

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Burgess and Town Council of the Borough of Pottstown will hold a conditional use hearing on the Application of Jamal Washington, d/b/a The Washington Hunt Group, 462 N. Charlotte Street, Pottstown, Montgomery County, Pennsylvania, on Wednesday, May 5, 2021, at 6:30 p.m. Due to the COVID-19 pandemic, the hearing will be held virtually on a GoTo Meeting platform. Specific instructions for viewing, participating and providing comment may be found at the Borough website at www.pottstown.org.

The Applicant is equitable owner of property owned by Gwynne Jelbaoui located at 26 N. Charlotte Street, Pottstown, Montgomery County, Pennsylvania (hereinafter referred to as the "Subject Property") which is located in a Traditional Town Neighborhood Zoning District. The Subject Property is a mixed-use property and the Applicant seeks to use a portion of the property as a takeout restaurant. Restaurant/non-alcoholic are permitted as an existing building conditional use pursuant to § 319.5 of the Pottstown Borough Zoning Ordinance, subject to satisfying criteria outlined in § 402.6.

At the time of the hearing, any affected person or parties will be given full opportunity to be heard. Any person may be represented by counsel at the hearing.

**THE BURGESS AND TOWN COUNCIL
OF THE BOROUGH OF POTTSTOWN**

Justin Keller, Manager

Charles D. Garner, Jr., Esquire
Wolf, Baldwin & Associates, P.C.
Solicitor

RECEIVED MAR 16 2021

ZONING CONDITIONAL USE APPLICATION

Request approval for **Conditional Use** of the below location in the
T.T.N (Traditional Town Neighborhood) Zoning District for:
Restaurant - Non-alcoholic Use, under

Chapter 27 Article 3 Section 319.5

Conditional Use: Chapter 27 Article 4 Section 402.6

Property Address: 26 N. Charlotte Street
Pottstown PA 19464

Property Owner: Gwynne Jelbravi Phone: [REDACTED]

Address: PO Box 195 Pottstown PA 19464

Email Address: [REDACTED]

Applicant Name: Jamal Washington Phone: [REDACTED]

Address: 462 N. Charlotte Street

Email Address: whgroupllc@yahoo.com

Name of Business: The Washington Hunt Group

Is the property in Historic District: YES NO

Is the property: Owner occupied or Rental property

Property is: Single family detached; Single family attached;
Multi-unit residential _____ # of Units;
Single unit commercial; Multi-unit commercial _____ # of Units;
 Mixed Use 1 # of Residential/ 1 # of Commercial Units

Describe Requested Use
Take Out Restaurant

Is the site plan is required with application. Attached?

NO

(YES) 2 # of pages

I certify that I am authorized to make this application; and to the best of my knowledge and belief, all the information on this form and its attachments is true and correct.

Applicant Signature: [Signature] Date: 3-1-2021

Printed Name: Jamal Washington

Property Owner Signature: [Signature] Date: 3-1-2021

Printed Name: Gayane Jelbraoui

Borough's Use Only:

Copy to Borough Council (date): _____ Fee Paid _____

Copy of application to Borough Planning Commission

Comments received: _____

_____ Date: _____

Copy of application to Montgomery County Planning Commission

Comments

received: _____

_____ Date: _____

Hearing location, Time & Date: _____

Notice to owners of property within 300 feet of lot in question:

Date: _____ By: _____

Posting Notice on affected tract of land:

Date: _____ By: _____



**HEINRICH & KLEIN
ASSOCIATES, INC.**

TRAFFIC ENGINEERING & PLANNING
1134 Heinrich Lane • Ambler, Pennsylvania 19002
215-793-4177 • FAX 215-793-4179

MEMORANDUM

TO: Jamal Washington
The Washington Hunt Group, LLC

FROM: Andreas Heinrich, P.E., P.T.O.E.

DATE: December 28, 2020

RE: Traffic Generation Analysis
26 North Charlotte Street
Borough of Pottstown, Montgomery County, PA

As requested, please accept the results of this Traffic Generation Analysis for redevelopment/renovation of the property situated at 26 North Charlotte Street in the Borough of Pottstown, Montgomery County, Pennsylvania. The 2-story building is currently fitted out for 924 square feet of commercial space on the first floor which was occupied by a bakery. It is my understanding that it is proposed to renovate the first floor space for a hot dog shop that will occupy the same 924 square feet of floor space. There are five on-street parking spaces along North Charlotte Street in front of the building with a 30-minute parking limit 6:00 AM to 6:00 PM Monday through Saturday, and plenty of on-street and off-street public parking in the surrounding neighborhood.

