

**LOWER PROVIDENCE TOWNSHIP
PLANNING COMMISSION MEETING
SEPTEMBER 27, 2017 MEETING MINUTES**

1) Call to Order

A) Chairman Comroe called the meeting to order at 7:00 p.m.

2) Roll Call:

- A) The following board members were in attendance: Mr. Michael Comroe, Ms. Kristina O'Donnell, Mr. Mark Kuberski, Mr. William Brooke, Mr. Harold Baird, and Ms. Susan LaPenta.
B) Mr. Mike Mrozinski, Director of Community Development; Mr. Tim Woodrow, Township Engineer; Mr. Peter Nelson, Solicitor; Casey Moore, Traffic Engineer; Maggie Dobbs, MCPC Planner; Colleen Eckman, Board of Supervisors Liaison

3) Meeting Minutes:

- A) Approval of Planning Commission Meeting Minutes of August 23, 2017.
i) **MOTION:** Mr. Brooke made a motion to move the amended minutes of August 23, 2017 into the record. Mr. Baird seconded the motion. The motion *passed* 7-0

4) New Business

- A) LD-17-08 – HTC Builders – 141 Appledale Road – 2 Lot Subdivision
i) Sue Creveling, HT Engineering, reviewed the project and the two waiver requests.
ii) Chairman Comroe expressed concern about the proposed 200-foot driveway. He said he would prefer a cut through to the property. Ms. Creveling said that she agreed, however the existing homeowner made unreasonable requests in order to permit the cut through and the shared driveway and cross-easement became too much of a burden. She said this proposal would avoid any future legal issues. Chairman Comroe asked if the driveway will be paved and if it will be the responsibility of the new homeowner. Ms. Creveling said that it would. Mr. Woodrow said that he was not in opposition to the concept of the driveway.
iii) Ms. LaPenta asked if there would be a swale along the driveway. Ms. Creveling said they had been in contact with Mr. Woodrow and will put in whatever remediation is most recommended by the staff.
iv) Ms. O'Donnell asked about the flood plain notation on the plans. Ms. Creveling said she will look into that notation. Mr. Woodrow said he just wanted to note that designation on the plan. He said there were no steep slopes on the property. Ms. O'Donnell asked about the tree removal on the site. Ms. Creveling said that the trees that are not dead are located on the plan. She said they located the house to the front of the lot to avoid removing existing trees and they are protecting what is valuable and what is not dead. Ms. O'Donnell asked what percentage of trees will be removed for driveway. Ms. Creveling said it is pretty much clear path for the driveway. Ms. O'Donnell asked if the consultants were okay with the partial waiver of the planting plan. Mr. Woodrow reviewed Thomas Comitta Associates' recommendations. Mr. Nelson said he believes they wanted to visit the site to see how the tree fencing is being placed as well as checking post-construction damage. Ms. O'Donnell said she would recommend a visit pre-constructing, during construction and post-construction. Ms. Creveling agreed to this.
v) **Public comment:**
(1) Rich Covell, 133 Appledale Road, stated that the applicant has cleared most of the dead trees, which improves the property. He said he made a proposal to Mr. Gambone but did

not hear back and had hoped that there could have been some negotiation. He asked what the Township's policy was regarding when construction can begin in the morning. Mr. Woodward said 7 a.m. to 7 p.m., Monday to Friday and 8 to 5 on Saturday. He said if there were any issues to contact the Township.

- vi) **MOTION:** Mr. Brooke made a motion to grant a partial waiver from installing curb, sidewalk and widening along Appledale Road for the proposed subdivision. Mr. Baird seconded the motion. The motion *passed 7-0*.
- vii) **MOTION:** Ms. O'Donnell made a motion to grant a partial waiver from preparing a planting plan subject to the three site visits as recommended by Thomas Comitta Associates. Mr. Brooke seconded the motion. The motion *passed 7-0*
- viii) **MOTION:** Mr. Brooke made a motion to approve the preliminary/final plan for SD-17-08 – 141 Appledale Road. Mr. Kuberski seconded the motion.
 - (1) Elizabeth Covell, 133 Appledale, asked what was the minimum distance from her property must the driveway be placed. Ms. Creveling said the minimum is five feet but they are centering the driveway on the property.
 - (2) Solicitor Nelson said that approval would be conditioned upon compliance with the consultant's letters

ix) The motion *passed 7-0*

B) S-17-03 – Lidl US – Proposed Grocery Store – Ridge Pike and Trooper Road – Major Land Development Minor Subdivision

