

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. Chapman, Mayer, Potok, Hamburger, Krebs, Mrs. Friedrich Fogel, Mrs. Souder, Engineer Woodrow, Planner Driscoll and Clerk Matyas

Chair Friedrich Fogel called the meeting to order at 7:30 P.M. The Pledge of Allegiance was recited.

The minutes of the May 27, 2010 Planning Commission meeting were approved.

**Philmont Avenue Rezoning & Text Amendment-** Mr. Paul Driscoll, Township Planner, noted that the latest changes made to the proposed Revitalization Ordinance (ordinance) were in response to comments received by land owners along the Philmont Corridor particularly owners of industrial properties.

Mr. Driscoll explained that the ordinance now includes manufacturing and related industrial businesses as a permitted use. Mr. Driscoll talked about the industrial owners concerns about their ability to expand their businesses without going to the Zoning Hearing Board and the potential for selling their property in the future. Mr. Driscoll explained that Township staff met with the concerned property owners and worked out a solution that made both the Township and property owners happy.

Mr. Driscoll talked about flexibility being added to the ordinance that would address the lawful existing uses and their ability to expand without zoning relief. Mr. Driscoll noted that unlike other non-conforming uses in the Township the existing uses, which become non-conforming with the ordinance, would not be limited on expansion by a percentage. Mr. Driscoll explained that the existing uses would be allowed to expand up to the limit allowed by the dimensional regulations set forth in the ordinance or the previous zoning district, whichever is less restrictive.

Mr. Driscoll talked about all properties being governed by the sign regulations in the ordinance.

Mr. Driscoll explained there will be a 90 day registration process to formally establish in the record which businesses existed at the time of adoption of the ordinance.

Mr. Driscoll stated that the Township staff was happy to come to a compromise with the industrial property owners where both sides felt satisfied with the outcome.

Mrs. Friedrich Fogel talked about added sections to the ordinance including non-conforming uses and non-permitted uses.

Mrs. Friedrich Fogel noted that Montgomery County Planning Commission (MCPC) noted that it should be LEED not LEEDS certification and Mr. Driscoll replied that there is final editorial tuning that needs to be done.

Mrs. Friedrich Fogel asked if the Planning Commission had any questions and they did not so Mrs. Friedrich Fogel opened the floor for public comment.

Public Comment

Mr. Walt Reimann, Fredericks Company, 2400 Philmont Avenue, wanted to thank the Township for coming to a better understanding of what the properties owners were looking for and appreciate the effort by all involved.

Mr. Andrew Gowa, Esquire, attorney for property owners on Philmont Avenue, appreciated the effort from the Township and commented that the revised ordinance is a good compromise for both the Township and property owners.

Mr. Gerald Vanartsdalen, 2975 Philmont Avenue, questioned how this will negatively affect his property which is currently zoned D commercial. Mr. Vanartsdalen noted that it was his understanding that the new ordinance is not supposed to hurt existing owners. Mr. Vanartsdalen does not want to have to get zoning relief from the new ordinance when he would not have to with his current zoning.

Mr. Driscoll questioned the nature of Mr. Vanartsdalen's business and he replied State Farm Insurance Company and future retail stores. Mr. Driscoll noted that those uses are permitted in the new ordinance as a by-right use.

Mr. Vanartsdalen noted that he will lose some by-right uses when the new ordinance is put into place. Mr. Vanartsdalen commented that currently he could put in a bar, not that he is going to, but with the new ordinance he will now have to go to the Zoning Hearing Board for relief. Mr. Vanartsdalen questioned if he would be grandfathered in so he would not have to follow the new ordinance and Mrs. Friedrich Fogel replied no. Mr. Driscoll replied that under the new ordinance a Special Exception would be needed for a bar or tavern but he stated the Mr. Vanartsdalen said his business is an insurance company and under the new ordinance that is allowed.

Mr. Vanartsdalen explained that the business owners who are D commercial will suffer with the new ordinance requiring relief to be obtained where before they would not have needed it under D commercial.

Mr. Woodrow noted that a Special Exception is still a by-right use but that certain criteria must be met in order to have that use. Mr. Woodrow stated that the new ordinance gives Mr. Vanartsdalen's property a broader array of potential uses. Mr. Woodrow noted that now buildings can be higher and commercial and residential mixed use is allowed.

Mr. Vanartsdalen questioned what uses he will gain with the new ordinance and Mr. Driscoll stated a bed and breakfast, a telecommunication facility, hotel or motel and personal services. Mr. Vanartsdalen questioned if he could not do those things in D commercial now and Mr. Driscoll replied he did not have the D commercial uses in front of him but there are additional items allowed with the new ordinance that is not allowed now.

Mr. Vanartsdalen noted that he is allowed to have a tavern or bar now in the D commercial district but with the new ordinance he would now have to get zoning relief, he is losing rights.

Mrs. Friedrich Fogel questioned if he wants to put a tavern or bar into his building and Mr. Vanartsdalen said no. Mrs. Friedrich Fogel questioned why argue a moot point then.

Mr. Vanartsdalen explained that he purchased a piece of property, spent money on the Land Development process knowing his zoning district is not the same as surrounding properties. Mr. Vanartsdalen continued that now all properties will have the options his property has. Mr. Vanartsdalen stated he is for updating and improving Philmont Avenue but he does not want lose any existing rights.

Mr. Potok explained that the properties on Philmont Avenue are depreciating in value with the current condition of Philmont Avenue but with the new revitalization ordinance property value will increase.