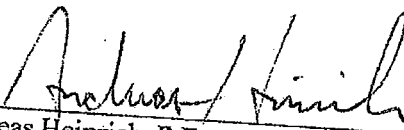
Based on the commercial floor area, an estimate of the potential traffic demand can be calculated. The anticipated traffic generation of the potential land uses is estimated from trip generation data compiled by the Institute of Transportation Engineers and documented in the publication entitled Trip Generation Manual⁽¹⁾. The Trip Generation Manual is a commonly accepted resource to establish traffic generation of various land uses. It should be noted that there are no land use categories specific to a bakery or a hot dog shop contained in the Trip Generation Manual. For the purpose of this analysis, it is assumed both uses are somewhat similar to a Coffee/Donut Shop without Drive-Through Window (ITE LUC 936) situated in a dense multi-use urban setting. Both a bakery and a hot dog shop, however, would seem to generate less traffic in comparison with a typical coffee/donut shop.

(1) Trip Generation Manual, 10th Edition, Institute of Transportation Engineers, Washington DC, 2017.

Accordingly, it is estimated that the existing and proposed commercial use of the first floor of the building might be expected to generate a total of 700 trips per day (total inbound and outbound) with peak hour trip generation of 3 trips per hour during the weekday morning peak hour (2 inbound trips and 1 outbound trip) and 73 trips per hour during the weekday afternoon peak hour (37 inbound trips and 36 outbound trips). The number of trips will likely be significantly reduced due to the reliance of both a bakery and a hot dog shop for walk-in traffic.

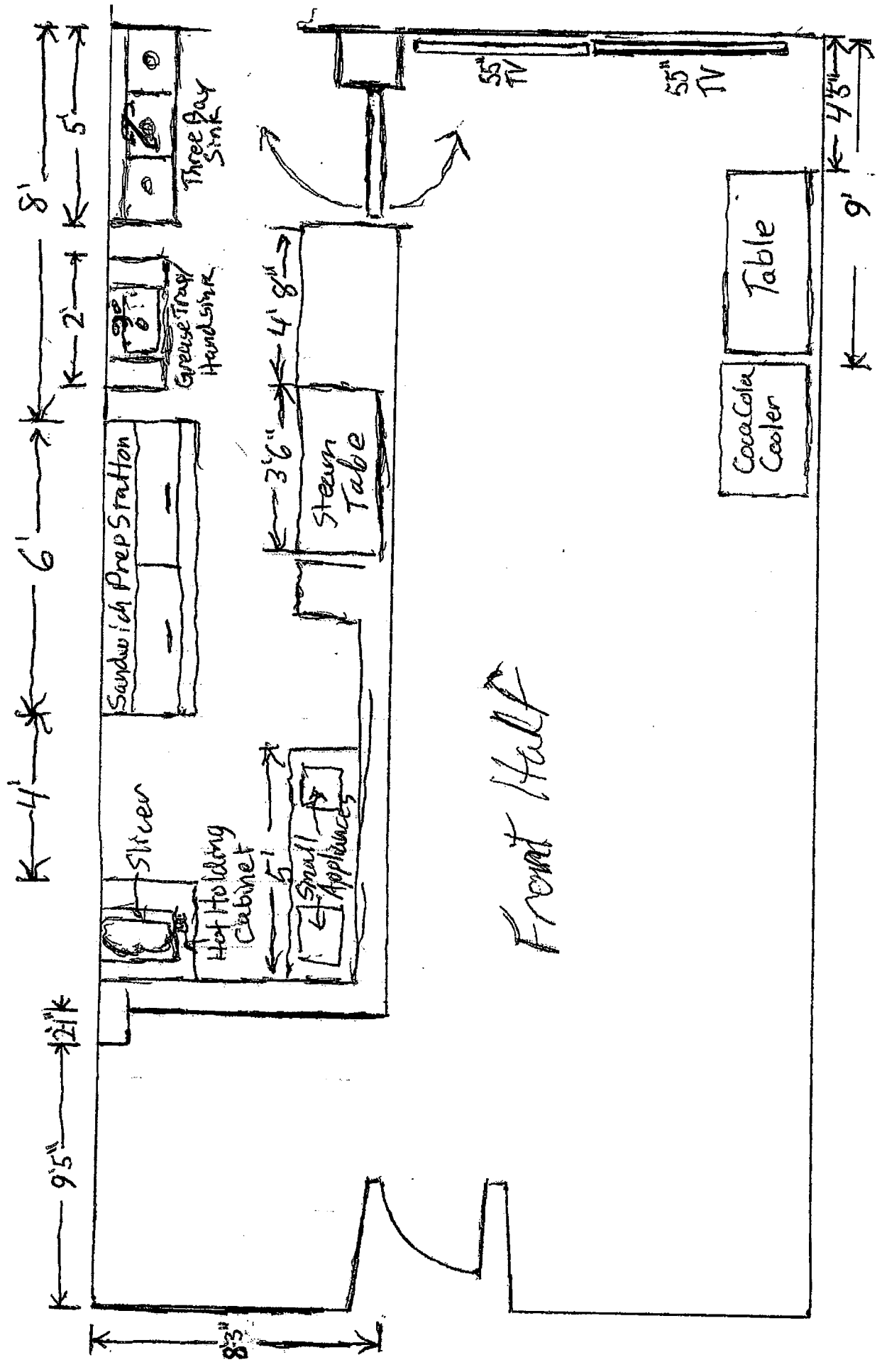
It is expected there will be little change in trip generation due to the change in occupants on the first floor of the building. The bakery may have generated more trips early in the day while the hot dog shop is likely to generate more traffic during the lunch hour and later in the day; but, overall, there will be little noticeable change in traffic impact in the surrounding neighborhood. Further, both land uses are highly reliant on the surrounding businesses and residential uses for customer activity; and since both uses are high-turnover commercial land uses, parking demand will be of a short-term nature with little adverse impact on the public parking supply.

