revised land development submission packet submitted for a building expansion to accommodate a playground. The submitted information was prepared by Charles E. Shoemaker, Inc. and consists of a 7-sheet plan set dated May 8, 2018, last revised September 12, 2018 and an Erosion Control Plan Narrative dated September 12, 2018. Also included in the submission are a 2-sheet landscape plan set prepared by InFocus Planning dated May 8, 2018, last revised September 12, 2018 and three sheets of architectural plans prepared by SCF Architecture with various dates.

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.

Based on our review of the information and our previous letter dated August 13, 2018, 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. (Comment 1 of our previous letter) The applicant has requested a waiver.
2. §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. (Comment 3 of our previous letter) The applicant has requested a waiver.

3. §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. (Comment 4 of our previous letter) The applicant has requested a waiver.
4. §146-11.B.(8)(d) – Steep slope delineation is required. All slopes 15% or greater must be identified on the plans. (Comment 5 of our previous letter) The applicant has requested a partial waiver.
5. §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. (Comment 12 of our previous letter) The applicant has requested a waiver for Bradfield Road.
6. §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. (Comment 13 of our previous letter) The applicant has requested a waiver for Bradfield Road.
7. §146-27.F. – Curbs shall be extended along Bradfield Road to Edge Hill Road in accordance with Township standards. (Comment 14 of our previous letter) The applicant has requested a waiver for Bradfield Road.
8. The applicant shall provide the Engineering and Code Office with an “As-Built Plan” upon the completion of the project. (Comment 26 of our previous letter) The applicant has acknowledged the requirement.

#### Fire Marshal’s Office:

9. 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.

10. 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.

#### Planning and Zoning Officer:

11. The property is zoned within the Main Street Low District of Ward No. 13.

12. 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.

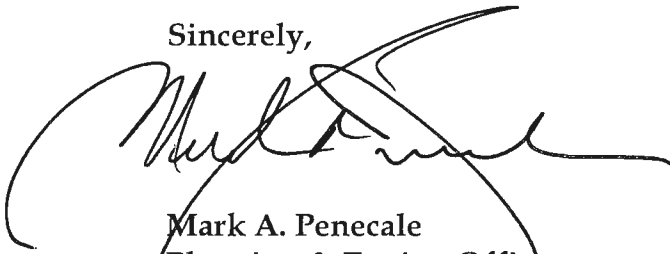
13. Seven existing non-conforming dimensional features on the site will be brought into compliance with the requirements of the Zoning Ordinance.

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



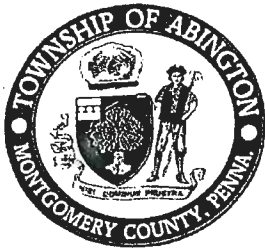
would ask that you contact the reviewing department directly or I can be reached at 267-536-1010.

Sincerely,



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  
Scott Marlin; Engineering & Code Department  
File Copy (2)



# Township of Abington

*Engineering & Code Department*

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

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

August 22, 2018

Family Dining, Inc.  
1780 Swede Road  
Blue Bell, Pa. 19422

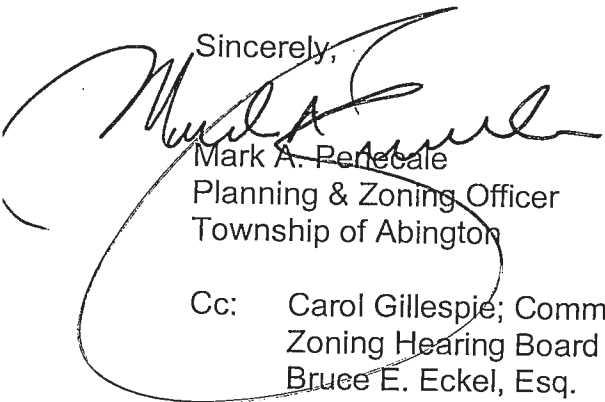
**Re: Application #18-13: 900 Easton Road, Abington, Pa. 19001.**

Family Dining, Inc.,

I am pleased to inform you that on August 21, 2018 the Zoning Hearing Board of the Township of Abington approved the variances requested from Section 2103.A, Use A-15, Section 2402.A, Section 2402.B and Section 2500 of the Zoning Ordinance of the Township of Abington, for proposed improvements shown of the plan prepared by Gary A. Tilford, RPLS, dated June 6, 2018.

The land development application filed for proposed alteration & addition to the Burger King is scheduled to be presented to the Abington Township Planning Commission on August 28, 2018. In the event that there are any questions that you may have, please feel free to contact me at 267-536-1010.

Sincerely,



Mark A. Perfeccale  
Planning & Zoning Officer  
Township of Abington

Cc: Carol Gillespie; Commissioner Ward #13  
Zoning Hearing Board Members  
Bruce E. Eckel, Esq.  
Engineering & Code Department Staff



Township of Abington  
Zoning Hearing Board  
1176 Old York Road  
Abington, Pennsylvania, 19001

Gertrude M. Hackney, Esq. Zoning Hearing Board, Chairperson  
John DiPrimio, Zoning Hearing Board, Vice Chairperson  
Barbara M. Wertheimer, Zoning Hearing Board, Secretary  
Michael O'Connor, Zoning Hearing Board Member  
Jose Casalina, Zoning Hearing Board Member  
Bruce J. Eckel, Zoning Hearing Board Solicitor

DECISION

18-13: This is the application of **Family Dining, Inc.**, applicant for the property located at 900 Easton Road, Abington, PA, 19001. The applicant has requested a dimensional variance from Section 2103.A, Use A-15 of the Zoning Ordinance of the Township of Abington. This variance has been requested to allow for the drive-thru stacking lanes to operate with shared stacking, instead of the six vehicles per lane. In addition, the applicant has requested a determination of the Zoning Hearing Board and/or the required relief from Sections 2402.B, Street Trees on {Bradfield Avenue}, Section 2500, {Street Wall on Easton Road}, Section 2402.A.2, {Green Space within the Parking Lot} and Figure 24.7 {High Intensity Landscaped Buffer} of the Zoning Ordinance of the Township of Abington. The property is zoned within the Main Street Low District of Ward #13 of the Township of Abington.

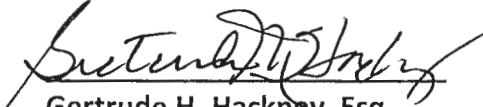
Hearing Date: July 17, 2018  
Decision Date: August 21, 2018  
Copy Mailed: August 22, 2018

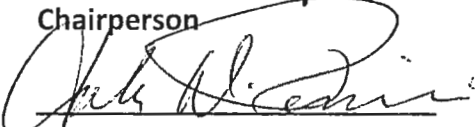
You are hereby notified that your application has been DENIED APPROVED APPROVED WITH THE FOLLOWING CONDITIONS, by decision rendered on August 21, 2018.

BOARD SIGNATURES

Vote

CONDITION

  
Gertrude H. Hackney, Esq.  
Chairperson

  
John DiPrimio  
Vice Chairperson

Aye:  \_\_\_\_\_  
Nay:  \_\_\_\_\_

Aye:  \_\_\_\_\_  
Nay:  \_\_\_\_\_

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