

**LOWER PROVIDENCE TOWNSHIP  
PLANNING COMMISSION  
NOVEMBER 18, 2009 MEETING MINUTES**

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**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. Brooke, Mr. Kuberski, Mr. Rutledge, Mrs. Satterwhite, Mr. Schlack, Mr. Stemple, and Ms. Zimmerman.

B. Mr. Endlich 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, Mr. Nathaniel Dysard, Project Analyst, Mr. William Roth, Director of Special Projects & Technology, Mr. David Onorato, Township Solicitor, and Mr. Joseph Dunbar, Township Manager.

**4. Approval of Planning Commission Meeting Minutes:**

1. Minutes for October 28, 2009:

a) **MOTION** – Mr. Stemple made a motion to approve the meeting minutes from October 28, 2009. Mr. Bodek seconded the motion. The motion *passed* 7-0-1. Mr. Brooke abstained from the vote because he did not attend this meeting. There was no public comment on this matter.

**5. Subdivision and Land Development Reviews:**

A. Mr. Dunbar commented on the three items before the Planning Commission (PC) this evening. He explained that the Township's goal is to create jobs within the Township and bring more ratables into the Township. Using a zoning map of the Township, Mr. Dunbar pointed out the limited areas for development that remain.

1. The first application involves the reuse of an existing property under the newly adopted VC ordinance. One of the primary concerns with this application was driveway and emergency vehicle access. Mr. DeFrancesco has reviewed the matter and has indicated that the proposed plan will not be an issue for fire apparatus. Impervious coverage issues are addressed with the use of additional porous paving. The applicant is moving his office across the street from his exiting location to keep his practice in the Township.
2. The second application involves a text amendment for the K-Mart Shopping Center. The property owner, Kimco, met with the Solicitor and staff, and has presented this to the Board of Supervisors (BOS). They are seeking input and a recommendation from the PC for the BOS.
3. The final application relates to the future lifeline of the Township, the Business Park, which represents approximately 300 acres of land. A master plan was created for this park in 2008 and has been worked on by the park's revitalization committee. The presentation tonight will address zoning and text map changes for this area of the Township. Mr. Dunbar noted they received a response from the Montgomery County Planning Commission (MCPC) today, and will provide a formal reply to any of their concerns.

B. S-09-08 – 2793 Egypt Road (Patel), Land Development – Preliminary and Final Plan Approval:

1. Mr. C. J. Rufo, P.E., an Associate Manager with Gilmore & Associates, Inc., was present to discuss this plan. Dr. Nilesh Patel, the applicant, was also present.
2. Mr. Rufo explained that they propose a 775 sq. ft. addition to an existing dwelling in the VC District.