If you should have any questions, or wish to discuss these calculations in greater detail, please call me at your convenience.



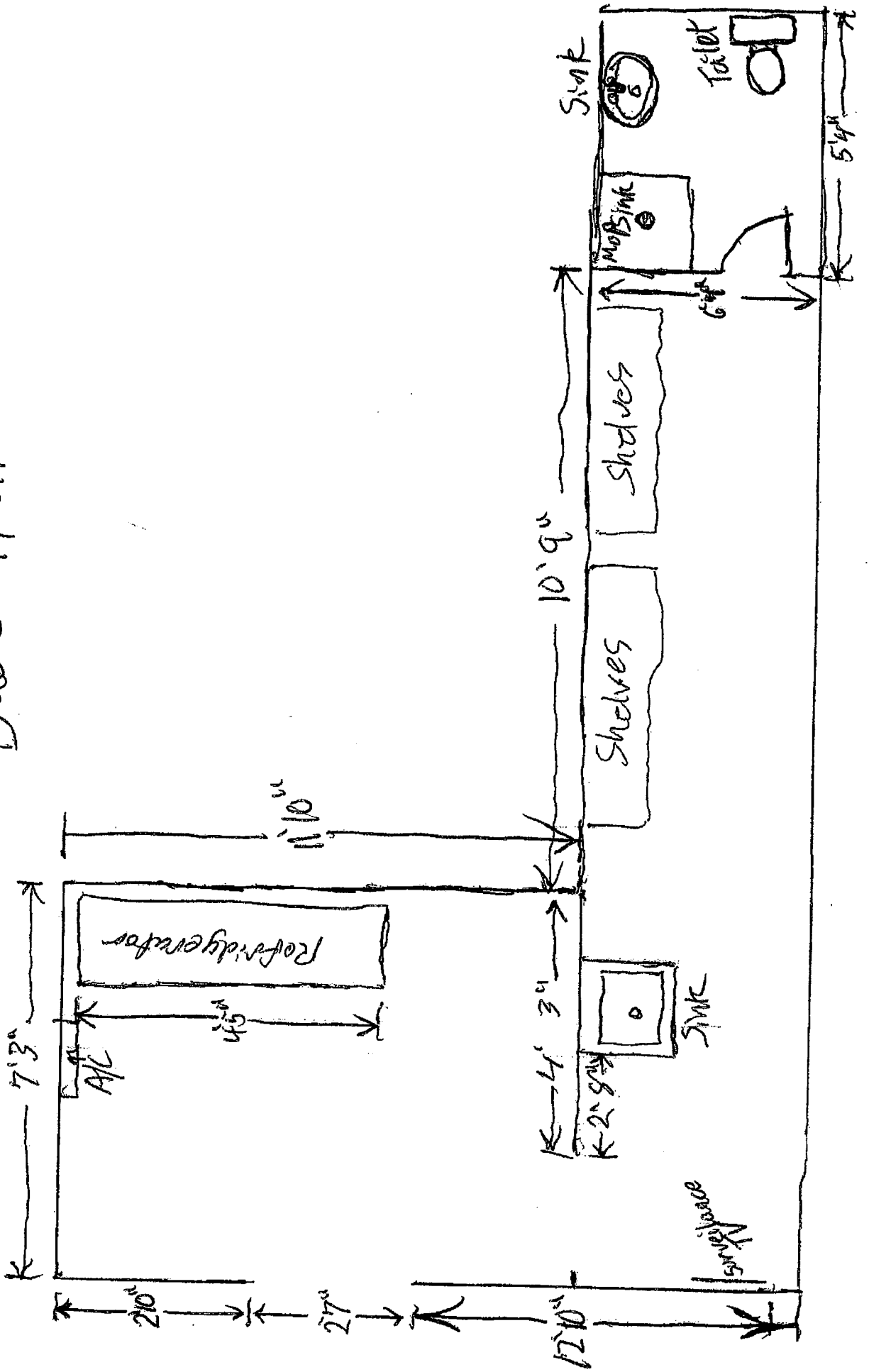
Andreas Heinrich, P.E., P.T.O.E.
Principal

