

**LOWER PROVIDENCE TOWNSHIP  
VILLAGE COMMERCIAL COMMITTEE  
SEPTEMBER 18, 2007 MEETING MINUTES**

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

- a) Supervisor DiPaolo called the public meeting to order at 7:05 p.m.

**2) Pledge of Allegiance**

**3) Roll Call:**

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

**4) Discussion of Legislative Intent of Evansburg VC District:**

- a) The following documents were distributed or reviewed during the meeting:
  - i) Proposed Evansburg Village Commercial Ordinance, dated September 18, 2007, five pages.
  - ii) NAICS Codes – Specialty Retail ss.#443, 448, 451, 453, two pages.
  - iii) NAICS Codes – 44-45 Retail, four pages.
  - iv) A six-page document of the contributing resource parcels located in the Evansburg District.
- b) Mr. DeSa distributed a copy of the proposed VC ordinance for Evansburg, noting that he forgot to strike the 1940 date. The median age of contributing resource properties in the district is 1855, with parcels ranging from 1708 to 1869. There are 52 contributing resources in the original historic district. Mr. DeSa noted that the 1940 date is typically used as a cutoff so they don't leave anything out.
- c) Mr. DiPaolo explained that contributing resources are a group of houses that are all listed on the National Register together to create the Evansburg Historic District (EHD). Being on the register indicates that they are nationally significant.
- d) Mr. Ozoroski questioned if the standards were different for houses pre or post 1940, or if the date itself does not change the ordinance. The re-use of pre-1940 parcels would apply.
  - i) Mr. DeSa displayed an aerial map of the EHD, with the contributing resources identified in red.
  - ii) Mr. Ferraro asked how the ordinance would affect the houses not in red on the map? Mr. Ozoroski indicated that they still have to comply with the ordinance.
- e) Mr. DiPaolo noted that the intent needs to include what they are trying to create in this district so that it is clear should other factors change in the future.
- f) Mr. Ozoroski suggested the use of 1899 instead of 1940, as it is more appropriate for the buildings in this district.
- g) There was a question of buildings in this category being restricted from demolition. Mr. DiPaolo noted that buildings listed on the National Register are

not restricted from demolition. The only thing that can protect these homes would be a local ordinance.

- h) Mr. Siegel explained that the legislative intent is used so that if a decision is taken to court for appeal, those judges can check to see if the intent was followed in that district.
- i) **MOTION** – Mr. Ferraro made a motion to change the 1940 date to 1899. Mr. Ozoroski seconded the motion. The motion *passed* 6-0.
- j) Mr. Ferraro asked if the Board of Supervisors catchall phrase had been eliminated? Mr. DeSa indicated that it was.

**5) Discussion of Potential Uses in Evansburg VC District:**

- a) Mr. DeSa continued the review of Legislative Intent permitted and conditional uses, as well as review of the NAICS code lists.
  - i) Mr. DeSa noted that Class One Permitted Uses 9, 10 and 11 were added as by-right uses, while the multi-family conversion of existing pre-1899 buildings was removed. Multi-family conversion was added to the Class Two Conditional Uses, while day care center was removed.
- a) Review of specialty retail “sub-uses” –
  - i) Mr. DiPaolo noted that if anyone has issues with some of the specialty retail uses, they should be excluded. Also, if there are things in general retail that they would want to include they should be added, such as food & beverage stores. Mr. DiPaolo thinks that codes listed multiple times are listed that way to match codes in Mexico and Canada (Example 44312 & 443120).
  - ii) Mr. Ozoroski questioned the rationale behind including publishing, printing or copy related activity as a permitted use? Mr. DeSa indicated this would be a small printer or store like Kinko’s, that would be permitted, provided they meet the design standards.
    - (1) Mr. Ozoroski thinks this should be a conditional use. Mr. DeSa noted that the dimensional standard for building size (2,000 sq. ft. footprint maximum) should help prohibit unwanted uses. He noted that they couldn’t legally place every use as a conditional use.
  - iii) Mr. Ferraro asked if multiple buildings on the same property should be Class 1 or Class 2 as it is listed in both places. Should this just be permitted by right?
    - (1) Mr. DeSa noted that it would be very unlikely for anyone to come in with multiple buildings on the same property with a 2,000 sq. ft. maximum footprint and impervious coverage requirements. But the purpose of VC is to encourage the village atmosphere. Previously there were not upward limits on this.
    - (2) Mr. Ferraro asked if this could be looked at from a percentage standpoint? Like if impervious coverage changes more than 30% it becomes a conditional use? He used the Moscariello proposal that significantly increased impervious coverage as an example.
    - (3) Mr. DeSa indicated that any use in Evansburg would funnel through the conditional use.
    - (4) Mr. Comroe thinks such a formula is too complicated for the average person to understand.

