

**LOWER PROVIDENCE TOWNSHIP
PLANNING COMMISSION MEETING
JANUARY 27, 2016 MEETING MINUTES**

1) Call to Order

A) Chairwoman O'Donnell called the meeting to order at 7:00 p.m.

2) Roll Call:

A) The following board members were in attendance: Ms. O'Donnell, Mr. Atkins, Mr. Baird (arrived after the reorganization vote), Mr. Brooke, Mr. Comroe, Ms. Kricun, Mr. Kuberski, Ms. LaPenta, Ms. Satterwhite.

B) Also in attendance: Mr. Peter MacFarland, Board of Supervisors Liaison, Mr. Tim Woodrow, Township Engineer; Mr. Peter Nelson, Township Solicitor; Mr. Michael Mrozinski, Director of Community Development; Maggie Dobbs, MCPC Planner; and Mr. Casey Moore, Traffic Engineer.

3) REORGANIZATION:

A) Election of Chairperson:

i) **MOTION:** Mr. Comroe made a motion to elect Kristina O'Donnell as Chairwoman. Ms. Kricun seconded the motion.

ii) **MOTION:** Mr. Brooke made a motion to elect Mike Kuberski as Chairman. No second was received.

iii) Kristina O'Donnell was elected Chairwoman of the Planning Commission 8-0

B) Election of Vice Chairperson

i) **MOTION:** Ms. Satterwhite made a motion to elect Mike Comroe as Vice Chairman. Chairwoman O'Donnell seconded the motion.

ii) **MOTION:** Mr. Brooke made a motion to elect Mark Kuberski as Vice Chairman. Ms. LaPenta seconded the motion.

iii) **MOTION:** Ms. Satterwhite made a motion to close the nominations. Mr. Brooke seconded the motion.

iv) Mr. Comroe received five votes. Mr. Kuberski received 3 votes. Mike Comroe was elected Vice Chairman.

4) Meeting Minutes:

A) Approval of Planning Commission Meeting Minutes of November 18, 2015.

i) **MOTION:** Mr. Brooke made a motion to move the November 18, 2015 minutes, as corrected, into the record. Mr. Baird seconded the motion. The motion *passed* 7-0-2 with Mr. Comroe and Ms. Satterwhite abstaining.

5) New Business:

A) LD-15-04 Dunkin Donuts – 2600 Ridge Pike – Preliminary/Final Minor Land Development.

i) Rolph Graf, of Graf Engineering, appeared on behalf of the applicant. He gave a history of the land development process for the project.

ii) Mr. Graf distributed a list of requested waivers (attached) and explained why each waiver was requested. Mr. Woodrow said that staff feels these waiver requests are reasonable and, based on the current condition of the property, they are reasonable and will result in a much better product for the community.

(1) Waiver Request for Section 123-34.F - a waiver from the requirements to provide clear sight triangles along all approaches to intersections.

