

AGENDA ITEMS

Conditional Use – Giant To Go

Conditional Use - Pileggi

Plan Review - Pileggi

Ordinance Reviews– Off Street Parking
- Open Space Design Overlay

cc: R. Birch
M. Fox
J. McDonnell
J. Walsh
C. Chimera
L. McGuire
J. Glickman
L. Manai
J. Trump
K. Johnson
Sewer Authority
F. Bartle
B. Shoupe
E. Reynolds
M. Beatty
M. Schelly
J. Goldstein
J. Rall
S. Krumenacker

MONTGOMERY TOWNSHIP PLANNING COMMISSION
February 21, 2013

The February 21, 2013, meeting of the Montgomery Township Planning Commission was called to order by Chairman Jonathan Trump at 7:30 p.m. In attendance were Commissioners Michael Beatty, Steven Krumenacker, Leon McGuire, James Rall and Ellen Reynolds. Commissioner Jay Glickman was absent. Also present were Karyn Hyland, Gilmore Associates, Bruce Shoupe, Director of Planning and Zoning, and Candyce Fluehr Chimera, Supervisor Liaison.

The minutes of January 17, 2013, were approved as submitted.

There were no public comments.

The first item on the agenda was a discussion of the Conditional Use Application for a Giant To Go convenience store with a fueling station. Charles Courtney, attorney for the applicant, Kerry Eck, representing Giant, Tim Diehl, engineer for the project, and John Yurick, Traffic Engineer for the project, were present to address this application. Mr. Courtney advised that the property is located at 741 Bethlehem Pike. The applicant proposes to build a 5,000 square foot convenience store, which is permitted by right. They also propose a five pump gasoline fueling station, which is only permitted by conditional use. He further advised that there would be a right in, right out only driveway onto Bethlehem Pike. The Horsham road entrance/exit would be full movement. Mr. Courtney stated that this is an existing non-conforming site. He advised that the applicant would be reducing the impervious coverage to 60% from 77%. He further advised that there was a provision of the zoning code which requires a 25 foot buffer around the perimeter of the property. They would be asking for a waiver of this requirement. The Board of Supervisors is permitted to waive this requirement. A lengthy discussion

followed regarding the traffic count which had been performed by the Township's Traffic Engineer at a similar site in Lancaster. The results had been provided to the township and the applicant. The applicant felt that this was a good indication that the Montgomeryville site would work well. The members of the Planning Commission were not confident that this location would have similar traffic counts. They believed that it would be greater because of the population. The biggest concern was during the redemption period for gasoline. Apparently, if the redemption points are not used by a certain time, they are lost. This has been known to cause traffic congestion at other locations. Mr. Courtney advised that the applicant has indicated that they would provide associates to direct the traffic during those times. Vehicles would not be able to move freely wherever they wanted to go. It would be handled in an orderly fashion. Mr. Eck also stated that they had been in touch with Penn DOT to inquire about having the center median on Route 309 extended. This would further assist with the traffic situation. Mr. Trump asked if the store was similar to a WAWA or 7-11. Mr. Eck advised that the Giant To Go was an upscale version of a WAWA. While they would have products similar to a WAWA, they would also have fresh items. The consensus of the Planning Commission members was that this was a "tough" site. It was suggested that the applicant consider looking into the purchase of the property next door. After some further discussion, a motion was made by Ms. Reynolds, seconded by Mr. Krumenacker, to recommend to the Board of Supervisors that this Conditional Use application be approved, subject to satisfactory compliance with all comments of the Township's review agencies. The motion further recommended that the applicant continue their discussion with Penn DOT about extending the center median on Route 309. Motion carried unanimously 6-0, with Mr. Glickman, absent from the meeting.

