

**LOWER PROVIDENCE TOWNSHIP
VILLAGE COMMERCIAL COMMITTEE
AUGUST 21, 2007 MEETING MINUTES**

1) Public Meeting: Call to Order

- a) Supervisor DiPaolo called the public meeting to order at 7:10 p.m.

2) Pledge of Allegiance

3) Roll Call:

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

4) Review of Meeting Minutes:

- a) Mr. Ozoroski arrived at this point in the meeting.
b) March 6, 2007 Meeting Minutes:
i) For item 4)e)iii)3), Mr. Hager requested that this be reworded as follows: Mr. Hager explained that in the past the BOS had discussed rezoning of the Egypt Road corridor from Trooper Road down to Pinetown Road, down Pawlings Road to the Anderko subdivision all to VC. This was not done.
ii) For item 4)f)iv) the word Pawlings was spelled incorrectly.
iii) **MOTION** – Mr. Borai made a motion to approve the March 6, 2007 meeting minutes as amended. Mr. Ozoroski seconded the motion. The motion *passed* 5-0-1. Mr. Stemple abstained, as he did not attend the meeting.
c) Mr. Ferraro arrived at this point in the meeting.
d) May 8, 2007 Meeting Minutes:
i) **MOTION** – Mr. Comroe made a motion to approve the May 8, 2007 meeting minutes. Mr. Stemple seconded the motion. The motion *passed* 5-0-2. Mr. Borai abstained, as he did not attend the meeting. Mr. Ferraro abstained, as he did not review the minutes.
e) June 5, 2007 Meeting Minutes:
i) For item 3)c), Mrs. Bateman should also be listed as absent.
ii) For item 7)a)v), Mr. Hager added that he also wanted to look at the zoning all the way down Egypt Road corridor.
iii) For item 6)k) ii)6), Mr. Borai indicated that the reference to \$50,000 should be changed to “a considerable sum.”
iv) **MOTION** – Mr. Comroe made a motion to approve the June 5, 2007 meeting minutes as amended. Mr. Ferraro seconded the motion. The motion *passed* 4-0-3. Mrs. Bateman, Mr. Borai, and Mr. Stemple abstained from the vote because they did not attend the meeting.

5) Discussion of Legislative Intent of VC District:

- a) **MOTION** – Mr. Comroe made a motion to recommend to the Board of Supervisors that day care centers not be permitted in the VC District.
i) Mr. Comroe commented that he considers a day care center to be a high-density use not appropriate for the VC District.
ii) Mr. DiPaolo asked if they could hold off on this item until they get to that part of the agenda this evening. .
iii) **MOTION SECOND** – Mr. Borai seconded the motion.

- (1) Mr. Ferraro also thinks this should be tabled until the appropriate time on the agenda to allow for discussion prior to a vote.
 - (2) Mr. DiPaolo commented that they agreed to discuss this tonight. Mr. Moscariello has provided additional information that Mr. DiPaolo thinks the committee should review and discuss prior to a vote.
 - (3) **MOTION WITHDRAWAL** – Mr. Comroe and Mr. Borai withdrew the motion.
- b) Mr. DeSa provided an overview of the legislative intent proposed for the Evansburg Historic District. He explained that legislative intent is an important section of a zoning district as it sets the stage for what they want to achieve in that district. The standards he reviewed for the Evansburg Historic District can be modified as the committee sees fit.
- i) Mr. Ozoroski questioned if Evansburg could be done as its' own VC district? Mr. DiPaolo remarked that this seemed to be the intent of the committee at the last meeting and needs to be discussed further.
 - ii) Mr. DeSa commented that it would be logical to split the Evansburg and Audubon VC districts because Evansburg is a Historic District.
 - iii) Mr. DeSa reviewed the specifics he has come up with for the Evansburg Historic District, including:
 - (1) Limit or discourage strip type commercial uses, and reduce curb cuts.
 - (2) Provide regulating standards to encourage an orderly, well placed development, compatible to the surrounding area.
 - (3) Allow building conversions in certified historic districts or for buildings constructed prior to 1940 (the date could be modified.)
 - (4) Encourage the retention, rehabilitation and reuse of certified historic structures while allowing new construction to occur elsewhere in the tract.
 - (5) Ensure that new buildings or additions have an architectural scale and character commensurate with the existing architecture. Mr. DeSa noted that he would include some illustrative examples in the ordinance for examples of the architecture.
 - (a) Mr. Dunbar recalled a concern by residents several years back where the residents did not want to be told what they could and could not do with their properties.
 - (b) Mr. DiPaolo stated that they would not be telling people what colors they could paint their homes, but rather be setting design standards for new construction.
 - (c) Mr. Stemple remarked that he thought they were trying to encourage small-scale businesses to come into the district and asked if that should be in here?
 - (d) Mr. DeSa noted that if someone wanted to do an addition they would need to have an architectural review of the plan
 - (e) Mr. Stemple commented that if they do not spell this out in the ordinance, it would be a problem. He wants to see that they are trying to encourage small-scale professional businesses to come into existing structures, especially owner occupied structures. If someone owns one or more buildings, they should be able to do what they want with the property as long as it fits in with what they have elsewhere in the district.
 - (6) The building footprint should be limited.
 - (7) Special signage and lighting regulations need to be established.
 - (8) They need to ensure that unsightly accessory uses are appropriately handled – buffering trash or vending machines for example.
 - (9) Property line buffering and screening needs to be established.
 - (10) The use of multiple village scale buildings on a lot, with regulations regarding location of the buildings and parking should be considered.
 - (11) Perhaps the hours of operation would be limited.
 - (a) There was a general discussion regarding appropriate hours of operation.
 - (b) Mr. Stemple suggested setting general operating hours, and having businesses go to the ZHB to extend the hours beyond this guideline.

