

The monthly meeting of the Lower Moreland Township Planning Commission was held on the above date in the meeting room of the Township Municipal Building. Present were Messrs. Pollock, Chapman, Hamburger, Costello, Mrs. Friedrich Fogel, Mrs. Souder, Planner Driscoll, Engineer Woodrow, Assistant Manager Elton and Clerk Matyas.

Vice Chairman Chapman called the meeting to order at 7:30 P.M. The Pledge of Allegiance was recited.

The minutes of the May 28, 2009 Planning Commission meeting, were approved as submitted.

Philmont Corridor Re-Zoning Mr. Paul Driscoll, Township Planner, explained that the first draft of the re-zoning ordinance was done in March of 2009 and with comments from the Board of Commissioners, Township staff, the Township Planning Commission and the Montgomery County Planning Commission a second draft has been created.

Mr. Driscoll talked about the proposed revitalization ordinance noting the purposes, map of the area affected, and types of allowed uses, Special Exception uses, and area regulations. Mr. Driscoll explained the building height requirement would be a maximum of four (4) stories with associated height being 50 feet. Mr. Chapman questioned if that height includes the parking level and Mr. Driscoll replied the stories would start at ground level so if the garage is subterranean then it would not count towards the building height. Mr. Woodrow noted that the 50 foot height requirement would be the controlling dimension.

Mr. Driscoll questioned what the Planning Commission was looking for in regards to building height, he thought no more than 4 stories above ground was the intended look. The Planning Commission explained that was their intent and the 4 stories would include any above ground parking. Mr. Driscoll questioned if the 50 foot height requirement is too tight and Mr. Woodrow noted if a garage is built above the 100 year floodplain and use the 50 foot height dimension, the developer will not be able to get 4 stories of living space and the garage.

Mrs. Souder noted the building at Red Lion Road and Philmont Avenue, Fairway Plaza, is a good example of a 4 story building appropriate for this new zoning area.

Mr. Driscoll talked about the "green", environmentally friendly, concepts of the ordinance. Mr. Driscoll noted that if underground parking is covered by vegetations it shall not count as building area and for each 1,000 feet of floor area that achieves L.E.E.D (Leadership in Energy & Environmental Design) certification an additional 300 square feet of building coverage shall be allowed above the maximum.

Mrs. Friedrich Fogel questioned how to get L.E.E.D certification. Mr. Driscoll noted that some examples to achieve the certification; the recycling of grey water, the type of building materials used and how construction debris is disposed of on site. Mr. Woodrow stated L.E.E.D. certification is like a scorecard and points are given for each green item incorporated into your design and the points are added up and if there are enough points you get the certification. Mrs. Souder noted there are different levels of L.E.E.D certifications

and questioned if the Township would get involved in that. Mr. Driscoll stated that the proposed ordinance applies to the basic level of L.E.E.D certification.

Mrs. Randee Elton, Assistant Township Manager, questioned if this incentive is assuming the building is currently at maximum height and with obtaining the L.E.E.D certification can go higher without a variance? Mr. Woodrow noted the way the ordinance is written the builder gets more building coverage even when already at the maximum. Mrs. Elton reiterated that the way this ordinance is written would circumvent the variance process. Mr. Driscoll noted this is meant to be a bonus to encourage more green building. Mr. Costello explained that it needs to be added that a building can not be close to the street like Huntingdon Place. Mr. Driscoll replied that setback requirements are established and this incentive would allow the building lot to be increased not relief for setback requirements.

Mr. Driscoll talked about the open space ordinance, noting it has not changed since this process begun, 20% of the total area shall be open space.

Mr. Costello noted that a town center is needed so the community can gather for parades and other events which should be incorporated into this plan.

Mr. Driscoll commented that the open space would have to connect with the trails and that would allow for more gathering areas.