3. Chairman Schlack asked if they would comply with record plan comments, the grading and drainage plan? Mr. Rufo indicated that other than requested waivers they would comply.
4. Ms. Zimmerman reviewed waiver requests. She asked about the waiver from widening Egypt Road, she inquired what the existing width of the road was in this location? Mr. Rufo indicated it was 40' from the house up to the intersection of Park & Pawlings Road. Mr. Manai noted that they would need authorization from PennDOT prior to any road widening.
  - a) Ms. Zimmerman asked if the applicant was willing to pay a fee in lieu of sidewalks for the waiver from sidewalk installation? This would permit the Township to install sidewalks in that are at a future date. Mr. Rufo indicated they would pay a fee in lieu of sidewalks.
  - b) Ms. Zimmerman noted the applicant was seeking a waiver from a minimum driveway width of 20', and is proposing 18'. This is developed in accordance with the Ridge Pike Business District standards. Mr. Stemple commented that this should be OK, as Mr. DeFrancesco has signed off on this request.
  - c) Ms. Zimmerman likes the idea of using porous paving. Mr. Kuberski asked if this would be used for parking spaces on the left side? Mr. Rufo indicated it would be. Chairman Schlack asked if the BOS had any comments on this request? Mrs. Altieri noted that the Board was OK with the use of porous paving.
5. Mr. Dunbar commented that for items being deferred, the applicant should put a note on the plan for any future property owners.
  - a) Mr. Onorato remarked that the BOS would instruct the applicant to list such deferrals on the plan.
  - b) Mrs. Altieri asked if the PC should make a recommendation to defer the curbs and sidewalks and make a note on the plan? Mr. Onorato indicated they should to that.
  - c) Ms. Holland suggested that they show the curbs and sidewalks on the plan to include them in the maximum impervious coverage calculations. Chairman Schlack does not see where there is room for these items on the plan.
  - d) Ms. Zimmerman commented that she was comfortable with the plan as it is currently shown.
  - e) Mr. Bodek asked if the plan would comply with impervious coverage calculations if the sidewalk were included? Mr. Rufo is not sure if it would comply, they might need additional porous paving.
6. Mr. Stemple asked if there was an interconnection access easement for the adjoining properties? Dr. Patel indicated that eventually they would have all of these properties interconnect.
7. Waivers:
  - a) **Section 123-31.B** – a waiver from widening Egypt Road to 52 feet along the property frontage.
    - (1) **MOTION** – Ms. Zimmerman made a motion to recommend that the Board of Supervisors grant this waiver request. Mrs. Satterwhite seconded the motion.
    - (2) Mr. Stemple noted this was contingent upon PennDOT approval.
    - (3) **MOTION VOTE** – The motion *passed* 8-0.
  - b) **Section 123-33** – a waiver from providing sidewalks along the property frontage.
    - (1) **MOTION** – Ms. Zimmerman made a motion to recommend that the Board of Supervisors does not grant a waiver but grant a deferral until that point in time when the Township requires sidewalk installation, and to put a note on the plan to that effect. Mr. Stemple seconded the motion. The motion *passed* 8-0.

- c) **Section 123-36.F** – a waiver from providing a minimum of 20’ wide driveway with a 15’ curb radius.
  - (1) **MOTION** – Ms. Zimmerman made a motion to recommend that the Board of Supervisors grant this waiver request. Mr. Bodek seconded the motion. The motion *passed* 8-0.
- d) **Section 123-37.H(3)** – a request to authorize the use of porous paving.
  - (1) **MOTION** – Mr. Brooke made a motion to recommend that the Board of Supervisors grant the use of porous paving. Mrs. Satterwhite seconded the motion. The motion *passed* 8-0.
- 8. Mr. Stemple brought up the issue of the traffic impact fee (TIF). This was discussed between Mr. Stemple and Dr. Patel, who indicated that he is not creating new traffic but moving from one side of the street to the other. He is also reducing his practice from two doctors to one. It was decided this matter would be left for the BOS to decide.
- 9. **MOTION** – Ms. Zimmerman made a motion to recommend that the Board of Supervisors grant preliminary and final plan approval for this application. Mrs. Satterwhite seconded the motion. The motion *passed* 8-0.
- 10. There were no public comments on this plan.
- 11. Mr. Dunbar told the applicant that if they want a waiver on the TIF, the applicant would have to add this as an additional waiver request for the BOS.
- C. Kimco Text Amendment to Ridge Pike Business District Ordinance:
  - 1. Mr. Craig Robert Lewis, Esq., with Kaplin & Stewart, was present to represent the applicant, Kimco, owner of the shopping center.
  - 2. Mr. Lewis explained that they are seeking a zoning text amendment to the RPBD for this property. This will include area and bulk regulations and performance standards. The applicant will modify the façade and architectural treatments for this center to create a uniform appearance.
  - 3. Mr. Geoffrey Glazer, Vice President of Development for the Mid-Atlantic Region of Kimco, was present to discuss their plans for the site.
    - a) Mr. Glazer stated that this process began several years ago when they were trying to decide the best replacement for K-Mart as retail has taken a hit. Kimco takes a proactive approach to their properties because they do not want them to be vacant. Many retailers have moved to more regional hubs close to transportation.
    - b) Kimco sees the most viable option as a climate controlled self-storage facility. This would be 70-75,000 sq. ft. with 55-60,000 sq. ft. of usable space.
    - c) They also want the façade to coordinate with the rest of the center, and will add additional landscaping on the outside. When the economy turns around, they can re-use the parking lot for other uses such as a restaurant.
    - d) Mr. Glazer explained that his company is in the position to begin work on this as soon as it is approved. They would like to have this completed by next summer.
  - 4. Mr. Lewis noted that all storage would be contained within the building. Kimco will retain ownership of the building but will bring in someone to manage the operations. Mr. Lewis noted that they would meet the standards set in the ordinance with regard to development of the property. He requested that the PC recommend this matter for consideration by the BOS at their December 3, 2009 meeting.
  - 5. Ms. Zimmerman commented that she likes the idea of finding a viable use for the center, and for the creation of a uniform architectural scheme.

