

**LOWER PROVIDENCE TOWNSHIP
PLANNING COMMISSION
OCTOBER 28, 2009 MEETING MINUTES**

1. Call to Order:

A. Chairman Schlack called the Planning Commission meeting to order at 7:30 p.m.

2. Pledge of Allegiance

3. Roll Call:

A. The following planning commission members were present: Mr. Bodek, Mr. Endlich, Mr. Kuberski, Mr. Rutledge, Mrs. Satterwhite, Mr. Schlack, Mr. Stemple, and Ms. Zimmerman.

B. Mr. Brooke was absent.

C. Additional attendees included: Ms. Jean Holland, Montgomery County Planning Commission, Mr. Lonnie Manai, Township Engineer, Mrs. Marie Altieri, Board of Supervisors Liaison, and Mr. Nathaniel Dysard, Project Analyst.

4. Approval of Planning Commission Meeting Minutes:

1. There were no minutes to approve this evening.

5. Subdivision and Land Development Reviews:

A. S-09-03 – 25 Featherbed Lane (Shrawder), Major Subdivision, Final Plan Approval:

1. Mr. Christopher Martincic, P.E., Project Manager with Yerkes Associates, Inc., was present to discuss this application for Mr. Francis L. Shrawder.

2. Mr. Martincic noted this 4-½ acre parcel includes a single-family dwelling, a barn and various outbuildings. There is a small area of manmade steep slopes. The parcel is zoned R2 Residential, allowing construction of single-family homes on 25,000 sq. ft. lots. The applicant proposes subdividing the parcel into five lots, all of which meet area and bulk requirements, and are a by right subdivision and use. A 275' cul-de-sac will be constructed to provide access to four of the lots, with one lot taking access off of Featherbed. They received preliminary plan approval from the Board of Supervisors on September 17, 2009. The cul-de-sac perimeter is under 4%. Mr. Martincic stated that they would comply with all items in the review letters.

3. Ms. Zimmerman commented that they had done a nice job to incorporate everything the Planning Commission asked for in this plan.

4. **MOTION** – Mr. Endlich made a motion to recommend that the Board of Supervisors give final plan approval to this application. Mrs. Satterwhite seconded the motion. The motion *passed* 8-0.

5. There were no public comments on this plan.

B. S-09-06 – 3236 Ridge Pike, Minor Land Development:

1. Mr. Michael Clement, Esq., was present to represent the applicant, Mr. Lou Gambone, also present. Ms. SuSanne Creveling, the project engineer, was also present.

2. Mr. Clement noted that they received a conditional use approval for this property under the Ridge Pike Business District (RPBD) from the Board of Supervisors in August. This is a narrow, deep property, and the waivers being requested are a result of the lots shape. The uses and density of the proposed buildings are either permitted by ordinance or by the conditional use approval.

3. Mr. Clement noted that a new waiver letter was provided to the Township today, listing ten waiver requests. Of these requests, six are for pre-existing conditions.