- i) Mathew McHugh on behalf of Lidl reviewed the plan.
- ii) Lauren Vickers, development management at Lidl gave an overview of the Lidl company.
- iii) Discussion was held regarding the Lidl products, hours of operation, and employee status.
- iv) Mr. Comroe asked about potential traffic issues. Ms. Vickers said the traffic engineer would address those issues. Mr. Baird questioned the traffic impact fees. Mr. Moore reviewed the formula for determining the traffic impact fee. Mr. Baird also asked about Parks and Recreation Fee. Mr. Mrozinski said that it is by ordinance and there is a fee schedule based on commercial square footage. Mr. McHugh said he understands that there are fees involved with the construction and they will comply with all of the fees. Discussion was held as to how the fees were determined.
- v) Ms. Vickers reviewed the cart containment at the stores.
- vi) Ms. Kricun asked if all underground storage tanks at the gas station site have been removed. Ms. Vickers said it is part of their contract with Sunoco that they will remove all tanks. Mr. Kuberski asked if there were any issues with leakage. Ms. Vickers said they are not aware of any leakage issues. Mr. Kuberski asked about delivery hours. Ms. Vickers said they accept most deliveries during off-peak hours, typically before the store opens. She said they try to keep them to a minimum as they like to process everything through their distribution center.
- vii) Mr. Brooke asked if the perimeter will have shopping cart fencing. Ms. Vickers said that it would not.
- viii) Cornelius Brown, Lidl project engineer, noted that the artist rendition is not site specific but rather a representation of the standard Lidl store. He reviewed the outdoor appearance and configuration of the store on the lot. He discussed traffic flow into the property as well as landscaping.
- ix) Mr. Comroe asked if the applicant would consider placing a sign on the retaining wall on the property, as this is the gateway to the Township. Mr. Brown said they would and have already been contact with staff regarding this issue.

- x) Ms. O'Donnell asked if trash trucks will interfere with traffic on Trooper Road. Mr. Brown said most pick-ups will be during off-peak hours before customers enter the store. Discussion was held regarding traffic flow on Trooper Road.
- xi) Ms. LaPenta asked what was the largest sized truck entering the property. Mr. Brown said WB67 and truck templates have shown that the turns can be made. Mr. Brooke asked if there would be no left turn permitted out of the driveway. Mr. Brown said that as of now there were no restrictions on movement
- xii) Erik Ostimchuck of Traffic Planning & Design reviewed the traffic plan for the intersection.
- xiii) Ms. LaPenta asked about making a left hand turn coming from Eagleville. Mr. Ostenchuk reviewed how that traffic flow would enter and exit the property. He said they are considering a driveway and there would be a cross-easement for entering the property in a future phase. Mr. Ostimchuck said when they come back for land development they will determine if there are any restrictions on the driveway.
- xiv) Discussion was held regarding the flow of traffic into the shopping center and the impact on the intersection.
- xv) Maggie Dobbs, Montgomery County Planning Commission, said that many issues in her extensive review letter have been addressed but said her number one concern was pedestrian circulation internally within the parking lot. She said Lidl's policy regarding carts may alleviate that. She also noted that the applicant is installing sidewalks which will aid in pedestrian safety.
 - (1) Ms. O'Donnell asked why Lidl was proposing 166 parking spaces when only 144 are required. Ms. Vickers said that operationally Lidl likes to see between 160 and 180 spaces. Mr. Woodward said that a staff meeting they said they would like to see more green space and, as a result, they have reduced the number of parking spaces to 157 which allows for improvements and green space.
- xvi) Mr. Moore reiterated that the right turn lane onto Trooper Road is part of ultimate plan of improving the intersection. He said that the adaptive signal control is state of the art and will be installed at this intersection as well as the Park Avenue intersection. Mr. Moore said that access in Parcel B was discussed in the plan and they have planned both Phase 1 and Phase 2 out for future improvements. He reviewed the recommendations in his letter which will be addressed by the applicant and said he feels the applicant is on the right track.
- xvii) Mr. Woodward said that the applicant has worked closely with staff and have addressed many issues of concern. He said stormwater management will be created for the site which is an improvement. Mr. Woodward said the trash enclosure as well as other elements of the plan have been improved by the applicant. Mr. Comroe asked about the paper road on the plan. Mr. Nelson said the road had never been dedicated to the Township so it is not a Township issue. Mr. Baird asked that the sign be more prominent than the one at the Taco Bell on Audubon Road. Mr. Woodward said they will work with the applicant to determine the signage. Mr. McHugh agreed.
- xviii) Public Comment
 - (1) Tyler Thomas, N. Trooper Rd., asked about the signage on the building and why the original application had been withdrawn. Mr. McHugh said they were waiting for approval of the plan by the Board of Supervisors before going before the Zoning Hearing Board for signage issues. Solicitor Nelson said signing is a zoning issue and will not have to go before Planning Commission. Mr. Thomas proposed that the dumpsters be moved to additional property so as not to impact customers or neighbors. Ms. O'Donnell