Mr. Bob Robinson, 816-820 Welsh Road, stated that he called about the status of this ordinance and was told nothing was happening and that it was being represented at this meeting. Mr. Robinson stated that he is not on Philmont Avenue and questioned what zoning and use changes are being made to his property. Mr. Robinson noted it has always been heavy manufacturing. Mr. Woodrow explained that he has the ability to continue his use and Mr. Robinson questioned what zoning changes were made. Mr. Woodrow noted that it would allow additional uses over and above what the Industrial district would allow currently. Mr. Robinson questioned if the Industrial district was going away and Mr. Woodrow replied yes. Mr. Robinson stated that his property will be useless now and be devalued, that property has been manufacturing since 1951. Mr. Driscoll explained that some of his fellow property owners had the same concern so changes have been made to the ordinance to address those issues.

Mr. Driscoll stated that Mr. Robinson's property is considered a part of the Philmont Corridor so the property is subject to all the same rights and privileges that the other existing Industrial properties have under the new ordinance. Mr. Driscoll explained that Mr. Robinson can continue his industrial use, expand his industrial use and sell his property to another industrial user.

Mr. Potok made a motion for recommendation that the Board of Commissioners approve the proposed Revitalization ordinance. The motion was seconded by Mr. Chapman and all voted aye. The motion was carried as stated.

Mr. Mike Yeccha, 3388 Philmont Avenue, questioned if sidewalks are going all the way to Byberry Road and Mrs. Friedrich Fogel replied no.

Mr. Chapman questioned if he had a problem with sidewalks going to Byberry Road and Mr. Yeccha replied that he was concerned about landscaping on his property and losing frontage if sidewalks were installed.

### **Legislative Review**

Mr. Driscoll stated that under consideration is the Wawa proposal and Mrs. Friedrich Fogel questioned if it went to the Board of Commissioners and Mr. Driscoll replied yes. Mr. Driscoll noted that Wawa had to figure out how to accommodate what they want to do under the Township's zoning because they would have to follow the new zoning ordinance. Mr. Driscoll noted that a convenience store with gas station use is not a permitted use. Mr. Driscoll said that Wawa will submit an amendment to the new ordinance to allow for convenience store with gas station use which the Board of Commissioners were in favor of rather than having to consider a change to the new ordinance.

Mrs. Friedrich Fogel questioned if the gas pumps can be placed in the back of the property and Mr. Driscoll said there is time for design questions but right now the zoning needs to be dealt with.

Mrs. Souder questioned what stops other companies from putting other gas stations along Philmont Corridor and Mr. Driscoll explained that the amendment will excluded all other properties, it will be written to fit this property only.

Mrs. Souder talked about being in Rhode Island and seeing a convenience store with a gas station where the pumps were in the back. Mrs. Souder noted the look was very attractive. Mr. Driscoll stated he has never seen gas pumps in the back of a store but the applicant will give a long list of reasons why the pumps need to be in the front and again that is a discussion for design stage of the application.

Mr. Mayer noted that the applicants explained that the pumps need to be in the front so the cashiers can shut down the pumps if there is a problem, there are no windows in the back of the store.

Mrs. Souder said the convenience store in Rhode Island had the windows in the back.

Mr. Hamburger stated that Wawa will want the pumps in the front so people will see the gas and buy it.

Mr. Woodrow noted that the revised plans have been submitted for the Mermelstein/Pine Road application and will be heard at the July Board of Commissioners meeting.

Mr. Hamburger asked if the Township Staff is talking to the applicants for the Wawa proposal to see if they can provide a location for an existing Wawa that shows the configuration they are proposing in Lower Moreland Township. Mr. Hamburger stated he does not want to be the ground breaker in Montgomery County or Pennsylvania for having tanks in a floodplain.

Mr. Driscoll replied that Mr. Hamburgers issue is legitimate.

Mr. Potok noted the pictures Mr. Woodrow sent to the Planning Commission showing the same type of stormwater management system the Wawa is proposing were very

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helpful. Mr. Potok said that the new Sonic Restaurant going up in Horsham is using a similar system too.

Mr. Woodrow explained that due to the new stormwater management protocol manufactures are creating new devices to store water underground.

Mr. Hamburger reiterated that Lower Moreland Township does not want to be ground breakers for these new ideas and Mr. Potok replied that if it works though it could help Lower Moreland Township a great deal. Mr. Hamburger noted that if the stormwater issues can not be addressed or the traffic issues then this proposal is in big trouble.

Mr. Woodrow explained that the door is now open for developers to come to Lower Moreland Township with the creation of the new zoning ordinance.

Mr. Mayer questioned if Wawa is subject to making improvement to the intersection and Mr. Woodrow replied yes.

Mr. Driscoll noted that Mr. Potok made a good point at last month's meeting that not many developers would take on all the issues of that site nor have the resources to solve the problems.

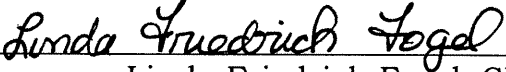
#### **New/Old Business**

Mr. Mayer questioned if there is any news on the Assistant Manager position and Clerk Matyas replied that the Township Manager is taking applications until the end of the month and then he will start with interviews.

The next meeting is scheduled for July 22, 2010.

#### **Adjournment**

There being no further business to come before the Planning Commission, a unanimous vote for adjournment was in order at 8:05 P.M

  
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Linda Friedrich Fogel, Chair