

**BEFORE THE BOARD OF COMMISSIONERS  
OF UPPER DUBLIN TOWNSHIP**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION**

In Re: Application for Conditional Use  
of BT Dreshertown, LP

Property: Intersection of Welsh Road  
and Dreshertown Road

Tax Parcel No: 54-00-05242-00-5

**I. INTRODUCTION**

An application for conditional use was heard before the Board of Commissioners of Upper Dublin Township (the "Board") on June 13, 2017, after due advertisement and other required public notice. Dr. William Horn, 1752 Dreshertown Road, Dresher, PA 19025, and Mr. Mark Jones, 1725 St. Georges Road, Dresher, PA 19025, requested and were granted party status.

The applicant seeks conditional use approval under the Upper Dublin Township Zoning Code, Chapter 255, Sections 255-60.D. and 255-61.1, to construct a mixed use development on a 25.411 acre parcel of land located at the intersection of Welsh and Dreshertown Roads. The property also has frontage on Dryden Road. The proposed development includes 402 apartment units, a 9,070 square foot restaurant with outdoor seating, a 1,200 square foot coffee shop with drive thru, 127,728 square feet of non-residential/commercial space, and a 2,094 square foot office (the "Project"). The property is currently vacant land.

The area surrounding the Project consists of both residential uses and commercial office buildings. Adjacent to the property are two office buildings with parking. Across Welsh Road from the property is a mix of commercial uses. Two age-restricted residential developments are located to the rear of the property and across Dreshertown Road from the property. The

property, along with the two office parks adjacent to the property, is located in the OC Office Center zoning district. The OC District permits by conditional use: residential; retail; commercial; personal service and convenience facilities; restaurants and coffee houses; banks and financial institutions; and, office. The OC District also provides for allowable accessory uses, including a parking garage, clubhouse or pool, and a maximum of two drive-thru service facilities.

The Project includes neighborhood open space for public use, as well as an amenity courtyard for use by the residential tenants. There will be two parking garages (containing 62 and 510 parking spaces, respectively), and surface parking (803), for a total of 1,375 parking spaces. The Project will consist of trails and sidewalks to connect to existing Township trails and sidewalks. The conditional use application is based on the Record Plan and plan set prepared by Gilmore & Associates, Inc. dated February 10, 2016, last revised June 12, 2017; the Planning Report prepared by John Kennedy, AICP, dated February 10, 2016, last revised June 12, 2017; and, the Transportation Impact Study prepared by McMahon Transportation Engineers and Planners dated March 2016, revised February 2017 (the "TIS"). The applicant executed a Declaration of Covenants and Restrictions dated December 5, 2016, amended March 28, 2017, providing for additional on-site and off-site improvements, including traffic improvements to Dreshertown Road and Welsh Road and a post construction traffic study after the full build out the Project.

## **II. FINDING OF FACT**

1. The Project is located on 25.411 acres.
2. The Project has frontage on and road access to Welsh Road and Dreshertown Road, both of which are public roads. The Project also has frontage on Dryden Road, a private road.

3. The Project has 23.9% building coverage and 69.5% impervious coverage.
4. The maximum height of the proposed retail/residential buildings is 65 feet; the maximum height of the non-residential buildings without residential is 35 feet.
5. The Project consists of 402 residential apartment units, 137,998 square feet of commercial space, including a restaurant with outdoor dining, a coffee shop with drive thru capabilities, a bank and retail establishments, and 2,094 square feet of office space.
6. No one use utilizes more than 80% of the overall gross building floor area. The Project proposes 77.6% residential use, and 22.4% non-residential/commercial uses, including office use.
7. The residential apartment units consist of one and two bedroom apartments, with no less than 40% of the apartment units being one bedroom, which include studio apartments. No apartment unit will have more than two bedrooms.
8. The base density allowed in the OC District is 15.0 residential units per acre. The applicant incorporated green building technology and sustainable design features to increase the density to 15.8 units per acre, including the use of structured parking, the provision of electric vehicle charging stations, bike racks, and a bike share program.
9. The Project will consist of both structured and surface parking: 572 structured parking spaces; and, 803 surface parking spaces, for a total of 1,375 parking spaces.
10. The building setback from Dreshertown Road is 70.84 feet; the building setback from Welsh Road is 106.19 feet; the building setback from Dryden Road is 129.33 feet; and, the building setback from the adjacent active adult community is 189.93 feet.