Mrs. Elton talked about the front yard setback and noted the ordinance requires 20 feet, the same as Huntingdon Place. Mrs. Souder noted that this is not a very large space and Mr. Woodrow explained the conflict is to create a community/town feel where stores are closer to the street but not too close. Mr. Costello noted there are a lot of properties that are extremely narrow. Mr. Driscoll explained within this ordinance they were trying to avoid parking in the front of the property. Mrs. Souder commented that Lower Moreland Township is very different from a lot of places it is being compared to and this Township is more rural. She would like to keep that feel. Mr. Costello noted that Philmont Avenue is a unique situation because it is one street with few cross-streets. Mrs. Souder understands that but noted that she doesn't have a vision for this area but she knows what she doesn't want the area to look like.

Mr. Chapman questioned if the front yard setback could be incorporated with the height of the building? Mr. Woodrow noted it is a possibility. Maybe with every foot above a certain number, 5 foot of setback would be increased. Mr. Driscoll said that could be added to the ordinance but did the Planning Commission want to keep the 20 foot setback as the base? Mr. Costello noted that 30 feet would be good in addition with the increase of setback for every foot of height over a certain number. Mr. Woodrow explained that this setback is measured from the ultimate right of way and that needs to be kept in mind when considering the requirement for front yard setback.

There is a brief discussion of current building locations and setbacks.

Mr. Driscoll questioned if the general concept is a base of 30 feet for the front yard setback with a required "X" number of feet of addition setback for every foot above a certain number would be added, noting a 50 foot maximum. Mr. Woodrow noted that maybe for every foot

over 30 feet in building height a foot of front yard setback is increased. Mr. Driscoll commented that he liked that idea.

Mr. Driscoll discussed the bicycle and walk trails that will be included in the ordinance noting that if the creek runs through the property, the owner is responsible for creating access from the property to the trails. Mr. Costello asked if the Township outlined what the access will be. Mr. Driscoll replied that one access point must be provided for every 1,000 linear feet and the access point must connect to a street or parking area that is open to the public.

Mr. Driscoll talked about the location of parking noting that off-street parking is encouraged to the side and rear of property if feasible but noted it is not an iron-tight regulation. Mr. Driscoll explained that no new off-street parking shall be located less than 20 feet from the ultimate right-of-way unless the applicant provides a landscape wall at least 24 inches high. Mr. Costello questioned what the buffer landscape would be and Mr. Driscoll replied that it falls under buffer regulations which vary depending on the intended use. Mr. Costello noted that mixed use is not an existing use in the Township so how would it be handled. Mr. Driscoll commented that he would look into that issue and get back to the Commission.

Mr. Chapman noted that the Greenway study called for sidewalks on the railroad side of Philmont Avenue and a bicycle path on the wetland/golf course area and questioned if that was a correct interpretation. Mr. Driscoll said his understanding was the proposed trail on the south side of Philmont Avenue was a multi-use trail. Mrs. Elton explained that the proposed trail is a multi-use trail across most of the properties. Mr. Woodrow noted that especially from Bethayres up to Red Lion Road that is a multi-use trail. Mr. Woodrow explained that 4 foot sidewalk is hard for bicyclists to use so this trail would be an 8 foot wide. Mr. Costello questioned if the sidewalks/trails would go to the World Campus on Philmont Avenue and Mr. Woodrow replied it would go up that far to connect the people by Maple Avenue to Philmont Avenue.

Mr. Driscoll explained the idea of internal vehicles connections being provided between the properties to create fewer curb cuts and flexibility of parking.

Mr. Driscoll noted outdoor cafes may intrude into the sidewalk to a certain extent as long as a 4 foot sidewalk is maintained.

Mr. Driscoll explained that with residential use a private outdoor area would be required.

Mr. Driscoll talked about design requirements noting there are restrictions in zoning case law about what the Township can require. For example, the Township cannot tell the applicant what color to paint their building. Mr. Driscoll noted that the design requirements shown in this ordinance were borrowed from existing ordinances and to his knowledge have not been challenged or overturned in court. Mr. Costello commented that one of the design requirements was that the front façade shall not be vinyl or aluminum siding, and he questioned if the whole building should be like that. Mr. Driscoll stated the important part of the building is the side facing the street so the front façade should have the restrictions.