- (c) Mr. Hager noted that this area should not be compared to Skippack, as there is no residential housing in that area, while there are single-family homes throughout Evansburg.
- (d) Mr. Dunbar remarked that they need to be sensitive to existing businesses. If the existing businesses are grand fathered with operating hours that deviate from what is proposed, and then new businesses are charged to go to the ZHB for relief, it penalizes the new businesses.
- (e) Mr. Ferraro questioned how they could set hours for these businesses, as it is too restrictive.
- (f) **ACTION ITEM** – Mr. Siegel will find out what the operating hours are for existing shops and restaurants in the Evansburg Historic District.

6) Discussion of Potential Uses in VC District:

- a) Mr. DeSa discussed the difference between permitted uses and conditional uses. He listed some of each type of use typically seen in VC districts. The permitted uses are permitted by right, provided the owner has the appropriate amount of land. Conditional uses must be granted by the Board of Supervisors, and often required the owner to provide items such as shared parking, submit to architectural design standards, use specific landscaping and buffering etc.
 - i) Mr. DiPaolo noted that they discussed retail vs. specialty retail at the last meeting. He printed out a list of specialty retail uses and read some of them to the committee. Specialty retail is under conditional use in the ordinance.
 - ii) Mr. Dunbar questioned if they are promoting small businesses if they have to obtain a conditional use?
 - iii) Someone expressed concern over a large box specialty store coming into the district. Mr. DeSa indicated that the maximum building size for specialty retail is 7,500 sq. ft.
 - iv) Mr. Dunbar questioned how to blend newly constructed buildings with reused older buildings?
 - (1) Mr. DeSa indicated that they could have different classes of uses with different standards for different classes.
 - (2) Mr. Hager asked if they could make different classes of permitted uses and put the details for those uses into the ordinance?
 - (3) Mr. DeSa explained that they couldn't put architectural standards into the ordinance unless they are a HARB (Historic Architecture Review Board). If someone reuses a building "as is" it is OK. However, for new construction they need architectural standards in the code, which is what was done with the RPBD (Ridge Pike Business District.)
 - (4) Mr. Ferraro questioned the difference between having standards in the code vs. the HARB?
 - (5) Mr. DeSa explained that you are required to have a variety of professionals / specialists on a HARB, and the standards would be imposed on existing residents.
 - v) Mr. DiPaolo noted that guns are permitted under specialty retail. He suggested that the committee review the uses and then prohibit certain ones.
 - (1) Mr. Ozoroski asked if specific uses are listed in the Township's specialty retail? They are not.
 - (2) There was a general discussion regarding limiting uses or how this should be accomplished.
 - (3) Mr. Ozoroski noted that produce store or professional office would have to be a conditional use but antique store is not, and questioned why this would be. Mr. DeSa indicated that there could be problems with some of the conditional use business stores that you would not have with an antique store.
 - vi) Mr. DiPaolo noted that there is a potential to put together several parcels, and the parcels are deep. This should be taken into consideration.
- b) Mr. DeSa questioned if the committee wanted to have some control over multi-family conversions of existing structures? This is listed as a permitted use.
 - i) Mr. Siegel noted that an easy way to address this is to set a certain amount of square footage that is allowed by right and anything above that is permitted by conditional use.