6. Mr. Kuberski asked who would monitor the storage users? Mr. Glazer explained that they would have the retail space open from 8 a.m. to 6 p.m., with an employee present to provide assistance. In designated off hours, people will have access to their storage space with access codes to the site.
  7. Ms. Zimmerman inquired about the landscaping. Mr. Glazer noted they would have islands in the parking lot and add extra trees to these. They would also increase and beautify the entrance points to the shopping center with more landscaping.
  8. Chairman Schlack indicated that he likes this concept for the space.
  9. Mr. Kuberski asked if people carry in items for storage or if there would be a loading dock area? Mr. Glazer noted there would be some place where people could drive in and take their items out without exposure to the elements.
  10. Mrs. Altieri commented that this was not her first choice for the center, however it will beautify the property and bring some life back into it. There were also some concerns over a lack of foot traffic to the center, but this project is internally funded and will happen right away. There are positive aspects to this proposal.
  11. **MOTION** – Ms. Zimmerman made a motion to recommend that the Board of Supervisors approve the ordinance amending Chapter 143 of the Code of Lower Providence Township also known as the Zoning Ordinance of Lower Providence Township, for the purpose of amending Article 33 the Ridge Pike Business District. Mr. Stemple seconded the motion. The motion *passed 8-0*.
- D. Valley Forge Corporate Center: *Change IP zoning to Office-Technology Campus Sector zoning; Mixed Use Sector Overlay along Van Buren Avenue between Adams Avenue and Rittenhouse Road; Mixed Use Sector Overlay between Monroe Boulevard and Audubon Road; Change Village Commercial zoning to IP and Mixed Use Sector Overlay zoning; Change Village Commercial zoning to IP zoning; Zoning Map changes.*
1. Mr. Roth provided an overview of the project to revitalize the Valley Forge Corporate Center (VFCC) also known as the business park. They have taken recommendations for the park from Simone Collins and met with the businesses there to create a place where businesses can thrive. The design standards developed from these meetings include improving circulation and access, adding amenities & services for employees (mixed uses), and creating a clear identity and sense of place. Feedback from that business community was overwhelmingly positive. Mr. Roth noted that this evening they would discuss the necessary zoning changes to achieve these goals. He introduced Mr. Onorato and Mr. Dave Roberts from CMX Associates who will address the zoning issues.
  2. Mr. Onorato explained there are a total of five ordinance amendments, one to the zoning code and four to the zoning map. Last year's Village Commercial Committee recommended that the portion of the VCC on this plan be merged into the IP District, which is one change. In the IP District, there will be an overlay that creates the Office Technology Campus; this is a mixed-use overlay. These allow retail, restaurants etc. that are compatible with the area. There are specific text changes with regard to the uses, especially with uses within 600 feet of the GC District.
  3. Mr. Roberts explained changes from the initial plan, including a reduced density housing area. One of the largest, vacant parcels was identified as one where they could easily add the mixed use overlay. This is also close to a signalized intersection, and is close to one of the larger employers, which is why they moved mixed use to this new location. They created an area that could be used as a campus for the Office Technology Center, that is more secure and pedestrian accessible.

