

**August 26, 2010**

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, Costello, Mrs. Friedrich Fogel, Mrs. Souder, 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 June 24, 2010 Planning Commission meeting were approved.

**ZA 10-02 Wawa Food Market/Philmont Avenue-** Mr. Marc Jonas, lawyer for the applicant. Mr. Jonas introduced Mr. Bill Reardon from Bohler Engineering and Mr. Mike Cooley, one of the developers.

Mr. Jonas explained that this application has been in front of the Planning Commission before and since then a lot of work has been done. Mr. Jonas stated that they have met with Township Staff, seen the Board of Commissioners and have started to incorporate all the comments into the proposal. Mr. Jonas explained that the work has been done to the proposed zoning amendment and not to any plans.

Mr. Jonas noted that Revitalization ordinance was enacted in July and it does not allow convenient stores so an amendment is needed to allow Wawa. Mr. Jonas explained that even though a convenient store is not a permitted use but believes the use fits the criteria for the legislative purposes of the REV ordinance.

Mr. Jonas explained that some concerns for this project that needed to be addressed were floodplain issues, amending the REV ordinance to include convenient store without allowing the use throughout the whole corridor and architectural elements.

Mr. Jonas noted that the Board of Commissioners have this amendment scheduled for their September meeting if the Planning Commissioner recommends it tonight.

Mr. Jonas talked about how the proposed zoning amendment added convenient store under the permitted use section with a list of qualifying characteristics. Mr. Jonas noted that the qualifying characteristics are very self-limiting and focuses on the elements of this property.

Mr. Jonas explained that normally floodplain relief is given by the Zoning Hearing Board but the reality of that process is the people really weighing on the decision are the Township technical staff. Mr. Jonas stated that the Township Engineer, Planner and Code Enforcement Staff are the people who really understand all the technical aspects. Mr. Jonas noted that with the help of Mr. Woodrow, Township Engineer, Mr. Driscoll, Township Planner and Mr. Schadeegg, Code Enforcement Officer, eleven (11) objective standards were created for the zoning amendment.

Mr. Jonas explained that for a convenient store use to be permitted that at least those eleven (11) objective standards must be met.

Mr. Jonas felt that with all the work done to this zoning amendment and the details that were added a convenient store will be a good fit.

Mr. Driscoll reminded the Planning Commission that tonight's focus is on the zoning amendment not about the actual plan. Mr. Driscoll noted that when the applicants submit for the Land Development process that will be the time to discuss all the plan details. Mr. Driscoll explained that a brief overall will occur by the applicant's engineer just to refresh everyone on the concept of the proposal.

Mr. Bill Reardon, Bohler Engineering, talked about the proposal noting the location of the property, the layout of the property, parking and exit/entrances. Mr. Reardon mentioned the floodplain and stormwater management system pointing out different elevations and collection areas for the stormwater.

Mr. Krebs questioned the alternate layout suggested by the Montgomery County Planning Commission (MCPC) and Mr. Reardon replied that the suggested layout does not work due to State regulations requiring visibility to the canopies, there is no circulation around the building and the floodplain issues.

Mr. Costello questioned the visibility issue and Mr. Reardon replied that pumps need to be in the front for visibility for emergency vehicles and employees in the store.

Mrs. Souder mentioned that she saw a convenient store with fuel in Rhode Island that had the pumps in the back and the store in the front. Mrs. Souder also talked about the pumping area and store being too big for this area. Mr. Reardon replied that this prototype is Wawa's smallest.

Mr. Hamburger questioned if this type of Wawa exists anywhere and Mr. Reardon said the store is a new building type but the canopy design does currently exist.

Mrs. Souder talked about Wawa being very bright and big and usually being on four (4) lane highways. Mr. Jonas replied that throughout Montgomery County similar Wawa stores exist. Mrs. Souder talked about Lower Moreland Township being very small, bedroom community and three (3) gas stations currently exist less than a mile from this proposal. Mrs. Souder noted that Lower Moreland Township is unique because we do not look like Abington or Willow Grove or have four (4) lane highways. Mrs. Souder talked about her idea of revitalization for Philmont Avenue did not include a gas station.

Mr. Mike Cooley, the developer, stated that they are working very closely with Townships who have revitalization areas and how Wawa can work with the Townships to try and implement as much of their desired look as possible.

Mr. Krebs questioned the traffic flow and Mr. Reardon explained that MCPC proposed layout does not allow for complete circulation because it only allows access on three (3) sides of the building while the proposal layout allows complete access around the whole building.

Mr. Costello questioned about internal sidewalks between the bank and the Wawa and Mr. Cooley said that can be considered. Mr. Jonas noted that an issue like that typically comes up during the Land Development process.