4. Chairman Schlack suggested that they discuss each of the waiver requests, and then have the PC vote on each request as they go through the list.
5. Waiver Requests:
 - a) Section 123-32 and 123-33 – Installation of curbs and sidewalks:
 - (1) Mr. Clement requested that they defer the installation of sidewalks and curbs along Ridge Pike, as none currently exist in that area today. The application will provide a fee in lieu of this improvement so that they can be installed when other curbs and sidewalks are done in the future.
 - (2) **MOTION** – Ms. Zimmerman made a motion to recommend that the Board of Supervisors grant a waiver from Section 123-32 and 123-33 for curbs and sidewalks along Ridge Pike, with the condition that the developer pay a fee in lieu of improvements to be installed at a future date. Mr. Endlich seconded the motion. The motion *passed* 8-0.
 - (3) There was no public comment on this matter.
 - b) Section 123-32– Installation of curbs along site driveways and the parking lot:
 - (1) Mr. Clement explained that the parking spaces and driveway are pre-existing. They will just be adding the building and a few additional parking spaces. The property is designed so water sheet flows to the basin, which works better without the curbing.
 - (2) Chairman Schlack clarified that they are just maintaining a natural sheet flow to the basin. Mr. Clement concurred with this clarification.
 - (3) **MOTION** – Ms. Zimmerman made a motion to recommend that the Board of Supervisors grant a waiver from Section 123-32 for curbing along the driveway and parking lot. Mrs. Satterwhite seconded the motion. The motion *passed* 8-0.
 - (4) There was no public comment on this matter.
 - c) Section 123-36.B(1) – Allow the existing driveway to be within 200 feet of the adjoining existing driveway:
 - (1) Mr. Clement noted this is a pre-existing condition that cannot be corrected because of the configuration of the properties.
 - (2) **MOTION** – Ms. Zimmerman made a motion to recommend that the Board of Supervisors grant a waiver from Section 123-36.B(1) to allow an existing driveway less than 200 feet from the adjoining property’s driveway. Mr. Rutledge seconded the motion. The motion *passed* 8-0.
 - (3) There was no public comment on this matter.
 - d) Section 123-36.F – Allow the reduction of driveway width for a driveway adjacent to the proposed parking areas, and for the entrance driveway:
 - (1) Mr. Clement explained that the unique characteristics of this property would not permit a 24 ft. wide driveway without removing a common grass strip of land. Mr. Clement remarked that when the adjacent property is developed, this would become a common driveway for the properties.
 - (2) Mr. Bodek asked if a cross-access easement was in place here? Ms. Creveling indicated that it would be in place if the plan were approved.
 - (3) Ms. Holland questioned if the reduced width driveway would accommodate 48’ trucks making deliveries? Mr. Stemple questioned if they would present any problems for fire trucks?
 - (a) Ms. Creveling remarked that this plan was given to Mr. DeFrancesco for review, however they did not receive any comments back from him. There are two fire hydrants nearby, so there should not be problems with emergency response.

- (b) Mr. Stemple expressed concern should they need to put equipment in close to the buildings. Ms. Creveling noted that the trucks could be on the outside street when responding to a fire.
 - (c) Mr. Dysard noted that in Chief Carroll's September 9, 2009 letter, he includes comments from Mr. DeFrancesco.
 - (d) Ms. Holland commented that this plan intensifies the use so there could be a tight fit in an emergency situation.
 - (e) Mr. Clement suggested recommending approval based on a sign-off from the Fire Marshall.
- (4) **MOTION** – Ms. Zimmerman made a motion to recommend that the Board of Supervisors grant a waiver from Section 123-36.F, reducing the width of the driveway adjacent to proposed parking areas from 24' to 18 feet, and to 18' for the entrance driveway, with the condition that the applicant contact the Township Fire Marshall and obtain a letter of written approval. Mr. Endlich seconded the motion.
- (a) Mr. Craig Dininny commented that these properties only allow a certain width, so as long as the Fire Marshall is OK with this, the Board would be OK with it.
 - (b) Mrs. Altieri asked what the comment in Chief Carroll's letter meant? Mr. Endlich believes he would like Mr. DeFrancesco to review this more closely.
 - (c) Chairman Schlack commented that they normally do receive a letter from Mr. DeFrancesco on these matters.
 - (d) **MOTION VOTE** – The motion *passed* 8-0.
- (5) There was no public comment on this matter.
- e) Section 123-37.D – Allow existing parking spaces to be retained until a time when they would require removal to allow for curbs and sidewalks.
- (1) Mr. Clement commented that the parking spaces in question currently exist, and requested that they be permitted to leave them in place until that time in the future when expansion of Ridge Pike would require the space.
 - (2) Ms. Holland commented that one of the most important parts of the RPBD ordinance is to improve the property's view from the street. She is not certain that retaining these parking spaces achieves that goal.
 - (3) A lengthy discussion ensued regarding the need for these spaces and the potential impact on future RPBD applications.
 - (4) Ms. Creveling noted that when the rear building is constructed, the spaces would be eliminated; this is listed as Note 4 on the plan. Once the spaces are removed, that area will be landscaped or a lawn area will be installed.
 - (5) The inclusion of a note on the plan negated any need for a waiver on this item.
 - (6) There was no public comment on this matter.
- f) Section 123-37.E – Allow proposed and existing parking to be less than the required 20-foot minimum to the Northern property line:
- (1) Mr. Clement explained that for the most part, this is a pre-existing condition or extension thereof.
 - (2) Mr. Bodek questioned how close the parking was to the property line? Ms. Creveling stated it is 3', which is the same as what exists today.
 - (3) **MOTION** – Ms. Zimmerman made a motion to recommend that the Board of Supervisors grant a waiver from Section 123-37.E to permit proposed and existing parking to be closer to the property line than the 20-ft. minimum distance. Mr. Endlich seconded the motion.

