

**LOWER PROVIDENCE TOWNSHIP  
VILLAGE COMMERCIAL COMMITTEE MEETING  
JUNE 3, 2008 MEETING MINUTES**

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

- a) Supervisor DiPaolo called the public meeting to order at 7:08 p.m.

**2) Roll Call:**

- a) The following committee members were present: Mrs. Bateman, Mr. Comroe, Mr. DiPaolo, Mr. Hager, and Mrs. Maris.
- b) Mr. Borai, Mr. Ferraro, Mr. Ozorowski, Mrs. Satterwhite and Mr. Stemple were absent.
- c) Also present were Mr. Watson Olszewski and Ms. Hannah Mazzaccaro from the Montgomery County Planning Commission, and Mr. Michael Siegel, Directory of Community Development.
- d) Mr. Olszewski introduced Ms. Mazzaccaro, who will replace him on this Committee at the end of June when he retires.

**3) Approval of Previous Meeting Minutes:**

- a) The approval of the last meeting minutes will be held until the next meeting because everyone did not receive them.

**4) Discussion of Additional Requirements for Specific Uses in the Audubon area:**

- a) Mr. DiPaolo commented that he would like to follow-up on action items from the last meeting, review the Additional Requirements document that Mr. Siegel distributed, and hopes to have this completed by the end of June. He has requested time from Mr. Onorato and Mr. Chambers to review the final version of the ordinance.
- b) Mr. Olszewski went through the 28-page Article XXXV "Additional Requirements for Special Uses" document to identify what items would apply and would not apply to the Audubon Village Commercial Ordinance.
  - i) Section 143-275.A:
    - (1) Items 1-5 do not apply.
      - (a) Mrs. Maris questioned if the Animal Cemetery and Hospital would apply in Evansburg, noting there have been animals forever in this area.
      - (b) Mr. Siegel explained that this was for Audubon only, and is only for commercial uses. The personal keeping of animals is different from this.
    - (2) Item 6, Bed and Breakfast Use, applies.
    - (3) Items 7, 8 and 9 do not apply.
    - (4) Item 10, Conversions to Residential Use and Conversions Increasing the Number of Dwelling Units, needs to be modified.
      - (a) The portion relating to conversions to residential use does not apply.
      - (b) The portion relating to conversions increasing the number of dwelling units does apply.
      - (c) Mr. DiPaolo commented that this should be limited to no more than three units maximum.
    - (5) Item 11, Day Care Center / Nursery School applies with the modification that it is only for a family day care center in the home.
    - (6) Item 12, Dwellings in Combination with a Principle Business Use, applies.
    - (7) Item 13, Financial Institution, could possibly apply without the use of a drive-thru.
    - (8) Items 14, 15, 16, 17 and 18 do not apply.
    - (9) Item 19, Restaurants, Standard, Fast Food, and Take-Out, applies with some modifications.
      - (a) Restaurants without the drive-thru or fast food would apply in the Audubon VC District.
      - (b) Mr. Comroe questioned if something like Applebee's curbside to go service applied? Mr. Siegel noted that such a service is take-out and not fast food or drive-thru so it is permitted.

(10) Items 20, 21, 22, 23 and 24 do not apply.

ii) Section 143-276:

(1) The committee reviewed the Additional Requirements for Accessory Uses and Structures.

(2) Section 143-276.C:

(a) Mr. Siegel commented that there is a movement to eliminate coin phones because of related drug activity.

(b) Mr. DiPaolo explained that dial-style phones work to eliminate this problem because they can't be used for pagers or to text message.

(c) Mr. Siegel will put this in as a standard, use of dial operated phones only.

(d) Mr. Olszewski commented that some parts of this section apply and some could change.

(3) Section 143-276.D:

(a) Mr. Olszewski noted that the Township couldn't regulate essential services.

(b) Mr. Hager commented that maybe they should look at these. Mr. Olszewski noted that the SALDO Engineering Standards handle any issues from this section.

(4) Section 143-276.E does not really apply.

(5) Section 143-276.F:

(a) 143-276.F.5 could be part of the AVC ordinance; it is more like a farm stand.

(b) 143-276.F.6 should not apply.

(c) 143-276.F.7 applies.

(i) Mr. Siegel noted that this could be a problem because they had problems in the past with residential basketball courts and impervious coverage and lighting.

iii) Proposed Additional Signage Performance Requirements for Digital Sign Requirements for all Districts:

(1) While this is not directly applicable to the AVC District, right now this section does apply.