- (a) Mr. Comroe asked if it would be possible to put low shrubbery but that would impact the landscaping requirement of installing trees. Chairwoman O'Donnell said she would prefer trees, as they would provide shade to the parking lot. Mr. Comroe expressed concern that Ridge and Trooper is one of the most dangerous in township. Mr. Graf said there would be no vegetation on that corner.
- (b) **MOTION:** Mr. Comroe made a motion to grant the waiver request for Section 123-34.F - a waiver from the requirements to provide clear sight triangles along all approaches to intersections. Mr. Brooke seconded the motion. The motion *passed* 8-0.
- (2) Waiver Request for Section 123-37.C - a waiver from the requirement to provide all parking islands with a 10 foot-width.
 - (a) Chairwoman O'Donnell asked if a firm number could be put in to define the proposed island rather than an approximation. Mr. Graf said a five feet minimum is sufficient.
 - (b) **MOTION:** Mr. Brooke made a motion to grant the waiver request for Section 123-37.C – a waiver from the requirement to provide all parking islands with a 10 foot-width with the proposed island at the Ridge Pike entrance being five feet wide. Mr. Comroe seconded the motion. The motion *passed* 9-0.
- (3) Waiver Request for Section 123.37.E - a waiver from the requirement to permit parking closer than 20 feet from any property boundary line or ultimate right-of way line.
 - (a) **MOTION:** Mr. Brooke made a motion to grant the waiver request for Section 123.37.E – a waiver from the requirement to permit parking closer than 20 feet from any property boundary line or ultimate right-of way line. Mr. Comroe seconded the motion.
 - (i) Ms. Kricun clarified that only one handicapped parking spot was required. Mr. Graf said that it was. Ms. Kricun said she would have preferred two spots. The motion *passed* 9-0.
- (4) Waiver Request for Section 123.37.N – a waiver from the requirement to provide a minimum 5 foot radius for all curb lines in parking areas.
- (5) **MOTION:** Mr. Brooke made a motion to grant the waiver request for Section 123.37.N – a waiver from the requirement to provide a minimum 5 foot radius for all curb lines in parking areas. Ms. LaPenta seconded the motion. The motion *passed* 9-0.
- (6) Waiver request for Section 123.43 - a waiver from the requirement that storm basins, storage volume and outlet structure sizings shall be designed to collect and transport the fifty-year post-developed rate into the basin while releasing this inflow.
 - (a) Chairwoman O'Donnell asked for clarification as to where stormwater would be directed. Mr. Graf said that some of it would go into the existing collection system on Trooper Road. He said they are reducing that rate of run-off by reducing the impervious coverage from 95 to 73 percent. This is more desirable as there is some contamination on the site. Discussion was held as to the monitoring wells on the property and how long the monitoring would continue.
- (7) **MOTION:** Mr. Brooke made a motion to grant the Waiver request for Section 123.43 – A waiver from the requirement that storm basins, storage volume and outlet structure sizings shall be designed to collect and transport the fifty-year post-developed rate into the basin while releasing this inflow. Mr. Comroe seconded the motion. The motion *passed* 9-0.
- (8) **MOTION:** Mr. Comroe made a motion to approve LD-15-04 Dunkin Donuts – 2600 Ridge Pike – Preliminary/Final Minor Land Development provided the applicant meets

all the requirements of the consultant's letters. Ms. Satterwhite seconded the motion. The motion *passed* 9-0

B) ZT-15-06 – Zoning ordinance Amendment concerning free standing solar

- i) Mr. Mrozinski gave background on the project, stating that this is an issue with little guidance in the Township. The amendment makes the ordinance particular to Lower Providence Township and more comprehensive.
- ii) Chairwoman O'Donnell asked for clarification on missing/misordered text in the ordinance.
- iii) Ms. Kricun clarified that this ordinance was dealing with residential solar installations and not large solar farms.
- iv) Chairwoman O'Donnell asked about the county letter, which discussed tree replacement, which is not mentioned in this proposal. Mr. Mrozinski said that the Township would not be requiring tree replacement. Chairwoman O'Donnell noted the inconsistent wording on mounting between the county and Township's ordinance. Discussion was held regarding solar access and how neighboring properties would be affected.
- v) Ms. Kricun asked how approval process would work. Mr. Mrozinski said that zoning standards and building review standards would be required. Solicitor Nelson said that approval would not be coming before a public body at a public meeting, unless a variance is required from zoning. However each application would get an administrative review.
- vi) Mr. Baird asked about the distance from the setback that is permitted in the County's letter. Solicitor Nelson said that in this ordinance ground systems would only be allowed in the backyard but according to the County this could be too restrictive. However, the Township would permit applicants to come before the Zoning Hearing Board for a variance. Discussion was held as to incorporating the language from Montgomery County Planning Commission regarding exceptions to placement of the system.
- vii) Mr. Baird asked if roof mounted systems would be subject to construction inspections? Mr. Mrozinski said that a property would be examined for structural soundness and electrical connections. Mr. Baird expressed concern about the structural soundness of installing roof-mounted systems.
- viii) Mr. Brooke questioned the decision to not replace removed trees. Chairwoman O'Donnell said this was the same standard as other building in Township. Solicitor Nelson agreed stating that the Township doesn't require tree replacement with other projects such as swimming pools.
- ix) Mr. Atkins questioned the wording of the County's letter regarding glare. Chairwoman O'Donnell said that the Township has included verbiage to restrict glare.
- x) Ms. Dobbs of the Montgomery County Planning Commission said the County would like to see clarification as to the height of the units. Mr. Mrozinski suggested taking subsection (e) out to not confuse the matter. Ms. Dobbs also recommended including a diagram showing the differences between the base structure and solar panel. Solicitor Nelson felt that the height limit is what it is and the internal heights don't make a difference.
- xi) **MOTION:** Mr. Comroe made a motion to approve ZT-15-06 Zoning Ordinance Amendment concerning free-standing solar with the following changes: eliminating Subsection E, changing the word "PECO" to energy supplier, and including a diagram explaining the difference between the base structure and solar panel. Mr. Brooke seconded the motion. The motion *passed* 9-0.