AH:rh



Front Half

Back Half



Deed

UPI # 16-00-03180-00-8

Michael S. Iannelli and Christine D. Iannelli

TO

Gwynne Jelbaoui

Patriot Land Transfer, Inc.
408 West Linfield-Trappe Road
Limerick, PA 19468

UNDER AND SUBJECT to building restrictions and agreements of record.

BEING PARCEL NUMBER 16-00-03180-00-8.

BEING the same premises which Leib Leon Shulman, by Deed dated November 30, 2005, and recorded December 8, 2005, in the Recorder of Deeds Office, in and for Montgomery County, Pennsylvania, in Deed Book 5582, Page 504, granted and conveyed unto Michael S. Iannelli and Christine D. Iannelli, h/w, in fee.

Together with all and singular the buildings and improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in anywise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of them, the said grantors, as well at law as in equity, of, in and to the same.

To have and to hold the said lot or piece of ground described above, with the buildings and improvements thereon erected, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, her heirs and assigns, to and for the only proper use and behoof of the said Grantee, her heirs and assigns, forever.

And the said Grantors, for themselves and their heirs, executors and administrators, do, by these presents, covenant, grant and agree, to and with the said Grantee, her heirs and assigns, that they, the said Grantors, and their heirs, all and singular the hereditaments and premises herein described and granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, her heirs and assigns, against them, the said Grantors, and their heirs, will warrant and defend against the lawful claims of all persons claiming by, through or under the said Grantors but not otherwise.

In Witness Whereof, the parties of the first part have hereunto set their hands and seals. Dated the day and year first above written.

Sealed and Delivered
IN THE PRESENCE OF US

Karen A. Hodges
Witness

Mona Roucharde
Witness

Michael S. Iannelli {SEAL}

Christine D. Iannelli {SEAL}

RECORDER OF DEEDS
MONTGOMERY COUNTY

2018 JUN 21 A 9:40

Prepared by and Return to:

Patriot Land Transfer, Inc.
408 West Linfield-Trappe Road
Limerick, PA 19468

File No. PLT-6849

UPI # 16-00-03180-00-8

MONTGOMERY COUNTY COMMISSIONERS REGISTRY
16-00-03180-00-8 POTTSTOWN
26 N CHARLOTTE ST

IANNELLI MICHAEL S & CHRISTINE D
B 003 U 021 L 4100 DATE: 06/21/2018

\$15.00
LG

This Indenture, made the 14th day of June, 2018,

Between

MICHAEL S. IANNELLI AND CHRISTINE D. IANNELLI

(hereinafter called the Grantors), of the one part, and

GWYNNE JELBAOUI

(hereinafter called the Grantee), of the other part,

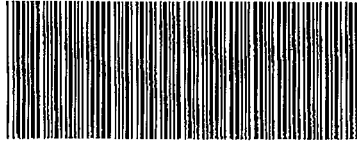
Witnesseth, that the said Grantors for and in consideration of the sum of **Seventy Thousand And 00/100 Dollars (\$70,000.00)** lawful money of the United States of America, unto them well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, have granted, bargained and sold, released and confirmed, and by these presents do grant, bargain and sell, release and confirm unto the said Grantee, as sole owner

ALL THAT CERTAIN messuage and tenement and lot or piece of land, situate on the East side of Charlotte Street in the Borough of Pottstown, South of King Street, bounded, limited and described as follows, to wit:

BEGINNING at a point on the East side of Charlotte Street at a distance of 61 feet Southwardly from the Southeast intersection of King and Charlotte Streets, a corner of this and land now or late of Howard P. Dampman, thence along the same Eastwardly, a distance of 60 feet to a point, a corner of this and land now or late of John L. Schulz Estate, thence along the same Northwardly a distance of 7 feet 11 inches to a point a corner of this and other land of the said Grantor, thence along the same Westwardly and parallel to said King Street, a distance of 17 feet 3 inches to a point a corner of this and other land of the said Grantor, thence along the same, Northwardly and parallel with said Charlotte Street, a distance of 14 feet 9 inches and to a point a corner of this and other lands of the said Grantor, thence along the same Westwardly and parallel with said King Street a distance of 42 feet 9 inches to the Easterly line of Charlotte Street, thence along the same Southwardly a distance of 22 feet 8 inches to the point or place of beginning.



