

**LOWER PROVIDENCE TOWNSHIP  
VILLAGE COMMERCIAL COMMITTEE  
JUNE 5, 2007 MEETING MINUTES**

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**1) Public Meeting: Call to Order**

- a) Supervisor DiPaolo called the public meeting to order at 7:00 p.m.

**2) Pledge of Allegiance**

**3) Roll Call:**

- a) The following committee members were present: Mr. Comroe, Mr. DiPaolo, Mr. Ferraro, Mrs. Maris, and Mrs. Satterwhite.
- b) Mr. Hager and Mr. Ozoroski arrived shortly after roll call.
- c) Mr. Borai, Mr. Kuberski and Mr. Stemple were absent.
- d) Also present were Tolson DeSa from the Montgomery County Planning Commission, Township Manager Joseph Dunbar, and Director of Community Development Michael Siegel.

**4) Review of May Meeting Minutes:**

- a) Supervisor DiPaolo noted that they would review the meeting minutes at the next meeting because they were not distributed on time.

**5) Review of Recommendations from May 8, 2007 Meeting:**

- a) Mr. DiPaolo explained this history of what the committee has done so far, and what they will be reviewing in coming meetings for the audience. He noted that they are going over the geography first to determine if the districts should be expanded or contracted, or zoned differently, and then would look at the design standards and uses.
- b) Mr. DeSa reviewed the discussion and recommendations from the last meeting for the following districts:
  - i) For Ridge Pike and Parklane Drive, the committee agreed to extend the Ridge Pike Business District (RPBD) to include the other commercial uses, and to eliminate the Village Commercial (VC) district in this area.
  - ii) For the Betzwood District, there was a discussion to incorporate these parcels into the Industrial Park (IP) zoning, as they are not in keeping with VC.
    - (1) Mr. Ozoroski noted that they referred this district to the Township Consultant for a recommendation. Mr. DeSa concurred this was being done.
  - iii) For the Evansburg District, the committee decided to keep this area intact.
    - (1) There is a 4.5-acre parcel owned by Superior Tube, zoned PBO, which will become VC.
    - (2) They are proposing that the R2 parcel at St. James Church be rezoned VC, and that the church parcel itself become VC.
    - (3) Mr. DeSa noted that all of these parcels would have the public facilities overlay. They are also considering rezoning of a parcel across Germantown Pike.
- c) Mr. DeSa noted they still need to work on the geography of the other districts.

**6) Perkiomen "Thumb" Discussion:**

- a) Mr. DiPaolo suggested they discuss the Valley Forge Thumb first since they began the discussion at the last meeting.
- b) Mr. Ferraro discussed the potential for slip ramps to Rt. 422 near the American Revolution Center (ARC) site. He reviewed the current make-up of the area, including small older homes, and some small shops. Mr. Ferraro believes this could become a prime area for development when the ARC is constructed, and it would be wise to look at what is in the area. It should eventually be made a walkable area.
- c) Mr. Comroe questioned if the road owned by Neilson would eventually be developed into a main road or turned over to the Township?