C) ZT-16-01 – Zoning Ordinance Amendment concerning floodplain regulation.

- i) Solicitor Nelson gave background on the amendment request, stating that FEMA is remapping the flood plains and requiring each Township to amend their floodplain regulation to bring it into compliance. He noted that without enacting this Ordinance any homeowners in the flood plains would not receive flood insurance. He noted that there is not much flexibility in language of the ordinance.
- ii) Mr. Brooke asked if Solicitor Nelson recommended accepting the ordinance as it is written. Solicitor Nelson said that the way this ordinance is written the language is only applicable to this ordinance.
- iii) Mr. Atkins asked if the residents capturing soils would be eligible for floodplain insurance. Solicitor Nelson said that FEMA mapping determines what is a floodplain and while the Township is protecting more land that does not mean it is extending the floodplain and does not affect the insurance status.
- iv) **MOTION:** Mr. Brooke made a motion to approve ZT-16-01 - Zoning Ordinance Amendment concerning floodplain regulation. Mr. Atkins seconded the motion. The motion *passed* 9-0.

D) ZT-16-02 - Zoning ordinance Amendment concerning stand-by generators

- i) Mr. Mrozinski gave background on the ordinance, stating this is a cleanup ordinance to cover an issue that has come up several times to the Zoning Hearing Board specifically pertaining to setbacks in regard to stand-by generators. He noted that this ordinance will cover standby generators, which are only used for back-up purposes, and will ease some setback issues. He noted that modern generators are quieter and more aesthetically pleasing than those in the past.
- ii) Chairwoman O'Donnell asked that specific standards for buffering or fencing be included rather than leaving them to the approval of zoning officer. She also noted that fencing or buffering is not required for air conditioning units, etc. and does not see why this is required for this. Mr. Mrozinski said that since required setback is being cut by more than half this would be a trade-off. Chairwoman O'Donnell stated she would like to see that condition removed. Mr. Brooke said that if generators are near property line a buffer should be required, those closer to the house should not. Mr. Kuberski agreed. Mr. Mrozinski said that buffers also act as a sound barrier. Discussion was held as to different buffering solutions. Mr. Mrozinski suggested adding language that if a generator is within 5 feet of the house, no buffering is required but if the distance exceeds five feet from the house buffering is required.

- E) **MOTION:** Ms. Kricun made a motion to approve ZT-16-02 - Zoning ordinance Amendment concerning stand-by generators removing the language requiring fencing and buffering. Ms. Satterwhite seconded the motion. The motion *passed* 8-1 with Mr. Brooke in opposition.

6) OLD BUSINESS

A) LD-14-05 – Audubon Square V – Preliminary major land development plan

- i) The applicant feels they have satisfied the Township's Engineers recommendation letter and are seeking preliminary/final approval. Frank Montgomery, the applicant's traffic engineer, reviewed the traffic impact and discussed the changes that have been made to the traffic plans since the applicant was last before the Planning Commission. He noted that that Beef & Ale connector road has not come to fruition so all plans are without taking this into consideration. He discussed current traffic patterns and the methods being taken to relieve congestion.