- (a) Mr. Stemple suggested that Code Enforcement review and / or approve this issue.
 - (b) Mr. Clement commented that this is a SALDO related item and is within the PC's authority to approve.
 - (c) **MOTION VOTE** – The motion *passed* 8-0.
 - (4) There was no public comment on this matter.
 - g) Section 123-27.O – Allow an existing drive aisle to be a minimum of 13':
 - (1) Ms. Creveling explained that the existing drive aisle between the two buildings is 13', however this moves to the required 22' in the new section. They are only seeking a waiver for that section of the drive aisle that is pre-existing.
 - (2) **MOTION** – Ms. Zimmerman made a motion to recommend that the Board of Supervisors grant a waiver from Section 123-27.O to permit the existing 13' drive aisle. Mr. Endlich seconded the motion. The motion *passed* 8-0.
 - (3) There was no public comment on this matter.
 - h) Section 123-37.Q(3) – Requirement for handicap accessibility for two existing buildings:
 - (1) Mr. Clement noted that this is a technicality for two pre-existing buildings. The buildings are not handicap accessible and they are not being changed.
 - (2) It was noted during discussion of this item that if modifications to the existing buildings would occur in the future, the applicant would be required to comply with all ADA requirements.
 - (3) **MOTION** – Mr. Kuberski made a motion to recommend that the Board of Supervisors grant a waiver from Section 123-37.Q(3). Mr. Bodek seconded the motion. The motion *passed* 8-0.
 - (4) There was no public comment on this matter.
 - i) Section 123-104.A – Requirement for offsite topography for the drainage area to the detention facility:
 - (1) Mr. Clement explained that this waiver is so the engineer does not have to provide engineering for offsite topography, which is detailed in the Stormwater Management Report.
 - (2) Mr. Manai remarked that the new report should be sufficient to meet this requirement.
 - (3) **MOTION** – Ms. Zimmerman made a motion to recommend that the Board of Supervisors grant a waiver from Section 123-104.A, not requiring the applicant to show offsite topography to the detention facility. Mr. Bodek seconded the motion. The motion *passed* 8-0.
 - (4) There was no public comment on this matter.
 - j) Section 123-104.D(13) – Allow location of the emergency spillway for detention pond to remain as it is engineered:
 - (1) Mr. Clement reviewed the location of the underground basin and how this facilitates control of stormwater drainage. They have designed this to flow through an existing storm sewer pipe without flowing through the spillway.
 - (2) Mr. Manai does not have any issues relating to how the emergency spillway is handled.
 - (3) **MOTION** – Ms. Zimmerman made a motion to recommend that the Board of Supervisors grant a waiver from Section 123-104.D(13) for the location of the emergency spillway. Mr. Endlich seconded the motion. The motion *passed* 8-0.
 - (4) There was no public comment on this matter.
6. Ms. Holland asked about the status of a public well on the site? Ms. Creveling indicated that the well would be capped.

7. **MOTION** – Ms. Zimmerman made a motion to recommend that the Board of Supervisors grant preliminary and final plan approval for S-09-06. Mrs. Satterwhite seconded the motion. The motion *passed* 8-0.