4. Mr. Dunbar noted there are only about 3,200 office technology jobs existing in the park today. Some of these jobs could be lost if some type of action is not taken soon, as the employers are seeking additional space. The secure campus approach will provide a benefit to possibly retaining those jobs.
5. Mr. Roberts explained they wanted to provide zoning options for businesses while not making existing zoning non-conforming. A lot also depends upon the completion of the interchange project with Route 422. They took the existing ordinance and modified within that structure to make it clearer.
6. Mr. Russ Benner from CMX was present to discuss design standards for transportation facilities (vehicular, pedestrian, and mass transit traffic) and the design manual for site amenities (lighting, landscaping, open space development) by sector. The design standards will actually be incorporated into the Subdivision and Land Development Ordinance (SALDO) as an appendix. As parcels are developed or redeveloped, they will be subject to these design standards.
7. Mr. Benner introduced several people who were instrumental in working on the design standards. Ms. Kathleen Swindler handled the transportation aspect of the standards, and Mr. Jay DeFelice addressed the site amenities in the design manual.
8. Ms. Swindler remarked that transportation is a key feature to redevelopment. Maintaining a grid system for flexibility is important. Traffic circles enable truck traffic through the area while encouraging pedestrians as well.
  - a) There are complementary efforts on Rt. 422 addressing access to the center.
  - b) Monroe Boulevard is very wide but underutilized. They would like to have two-way traffic on one side of the right-of-way, and create a long, linear park for pedestrians on the other side.
  - c) A mid-block curb bulb will provide a way to visually or physically narrow a street where there are crosswalks. These are proposed at all intersections to create and encourage pedestrian traffic.
  - d) Sidewalks are important to encourage pedestrian traffic. Striping has recently been added in some areas to create pedestrian areas.
  - e) A trail will lead from the IP to some existing areas surrounding the park.
  - f) They are also looking at a better connection between Egypt and Trooper Roads.
  - g) Mr. Dunbar noted that the Adams Avenue extension was an early initiative they have been working on with the Board. This is a \$2.5 million investment, and they are trying to create a safer access off of Adams onto Egypt Road.
9. Mr. DeFelice explained that they are trying to create a sense of place for the park, which currently has no real definition. They would use signage and identification for the park. Gateway points, located at perimeter locations into the park, will have a consistent theme or design and provide a nice amenity for the park. Features will include lighting, landscaping, walkways etc. in a consistent manner.
10. Mr. Onorato stated he would like to address the November 18, 2009 MCPC letter as he is able to do so. Answers to line items from the letter are as follows:
  - a) Item A – Mr. Onorato indicated that this is not an overlay so there is no inconsistency.
  - b) Item B –
    - (1) B1 – Mr. Onorato noted they were trying to allow uses in the schedule that are better suited closer to what is in the GC area. Mr. Dunbar indicated that this use was already in the current code.