- i) Mr. DiPaolo indicated they do not know if this will ever be taken over by the Township. It is a private road and a large portion of it is in Upper Providence. This road was never offered to the Township for dedication. He further noted that there is no guarantee the slip ramp will be installed.
- ii) Mr. Dunbar explained that the County, who has a highway occupancy permit, owns the front portion of the private road and Neilson owns the bridge.
- d) Mr. Hager expressed concern over making this area VC. He noted there is a lot of open space that is part of the park. There is a lot of residential housing and few commercial uses. Should this become VC he is uncertain of the impact it would have on residents.
- e) Mr. Dunbar noted that it is a very small area with pre-existing non-conforming uses. The idea behind the ARC is to take people back to the time of the American Revolution. If they are creative with the design standards and someone came in and created a pub, etc., it would fit in.
- f) Mr. Ferraro reiterated this is an opportunity to pre-plan for future development.
- g) Mr. DeSa noted this is currently R2 and permits no-impact home based businesses. The area could be left as is. If it is zoned VC, that could take away what makes this a nice area. The district would need specific design standards that may not be viable in the marketplace.
- h) Further discussion included the necessary redevelopment of the area needed to create a VC district here. It was suggested this be left as is and revisited when the ARC comes in.
- i) Mr. Siegel noted that the infrastructure does not yet exist for development. The slip ramp is not in. There is no public sewer or water, but this could come with the ARC. He recommended that this committee make a recommendation to the Comprehensive Plan Committee on how to proceed.
- j) **MOTION** – Mr. Ferraro made a motion to table this item and forward it to the Comprehensive Plan Committee to review in depth. Mr. Comroe seconded the motion. The motion *passed 7-0*.
- k) Public Comments:
  - i) Mr. Rick Moscariello, 3826 Germantown Pike, questioned if the VC zoning will stay the same in the Evansburg area? He has a two-acre parcel that he would like to develop as a day care center, which is currently not a permitted use in the Township's VC ordinance. Mr. Moscariello reviewed the history of his ownership of this property, which has had signage for 1½ years indicating he would build a retail or office use to VC standards, but has had no calls. He has mixed multiple use buildings elsewhere in the Township that have been empty for four years. Mr. Moscariello stated that he needs to be able to use his property. He has a potential customer for the Evansburg site but day care is not permitted as it is in other township's VC districts. Mr. Moscariello asked if the uses would be expanded for the VC district?
    - (1) Mr. DiPaolo noted that this committee is not into design standards or uses yet; they are reviewing geography first. There is a possibility the uses will be expanded when they get to that point in their discussions.
    - (2) Mr. Moscariello emphasized that he has a potential customer for this site, and will lose them if he cannot make a commitment soon. He appreciates any timeframe the committee can place on this discussion so he knows when there may be an answer. Mr. Moscariello stated that he met with staff and the Board a year ago to begin these discussions, and has been through a nine-month process of trying to rezone the land. He wants the committee to consider the uses as soon as possible.
    - (3) Mr. DiPaolo emphasized that the committee is following a specific format for reviewing the VC ordinance and will not rush the process because they want to get it right. The recommendations from this committee will impact all VC areas in the Township.
    - (4) Mr. Dunbar noted that Mr. Moscariello attended a Solicitor / Staff meeting over a year ago and two Board members were present. They saw the merit in the project, and he was instructed to go to the ZHB, and then told to wait for this committee's decision on uses.
    - (5) Mr. Moscariello stated he is working on bringing customers to Lower Providence Township. He reiterated the financial impact this zoning has had on him, and asked what he was

supposed to do with that parcel. No one is interested in developing under the current VC uses.

- (6) Mr. DiPaolo noted the committee would consider this when going over the uses.
  - (7) Mr. Hager questioned why Mr. Moscariello didn't use his office building for the day care? Mr. Moscariello explained that the customer was not interested in that site. It was suggested that Mr. Moscariello look at the daycare in the Gannett Fleming building to see how it works.
  - (8) Mr. Moscariello noted that the construction of this daycare facility would alleviate overcrowding at the one in Audubon and reduces traffic in Audubon.
- ii) Mr. Joe Dedominic, owner of Bud's Bar, expressed his frustration of being in a similar situation. He does not remember all the uses permitted in VC, but noted a bar & restaurant is permitted where a daycare center and bank with drive-thru are not. There is a lot more traffic associated with the bar or restaurant than there is with the other uses. He has had three banks interested in his property. One was Penn Liberty Bank, who wanted to reuse his existing original building. He lost all three banks. Mr. Dedominic looks across the street to see a bank with a drive-thru and a CVS with a drive-thru. His building is hit frequently by tractor-trailer trucks that cannot clear the turn. Banks are the only businesses that have expressed any interest in his site. He is asking the committee to reconsider permitting a bank with drive-thru in VC. Mr. Dedominic noted that he could put a 5 Guys Burger or 7/11 on his site but does not want to. Mr. Moscariello could build a Red Lobster on his site in Evansburg if he wanted to. Mr. Dedominic commented that banks have a relatively small impact compared to restaurants on area traffic. He asked if Mr. Siegel could review the permitted uses?
- (1) Mr. DiPaolo reiterated that they would review the uses when they get to that point in the process.
  - (2) Mr. Dedominic stated that this is not a level playing field and he does not have the same opportunity that was allowed elsewhere. He has seen other uses for surrounding buildings shot down in the past where people were interested in having a retail use on the first floor and living on the second floor. The ZHB has indicated they will not make decisions on these types of parcels until this advisory board acts, and that is not right. Mr. Dedominic is surrounded by uses that he is not permitted to use.
  - (3) Mr. Ferraro suggested that potential investors might be waiting to see the other traffic improvements completed before acting. Mr. Dedominic remarked that no one is interested in keeping his building anymore.
  - (4) Mr. Ozoroski asked if Mr. Dedominic would rather the parcel not be zoned VC, or if he would rather the uses be changed in VC?
    - (a) Mr. Dedominic remarked that he does not think of this as a village because pedestrian traffic is not even permitted. Perhaps when the 363 interchange is completed it will become more like a village. He discussed roadway improvements and sewer problems that are being done right now and the impact to his business. Mr. Dedominic would like to see the area VC for the sake of the townspeople but have the uses changed.
  - (5) Mr. Ferraro questioned if Mr. Dedominic's property was worth more raised than standing? Mr. Dedominic indicated that it was. He urged some type of communication from this committee to the ZHB that they should still be making decisions if this committee is going to take some time to complete their work.
  - (6) Mr. Leo White objected to this. He noted that he has spent a considerable sum to go before the ZHB to have his property rezoned and was told he was before the wrong board.
  - (7) Mr. Dedominic stated that the ZHB has essentially shut down.
  - (8) Mr. Comroe requested that staff provide information on what uses the surrounding township's permit in their VC districts. Mr. DeSa indicated that he has this information and will get it for the committee. Mr. DiPaolo remarked that when they get to the uses they would discuss them; he wants that best possible ordinance for the Township.