DEED BK 6094 PG 02744 to 02748
 INSTRUMENT # : 2018040513
 RECORDED DATE: 06/21/2018 11:08:55 AM



3873889-00084

RECORDER OF DEEDS
MONTGOMERY COUNTY
Jeanne Sorg

One Montgomery Plaza
 Swede and Alry Streets ~ Suite 303
 P.O. Box 311 ~ Norristown, PA 19404
 Office: (610) 278-3289 ~ Fax: (610) 278-3869

MONTGOMERY COUNTY ROD

OFFICIAL RECORDING COVER PAGE


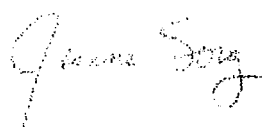
Page 1 of 5

Document Type: Deed	Transaction #: 4034349 - 3 Doc (s)
Document Date: 06/14/2018	Document Page Count: 4
Reference Info:	Operator Id: hlattanz

RETURN TO: (Mail) PATRIOT LAND TRANSFER INC 408 W LINFIELD TRAPPE RD LIMERICK, PA 19468	PAID BY: PATRIOT LAND TRANSFER INC
---------------------------------------------------------------------------------------------------------	----------------------------------------------

*** PROPERTY DATA:**
 Parcel ID #: 16-00-03180-00-8
 Address: 26 N CHARLOTTE ST
 PA
 Municipality: Pottstown Borough (100%)
 School District: Pottstown

*** ASSOCIATED DOCUMENT(S):**

CONSIDERATION/SECURED AMT: \$70,000.00	DEED BK 6094 PG 02744 to 02748 Recorded Date: 06/21/2018 11:08:55 AM I hereby CERTIFY that this document is recorded in the Recorder of Deeds Office in Montgomery County, Pennsylvania.	
FEES / TAXES:	  Jeanne Sorg Recorder of Deeds	
Recording Fee:Deed		\$86.75
State RTT		\$700.00
Pottstown Borough RTT		\$350.00
Pottstown School District RTT		\$350.00
Total:	\$1,486.75	

Rev1a 2016-01-29

PLEASE DO NOT DETACH

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

NOTE: If document data differs from cover sheet, document data always supersedes.
 *COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT FOR ANY ADDITIONAL

State of North Carolina }
County of Wake } ss

This record was acknowledged before me on June 14th 2018 by Michael S. Iannelli and Christine D. Iannelli.

Patricia Madden Renouard
NOTARY PUBLIC
Wake County, NC
My Commission Expires May 8, 2021

Patricia Madden Renouard
Notary Public
My commission expires May 8th 2021

The precise residence and the complete post office address of the above-named Grantee is:

66 Stone Hill Drive
Pottstown PA 19464

Sherry Holley
On behalf of the Grantee



Borough of Pottstown

Borough Hall, 100 East High Street
Pottstown, Pennsylvania 19464-9523

December 15, 2020

Regular & Certified Return Receipt Mail
7019 1120 0000 8108 1278

Gwynne Jelbaoui
PO Box 195
Pottstown, PA 19464

Jamal Washington
462 N Charlotte St
Pottstown, PA 19464

Ms. Jelbaoui and Mr. Washington,

Upon review of the information provided on the Starting A Business/Zoning Review form for the proposed use of the property, or portion of, located at 26 N. Charlotte St in the Traditional Town Neighborhood zoning district for a Restaurant- Nonalcoholic, I have found:

1. The use is considered pre-existing, non-conforming (319.5 direct retail, direct service, restaurant-nonalcoholic).
2. The proposed use of the property, or portion of, for a Restaurant- Nonalcoholic is permitted by Conditional Use (Chapter 27; §319.5).
3. Conditions are listed under Chapter 27; §402.6 – If you cannot meet any of the Conditions as listed, you must first apply for and be granted a Variance before the Borough of Pottstown Zoning Hearing Board. If granted you would then apply for the Conditional Use.
4. Required Parking under Chapter 27; §601 is considered pre-existing.