11. The parking setback from Dreshertown Road is 28.10 feet; the parking setback from Welsh Road is 27.02 feet; the parking setback from Dryden Road is 27 feet; and, the parking setback from the adjacent active adult community is 50 feet.
12. A 50 foot landscaped buffer will be constructed along the southwestern boundary of the site, adjacent to the approved (but not yet built) active adult community, and a 25 foot landscaped buffer will be constructed along the frontages of Welsh Road, Dreshertown Road and Dryden Road.
13. Greater than 10% (10.20%) of the net developable acreage of the Property has been designed as improved neighborhood open space, including a +/- 2.5-acre neighborhood park, which will consist of landscaping, a water feature, seating areas, playgrounds, exercise and yoga, and other activities. The park will be open to the general public including residents and the commercial/office tenants of the proposed development.
14. The Project will include public trails connecting the surrounding neighborhoods, and provide pedestrian and bike access to the Project's retail establishments.
15. The majority of the stormwater facilities for the proposed stormwater management system will be underground retention.
16. In the neighborhood open space and the landscaped parking islands in the parking field near the intersection of Welsh and Dreshertown Roads, rain gardens will be utilized to provide a more aesthetically pleasing stormwater management facility while managing runoff and maximizing groundwater recharge.
17. The Project is an integrated development of residential and commercial uses, neighborhood open space and public amenities, along with the required parking.

18. Retail, office and restaurant uses are mixed with residential apartments in two main buildings, designed with a common architectural theme and using design elements that minimize the overall scale of the buildings, with visual building breaks and step backs of the building facades.
19. The site plan is configured to mitigate the visual impact of parking.
20. Commercial parking has been distributed around the buildings to provide safe and efficient access, while residential parking is centralized in internal parking garages.
21. The development incorporates several green building technologies and sustainable building practices, including green roofs, rain gardens, structured parking, electronic charging stations, bike racks and a bike share program.
22. The applicant submitted a conceptual signage plan showing sign locations with its conditional use application. The signs consist of an identification sign at the corner of Dreshertown and Welsh Roads; two pylon signs, one on Welsh Road and one at the intersection of Welsh and Dryden Roads; a directional sign at the Dryden Road entrance; a monument sign at the Dreshertown Road entrance; wall signs; and, internal directional signs.
23. The applicant submitted with its conditional use application and updated at the conditional use hearing a summary of the proposed building design and architectural elements that will be used for the Project, prepared by Bernardon Associates Architects, along with architectural renderings of the Project.
24. The applicant submitted a Transportation Impact Study for the proposed development to determine the impact of traffic on the adjacent roadways and intersections due to the proposed development.

25. Based on the results of the TIS, the applicant proposes to make a series of site access and offsite traffic improvements to Welsh Road, Dreshertown Road and Dryden Road, and updates to traffic signal timing, clearance intervals, and pedestrian timing at several additional off site intersections including Welsh Road and Jarrettown Road, Welsh Road and Dresher Road, Welsh Road and Dreshertown Road, Welsh Road and Dryden Road, and Welsh Road and Blair Mill, Computer and Twining Roads.
26. The proposed traffic improvements will mitigate traffic generated at the site, and remedy a number of existing problems.
27. The applicant also has contributed Sixty One Thousand Dollars (\$61,000) to the Township to help fund a study to identify potential additional improvements to the Dresher Triangle (intersections of Dreshertown Road and Limekiln Pike; Limekiln Pike and Susquehanna Road; and, Susquehanna Road and Virginia Drive).
28. The applicant has agreed to perform a post construction traffic study of the study area upon the full build out of the Project.
29. The applicant submitted a conceptual landscape design and streetscape plan with its conditional use application.
30. The applicant submitted a conceptual lighting plan with its conditional use application.
31. The applicant has provided proof of adequate public water and sewer service for the development.
32. The Project complies with the requisite minimum acreage, maximum impervious coverage, road frontage, mix of uses, setbacks to public streets and private property, building height, and all other development and design requirements for a mixed use development in the OC District.