- (5) Mr. Ferraro wants to protect against profound change and wants the project to go before the BOS.
- (6) Mr. Ozoroski noted they would go before the BOS with the conditional use. The percentage formula leaves it open for a challenge in court.
- iv) Mr. DiPaolo asked if there were uses the committee wanted or did not want to see on the NAICS Code lists. As the committee reviewed some of the descriptions for the 4533 code, it was apparent that one code actually represents many additional uses. This began a lengthy discussion of how they could restrict uses without reviewing each code item in depth.
  - (1) Mr. Ozoroski suggested that rather than having the ordinance refer to the NAICS Code lists, they should make their own use list for the ordinance. They would list uses and not codes.
  - (2) The committee began to review the uses under “Used Merchandise Stores” to determine which ones would be acceptable. After additional discussion, it was determined they would need to go line by line through the uses to identify what was acceptable.
  - (3) **ACTION ITEM** – Mr. Ferraro will compile an electronic list of uses based on the NAICS list for the committee to access and review.

**6) Review of General Dimension Standards:**

- a) Mr. DeSa used a slideshow of various Township businesses to provide a basis for understanding the proposed dimensional standards. From this slide show the following approximate building footprints were identified:
  - i) Applebees – 4,940 sq. ft.
  - ii) Panera Bread – 3,200 sq. ft.
  - iii) Qdobe – 3,200 sq. ft.
  - iv) Bertucci’s – 5,600 sq. ft.
  - v) Zwahlens – 2,970 sq. ft.
- b) Mr. DeSa explained that the dimensional standards are written to encourage people to use the Class Two Conditional Uses so they will go before the BOS and need to adhere to the architectural standards etc. of the district. Bonuses would be provided for preserving pre-1899 buildings.
- c) Mr. DiPaolo noted that they need the ordinance to be viable; they do not want to penalize owners of historic structures. They want to encourage the re-use of historic structures.

**7) Dimensional and Coverage Standards Discussion:**

- a) Mr. DeSa reviewed the dimensional and coverage standards.
- b) Mr. Siegel remarked that he thinks the minimum lot size for many existing parcels is far less than the 20,000 sq. ft. proposed in the ordinance. The minimum lot width looks OK because many of the lots are narrow, however there could be setback related issues.
- c) **ACTION ITEM** – Mr. Siegel will compile a list of lot sizes in the district.
- d) **ACTION ITEM** – Mr. DeSa will check into the setback requirements and provide a sample layout of how these standards would apply to a typical existing building and/or parcel in the district. This will include lot size and street frontage.
- e) Mr. Ozoroski referred back to the Class Two uses, and asked if the committee really wanted to permit a drive-thru for a pharmacy, as this is not excluded. It

was decided the drive-thru would be listed as prohibited, and any reference to a drive-thru would be removed from the Class Two list.

- f) Mr. Siegel pulled up several lots on the GIS system to review lot size. Many were smaller than 20,000 sq. ft.
- g) Based on discussion during the lot review Mr. DeSa indicated that the ordinance would be modified to lower the minimum lot size and lot width, change street frontage, and increase Class Two maximum building coverage.
- h) Ms. Siegel noted that they do not want to create a lot of non-conforming lots with the ordinance, which would then require people to go to the Zoning Hearing Board prior to submitting the Conditional Use application.
- i) Mr. DeSa reviewed the bonuses for shared parking and access, noting that impervious coverage would be the draw for combining these items.
  - i) Mr. Ferraro does not like 85% impervious coverage. Mrs. Maris remarked that many existing lots have at least that much today. The small lots and parking requirements call for this.
  - ii) Mr. DiPaolo suggested waiting for the models prior to altering this.
  - iii) Mr. DeSa noted that another way to get shared parking and access would be to require it as part of the conditional use.
  - iv) Mr. Ozoroski commented that there was no way to know what your neighbor would be doing with his lot, and such requirements force property owners to work together when they may not want to.
  - v) Mr. DiPaolo indicated that the shared access could just be shown on the plan as an easement for future use should the neighboring property be redeveloped.

**8) Building Location and Setback Standards:**

- a) Mr. DeSa reviewed the building location and setback standards.
- b) Mr. DeSa noted that they have a flexible front yard to keep the building up off the street. He is not sure if the Class Two side yard should be increased.
- c) Mr. DiPaolo asked how you would account for multiple buildings if the lots were not deep enough?
  - i) Mr. Ferraro noted that if someone buys several lots and combines them this would work better.
  - ii) Mr. DiPaolo noted that the ordinance calls for buildings to be up front on the lot.
  - iii) Mr. Ozoroski suggested that at least one building should be in the side yard setback.
  - iv) Mr. Siegel does not want people to have to obtain a variance for that because it will not encourage what they are trying to achieve. Any multiple buildings do not have to meet the front yard setback.
  - v) Mr. Ozoroski noted that there is still a building setback. They need to be careful of the R3 residents so the new buildings are not in their back yards.
  - vi) Mr. Siegel questioned if there were language specific to satellite uses. He is concerned with multiple buildings on a deep lot being set back way in the back and interfering with residential.
  - vii) Mr. DiPaolo asked if it could be worded so the primary building is in front, and any satellite buildings are no more than 50% from the front building or