- (2) B2 – Mr. Roberts commented that this was also a carryover. They are trying to use the existing ordinance wherever possible, and these are a sequence of referrals from one area to the next. There are site requirements and lot requirements.
  - (3) Mr. Onorato noted that 143-136.A6 permits all three of these uses.
  - c) Item C – This is with reference to the IP uses only, which will be added into the ordinance.
  - d) Item D – Uses
    - (1) D1 – Mr. Roberts indicated that the committee already reviewed uses and have things they thing are appropriate in the mixed-use district. They merged the two tables and refined them, but they may need some definitions.
    - (2) D2 – Business services is not defined, but is a use ancillary to a business use such as copying services etc.
    - (3) D3 – Cafeterias are permitted in mixed use and more likely ancillary to a business. Restaurants are typically stand-alone. Both are compatible with mixed use. Restaurants will be permitted outside of the mixed-use zone by conditional use.
    - (4) D4 – Mr. Onorato noted that a department store would be limited by the criteria in 137A such as lot size, width, setbacks etc. There is no limit on the size of buildings.
    - (5) D5 – Parking facilities and lots are permitted to be a stand-alone use.
    - (6) D6 – Retail sales allows for sales within other uses. An example would be a manufacturer with a retail component.
    - (7) D7 – There is no minimum number for residential uses.
  - e) Item E – Area and bulk regulations:
    - (1) E1.i – The height limitation is 90’.
    - (2) E1.ii – There is no limit to the number of buildings per lot.
    - (3) E1.iii – Different buildings on one lot is permitted in the existing ordinance.
    - (4) E1.iv – Yes, multiple combinations and configurations are permitted.
    - (5) E2. – The word “site” is being eliminated from this item.
    - (6) E3 – This is in the existing ordinance.
    - (7) E4 – Mr. Onorato thinks the standards to not apply to the mixed-use overlay.
  - f) Item F – Items F1, 2, and 3 are all in the existing ordinance. There are some minor inconsistencies that can be addressed in a clean-up ordinance.
  - g) Item G – Mr. Onorato commented that there are no inconsistencies to repair.
  - h) Mr. Onorato will craft a formal response to the MCPC review. The PC can make a recommendation to the BOS regarding the four map changes and one zoning code amendment if they want to.
11. Mr. Stemple commended the committee for all of their hard work in finalizing this body of work. He remarked that this would be appreciated in the future. Mrs. Satterwhite concurred.
  12. Mr. Stemple asked if this would provide a hardship for any of the property owners in the park?
    - a) Mr. Dunbar indicated that only eight of the property owners did not attend the information meeting on this plan, and they have not received any negative feedback to date. There have been questions regarding how this will be paid for. Mr. Dunbar noted that they have received some Federal earmarks, however it will take a lot of effort and will be a 5-10 year process to complete.
  13. Mr. Onorato noted that there are three map amendments, one text amendment to zoning, and one text amendment to SALDO for the creation of the design manual.

14. **MOTION** – Ms. Zimmerman made a motion to recommend that the Board of Supervisors adopt an ordinance changing the classification of certain areas of land from VC Village Commercial to IP Industrial Park. Mr. Stemple seconded the motion. The motion *passed* 8-0.
15. **MOTION** – Ms. Zimmerman made a motion to recommend that the Board of Supervisors adopt an ordinance adding certain areas of land to the Mixed Use Overlay Sector. Mrs. Satterwhite seconded the motion. The motion *passed* 8-0.
16. **MOTION** – Ms. Zimmerman made a motion to recommend that the Board of Supervisors adopt an ordinance changing the zoning classification of an area of land from IP Industrial Park to IP Industrial Park Office Technology Campus Sector. Mr. Brooke seconded the motion. The motion *passed* 8-0.
17. **MOTION** – Ms. Zimmerman made a motion to recommend that the Board of Supervisors adopt an ordinance amending Section 143 of the zoning code for purposes of amending the industrial districts article. Mrs. Satterwhite seconded the motion. The motion *passed* 8-0.
18. **MOTION** – Ms. Zimmerman made a motion to recommend that the Board of Supervisors adopt an ordinance adding the land use design manual for the Lower Providence Township Valley Forge Corporate Center as Appendix X to SALDO. Mr. Brooke seconded the motion. The motion *passed* 8-0.
19. There was no public comment on this matter.

**6. Other Business:**

A. Old Business – None

B. New Business –

1. Mr. Dysard noted there might not be a meeting in December.
2. Mr. Dunbar indicated that the BOS would take action on this ordinance at the December 3, 2009 meeting. They may also be taking action on the 2010 budget, however the grant funding from the County for open space acquisition has been cut and may change the budget. They will also take action at the December 17, 2009 meeting on the renewal of a three-year contract with the MCPC.

**7. Adjourn**

- A. **MOTION** – Ms. Zimmerman made a motion to adjourn the meeting. Mr. Stemple seconded the motion. The motion *passed* 8-0. The meeting ended at 9:35 p.m.

**Next Meeting:** December 16, 2009