### III. CONCLUSIONS OF LAW

1. The Project principal uses and accessory uses are all uses permitted by conditional use in the OC District. Township Code, § 255-61.1.B.
2. The Project complies with the lot area, road frontage, buffers, maximum residential density and use mix requirements of the OC District. Township Code, §§ 255-61.1.C.(1)-(3), (7), and (8).
3. The Project site plan meets the requirements for conditional use. Township Code, § 255-61.1.C.(4).
4. A minimum of ten percent (10%) of the net developable area of the lot will be developed as neighborhood open space in compliance with the development and design requirements of the OC District. Township Code, §§ 255-61.1.C.(5) and (6).
5. Maximum building coverage, impervious coverage, and building heights comply with the area and bulk requirements of the OC District. Township Code, §§ 255-61.1.D.(1)-(3).
6. The building setbacks and parking setbacks comply with the area and bulk requirements of the OC District. Township Code, §§ 255-61.1.D.(4) and (5).
7. The Project parking complies with the parking requirements of the OC District, § 255-61.1.D.(6).
8. The building design presents a common and coherent architectural theme in compliance with design standards of the OC District. Township Code, §§ 255-61.1.E.(1)(b)-(g).
9. The conceptual sign plan complies with the requirements of the OC District and § 255-152.2.H. Township Code, § 255-61.1.E.(2).
10. The conceptual landscape and streetscape plan meets the design requirements of the OC District. Township Code, § 255-61.1.E.(3).

11. The Project neighborhood open space is designed in compliance with the design requirements of the OC District. Township Code, § 255-61.1.E.(4).
12. The Project meets the legislative intent of incorporating a mixed use development option in the OC District.
13. The Project will preserve the environmental and physical assets of the neighborhood through the use of building setbacks and building location; the use of structured parking; the use of green technologies in building, parking lot and stormwater designs; and, the provision of earthen berms and landscaped buffers.
14. The proposed traffic improvements have made accommodation for and will mitigate the impacts of peak traffic generated by the mixed use development.
15. The mixed use development is designed in accordance with the requirements of the OC District with regard to internal traffic circulation, parking, buffering, grading, stormwater management, erosion control and all other elements of proper land planning.
16. The Project will not have an adverse impact on the health, safety, and welfare of the neighborhood and/or the community.

#### **IV. DECISION AND ORDER**

**AND NOW**, this 11<sup>th</sup> day of July, 2017, the conditional use application of BT Dreshertown, Inc. for a mixed use development on the 25.411 acre parcel of land located at the corner of Dreshertown and Welsh Roads, Upper Dublin Township, Tax Parcel No: 54-00-05242-00-5, is granted subject to the following conditions:

1. The testimony, exhibits, plans and representations made at the conditional use hearing are incorporated herein by reference and form the basis for this decision. No deviation therefrom shall be permitted without further approval by the Township.

2. The applicant shall apply for and receive subdivision and/or land development approval for the Project. Such plans shall conform to the plans upon which the conditional use has been granted, including these special conditions and the requirements of the Township Code, including Chapter 212, Subdivision and Land Development.
3. This grant of conditional use shall expire one year (1) year from the date of this conditional use decision unless a subdivision and/or land development application is filed with the Township in the interim.
4. The Applicant shall comply with the representations and commitments made in the Declaration of Covenants and Restrictions dated December 5, 2016, recorded against the property (Deed Book 6026, pp. 10040-00162), as amended March 28, 2017, including but not limited the following site access and off site traffic improvements:
  - A. Access.
    - (1) Full Welsh Road access via the existing signal at Dryden Road.
    - (2) Right in – right out access from a new driveway on Welsh Road, between Dryden Road and Dreshertown Road.
    - (3) Full Dreshertown Road access, to be aligned with the Regency at Upper Dublin’s residential development driveway, with a new traffic signal.
  - B. Welsh Road Improvements.
    - (1) Widen Welsh Road and extend the second eastbound through-lane from its current termination point east of Jarrettown Road to accommodate the 95% queue distance west of Jarrettown Road.