- (9) Mr. Dunbar noted that there is nothing precluding residents from requesting this information from the County.

**7) Continued District Designation Discussion:**

a) Audubon Village:

- i) Mr. DeSa explained that for the parcel at 2790 Egypt Road (the law office of Dick Sheehan), there are inconsistencies between the tax records and zoning map. Tax records have this as a VC zoned property, where the Township zoning map shows it as R2. Mr. DeSa suggested this be addressed as a possible expansion or correction to the Township zoning map.
- (1) Mr. Comroe noted that this was changed in 1984 or 1985 to VC. He remembers this from being on the Planning Commission.
- ii) Mrs. Maris questioned how far the VC district went in this area?
- iii) Mr. Dunbar noted that several years ago the Montgomery County Planning Commission (MCPC) recommended rezoning several properties. In 2004 or 2005 the zoning district on Egypt Road from Trooper Road through Pinetown Road was reviewed for consistency and recommendations. The MCPC made recommendations, but there are a variety of uses present.
- iv) Mr. DeSa does not have the zoning maps but can walk through the recommendations from that time. He noted that there were two memos issued at that time, one on October 19, 2005, and one on November 10, 2005, to review the corridor.
- (1) They looked at the GC area along Wedgewood Way and Egypt Road, and the R2 area on Pawlings Road that backs up to the Audubon Shopping Center, considering extending this up to Culp Road. There is also a parcel across from Shannondell they looked at as a live / work / play area.
- (2) There was a recommendation to rezone the Pinetown Road corner parcel to PBO as recommended in the Comprehensive Plan. Additional PBO zoning is recommended down Pawlings Road.
- (3) Parcels zoned R2 between WaWa and the Rod & Gun Club were left as is pending a future review by the Township.
- v) Mr. Hager suggested extending VC along Egypt Road through Pinetown Road, and also up toward Trooper Road, looking at the zoning all the way down the Egypt Road corridor.
- vi) Mr. Dedominic asked if this committee could come to some conclusions as it goes and make those recommendations to the Board of Supervisors as they become available?
- (1) Mr. DiPaolo indicated that the Board wants one comprehensive ordinance and not piecemeal recommendations. This is being done in a specific process for a reason, as unintended consequences of their recommended changes can be seen during this review process.
- (2) Mr. Dedominic questioned how long the process would take? Mr. DiPaolo would like this to be completed by the fourth quarter, but will not rush it. He wants to make sure they have all the necessary information and are comfortable with the final recommendations.
- (3) Mr. Dunbar noted that it also has to be advertised anytime it goes to the Board for a decision, which would be difficult if sent in pieces.
- vii) Mr. Dunbar asked Mr. White if it was on the record that the ZHB did not want to make a decision? Mr. White indicated he was told that he was before the wrong board. Mr. Dunbar indicated to Mr. DiPaolo that staff could be instructed to send a letter to the ZHB explaining this process has some time left prior to completion and that they need to make decisions based on the facts and testimony being received today.
- viii) Mr. DiPaolo asked the committee if they wanted to keep the VC parcels existing in Audubon today as VC?
- (1) Mrs. Maris questioned what the VC map was in Audubon?
- (2) The parcels were reviewed, including:
- (a) Willow Avenue to Egypt Road, and then across Egypt to the first house past Lark Lane.
- (b) On Park Avenue, on the other side of the road, it extends up to the new chiropractor's office.