- explained why the dumpster could not be moved to the adjacent property. Mr. Comroe said there are nuisance ordinances that would prevent issues with the trash. Mr. Thomas asked for clarification of the timing of the trucks entering the location. Discussion was held regarding truck traffic into the property. Mr. Thomas said that hours of operation are 8 a.m. to 9 p.m. and, in order to be a good neighbor, asked that deliveries will happen within the limitations of those hours rather than before or after operation. Discussion was held regarding delivery hours. Mr. Thomas asked about the berm between the commercial and residential property. He asked for details regarding the fence in this area. Mr. Cornelius reviewed the berm location, which is in addition to the Township requirements. Mr. Thomas said he would request an 8-foot high PVC solid fence be placed on the berm along with 15 foot evergreen trees to help block the building.
- (2) Earl Thomas, Brant Road, asked if anything would be put within 30-foot area bordering his property. Mr. Brown said there are no plans to place anything there. Mr. Brown showed where landscaping and the electric transformer will be on the plan. Mr. Thomas discussed the title of the paper road on the plan. Solicitor Nelson said that if the road was quiet titled by the previous owner they would be able to find a filing for that.
- (3) Suzanne Walters, Mann Road, expressed concern with the Mann Road being used as a through road to avoid the intersection and asked if anything could be done to restrict that traffic. Mr. Comroe said that is a public road and it would be difficult to restrict usage. Mr. Moore explained what the traffic study showed and how the adaptive signal control will help alleviate the situation.
- xix) **MOTION:** Mr. Kuberski made a motion to grant a partial waiver to Section 123.37E to allow parking spaces to be located closer than 200 feet to the ultimate right-of-way. Mr. Baird seconded the motion. The motion *passed* 7-0.
- xx) **MOTION:** Mr. Baird made a motion to grant a partial waiver to Section 123.37E to allow parking spaces to be located closer than 10 feet from three sides of any building. Ms. LaPenta seconded the motion. The motion *passed* 7-0.
- xxi) **MOTION:** Mr. Brooke made a motion to grant a partial waiver to Section 123.37L(2)(a) to not provide an 8-foot wide planting strip separating facing rows of parking stalls. Ms. Kricun seconded the motion. The motion *passed* 7-0.
- xxii) **MOTION:** Mr. Baird made a motion to grant a waiver to Section 123.142H(4) to allow sidewalk to be separated from the curbline by less than four feet of grass and landscaped area. Mr. Kuberski seconded the motion. The motion *passed* 7-0.
- xxiii) **MOTION:** Ms. O'Donnell made a motion to grant a waiver to Section 123.37C to allow more than 18 contiguous parking spaces in one uninterrupted row as shown on the plan. Mr. Brooke seconded the motion. The motion *passed* 7-0.
- xxiv) **MOTION:** Mr. Brooke made a motion to approve LD-17-03 – Lidl US – Proposed Grocery Store Major Land Development Minor Subdivision conditioned upon compliance with all review letters and staff recommendations. Mr. Baird seconded the motion. The motion *passed* 7-0.
- C) **MOTION:** Mr. Brooke made a motion to adjourn. Mr. Baird seconded the motion. The motion passed 7-0. The meeting adjourned at 8:40 p.m.

Next Meeting: October 25, 2017