(2) Extend the eastbound Welsh Road right-turn lane at Dreshertown Road to provide the maximum storage capacity available, with no impact to the trail system being installed at the Regency at Upper Dublin.

(3) Reconfigure the southwest corner of the Welsh Road and Dreshertown Road intersection to accommodate a WB-50 truck turn, with a standard stop bar configuration on Dreshertown Road (i.e., four (4) feet from the cross walk).

C. Dreshertown Road Improvements.

(1) Install a new traffic signal at the Dreshertown Road driveway location, with a southbound left-turn lane and a northbound right-turn lane on Dreshertown Road. The length of the turn lanes should accommodate the 95% queue distance.

(2) Soften the curve of Dreshertown Road between St. George's Road and Tuckerstown Road, to comply with a minimum Design Speed of 40 MPH per PennDOT standards. This includes design elements for land width, horizontal radius, vertical sight distance and superelevation. The Applicant shall ensure the pavement section is adequate for the traffic loads identified in the TIS for the 2023 Development Condition.

(3) Install 75-foot minimum left-turn lanes on Dreshertown Road for access to St. Georges Road and Tuckerstown Road, in accordance with PennDOT design standards.

D. Traffic Signal Improvements.

(1) Welsh Road & Jarrettown Road.

a. Replace signal equipment and ADA ramps as required for the widening of Welsh Road.

b. Re-establish volume density loops and install ground wire loop detection to replace video detection shown on the Traffic Signal Permit Plan.

c. Replace existing pole mounted controller with a ground mounted controller cabinet and Econolite ASC/3-2100 controller and battery back-up, unless modified by the Township as a result of subparagraph F, below.

d. Update signal timings, clearance intervals and pedestrian timing.

e. Re-establish the Signal Ahead warning system located west of Jarrettown Road with a new mast arm and equipment to operate in accordance with the current Traffic Signal Permit. Replace the Fail-Safe device located on the existing mast arm.

(2) Welsh Road & Dresher Road.

a. Replace existing controller in the existing ground mounted cabinet with an Econolite ASC/3-2100 controller and battery back-up, unless modified by the Township as a result of subparagraph F below.

b. Update signal timings, clearance intervals and pedestrian timing, without decreasing the amount of green time provided to Dresher Road.

(3) Welsh Road & Dreshertown Road.

a. Replace signal equipment and ADA ramps as required for the widening of Welsh Road.

b. Replace ground wire detection loops on Dreshertown Road to reflect the new stop bar locations.

c. Update signal timings, clearance intervals and pedestrian timing.

(4) Welsh Road & Dryden Road.

a. Install ADA compliant ramps and add pedestrian countdown timers and LED pushbuttons as determined through the PennDOT Highway Occupancy Permit process.

b. Determine if a protected left turn phase is warranted, and, if necessary, replace the existing 35-foot mast arm on the northwest corner to allow for the phase.

c. Add ground wire loop detection on the Welsh Road turn lanes and re-establish loops as necessary for the side street stop bar locations.

d. Update signal timings, clearance intervals and pedestrian timing.

(5) Welsh Road & Blair Mill Rd, Computer and Twining Roads.

a. Update signal timings, clearance intervals and pedestrian timing.