- c) **ACTION ITEM** – All of the uses need to be put into a list and distributed to the committee. Mr. DiPaolo will e-mail the list of specialty retail and Mr. DeSa will get the others. This is for Evansburg Historic District only. The committee members should review the list and write notes on what they do and do not want to permit.
 - d) Mr. Hager remarked that he would like to discuss the Evansburg VC all the way to Cranberry Park.
 - i) Mr. DiPaolo asked if they change this area (Superior Tube) to VC, does the Township still have its fair share of industrial? They wouldn't want to have problems down the road.
 - ii) Mr. Hager noted that they were going to expand IP by Betzwood so they shouldn't have a problem. Mr. DiPaolo noted that the IP was only going to be expanded if it didn't stand on its own merit as VC. Mr. DiPaolo noted that if another manufacturing company comes in and we don't have an area for them, they could file a curative amendment. That is the worst-case scenario.
 - iii) Mr. Siegel noted that in the last clean-up ordinance, he put slaughterhouse and clean-up management into the ordinance. Mr. DiPaolo is concerned with uses similar to Superior Tube. Mr. Hager is concerned that they are leaving an opening for the Gateway to the Township to look bad.
 - iv) There was discussion among the group regarding the use of different VC districts, VC1, VC2 etc. to address the needs of different areas.
 - v) Mr. DeSa suggested they revisit the RPBD, take out some of the used in that district, and use it as a basis for one of the VC districts. One of these districts should be used for historic districts.
 - vi) **ACTION ITEM** – Mr. Siegel will e-mail a copy of the RPBD to the committee for review (this is also available on the Township web site.)
 - e) **MOTION** – Mr. Comroe made a motion to recommend to the Board of Supervisors that the Evansburg Historic District be designated as a separate VC District. This district would include:
 - i) Rezoning the existing HC parcels from Grange Avenue to the Township line to VC;
 - ii) VC parcels that currently exist from Skippack Creek Road to Cross Keys Road;
 - iii) Those parcels in the Evansburg Historic District recommended to be rezoned to VC, excluding parcels that are R1 and Evansburg Park.
 - iv) **MOTION SECOND** – Mr. Ferraro seconded the motion. The motion passed 6-0-1. Mr. Ozoroski abstained from the vote.
 - f) **ACTION ITEM** – Mr. DeSa will tweak the legislative intent to promote owner-occupied uses as suggested by Mr. Stemple; rank the uses so it is easier for those coming into an existing structure. He will also modify the conditional uses to include all new construction.
 - g) At the next meeting Mr. DeSa would like to discuss multi-family conversions and prohibited uses.
- 7) Discussion of the Proposed Text Amendment to Permit a Day Care Use:**
- a) Mr. DeSa provided a copy of his memo dated August 7, 2007 to the committee, with his findings as they pertain to additional information on the use of day care centers in VC districts provided by Mr. Rick Moscariello. Attached to the letter are copies of Mr. Moscariello's information: a letter from Skippack Township, and copies of both Limerick and Upper Providence Township's code for VC.
 - b) For Skippack Township:
 - i) Mr. DeSa noted that the day care center was permitted as a personal service, which is not defined in Skippack's zoning code. Relating this to Lower Providence's code, day care use is not listed under personal service. This was not a court ordered use so no precedent has been established. Further, the day care center in Skippack was placed within an existing building and was not located within a National Historic District.
 - c) For Upper Providence Township:
 - i) Mr. DeSa would not correlate Upper Providence's Neighborhood Convenience (NC) district to Lower Providence's VC district. He discussed the permitted uses in the NC district, noting that these relate more to Lower Providence's RPBD. Upper Providence has a separate village preservation district that does not permit day care centers, and their NC district is not a National Historic District.