- (c) On the south side of Egypt Road, VC extends from Mr. Sheehan's office through to the corner where Commerce Bank is located.
- (d) On the opposite side of the road from WaWa to CVS, up to the Tag Shop is VC.
- (e) From Pinetown Road up toward Audubon, there are seven parcels zoned VC.
- (3) Mr. White asked if PBO was more expansive than VC? Mr. DiPaolo indicated it was. Mr. DeSa noted that they never recommended expanding VC, as PBO was the next most suitable district. Mr. White's property is in the Comprehensive Plan as PBO.
- (4) Mr. DiPaolo asked if the committee would like to keep the existing VC parcels VC?
  - (a) Mr. Ferraro does not want to see the corner of Pinetown & Egypt VC.
  - (b) Mr. Comroe recommended keeping the VC parcels in Audubon as VC. The committee concurred with this recommendation.
  - (c) Mr. Hager noted that while he concurs, he would like to see the VC district expanded.
- ix) Mr. Ozoroski asked if VC was an appropriate district in Audubon, or if there were more appropriately tailored districts for Audubon? He noted that it was not walk able.
  - (1) Mr. DeSa indicated that this was a difficult call as so much has changed in the area. He would probably not label it as VC today, but that does not mean it can't be VC. He noted that there are small scale shops, residences etc. that are part of a village.
  - (2) Mr. Dunbar noted that if it is VC or the Audubon District they need to look at expanding it a bit. When the committee sends this to the Board of Supervisors, they need to include ideas where investments need to be made in such items as streetscaping.
  - (3) Mr. Ozoroski does not see the design standards for Evansburg working in Audubon. Mr. Dunbar remarked that when they look at uses they could craft something more assertive for Audubon if appropriate.
  - (4) Mr. Siegel explained that they could assign performance standards to specific areas of the Township. These could include street trees, landscaping, architectural standards etc. They can get what they want in certain areas of the Township by using performance standards. This was done successfully with the RPBD, using a committee to come up with the performance standards for each area.
  - (5) Mr. DiPaolo commented that perhaps there would be VC1, VC2 etc. with the design standards playing into this so the VC areas are not all the same.
  - (6) Mr. Ferraro questioned how this was different from spot zoning? Mr. Siegel indicated that the zoning is not changed, but rather there are standards for new development that must be followed, it is just good planning. Mr. DeSa stated that the Township could have six different standards for six different areas of the Township.
- x) Mr. Hager remarked that given this discussion, when you look at the Egypt Road corridor from Trooper Road to Pinetown Road, you look to expand the corridor on both sides. There is a lot of traffic that will be eased in this area when Rt. 422 is expanded, which would allow for sidewalks. This corridor should be tied together and made more uniform. Mr. Hager stated that PBO might be more appropriate zoning for where Mr. White's house is and the Pinetown Road corner. The entire corridor would not be VC, but they could look at the uses and make it more unified.
  - (1) Mr. Ferraro remarked on the inconsistency of the corridor, noting it would be difficult to make this consistent.
  - (2) The committee discussed the uses and zoning along this corridor and how it could be tied together. Mr. Hager questioned rezoning the houses close to Audubon to VC.
  - (3) Mr. Ferraro remarked that the houses in the Culp, Orchard area are a nice little neighborhood that they would not want to change, but perhaps further down near the flag business they could switch to VC.
  - (4) There was a discussion regarding lack of sidewalks, and how they are necessary for a walk able community.

- (5) They discussed Bud's Bar and the some pre-existing non-conformances in that area. Mr. Ozoroski asked how big these lots were? It was noted they are small, and some, such as Bud's Bar, would need additional land to meet setback requirements, etc.
- xi) Mr. DiPaolo suggested they look at expanding the district to include pre-existing businesses and then look at the remainder of the area to see what else could be VC. They must also consider the impact of rezoning on the neighbors behind these properties.
  - (1) Mr. Dunbar suggested that staff take the zoning map and look at the business license records to see what businesses are out there, and then forward this to the committee to review.
  - (2) Mr. Hager requested this be done from Trooper Road down to Pinetown Road.
- b) Pinetown & Egypt Roads:
  - i) This was discussed slightly with the Audubon Village discussion.
- c) Betzwood District:
  - i) This was not discussed this evening.
- d) Ridge & Parklane:
  - i) This was not discussed this evening.
- e) Any Additional Districts Identified by the Comprehensive Plan:
  - i) This was not discussed this evening.
- 8) Gateway Triangle Discussion:**
  - a) This was not discussed this evening.
- 9) Discussion of Upcoming July Agenda & Meeting Date:**
  - a) Mr. DiPaolo suggested that they add additional meetings to get through the geography, and move forward with the other ordinance standards.
  - b) Mr. Ferraro suggested that the attendees of the meeting be notified of the additional dates.
  - c) Meetings are identified below.
- 10) Public Comment:**
  - a) None at this time.
- 11) Adjournment:**
  - a) **MOTION** – Mr. Hager made a motion to adjourn the meeting. Mr. Ferraro seconded the motion. The motion *passed* 7-0. The meeting adjourned at 9:00 p.m.
- 12) Upcoming Meetings:** June 19, 2007  
July 10, 2007  
July 31, 2007  
August 7, 2007