(6) New signal at Dreshertown Road & Driveway Entrance.

a. Ensure the cabinet is ground mounted with an Econolite ASC/3-2100 controller and battery backup. Provide LED signals, countdown timers and pedestrian push buttons along with emergency preemption.

b. Install traffic adaptive software with video detection. Supplement the video detection zones with ground wire loop detection on side streets and turn lanes.

c. Determine if a Queue Detector is required for the southbound approach in consultation with PennDOT, as well as Dilemma Zone detection.

d. Incorporate this signal into the Welsh Road Interconnect System, I-0998 and provide a 12-strand serial fiber optic connection from the 72-strand backbone.

(7) Design to Township Standards.

a. All traffic signal improvements and new traffic signals shall be designed to Township standards and specifications, subject to review and approval by Penn DOT.

E. Fiber Optic Installation. The Applicant shall install a 72-strand aerial fiber optic line along Welsh Road from Jarrettown Road to Blair Mill Road, as part of the existing signal interconnection system, unless modified by paragraph F below. This includes termination connections, software integration and ethernet switches at Jarrettown, Dresher, Dreshertown and Dryden Roads.

F. Cash Contributions.

(1) Green Light Go Program. If Upper Dublin Township and neighboring municipalities are successful in obtaining an award through the PennDOT Green Light Go 2016 Program for Welsh Road Corridor Fiber Optic and Signal Upgrades from PA Route 309 to PA Route 611, then none of the traffic improvements noted in subparagraphs D.(1)(c), D.(2)(a) and E. above will be required to be installed by the applicant; rather, the applicant will make a cash contribution to the Township in an amount not to exceed Two Hundred, Thirty Five Thousand Dollars and No Cents (\$235,000.00), to be used for the local match requirement. The cost-estimating method is consistent with the method utilized in the Green Light Go application and will be transmitted separately by the applicant to the Township for concurrence.

(2) Dresher Triangle Traffic Study. The Applicant will make a cash contribution to the Township in an amount not to exceed Sixty-One Thousand Dollars and No Cents (\$61,000), to be used to prepare a "Limited Preliminary Engineering Effort

– Dresher Triangle Improvement Concept,” as more fully described in the letter dated October 19, 2016, from Boles, Smyth Associates.

G. Post Construction Traffic Study. The applicant will perform an After Study Traffic Analysis of the Welsh Road and Dreshertown Road driveways six (6) months after full build-out of the Project, to determine the actual number of new vehicle trips. If there are a substantial number of new trips above the TIS projections, then additional analysis will be required to determine if phasing/timing adjustments are warranted at the new intersection and at the Welsh Road intersections from Jarrettown Road to Twining Road. The applicant agrees to complete any improvements recommended as a result of the After Study Traffic Analysis, up to a cost of Twenty-Five Thousand Dollars (\$25,000). The applicant shall have no obligation to fund any improvements in excess of this amount.

H. Mass Transit Services.

(1) Bus Service. The Southeastern Pennsylvania Transportation Authority (“SEPTA”) provides two routes along Welsh Road (Routes 80 and 310) and provides two (2) stops along Welsh Road at Blair Mill Road and Dryden Road. The applicant shall coordinate with SEPTA to determine if improvements to the existing stops should be made, and if additional stops or service is appropriate as a result of the Project.

I. GVFTMA. The Applicant shall provide for each major tenant to be members of the Greater Valley Forge Transportation Management Agency for an eighteen (18) month period from occupancy.

5. The applicant shall enter into an easement agreement with BT Dryden, L.P., a related entity who is the owner of the adjacent property known as Montgomery County Tax Parcel Number 54-00-16675-00-2, and upon which an office building and accessory parking is located

(the "Dryden Property"), to allow the applicant to use a portion of the Dryden Property for overflow parking for the Property during nights and weekends when such parking is not needed by the office building located on the Dryden Property. The easement agreement shall be in a form approved by the Township Solicitor and finalized prior to recording of a Record Plan for the Project.

6. In no event shall the Project exceed 402 apartment units. The apartment units shall be limited one- and two-bedroom apartment units, no less than 40% of the apartments shall be one (1) bedroom apartments (which include studio apartments), and in no event will the applicant construct apartment units that have more than two (2) bedrooms.