The following information is to help you prepare once the Conditional Use is granted:

1. Change of use and any physical changes/tenant fit out of the structure will require plan submittal based upon the UCC Building code. All Federal, State, and local requirements must be fulfilled.
2. All commercial units require inspection.
3. All signs will require a permit.
4. Upon the completion of the inspection process you will be required to acquire an annual Business License through the Borough.
5. All these processes require submission of applications and fees. This may not be the exhaustive list of requirements and you should consult the Borough ordinances for any additional.
6. All forms are available on our website www.pottstown.org.
7. I have included a step-by-step guide to help you through this process.

Upon satisfaction of outstanding financial issues, I will provide applications upon issuance of a zoning determination letter.

Sincerely,

Winter Stokes, Zoning Officer
Zoning/Planning Administrator
Borough of Pottstown
100 E High St, Pottstown, PA 19464

cc: Property File

*Borough of Pottstown, PA
Wednesday, October 7, 2020*

Chapter 27. Zoning

PART 3. DISTRICTS

§ 319. Traditional Town Neighborhood (Conservation).

[Ord. 1968, 9/8/2003, § 319; as amended by Ord. 2042, 8/13/2007]

1. Intent: To preserve and enhance historic neighborhoods that are predominantly residential, but also have a small number of stores and offices mixed in with the housing.

2. Permitted Uses.

Dwelling – apartment/condominium (minimum 2,400 sf on ground floor)

Dwelling – single-family detached

Dwelling – single-family semidetached

Municipal parks, playgrounds, and other such municipal buildings and uses deemed appropriate and necessary by the Borough Council.

[Added by Ord. 2110, 5/13/2013]

3. Conditional Uses (See Conditional Uses — Sections 400-401).

Cemetery

Church

Child care facility

Dwelling – single-family attached

Massage therapy center

[Added by Ord. No. 2183, 4/8/2019]

School

Social club

Utility company operational facility

Uses of the same general character as those listed in this chart, with the same or lesser impact on the community as determined by Borough Council

4. Accessory Uses.

Garage – private

Greenhouse

Home occupation

Municipal or civic accessory use/structure

[Added by Ord. 2067, 12/14/2009, § 4]

Outdoor dining area (by conditional use)

[Added by Ord. No. 2187, 7/8/2019]

- Parking lot
- Solar energy equipment
[Added by Ord. 2064, 7/13/2009, § 3]
- Storage shed (maximum 120 square feet)
- Swimming pool

5. Existing Building Conditional Uses (See Section 402).

Any existing nonresidential building:
 Office (except client-based social service provider)
 Office (except client-based social service provider) on first floor, and dwelling – apartment/condominium on upper floors

Any existing nonresidential building with a minimum of 1,500 square feet on the ground floor of the principal building:
 Direct retail direct service restaurant – nonalcoholic

Any existing nonresidential building consisting of two or more stories with a minimum of 2,500 square feet (existing on the date of enactment of this amendment) on the ground floor of the principal building:
 [Amended by Ord. 2085, 9/12/2011]
 Apartment/condominium

Any existing dwelling – apartment/condominium building:
 Office (except client-based social service provider), solely, or with apartment/condominium on upper floors

3/9.5
*

6. Special Exceptions (see Section A319).
[Amended by Ord. 2136, 5/11/2015; and by Ord. 2138, 6/8/2015]

- Adult day care
- Bed-and-breakfast/tourist home
- Boarding home
- Group home
- Personal care home

PART 4. CONDITIONAL USES

§ 402. Existing Building Conditional Uses.

[Ord. 1968, 9/8/2003, § 402]

1. Direct Retail.
 - A. Direct retail may be approved part of a project that will closely follow the Conservation District guidelines.
 - B. The Borough shall require a traffic study and a parking study to ensure the proposed development will not adversely impact pedestrian, bicycle, and automobile traffic in the neighborhood within 1,000 feet of the property.
 - C. Hours of operation shall be limited to 9:00 a.m. to 6:00 p.m. unless extended by Borough Council.

D. All lighting shall be shielded and reflected away from adjacent properties and streets to prevent glare on adjoining properties.

2. Direct Service.

A. Direct services may be approved part of a project that shall closely follow the Conservation District guidelines.

B. The Borough shall require a traffic study and a parking study to ensure the proposed development will not adversely impact pedestrian, bicycle, and automobile traffic within 1,000 feet of the property.

C. Hours of operation shall be limited to 9:00 a.m. to 6:00 p.m. unless extended by Borough Council, based on the proximity of the business to residential areas.