C. S-09-07 – 2750 Egypt Road, Major Land Development:

1. Mr. Brad Macy from Audubon Land Development was present to discuss the application, along with Mr. Jeremy Hogland of the Crossroads Group.
2. Mr. Macy provided an overview of the project, which will construct a 65,000 sq. ft., 2-story catering hall on a designated and restricted area of space adjacent to the Club Shannondell swimming pool and clubhouse.
3. Mr. Macy referred to review letters from Mr. Manai & Chambers Associates, and the Montgomery County Planning Commission (MCPC), stating that he will comply with all of the Chambers comments other than a few waivers he will address later.
 - a) Mr. Macy needs to deal with some issues in the MCPC letter. One of these issues relates to a parking area in the front, and they want to see an exemplary landscape plan for this area. After discussing the matter with Ms. Holland, he prepared a reviewed landscape plan for that area including relocating some of the parking spaces and providing trail connections.
 - b) Mr. Macy stated that the County is willing to go along with the revised plan, contingent upon Mr. Macy stating publicly that they agree to this layout with no encroachment on the front area, with walking trails provided around the entire developed area, and reserved parking around the maintenance building. There are 150 additional spaces from the prior plan that was submitted. Mr. Macy also agrees to stipulate that they will work with the County to develop an exemplary landscape plan.
 - c) Mr. Macy has two items from the Chambers Review where he will seek a waiver:
 - (1) In the parking lots Mr. Manai is requesting a 5' curb radii, however Section 123-37.C allows for 9' wide planter beds in the parking lots with a 4 ½' curb radii. Because of the ordinance conflict, the developer usually is permitted to use the measurement they prefer. Mr. Macy explained that if they have to use the 5' curb radii, they would lose 50 parking spaces.
 - (a) Mr. Manai commented that they would need to fix the discrepancy in the ordinance.
 - (b) There was a discussion regarding the amount of spaces on the plan versus what was required.
 - (c) Mr. Macy indicated that with the current plan, 834 spaces are needed and they have 835 with the reserve parking area.
 - (2) Mr. Macy would like to use Section 123-37.H2, allowing for a 15% reduction on the length of parking spaces around the perimeter of the parking lot. This would allow for a 9' x 16' parking space, where 9' x 18' is required.
 - (a) This ordinance conflict was also discussed and there was a discussion regarding if waivers were or were not required.
 - (b) Mr. Manai supports the decision to use the reduce parking space for the perimeter only, not on interior spaces.

4. Waiver Requests:

- a) Section 123-37.N – The requirement for a 5' curb radii on the plant beds:
 - (1) **MOTION** – Ms. Zimmerman made a motion to recommend that the Board of Supervisors waive Section 123-37.N requiring a curb radius of 5', to permit the minimum radius of 4.5'. Mr. Endlich seconded the motion. The motion *passed* 8-0.

b) Section 123-37.H(2) & 123-37.L(2).D(2) – The requirement for a 9’ x 18’ parking space:
(1) **MOTION** – Ms. Zimmerman made a motion to recommend that the Board of Supervisors waive Section 123-37.H(2) & 123-37.L(2).D(2) requiring a 9’ x 18’ parking space, to permit the 9’ x 16’ parking space. Mr. Endlich seconded the motion. The motion *passed* 8-0.

5. Mr. Macy requested preliminary plan approval on the plan, noting he agrees to the conditions outlined by the MCPC.

6. **MOTION** – Ms. Zimmerman made a motion to recommend that the Board of Supervisors grant preliminary plan approval for S-09-07. Mr. Endlich seconded the motion. The motion *passed* 8-0.

7. There was no public comment on this matter.

6. Other Business:

A. Old Business – None

B. New Business –

1. Chairman Schlack noted that the Zoning Hearing Board asked if the PC would be willing to move their November 18, 2009 meeting because they may need to meet that evening. After the PC members discussed the matter, and several important land development plans were identified for that meeting, it was decided that they PC could not move the November 18, 2009 meeting.

7. Adjourn

A. **MOTION** – Mr. Stemple made a motion to adjourn the meeting. Mrs. Satterwhite seconded the motion. The motion *passed* 8-0. The meeting ended at 8:50 p.m.

Next Meeting: November 18, 2009