(2) Mr. Hager asked if CVS had a digital sign? Mr. Siegel stated they did not. Mr. Olszewski noted that a digital sign would be out of character with the village.

iv) Additional Special Standards to Consider:

(1) There was a discussion of item 4, relating to dry cleaning. It would be acceptable to just have a drop-off and pick-up dry cleaner or laundry service that does not perform the cleaning service on premises.

v) Design Standards for Village Buildings:

(1) There was a discussion of Building Entries, which are applicable.

vi) **ACTION ITEM** – The following items will be added into the ordinance:

(1) Bed & Breakfast Use

(2) Conversions Increasing the Number of Dwelling Units

(3) Family Day Care Home

(4) Dwellings in Combination with a Principle Business Use

(5) Restaurants

(6) Section 143-276 –

(a) Mr. DiPaolo commented that if this applies to the entire Township it should not be included in the ordinance. Then if it is modified in the future, it will only need to be updated in one portion of the ordinance. Mr. Siegel noted that it does apply to the Township as a whole.

(b) For section D, the design standards will be removed from this section and applied to the AVC Ordinance.

c) Discussion of changes to the draft ordinance:

i) Mr. Olszewski provided copies of the last revision (dated June 3, 2008) for the Proposed Audubon Village Commercial Ordinance. This is an eleven-page document. The changes are in different colors depending on when they were made to the draft. Latest revisions are in purple. Mr. Olszewski noted that the latest changes were a result of action items from the last meeting.

ii) The first three pages are relatively unchanged.

iii) Page 4, Class Three Uses:

- (1) Mr. Olszewski asked how many buildings would be permitted on a lot? It had been decided that multiple buildings would be permitted if the existing structure were retained; however there may not be much use for this in Audubon.
- (2) Mr. DiPaolo noted that the minimum lot size is 30,000 sq. ft. Without that lot size you cannot have a Class 3 use. Not many lots will meet that requirement unless they are combined.

iv) Page 5, Dimensional Standards:

- (1) Mr. Olszewski explained that maximum impervious coverage was removed, and other changes made to encourage shared parking and driveways.
- (2) Mr. Hager asked if the use of gravel driveways or parking areas would provide any advantages? Mr. Siegel explained that this becomes compacted and is considered an impervious cover.
  - (a) Mr. Hager asked if there was any surface that was better for drainage? Mr. Siegel noted that pavers allow the grass to grow through them and look like a meadow.
  - (b) Ms. Mazzaccaro commented that EP Henry is now making pervious pavers. Mr. Siegel stated that these would be permitted but are still considered impervious. They cannot trust the property owners to maintain them. Mr. Siegel suggested using porous paving in parking stalls only.
  - (c) The minimum lot width at building setback line was increased to 125 feet.

v) Pages 7 & 8, 143-79, Parking & Access Standards:

- (1) For item A.1, Mr. Olszewski stated that the Committee had discussed in the past, the need to help keep the Board of Supervisors from having to make decisions over little things. He asked if this was one of those things?
  - (a) Mr. Hager recommended that it be removed to tighten the regulations. Mr. Siegel concurred.
  - (2) Mr. Olszewski noted that the Committee's insertion of side yard parking, as a conditional use, then requires Board involvement. He provided an example of where side yard parking would be necessary in a Class 3 situation.
    - (a) Mr. DiPaolo suggested no more than 50% parking in side yard, plus no parking in the front yard setback. Mr. Olszewski noted that they could increase the current 30' front yard setback to address this.
    - (b) Mrs. Maris asked if there were a certain number of parking spaces based on use? Mr. DiPaolo explained that you get a discount with shared parking by providing cross access easements and installing the curb cut.
    - (c) The Committee decided to increase the front yard setback from 30' to 75'.
    - (d) **ACTION ITEM** – Mr. Olszewski will make the update to the front yard setback.
- (3) Mr. Olszewski explained that on page 8, B3 is removed and moved up to item A3.
- (4) Mr. DiPaolo noted that item A3 addresses the discount parking.
  - (a) Mr. Olszewski asked if they wanted to remove the part stating the reduction will not be permitted until shared parking is provided?
  - (b) Mr. DiPaolo thinks this would be OK to remove as long as the access is provided up front.
  - (c) Mr. Hager asked if there was anything in any ordinance about reserve parking? Mr. Siegel noted that this is covered in an ordinance for all districts. Mr. Siegel concurs with Mr. DiPaolo that the incentive should be given up front.
  - (d) Mr. Olszewski commented that they need to ensure there is room for additional parking should it be needed.
  - (e) Mr. DiPaolo indicated they should give the discount but put the reserve on paper.
  - (f) **ACTION ITEM** – Mr. Olszewski will update item A5 to put in the reserve.

vi) Pages 9 & 10, Conditions of Approval for All Class Three Conditional Uses:

- (1) Mr. Olszewski reviewed changes already made to this section.