3. Dwelling, Apartments/Condominiums.

A. Apartments/condominiums may be approved part of a project that shall closely follow the Conservation District guidelines.

B. The Borough shall require a traffic study and a parking study to ensure the proposed development will not adversely impact pedestrian, bicycle, and automobile traffic within 1,000 feet of the property.

4. Offices.

A. Offices may be approved part of a project that will closely follow the Conservation District guidelines.

B. The Borough shall require a traffic study and a parking study to ensure the proposed development will not adversely impact pedestrian, bicycle, and automobile traffic within 1,000 feet of the property.

5. Offices on First Floor, Apartments on Upper Floors.

A. Offices on the first floor and apartments on the upper floors may be approved part of a project that will closely follow the Conservation District guidelines.

B. The Borough shall require a traffic study and a parking study to ensure the proposed development will not adversely impact pedestrian, bicycle, and automobile traffic within 1,000 feet of the property.

402.6 *

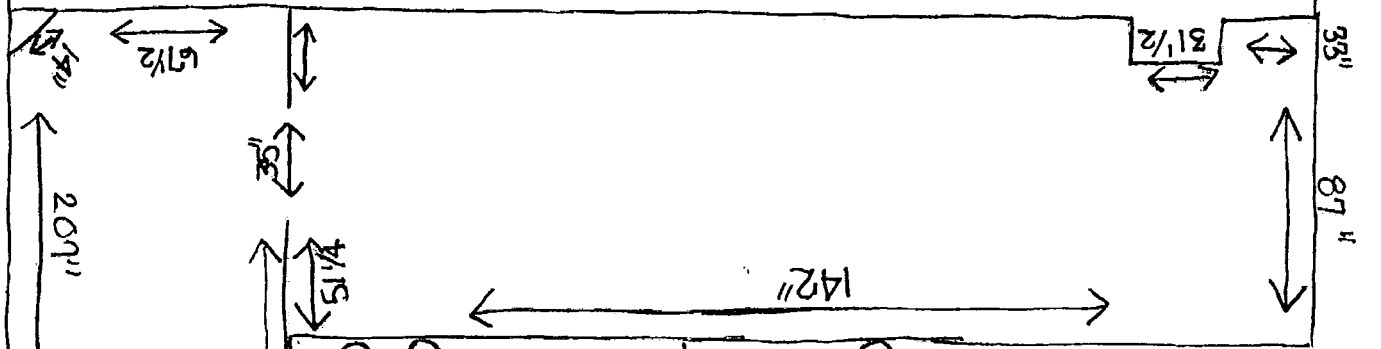
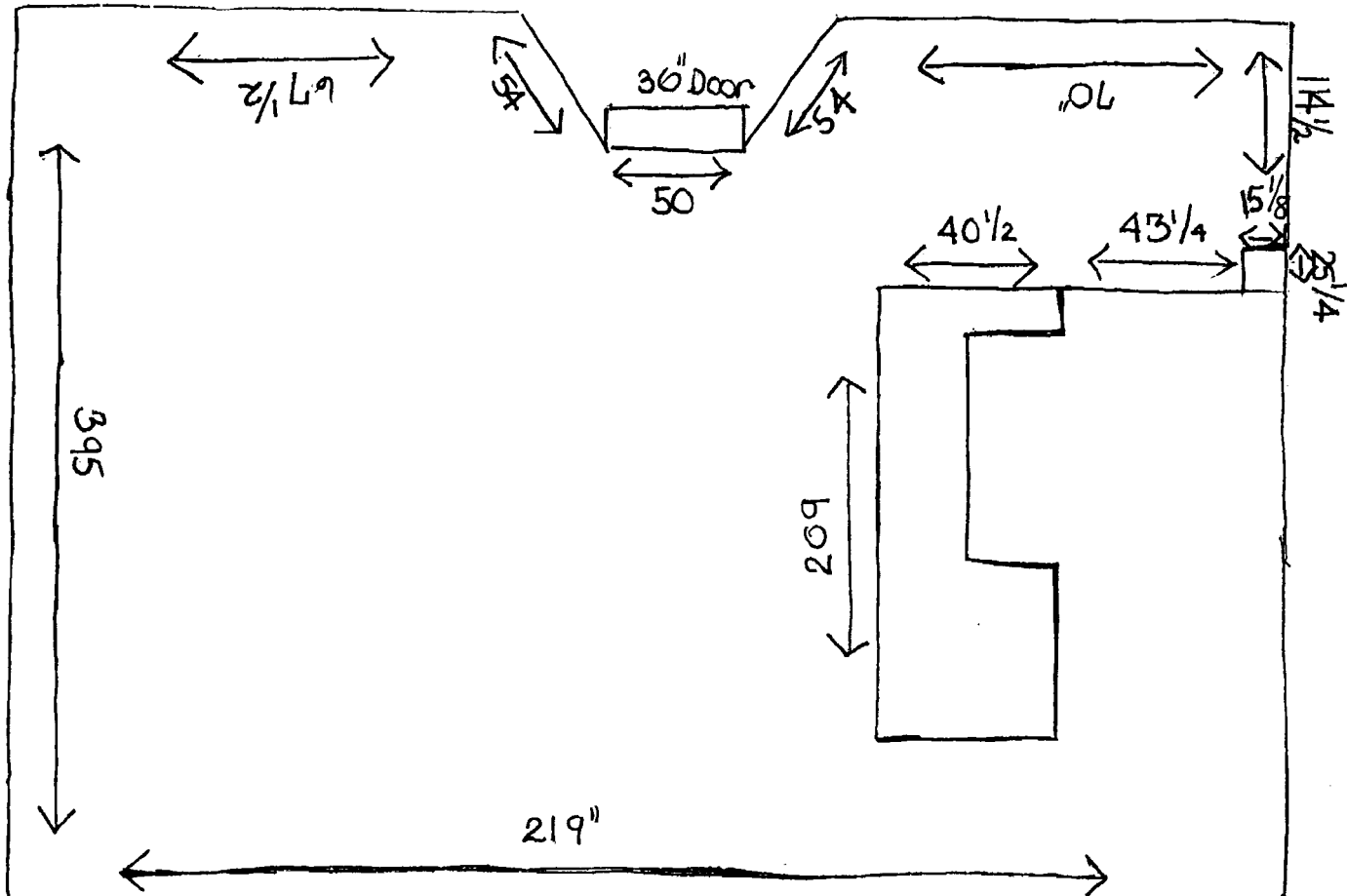
6. Restaurants, Nonalcoholic.

