

**Special Borough Council Meeting
Conditional Use Hearing**

February 27, 2023

A special Conditional Use Hearing of Souderton Borough Council, held on the above date, was called to order by Council President Tracy W. Burke at 7:00 p.m. The following members of Borough Council and staff were present:

President Tracy W. Burke	Junior Councillor Elijah S. Steglik
Councillor Edward Huber	
Councillor Matthew DiNenna	Solicitor Oliver Gingrich
Councillor Daryl W. Littlefield	
Councillor Julie A. Munden	Borough Manager P. Michael Coll
Councillor Donna M. Rogers	
Councillor Matthew R. Sholly	Mary Gladwell, Court Reporter
Councillor Richard M. Walczak	
Councillor Courtnee Wampole	

Council President Tracy Burke opened the hearing with a reading of the Advertisement for the Conditional Use Hearing as follows:

Souderton Borough Council has scheduled a Special Borough Council Meeting on Monday, February 27, 2023 beginning at 7:00 p.m. in the Council Chambers of the Souderton Municipal Building, 31 W. Summit Street, Souderton, Pennsylvania for the purpose of conducting a public hearing to consider the following Conditional Use Application:

Application 1-23; submitted by School Lane Development, LLC of Colmar, Pennsylvania, regarding property located within the Towne Gate Commons development fronting along the 600 block of East Broad Street and proposed new connecting street, Souder’s Way. The subject property is located in a MUR- Mixed Use Redevelopment District. The applicant is requesting formal authorization to construct a new Starbucks restaurant on a designated commercial pad site within the development with provisions for a drive through service window. The Starbucks restaurant is a permitted use by right, however; drive through service windows are only permitted within the district by conditional use approval from Souderton Borough Council.

This notice is given by and with the authority of Ordinance No. 405 of 1972, known as the Zoning Ordinance of the Borough of Souderton, as amended. All interested parties may attend this hearing and will be given an opportunity to be heard.

The Applicant, School Lane Development, LLC, was represented by Attorney Nate Fox; Brian Grant, Vice-President of Select Properties; Susan Rice, P. E., STA Engineering Inc.; and Andreas Heinrich, P. E., P. T. O. E.

Borough Solicitor Oliver Gingrich summarized the purpose of the hearing, noting that the testimony and action is specific to the question of the drive through service window within the

development. There may be other issues relating to the overall development and revised development plans but they will be addressed at a future date during land development reviews and approvals. The Zoning Ordinance, under the provisions of the Mixed Use Redevelopment District Section 2001 B. 6 a. through e. provides specific requirements for drive through facilities. Should testimony prove that the conditions are met, then the applicant is entitled to the use unless a party or parties demonstrate harm or other sufficient reasons for denial.

Solicitor Oliver Gingrich noted two residents are in the audience. He explained provisions for the residents to request Party status to the proceedings. Regardless of Party status the residents will be given opportunity to ask questions or make comments concerning the proposal. Neither resident requested Party status.

Attorney Nate Fox provided opening remarks and summarized the purpose of the hearing. He provided Borough Council with copies of exhibits to be entered into the record. The exhibits included the application, revised development plans, building elevation plans for a typical Starbucks restaurant, initial traffic impact study and a comparative trip generation analysis specific to the proposed Starbucks use.

Attorney Fox first called upon Brian Grant to provide a history of the development and plans to locate a Starbucks restaurant within this mixed use development. Brian Grant noted that he reviewed the comments from the Souderton Planning Commission and the Montgomery County Planning Commission and has no concern in addressing the comments during land development reviews.

Brian Grant addressed questions from Borough Council. Attorney Nate Fox clarified the specific comments from the Souderton Planning Commission as outlined in their February 1, 2023 minutes. Councillor Edward Huber noted that the main development sign for Towne Gate Commons will need to be located on the development plan and questioned whether the architectural plans for the restaurant complied with provisions of the MUR zoning. Attorney Nate Fox noted that they did not complete a zoning analysis for the pictured elevations, but their intent with the building elevations was to demonstrate compliance with the required orientation of the drive through service window to the building.

Attorney Nate Fox next called upon Susan A. Rice, P. E., to discuss the development plans. She confirmed that the smaller commercial building size still complies with the overall ratio of commercial to residential floor area. The noted parking reduction still complies with the zoning requirements. A total of 264 spaces are provided throughout the development with 251 spaces required. Engineer Susan Rice provided testimony to show compliance with the five specific zoning requirements for a drive through service facility. She further noted that this is the only commercial pad site within the development that will accommodate a drive through service facility.

Engineer Susan Rice addressed several questions from Souderton Borough Council members. Solicitor Gingrich questioned the intent of restricting any turning movements at the exit onto Arrowhead Drive. The applicants noted that they are intending to maintain a driver option when turning onto Arrowhead Drive.

Attorney Nate Fox next called upon Andreas Heinrich, P. E. to discuss the initial traffic study that was completed for the development and the revisions to the study specific to the proposed Starbucks restaurant. He testified that the analysis provided adequate ingress and egress from the site and they do not anticipate any revisions to the existing PennDOT Highway Occupancy permit with the proposed Starbucks.

In response to a question from Council President Tracy Burke, Brian Grant stated that he anticipates that most interior roads will be constructed prior to the opening of the Starbucks.

Attorney Nate Fox summarized the testimony and provided closing remarks.

The floor was opened to public comment. Wade Hanshaw, 527 Valley Lane, Souderton commented that the intent of the revitalization efforts of the Borough is to provide for walkability. Bringing a drive through into the development is not something that this community needs and it runs contrary to intended goals of a walkable community.

There being no further comment, Souderton Borough Council discussed the proposed application and related conditions.

A motion was made by Councillor Daryl Littlefield, seconded by Councillor Julie Munden, to approve the conditional use application of School Lane Development concerning a drive through service window for the proposed Starbucks restaurant. Such approval is conditioned upon the applicant submitting land development plans with any noted waiver requests; architectural renderings of the Starbucks restaurant shall be submitted in compliance with ordinance requirements; and the property shall be developed in accordance with the testimony and exhibits presented at this hearing and all other ordinances, agency and PennDOT jurisdictional reviews. The motion was approved by unanimous vote.

There being no further business the hearing was adjourned at 9:10 pm.

Respectfully Submitted,

P. Michael Coll, Secretary