Mr. Driscoll noted that streetlights will have to be approved by the Township and the goal would be to have a standard streetlight. Mr. Costello asked if the streetlights from the re-

development of the pistol factory would be the standard and Mr. Woodrow replied it would. Mr. Costello questioned if the wattage of the lights would be increased because those streetlights are dim so not to illuminate. Mr. Woodrow explained the lighting is meant for pedestrian traffic not vehicular traffic. Mr. Costello questioned if this type of streetlight can be encouraged on the bicycle trail. Mr. Woodrow replied yes.

Mr. Driscoll stated that display windows shall account for 35% of total area of ground floor facades of retail and related uses facing a street but no smoked, reflective, or black glass shall be permitted.

Mr. Driscoll talked more about design requirements including walkways, bicycle racks and allowed fencing.

Mr. Driscoll noted that no commercial vehicles, including trailers shall be parked for more than 24 hours in front yard area. Mr. Costello questioned if that meant no tractor-trailer storage is allowed on the property at all. Mr. Driscoll replied only within their front yard setback.

Mrs. Souder asked would developers try to do just the minimum requirements or will they try to make the area look attractive? Mr. Woodrow explained that it comes down to marketing and the developer will do whatever he can to make the most sellable product. If he thinks he can sell it with one door and one window he will but some developers will go above the minimum. Mr. Woodrow noted that Toll Brothers went above the requirement for the landscaping in their courtyard to make it as attractive as possible for potential buyers.

Mrs. Souder questioned what input the Township would have with elevations, facade, and aesthetics of the building. Mr. Driscoll noted that if a façade elevation is requested one be provided. Mr. Costello questioned if the Township can tell people how to design their buildings. Mr. Driscoll said that gets tricky because Townships cannot get into legislating aesthetics, we have gone as far as we can with this ordinance. Mr. Woodrow explained that legally the Township could not force developer/architects to build the way they want it built. Mrs. Souder questioned is there anything the Township can do to lead developers to build the Township's way. Mr. Driscoll noted that having the design requirements in the ordinance would help. Mr. Woodrow commented that more strict design requirements can be added and the Township can see if anyone objects to them.

Mr. Driscoll noted that this is not the Historical District on Huntingdon Pike and Mrs. Souder commented that it could be a transitional area.

Mr. Hamburger stated that the Township needs to attract a developer that will build on multiple lots and then present his plan to the Township. At that point, this conversation is appropriate. Mr. Hamburger noted it will be harder to force design requirements for someone building on a single lot.

Mr. Costello questioned if any incentives can be added to encourage developers to purchase multiple lots. Mr. Driscoll replied, the Township could not dictate that in a zoning ordinance.

Mr. Chapman commented that the Planning Commission will have to be hard on the applicant to help achieve the look the Township wants. Mr. Driscoll noted that if applicants come to the Planning Commission and are pushed a little bit about aesthetics they usually conform to the Township's ideas.

Mrs. Souder noted that keeping the buildings as coordinated as possible so the overall look is attractive should be a goal. Mr. Driscoll explained the major goal is to get people interested in developing. You do not want to be overly restrictive because the point is to revitalize the corridor. Mrs. Souder commented that uniformity with landscaping would help even if the buildings had different looks.

Mrs. Elton stated that T.D. Bank is a good example of re-development done right and can be used as an example for future development. Mrs. Souder commented that Fairway Plaza is another good example of what the Township likes. Mr. Costello noted the other side of Philmont Avenue is the problem and once that gets started it will help.

Mr. Driscoll discussed the off-street parking section of the ordinance noting up to a 25% reduction if shared parking is used and if a transit service is offered. The Township is trying to encourage use of public transit to get from the train station to the shopping area.

Mr. Pollock questioned the attraction of a large amount of shuttle services to the corridor, and Mr. Driscoll noted that this is just one way to get their 25% discount on the parking requirements. Mr. Driscoll reiterated that the intended use of the shuttles would be to pick up people from the train station and take them to the shops thus encouraging public transit use.