A. Restaurants, nonalcoholic may be approved part of a project that shall closely follow the Conservation District guidelines.

B. The Borough shall require a traffic study and a parking study to ensure the proposed development will not adversely impact pedestrian, bicycle, and automobile traffic in the neighborhood within 1,000 feet of the property.

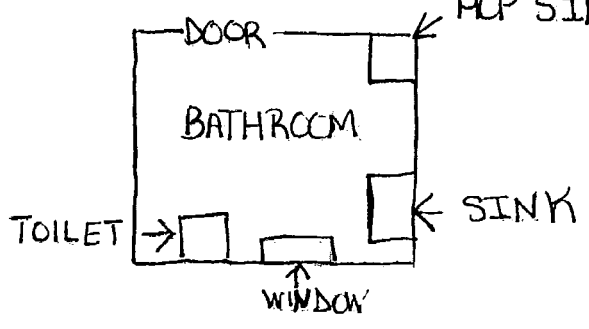
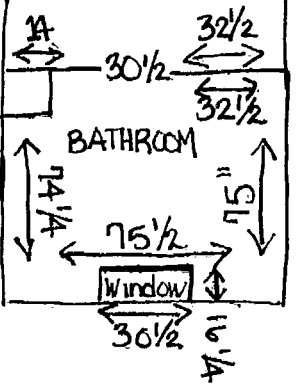
C. Hours of operation shall be limited to 8:00 a.m. to 9:00 p.m. unless extended by Borough Council based on the proximity of the business to residential areas.

D. All lighting shall be shielded and reflected away from adjacent properties and streets.



Underdog Catering

26 N. Charlotte St
Pottstown PA
19464



HCP SINK

SINK



Borough of Pottstown

*Borough Hall, 100 East High Street
Pottstown, Pennsylvania 19464-9525
610-970-6520 fax 610-970-6599*

March 16, 2021

Mr. Charles Garner, Jr.
Borough Solicitor
800 E High St
Pottstown, PA 19464

RE: 26 N Charlotte St. Conditional Use Application - #5-21

Chuck,

Attached for your review and preparation of a legal notice is a copy of the application and deed for the above address. This property is located in the Traditional Town Neighborhood Zoning District.

The applicant is requesting a Conditional Use under Chapter 27; §319.5 of the Zoning Ordinance to allow for a Restaurant-Nonalcoholic. Conditions are listed under Chapter 27; §402.6.

A Traffic/Parking Study document is included.

Sincerely,

Winter Stokes, Zoning Officer
610-970-6500 ext. 6414

Attachments