Mr. Hamburger noted that the bank has had water on at least one occasion and Mr. Reardon replied the bank did not raise their building to a foot and a half above the floodplain elevation but rather installed flood proofing.

Mr. Potok stated that one thing Wawa is missing from the Planning Commission's standpoint is more esthetics which is why they are suggesting the building in the front and the pumps in the back. Mr. Potok noted that esthetics are very important to Lower Moreland Township being a smaller community and a Wawa is very unique to this area and the landscaping needs to be looked at very carefully. Mr. Potok explained that the idea behind the revitalization is to beautify the corridor and that gas stations do not do that.

Mr. Jonas explained the difference between zoning and land development and tries to refocus the Planning Commission on the zoning amendment and not to focus too much on the plan details.

Mr. Driscoll questioned that if and when the proposal gets to the Land Development stage will the applicant provide architectural/landscaping details and Mr. Jonas replied yes.

Mr. Cooley explained that during the Land Development process a rendering of the proposal will be done to show exactly what the site will look like.

Mr. Costello expressed concern that the Planning Commission does not want to recommend this zoning amendment if they are not comfortable with the final outlook of the project.

Mr. Krebs noted that the MCPC stated in their review letter that Lower Moreland Township deny the proposed text amendment unless the comments of the Township have been addressed. Mr. Krebs asked Mr. Driscoll about this statement and Mr. Driscoll replied those comments refer to the issues from the first text amendment proposed and would like to review the changes in the new draft.

Mrs. Friedrich Fogel stated that would be helpful and said that although tonight is about land use but she is bothered by the land development that will occur based on the land use approval. Mr. Jonas replied that he is aware of the dilemma put on the Planning Commission. Mrs. Friedrich Fogel talked about the applicant showing

the pumps in the back and the store in the front. Mr. Jonas replied that Wawa can not and will not put the pumps in the back of the store, it is not an option from Wawa's perspective.

Mr. Costello noted that there are many other properties available on Philmont Avenue and this take it or leave it approach makes the Planning Commission reluctant to recommend anything. Mr. Jonas replied that two concepts were mixed, one is Wawa can not accommodate the request to change the layout and second the question of the impact has been answered by the proposed amendment having input from Township staff. Mr. Costello asked what was answered and Mr. Jonas replied the floodplain issues and Mr. Costello replied it is not concerned about the floodplain issues they have been addressed. Mr. Costello noted that an example of where this type of proposal has been utilized was promised but never received that is a concern. Mr. Jonas commented that all issues can be addressed from esthetics to landscaping/buffering as the process continues into Land Development.

Mrs. Souder stated that this area is very congested already and this will only add more. Mr. Jonas replied that 75% of the traffic going to Wawa is pass-by traffic so 75% of people coming in for gas or for the convenient store are already on the road passing by. Mr. Jonas explained that only 25% of the traffic will be new which is very different than other uses that are considered destination uses which create much more new traffic. Mr. Jonas stated that they are aware that this intersection is problematic for a number of reasons so their traffic consultant has talked to Township Staff and they are prepared to address those issues. Mr. Jonas talked about how this intersection is already a problem without the Wawa being there and the Wawa would add very little new traffic but they are prepared to contribute to a solution of a preexisting problem.

Mrs. Souder noted that the Wawa would be down the street from the Lower Moreland Township High School and the Wawa at Philmont Avenue and Byberry Road is a hang out for young people. Mrs. Souder explained she has two sons who frequented there often. Mrs. Souder talked about how a lot of the high school kids have cars and will be driving to the Wawa and if the one at Philmont Avenue and Byberry Road closes there will be even more traffic. Mrs. Souder explained that the Murray Avenue Middle School is right behind the proposed Wawa so there will be little children in an area of high traffic. Mr. Jonas replied that they contacted the Superintendent of the Lower Moreland Township School District and she supports the proposal. Mrs. Souder noted that she lives in the Township and will have to deal with all the traffic problems and Mr. Jonas reiterated that compared to other types of uses the Wawa will create the lowest amount of new traffic and this property has a lot of challenges to overcome that most other uses would not be willing to undertake.

Mr. Krebs stated that tonight is supposed to be about the zoning so shouldn't we focus on that and Mrs. Souder questioned if part of the zoning is to ask questions about the layout, traffic and issues that will affect the Township? Mr. Driscoll replied

that it is human nature to want to know what the proposal will look like but from a conceptual point of view, the Planning Commission has seen the basic layout and he has to believe that the development team is well aware of the issues that need to be address during the land development process.