Mr. Pollock noted it would be nice if all the business got together and made one shuttle service for all of them to use but that is not something that can be put into the zoning ordinance. Mr. Pollock recognized that this option would be an attempt to help builders reduce the required number of parking spaces but if everyone opts for the shuttle service, then what. Mr. Driscoll explained this concept is just an idea and is open for discussion.

Mr. Hamburger commented this option only reduces the parking by 25%; the builders will still need to have 75% of the parking requirements.

Mr. Woodrow stated that if Toll Brothers run a shuttle from Huntingdon Place to the train station from 4PM to 6PM that is what the shuttle service would be for.

Mrs. Souder noted that with Huntingdon Place and the Gloria Dei retirement communities, a shuttle would be nice for them to get back and forth to this area.

Mr. Driscoll talked about the sign ordinance for this new zoning district noting for properties using only residential uses the SFA District requirements would apply and for properties using only commercial uses the D Commercial District would apply with a few provisions. Mr. Driscoll discussed the additional requirements including a maximum of one ground sign shall be used by a principal non-residential use. Mr. Pollock questioned if the term ground sign was defined in the zoning code. Mr. Driscoll noted he would define ground sign.

Mr. Pollock questioned if the intent was for the ground sign to be a double-faced sign because the way the ordinance is written you are not able to do that. Mr. Driscoll asked if the area regulation should be per face instead of total area and Mr. Chapman replied it should be per sign face.

A brief discussion of what the maximum sign area should be occurred.

Mrs. Friedrich Fogel questioned the need for such large signs and Mrs. Elton explained that the property lots are big on Philmont Avenue so the buildings will be bigger.

Mrs. Souder questioned where the signs would all go and Mr. Driscoll replied that the ordinance is saying only one principal ground sign is allowed. Mr. Woodrow noted that a sign could go anywhere but in the right of way.

Mr. Costello questioned what the materials for the sign would be because the awning material is discussed but not the sign. Mr. Driscoll replied that as far as he knows a Township can not restrict the type of materials used for signs. Mr. Pollock noted that the ordinance is regulating the type of material the awning can be when a sign appears on it. Mr. Pollock suggested creating a sign control so there is uniformity. Mrs. Elton questioned where they have sign control and Mr. Pollock noted in Philadelphia at 60th and Market Street. Mr. Pollock commented that Huntingdon Pike looks terrible because everyone has different signs. Mr. Driscoll stated he is concerned with being too restrictive because the whole idea is to bring builders into the area.

Mrs. Souder noted the signs are important because it helps people find the businesses while driving.

Mr. Costello noted that uniformity and standards are needed with signs in this area because right now there are none. Mr. Driscoll explained that he can take the sign ordinance a step further and possibly see some examples of signs.

Mr. Driscoll explained electronically changing message signs are not permitted and there will be a limitation on the use of balloons. Mrs. Elton questioned the allowance of balloons at all and the Planning Commission agreed. Mr. Driscoll said he would take balloons out as a permitted use.

Mr. Pollock questioned the allowance of sandwich boards and Mr. Driscoll said that can be removed too.

Mrs. Friedrich Fogel questioned what the agreed sign area was and Mr. Driscoll replied that since the Planning Commission wants to see double-faced signs, the 20 square foot per side would be slightly reduced.

Mr. Pollock questioned what types of signs are desired and Mrs. Elton noted that from the conversation monument signs were the intention.

Mr. Driscoll stated that the changes to the sign ordinance will be made.

Mr. Woodrow explained that national business like, CVS and P.F. Changs have a bigger issue with uniformity signs because they have their type of sign and it is recognized and standard for that company.

Mr. Costello questioned the Montgomery County Planning Commission (MCPC) comments and Mr. Driscoll noted that MCPC reviewed an earlier draft of the ordinance. Mr. Costello stated that MCPC wants the Township to be more specific in the corridor as far as locations of types of buildings. Mr. Driscoll explained that the newer version of the ordinance has more details. Mr. Costello questioned the MCPC recommendation of certain buildings near the train station and if the Township should be more specific in regards to that area. Mrs. Elton explained the idea of creating more residential around train stations rather than throughout the entire corridor was discussed but the short distance throughout the corridor to any train station ended that discussion.