- d) For Limerick Township:
- i) Mr. DeSa noted that they do permit day care centers within their VC district. This is in conjunction with a list of conditions, special design guidelines and bonus provisions, and a maximum building square footage of 10,000 sq. ft. for all uses on the site. Further, the Limerick VC district is not a National Historic District.
 - ii) Mr. DeSa stated that he does not feel a day care center is an appropriate use for a National Historic District.
 - iii) Mr. Ferraro noted that the area in question with Mr. Moscariello is within 500 ft. of the church, so based on item 8 in Limerick's code it would not be permitted.
- e) Mr. DiPaolo noted that Mr. Moscariello had objections to how the original analysis was done, so that is why Mr. DeSa prepared this in-depth review for the committee.
- f) **MOTION** – Mr. Comroe made a motion to recommend that the Board of Supervisors not permit day care centers as a use within the Village Commercial District, especially in a National Historic District. Mr. Borai seconded the motion.
- i) Mrs. Bateman expressed concern that the Board of Supervisors is already inclined to permit this use, based on previous comments at a Board meeting. She questioned if it would be better to permit the use and attach a lot of restrictions to it? Mr. Comroe noted that a day care center is considered a high-density use, which is not permitted in VC. There was further discussion with Mr. Comroe commenting that Mr. Moscariello knew what he could do with the property when he purchased it.
 - ii) Mr. Hager is concerned that the process they established for this committee to follow has been circumvented by these discussions for a text amendment at the past several meetings. He noted that they have not yet defined the uses for the VC district. Mr. Comroe remarked that they are mandated to give an answer on the day care center because the Board of Supervisors (BOS) asked for an opinion.
 - iii) Mr. Dunbar noted that the text amendment has not been officially sent out to anyone for review yet. The VCC could wait until this is officially underway and provide comments at that time. He noted that the committee does not have a copy of the official ordinance amendment that will be considered, but rather what Mr. Moscariello first proposed.
 - iv) There was general discussion among the VC members regarding how the BOS treated the matter, and pushed for a response from the VCC. The BOS authorized advertisement of the ordinance. Mr. Borai noted that day care center is not permitted in VC in zoning, and suggested the VCC was wasting time with this matter.
 - v) Mr. Dunbar noted that the ordinance that the VCC has seen was from Mr. McGrory and not the Township's Solicitor. This has not been officially submitted to the County for review and has not been advertised. Mr. Dunbar is still awaiting feedback from two of the Supervisors on the text amendment. This will probably not go before the BOS until October or November. Once this is officially submitted, it will come back to the VCC for input as part of the regular process.
 - vi) Mrs. Leslie Bass commented that the Township Manager is indicating that the VCC can operate as a normal committee until they receive this officially from the BOS, and suggested they do that.
 - vii) Mr. Ozoroski questioned if the VCC would be subject to criticism for voting on the unofficial ordinance? Mr. Dunbar noted a more appropriate motion could refer to Mr. Moscariello's request.
 - viii) Mrs. Bateman questioned if they should table the vote until the official copy of the proposed ordinance is received? Mr. Comroe commented that they were directed to provide an answer – they have spent a lot of time on this and should just vote on it.
 - ix) Mr. Hager questioned what the BOS actually voted on? Was it a vote that sent this to the VCC?
 - x) Mr. Dunbar retrieved a copy of the July 19, 2007 BOS meeting minutes and read the text relating to that portion of the meeting. The motion was to advertise a slight text amendment.
 - (1) There was a discussion among the committee members regarding how the comments made by BOS members put pressure on their committee to vote on this matter.

- xi) **MOTION AMENDMENT** – Mr. Comroe amended his motion to: recommend that the Board of Supervisors not permit day care centers as a use within the Village Commercial District, per the zoning code. Mr. Borai seconded the motion. The motion *passed* 5-1-1. Mr. Hager opposed the motion because this is outside of the VCC’s process and should not be considered. Mrs. Bateman abstained from the vote.

8) Other Business:

- a) During the time that Mr. Dunbar was retrieving the BOS minutes, the VCC held a discussion with Mr. Leo White, 2854 Egypt Road, regarding zoning of his property.
- b) Mr. White commented that he wants to work with the VCC on rezoning, and has dropped his appeal to the zoning decision. He purchased his property two years ago. At that time he was unaware that there would be a strip mall or traffic light going in across the street from the parcel. When he went to the ZHB for a variance, he was told that he was in the wrong place and should be here. At that time his attorney said he should file an appeal so he would not lose his rights, this appeal has been dropped.
- c) Mr. White maintains that the property is inconsistently zoned with the surrounding parcels, and because of the significant traffic, and should be zoned VC or PBO. The Comprehensive Plan suggests it should be zoned PBO. He is willing to donate part of his land to provide a trail connection to the sidewalk area.
- d) Mr. Borai disputed some of Mr. White’s remarks, and read from the ZHB November 21, 2006 meeting minutes, where he indicated that zoning changes are a matter for the BOS and not the ZHB. Mr. Borai noted that Mr. White originally requested the property be rezoned in April 2005, and did not intend to use it as a residence.
- e) Mr. White commented that he does live in the house but would also like it to be rezoned to VC.
- f) **ACTION ITEM** – Mr. DiPaolo asked the committee to take a look at the parcel and bring their comments back for the next meeting.
- g) Mr. Ozoroski asked how many parcels this would include? Mr. White noted that he owns one parcel, however his three adjoining neighbors are also interested in being rezoned.

9) Discussion of Upcoming Agenda & Meeting Date:

- a) None.

10) Public Comment:

- a) None.

11) Adjournment:

- a) **MOTION** – Mr. Ferraro made a motion to adjourn the meeting. Mr. Stemple seconded the motion. The motion *passed* 7-0. The meeting adjourned at 9:40 p.m.

Upcoming Meetings: September 4, 2007
 September 18, 2007