- (2) Mr. Comroe asked if the word “certified” historic structure leaves the Township open for any type of challenge? The word “certified” is defined in the ordinance in the Bicentennial Book, so this should not present any problem.
- (3) There was a discussion about the wording of the first sentence in item 1. It was decided that the wording should be “...retained and maintained in habitable condition and re-used...”
- (4) **ACTION ITEM** – Mr. Olszewski will update the first sentence in 143-80.1 as indicated above.
- (5) For the second sentence, there was a discussion about issuing a Certificate of Occupancy for the old building prior to or simultaneously with the building occupancy permit for the new building.
- (6) **ACTION ITEM** – Mr. Olszewski will update the second sentence in 143-80.1 to reflect this change.
- (7) Ms. Mazzaccaro questioned how a resale and change of use from a residence affected this? Mr. Siegel noted that they need to obtain a new U&O every time the use changes. For commercial uses there is a certificate of compliance, building permit, U&O and business license.
- (8) Mr. DiPaolo noted that they need to ensure the original structure is in good shape. Mr. Siegel noted that they do have a property maintenance code, but suggested adding the word “rehabilitated” back into the first sentence of item 1.
- (9) **ACTION ITEM** – Mr. Olszewski will update item the first sentence to add the word “rehabilitated” back into the sentence.
- (10) For item 2, Mr. Olszewski commented that it is basically what Mr. Siegel has in the ordinance. He will try to merge the two documents together.
- (11) **ACTION ITEM** – Mr. Olszewski will work to merge similar sections between this document and Mr. Siegel’s document.
- (12) On page 10, item 9, Mr. Olszewski noted that the Committee had previously requested covered sidewalks be permitted.
  - (a) Mr. Siegel noted they need to make sure the sidewalks are not blocked off and used by restaurants. Mr. Siegel would prefer that covered sidewalks not be permitted.
  - (b) Mr. DiPaolo wants the verbiage to reflect that curbs and sidewalks will be installed with any change of use.
  - (c) **ACTION ITEM** – Mr. Olszewski, Mr. Siegel and Mr. DiPaolo will discuss language for sidewalk requirements.
  - (d) The Committee decided that covered sidewalks would not be permitted.
  - (e) **ACTION ITEM** – Mr. Olszewski will remove covered sidewalks from both AVC and EHVC ordinances.

vii) Pages 10 and 11, Conditional Use Standards for Signs:

- (1) Mr. DiPaolo suggested that backlit signs not be permitted in the AVC District. Ms. Mazzaccaro noted this is consistent with the purpose of the ordinance with no evening business occurring.
- (2) Mr. Siegel suggested that for item 13, the word “preferred” be changed to “required” in relation to wood and metal signs.
- (3) Mr. Hager asked about building materials of similar appearance to wood and metal.
- (4) Mrs. Bateman suggested the wording “has the same appearance as” which was acceptable to the rest of the Committee.
- (5) Mr. DiPaolo requested that for item 14, the words “back-lighted” be removed from the first sentence and replaced with the words “ground lit.”
- (6) **ACTION ITEM** – Mr. Olszewski will update this section to reflect the discussed changes.

d) Other Discussion:

- i) Mr. Siegel presented some material earlier in the evening regarding the use of bungalows or cottage housing that is becoming more popular in different areas of the Country. Courtyards are

constructed with 6-7 cottages around them. They are 1-2 bedroom starter homes, or could be an alternative for over-55 housing and singles. This was just approved in the Township where Mr. Siegel lives.

- ii) Mr. Olszewski suggested an alternative to preserving existing small houses could be to rezone to Residential Office District instead of VC. This would take out retail uses and leave items such as town homes, bed & breakfast, offices etc. It would be greater intensity than residential, but less intense than commercial.
  - (1) Mrs. Bateman noted this would have less impact on traffic.
  - (2) Mr. Olszewski suggested the Committee keep this as an option for later discussions with the Board of Supervisors.
  - (3) **ACTION ITEM** – Mr. DiPaolo requested that Mr. Olszewski send this to Mr. Siegel who can forward it to the group.
- iii) Mr. Siegel noted that Mr. Leo White, Egypt Road, has now submitted a rezoning request for his property. He wants it to be rezoned VC.
- iv) Mr. Olszewski commented that he would clean up the draft with items discussed this evening.
- v) Mr. DiPaolo noted that this process has taken longer than he thought it would take, and thanked the Committee for sticking with this. After the next meeting, if there are no major changes, he wants to get this ordinance going through the process to the Planning Commission and Board of Supervisors.

**5) Upcoming Meeting:**

- a) The next meeting will be June 17, 2008 at 7 p.m.

**6) Adjournment:**

- a) The meeting adjourned at 9:10 p.m.