7. The applicant shall install a raised crosswalk as a traffic calming device where the pedestrian crosswalk is shown on the Project Boulevard between the residential buildings.

8. The applicant shall construct a minimum ten foot (10') wide bituminous trail, paved to Township specifications, along the Dreshertown Road and Welsh Road frontages to the Project.

9. The applicant shall provide striped crosswalks on Dryden Road crossing over to the Montgomery Corporate Center at the entrance to the Project Boulevard.

10. The applicant shall install a landscaped berm located adjacent to Restaurant No. 2 which shall be a minimum of 6 feet in height.

11. The applicant shall construct the Project generally in accordance with the architectural renderings submitted at the conditional use hearing and in full compliance with § 255-61.1.E.(1). Any deviations from the renderings require approval by the Board of Commissioners as part of the subdivision and/or land development approval process.

12. The dumpster for Restaurant No. 2 as shown on the Preliminary/Final Land Development Plan and Conditional Use Plan, Record Plan, prepared by Gilmore & Associates, Inc, dated

February 10, 2017, last revise June 12, 2017, shall be emptied only between the daytime working hours of 8 am to 6 pm.

13. A green roof maintenance plan shall be made part of the post construction stormwater management plan for the Project.

14. Plans must comply with all Subdivision and Land Development regulations, Chapter 212 of the Township Code, subject to applicant's right to request relief therefrom in the form of a written waiver.

15. The applicant shall request from the U.S. Post Office to use Welsh Road as the address location for the Project residents and tenants, and to not use any Dreshertown Road addresses for the Project.

16. No commercial truck access shall be permitted from Dreshertown Road.

17. Outdoor seating and/or dining areas for the restaurant(s) at the Project shall be limited to at grade or ground floor, and no outdoor dining or seating shall occur after 11:00 p.m. daily and on weekends.

18. The applicant shall provide a public access license agreement for use of the neighborhood open space and Project walkways and trails, subject to the review and approval of the Township Solicitor.

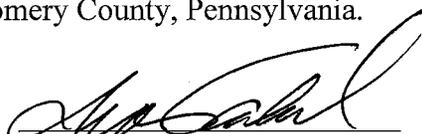
19. Public water and sewer shall be extended to the property and all new utility lines, including internet, telephone and cable, shall be placed underground.

20. The applicant shall submit to the Upper Dublin Township Department of Fire Services, prior to the issuance of a certificate of occupancy for the Project, an emergency management plan for fire and other similar emergencies, in full compliance with the Township Code and all rules, regulations and guidance of the Department of Fire Services and Township Fire Marshal.

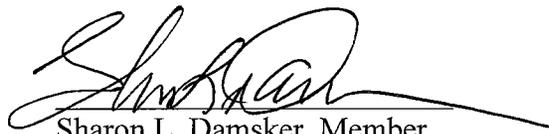
If you or anyone else present at the hearing(s) and entering their appearance disagree with this Findings of Fact, Conclusions of Law and Decision in any way, there is a strict time limit of THIRTY (30) days from the date of the MAILING of this Findings of Fact, Conclusions of Law and Decision within which to take an appeal of this Findings of Fact, Conclusions of Law and Decision to the Court of Common Pleas of Montgomery County, Pennsylvania.

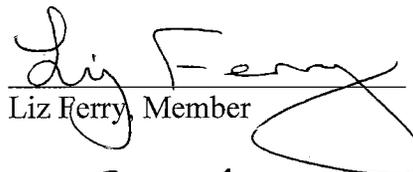
Witness:

  
Paul Leonard, Secretary/  
Township Manager

  
Ira S. Tackel, President

  
Ronald P. Feldman, Vice-President

  
Sharon L. Damsker, Member

  
Liz Ferry, Member

  
Rebecca A. Gushue, Member

  
Robert H. McGuckin, Member

  
Gary V. Scarpello, Member