- ii) Mr. Montgomery distributed a copy of the plans and reviewed all of the changes proposed in order to address traffic concerns.
 - (1) Ms. Kricun expressed concern that the stop sign would slow traffic and asked if the plan will alleviate traffic by directing it in another way. Mr. Montgomery said the applicant is committed to Phase III, which will include some type of connector road, which will take access from Trooper Road to Egypt Road, reducing traffic from Shannondell. He noted the applicant has not yet come to terms with the Beef & Ale in order to put in a connector road. Discussion was held as to the hotel access.
 - (2) Mr. Atkins expressed concern that once there is additional development that traffic is going to exponentially increase. Expressed dismay that existing business owners are not cooperating in order to help alleviate traffic. Chairwoman O'Donnell felt that the plan was an improvement.
 - (3) Ms. LaPenta asked about the connection to Jefferson Avenue. Brad Macy of Audubon Land Development explained the traffic routes in the development. Discussion was held as to various route options to exit and enter the development area.
 - (4) Casey Moore complimented Audubon Land development for their diligence in working closely with staff to come up with equitable solutions. He noted that there are still issues that need to be addressed and are contained in his letter, noting that they will be addressed during the design process. He is in agreement with everything that is being done on Trooper Road and discussed the conversations the Township has had with Wawa. He also discussed traffic flow in the development.
 - (5) Mr. Woodrow noted that the plan has evolved over the last three years. He asked Kim Kryder to discuss pedestrian connectivity.
 - (a) Mr. Kryder of Bursich Associates reviewed the connectivity in the plan. He explained that they would be seeking a waiver to reduce the 10-foot trail to an 8-foot trail. Chairwoman O'Donnell noted that some of the past waiver requests were granted as deferrals. She wants to make sure that the Board of Supervisors are aware that the Planning Commission is agreeing to postpone some of these items to when it makes more sense to complete at another phase. Discussion was held as to the form of the trail and the waiver request. Mr. Woodrow also pointed out that there would be a conditional use application made in the future. Mr. Kryder also noted that they would be shortly working with Mr. Woodrow's office to resolve the few remaining a storm water management issues
- iii) **MOTION:** Mr. Comroe made a motion to grant a waiver to Section 123-143 Landuse Design Manual, Section 1.1.4 Trails and to grant the request to construct the trail from Eisenhower Avenue to Shannondell Boulevard with an 8 foot width instead of a 10 foot width. Mr. Brooke seconded the motion. The motion *passed* 8-1 with Mr. Atkins in opposition.
 - (1) Mr. Moore said that the spirit of the 10-foot trail is that it is a multi- use trail. The applicant is saying that there is other connectivity in the plan so the trail will not be as critical as if it were the only connectivity.
- iv) **MOTION:** Mr. Comroe made a motion to grant Preliminary/Final approval of LD-13-05 – Audubon Square V Phase 1 with the Township and Engineer requirements, comments reviews being addressed and the applicant's applying for conditional use. Mr. Baird seconded the motion.

- (1) Solicitor Nelson noted that this was a big project to move to preliminary/final approval. He recommended that something of this scale receive recommended preliminary approval. Chairwoman O'Donnell asked what he would you expect the applicants to come back with? Solicitor Nelson said he didn't have specifics at this time, but noted that it is a huge project with a lot of moving parts.
- (2) Mr. Woodrow said that he would tend to agree with the Solicitor but stated that the Township has been working with Audubon Land Development on this project for years and feels they have ironed out all of the preliminary comments with the applicant. Mr. Macy said the applicant is down to getting permits from PennDOT/ DEP. The applicant also noted that PennDOT will have to approve the final plan.
- (3) Ms. Kricun expressed hope that the applicant would continue to work on traffic patterns. The applicant noted they are committed to continue to work with Wawa and Beef & Ale. She noted that it is confusing to get to restaurants and feels this would be a concern to the tenants as well.
- (4) Solicitor Nelson reiterated that this approval was for Phase 1 only, and conditioned upon compliance with the review letters, comments and applying for conditional use.
The motion *passed* 9-0.
- v) Ms. Kricun asked if there were plans to update former Giant location. Mr. Macy said that there are plans to improve that area in the future.

7) Public Comment

- A) Preston Lutweiler, Mockingbird Lane, thanked the commission for approving the generator ordinance noting that a buffer or fence would be an annoyance when service is required. He also agreed with the traffic difficulties expressed at the Audubon site noting that having no cut-thru road is ridiculous.
- B) Solicitor Nelson advised that the Planning Commission will be getting a copy of the Montgomery County Planning Commission Riparian Buffer Ordinance to be enacted in conjunction with the Flood Plain Ordinance. Ms. Dobbs said there is a model ordinance on their website for review as well as a description as to why this ordinance is this required.

8) Motion to Adjourn

- A) Mr. Brooke made a motion to adjourn. Mr. Baird seconded the motion. The motion *passed* 6-0. The meeting adjourned at 9:05 p.m.

Next Meeting: March 23, 2016