Mr. Hamburger stated that he has a long standing issue with developers rewriting our zoning ordinances but when he read this amendment he felt the developer wrote it to keep out competition and to protect the citizens of Lower Moreland Township. Mr. Hamburger explained that Mr. Krebs told him about a friend who developed in New Jersey and he took the floodplain issue a step further by helping to elevate the issue beyond just the property but in the whole area. Mr. Hamburger said that is something to look into to help with the problem of flooding along all of Philmont Avenue. Mr. Jonas replied that due to State and local law they are confined to their property. Mr. Hamburger said that the bigger picture of Philmont Avenue needs to be looked at.

Mr. Driscoll talked about aspects of flood protection that were written into this ordinance that could be applied to other areas of Philmont Avenue dealing with floodplain issues.

Mr. Driscoll explained while creating the REV district a convenient store was not what everyone had in mind but it is meeting a community need and fits the idea of the REV district. Mr. Driscoll stated that amendment was written in such a way that limits its use throughout the corridor because Lower Moreland Township does not want to see convenient stores all along the corridor.

Mrs. Souder noted that she is not against the convenient store she opposed the gas station, number of pumps in the front of this site. Mrs. Souder explained that a gas station was never discussed or thought of when discussing the Revitalization ordinance. Mr. Costello commented that with two (2) miles of road there is no way to exclude a gas station but only limit them.

Mr. Driscoll quickly reviewed his letter stating that the applicant appeared in front of the Planning Commission and Board of Commissioners and general consensus was for them to create a text amendment to the REV zoning district and that is what they have done. Mr. Driscoll explained that the main zoning questions were that a convenient store with fuel pumps is not permitted in the REV district and they addressed that by making it a permitted use with qualifying criteria. Mr. Driscoll noted the other big problem is the floodplain which creates a lot of issues for this type of use. Mr. Driscoll noted building in the floodplain requires zoning relief but the applicants propose in lieu of obtaining relief they would provide a report. Mr. Driscoll explained the report would have to demonstrate how they are going to meet all the qualifications set up by the Township Engineer, Mr. Tim Woodrow. Mr. Driscoll briefly explained some of the qualifications established by Mr. Woodrow including no net fill, flood-proofing the structures and no increase in stormwater flow.

Mr. Driscoll talked about the applicant proposing that a site this size need not conform to tree cutting regulations or open space requirement and he noted that he is comfortable with that proposal.

Mr. Driscoll noted he did not have a problem with the proposed amendment.

Mrs. Friedrich Fogel questioned how there is no net fill. Mr. Reardon explained that each property has a calculated number of cubic feet or gallons of water contained on the property and when the property gets developed for each bucket of dirt that is added one needs to be removed so the net result is even.

Mrs. Friedrich Fogel asked for public comment, there was none.

Mr. Hamburger made a motion for recommendation that the Board of Commissioners approve the zoning amendment proposed by the applicant. The motion was seconded by Mr. Potok and Mr. Costello, Mr. Mayer, Mr. Krebs, Mrs. Friedrich Fogel, Mr. Chapman voted aye. Mrs. Souder voted nay. The motion was carried as stated.

### **Legislative Review**

Mr. Driscoll stated that the Mermelstein proposal is still being worked on.

Mrs. Friedrich Fogel noted that she heard the Board of Commissioners approved to purchase the property at Philmont Avenue and Red Lion Road and keep it as open space.

Mr. Hamburger questioned if Mr. Gigliotti came back with his proposal for Byberry Road and Mr. Driscoll replied no.

### **New/Old Business**

Mr. Costello talked about how he is uncomfortable with the take it or leave it approach presented tonight. Mr. Costello noted how no consideration has been made for pedestrian traffic between the bank and Wawa. Mr. Costello stated how the applicant needs to develop their property with consideration of the bank property.

Mr. Driscoll talked about how the applicant has put a lot of money into the proposal thus far and are invested in this project. Mr. Driscoll noted that there are many aspects of this proposal where the Planning Commission can make the applicant conform to the Township's idea of the revitalization. Mr. Driscoll stated some examples would be architectural design and landscaping.

There is a brief discussion about the pump location.

**August 26, 2010**

Mr. Potok talked about making the applicant do a lot of landscaping since they would not consider putting the pumps in the back of the building.

Mrs. Friedrich Fogel asked the Planning Commission to let her know if they plan on attending the meeting or not.

Mr. Costello talked about the trees on the Philmont Country Club property and how they need to be trimmed.

Mr. Hamburger wanted to congratulate Mr. Woodrow's daughter Lauren who won a academic scholarship to Mount Saint Joseph Academy.

The next meeting is scheduled for September 23, 2010.

**Adjournment**

There being no further business to come before the Planning Commission, a unanimous vote for adjournment was in order at 8:45 P.M.

  
\_\_\_\_\_  
John Chapman, Vice Chair