Mr. Woodrow explained that this is not a perfect document but if a developer comes in with a plan, the Township will work with them.

Mrs. Elton stated that the Township will be sending a revised copy of the ordinance to the MCPC and then the Township staff will sit down with the MCPC to discuss the revised ordinance.

Mr. Pollock questioned the permitted use of the outdoor café and does it stand alone or in association with a restaurant. Mr. Driscoll explained that restaurants are a permitted use and if they want outdoor dining they would have to conform to those requirements.

Mr. Pollock questioned if in the definition of restaurant in the zoning ordinance it talked about exterior dining or limits it to dining within a building. Mrs. Elton noted that as long as the developer can maintain the parking requirements outdoor dining is allowed. Mr. Driscoll questioned if Mr. Pollock wanted outdoor dining addressed in the restaurant definition and Mr. Pollock replied that he felt that outdoor dining is out there with no real direction. Mrs. Elton noted this ordinance has no definition of restaurant.

Mr. Costello questioned if park benches were required for the trails that will be created and Mr. Driscoll replied yes.

Mr. Pollock questioned if the Township Solicitor will review the ordinance and Mr. Driscoll replied that he would.

Mr. Costello questioned if the ordinance can require a bench placed every 1,000 square feet. Mr. Pollock questioned what if the property is not large enough, where would they place the benches?

Mr. Hamburger questioned the danger in pushing developers away if there are too many regulations. Mr. Costello noted that he was talking about benches, which are not expensive.

Mr. Pollock noted that an ordinance could be passed by the Board of Commissioners that would allow benches be placed in the public right of way as opposed to on private property.

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Mr. Woodrow suggested maybe people can donate benches. Mr. Pollock explained that could be accomplished through another ordinance not a zoning ordinance.

Mrs. Elton explained there must be some caution with what is being put into a zoning ordinance because anything the builder does not want to do would require applying for a variance with the Zoning Hearing Board.

Mr. Driscoll explained he would re-draft the ordinance and bring it back to the Planning Commission. Mrs. Elton noted that the Township would meet the MCPC and then bring back the ordinance to the Planning Commission probably for the September meeting. Mrs. Elton noted she did not want to meet unnecessarily but did not want to drag out this re-zoning process either.

Mr. Pollock questioned if tavern or nightclub is defined in this ordinance. Mrs. Elton noted that neither is defined but Mr. Driscoll stated he would add them to the definition section of ordinance.

Mrs. Elton told Mr. Pollock he could review the ordinance and send her his comments for consideration.

Mr. Pollock questioned if the current non-conforming zoning code would be used in this ordinance and Mr. Driscoll replied that rights for non-conforming in the current zoning code are good and no need for change.

Mr. Costello questioned why the properties with the creek on them do not have culverts. Mr. Woodrow explained that for whatever reason, they were never done but now it is nearly impossible to install due to Department of Environmental Protection regulations.

Legislative Review

There was no Legislative Review

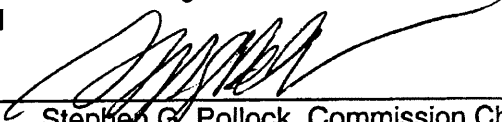
New/Old Business

Mr. Pollock questioned when the next meeting was. Mrs. Elton said the next meeting would be announced as the draft ordinance progresses or any new applications are submitted. There will be no July meeting.

Mrs. Elton asked if the Planning Commission members would be going out to tour Philmont Avenue and Mr. Pollock replied yes. Mrs. Elton noted she would contact the Police Department about touring Philmont Avenue as a group.

Adjournment

There being no further business to come before the Planning Commission, a unanimous vote for adjournment was in order at 9:15 P.M



Stephen G. Pollock, Commission Chairman