

Planning Commission
Wednesday, June 24, 2020 Meeting Minutes

The June 24, 2020 public meeting of the Upper Makefield Township Planning Commission was called to order by Chair Kathleen Pisauro at 7:00 p.m. In attendance were the following members of the Planning Commission: Chair Kathleen Pisauro, Vice Chair Phil Feig, Member Bud Baldwin, Member Harry Barfoot, Member Ken Rubin, Member Jack Wiseman, and Member Walter Wydro. Also, in attendance were BOS Liaison Diana Nolan, Township Solicitor Mary Eberle, Township Engineer Larry Young, Zoning Director Dave Kuhns, Zoning Administrative Assistant Denise Burmester.

Public Comment: No public comment presented.

Confirmation of a Quorum: Ms. Pisauro confirmed a quorum.

Approval of Minutes:

- A. **May 27, 2020:** Mr. Wiseman requested changes to the reporting of attendance of sixth member for record.

Mr. Wiseman made a motion to approve the minutes of May 27, 2020 with changes noted. Mr. Barfoot seconded. Motion carried by a unanimous vote.

Ordinances:

- A. **Gas Station/Convenience Store Ordinance - JMZO** – *Discussion & Recommendation:*

Ms. Eberle opened the continued discussion introducing the following supporting documentation to guide the discussion:

1. Maps provided by the Township Engineer and Planning & Zoning Director, to better understand where the Gas Station/Convenience Store could be placed.
2. Drafts of the Ordinance that were revised by Newtown and Wrightstown Planning Commissions with comments to review.

Ms. Eberle noted that the issue from the prior discussion that seemed most pressing was the placement of the Gas Station/Convenience Store within the Township. Ms. Eberle set up the maps for the members to view and discuss.

The following items were discussed with the Planning Commission:

- Changes to the zoning districts included or excluded from the Jointure per the comments from Wrightstown and Newtown, while noted, did not impact the zoning districts that are in Upper Makefield.

- Clarification was made on location of highway classifications within the VC-1 zoning district which further defines possible placement of a Gas Station/Convenience Store in Upper Makefield:
 - Minor Arterial:
 - Route 532
 - Taylorsville Road South of Route 532 intersection.
 - Major Collector:
 - Taylorsville Road North of the Route 532 intersection.

Newtown has made an amendment that removed the requirement that the property must front on the Minor Arterial and Major Collector on all sides. In the amendment, only one of the Gas Station/Convenience Store fronts must be a Minor Arterial or Major Collector, the additional front could be any type of access. This opens up possible properties to be any corner on Taylorsville or Rt. 532 with a side street that is also in VC-1 zoning district. The Planning Commission members agreed that language should be added to exclude Local Streets.

- Checking some recent Gas Station/Convenience Store designs from other Municipalities, there is a design for 1.26 acres that could be placed on the property at the corner of Taylorsville and Rt. 532 which is 1.23 acres and currently for sale. The draft of the Ordinance only requires 1 (one) acre and a maximum site design of 4,000 square feet for placement of a Gas Station/Convenience Store. Many of the Gas Station/Convenience Store designs that the Township Engineer has been involved with lately are 4,700 square feet, which could fit on the property at the corner of Taylorsville and Rt. 532. Prior possible retailers for this property struggled with making the dimensions of the property work for their design. It would be a struggle to make the 4,700 square foot designs work for a property that was only a single acre, which is the minimum size for the Ordinance. Although a smaller square foot design could be used for a Gas Station/Convenience Store. Many retailers are redesigning for drive-thru and automatic doors to reduce contact due to the COVID crisis. The retailer redesigns are still requiring that Gas Station/Convenience Store combinations.
- Additional locations were reviewed that were along Route 532 that are over an acre, or that could be combined to achieve an acre or more. Which identified three to four properties that could be contenders for placement of a Gas Station/Convenience Store.
- State or Township owned property would not be for fair share analysis as available for purchase for a Gas Station/Convenience Store. Township-owned streets or State-owned streets do not restrict placement as long as one of the streets are a Minor Arterial or Major Collector.
- The ordinance does note that the Gas Station/Convenience Store property cannot abut a property that contains a residential use. This provision does reduce the number of properties immediately available for a Gas Station/Convenience Store.
- Several Planning Commission members expressed concern of a Gas Station/Convenience Store placed within the Village area and how that would change the character of the community.
- There was discussion of other locations or zoning districts within the Township that would provide better placement of a Gas Station/Convenience Store but none were identified.
- There was discussion on how being a part of a Jointure Zoning Ordinance does require that all communities in the Jointure share the burden of land usage and the history of

how this has allowed the different communities in the Jointure to define the character and accessibility of the communities.

- The topography and characteristics of a property define what size building and design can be placed on an individual property and as such, further definition of the lot size and building size limits are not necessary within this Ordinance.
- E-30 code reference was clarified that properties could face Rt. 532 or Taylorsville Road.
- The language in the ordinance seems to currently have a conflict in the ability to have Drive-Thru access, some districts allow it and some don't. There was discussion that Drive-Thru service can be a service to those in the community that have mobility issues and allow them independence to be able to pick up household basics, such as milk and bread, without getting out of the car.
- Fueling Station was clarified; a Fueling Station has two pumps available, a pump on each side of the Fueling Station.
- The one-acre requirement in the VC-1 zoning district, which is located in Upper Makefield, as opposed to a 4-acre requirement in the OR zoning district, which is not in Upper Makefield was clarified. If the 4-acre requirement was added to the VC-1 zoning district, this would cause a de facto exclusion because Upper Makefield would not have any 4-acre properties in the VC-1 zoning district. Discussion and agreement narrowed on increasing the one-acre requirement to 1.2 acres.
- The changes of Newtown and Wrightstown were reviewed without discussion or exception with the following points or changes:
 - Increase the minimum lot size to 1.2 acres found on the minimum lot size chart.
 - Property cannot abut the property of a residential use found on Paragraph 29.
 - Property cannot have Local Road frontage found on Section 7, paragraph 803.E.

Ms. Pisauro verified all concerns were addressed and discussion was complete.

Ms. Pisauro made a motion to approve changes proposed by Newtown and Wrightstown with the following changes; increase the minimum lot size to 1.2 in VC-1; property cannot abut the property with Residential Use; property cannot have Local Road frontage.

Mr. Wiseman seconded. Motion carried by vote of 6-1. Mr. Rubin dissented.

Liaison Report:

Ms. Nolan noted that the Township Building renovations are almost complete and look very nice and the employees are happy with the renovations.

Ms. Nolan also noted the Board of Supervisors are becoming stricter with hardship determinations for Variance requests. The Board of Supervisors felt that the hardships presented in some recent applications are not truly hardships.

Adjournment:

A motion was made by Mr. Barfoot to adjourn the meeting and was seconded by Mr. Wiseman. Motion carried by a unanimous vote. The meeting adjourned at 8:38 p.m.

Approved: August 26, 2020