The next item on the agenda was a presentation of the Conditional Use application for John Pileggi. Robert Kerns, attorney, Richard Stoneback, engineer, and John Pileggi were present to discuss this application. Also to be discussed at this meeting was the subdivision plan for this property. Mr. Kerns advised that Mr. Pileggi wished to develop his property under the Open Space Design Overlay Option. The property is located at Lower State Road and Limekiln Pike. Mr. Kerns stated that the Township had previously approved an ordinance to create the Open Space Design Overlay Option and had included Mr. Pileggi's property in the area in which this overlay could apply. However, the use was only permitted by a Conditional Use. Mr. Stoneback presented an overview of the plan. He distributed a plan which depicted the area in which they would be installing sidewalks. He stated that the plan was the same as which was presented at the time of the rezoning application; nothing had changed. He advised that the property is approximately 10 acres. They wish to develop 18 lots, with single family dwellings. The lots would be 10,000 square feet minimum. Open Space was provided as required. Mr. Kerns stated that they had met with the township staff and consultants and they would comply with all of the comments with the exception of a few waiver requests. (A copy of the requested waivers is attached to these minutes.) Mr. Kerns further stated that they had met with representatives from the Township's Traffic Engineer, Traffic Planning and Design, and Penn DOT officials, regarding traffic issues. Mr. Stoneback would be meeting with representatives from Boucher & James to discuss the landscaping issues. He stated that they would provide whatever the Township Landscape Architect, Judy Stern Goldstein indicated was necessary. It was stated that the Township's Engineer, Gilmore Associates had reviewed the plan and all of their comments had been addressed. Ms. Hyland stated that they had addressed the majority of their concerns. Mr. Kerns mentioned that the roads would be under the jurisdiction of a Homeowner's Association. They would not be dedicated to the Township. Mr. Stoneback discussed each of the waiver requests. The Planning Commission members did not have opposition to the waivers, as long as the Township Consultants were in agreement. Mr. Beatty stated that he did not like the plan. He felt that it was too dense and that R-1 would have been a better development at this location. He stated that he did not like the feeling of the plan overall. Mr. Krumenacker pointed out that there was a 10 foot elevation difference within the open space. He did not feel that this was necessarily meeting the

open space requirements. Ms. Reynolds stated that she did not like that the open space areas were really not useable. Some of the areas had storm water management basins and she felt that this defeated the purpose of open space. A discussion of "open space" occurred. Mr. Kerns read from the definition in the ordinance. He stated that he felt that they had met the requirements for open space, as the detention basin would be left in a natural state. Mr. Rall stated that he would like to see sidewalks along County Line Road. He felt that the future residents might want to walk to the CVS store, which is now being built in Warrington Township. The consensus of the members was that this would not be possible as the area in front of the Church did not have sidewalks. Mr. McGuire advised that he did not have anything new to add that had not already been discussed. Mr. Trump advised that he was not a big fan of the plan. He did not feel that the Open Space Overlay Ordinance was providing anything for the Township. He did believe that the applicant had met the conditions for open space, but that he did not feel that this provided useable open space for the Township. While the "letter of the law" had been met, the open space was not what he had envisioned when the ordinance had been approved. Mr. Trump stated that since the applicant had met the requirements, he could not vote against the plan. Ms. Chimera stated that there had been many sketch plans discussed previously. She felt that this was "as good as we can do." The applicant would be providing much needed road improvements. She felt that this plan was much better than seeing commercial development at this location. Mr. Kerns advised that the road improvements would be quite extensive and very costly to Mr. Pileggi. Mr. Trump asked if there was a motion for this project. He advised that the motion should refer to both the Conditional Use Application and the Subdivision Plan. A motion was made by Mr. Rall, seconded by Mr. McGuire, to recommend to the Board of Supervisors that the Conditional Use Application and Subdivision plan be approved, subject to satisfactory compliance with the comments of the Township review agencies. The vote was as follows: Mr. Rall, Mr. McGuire and Mr. Trump, in favor; and Ms. Reynolds, Mr. Krumenacker and Mr. Beatty, opposed. The vote was a tie 3-3, with Mr. Glickman absent from the meeting.

Next on the agenda was a discussion of ordinance amendments to the Zoning Code. The first was regarding off street parking. The provision was to provide enough room for a vehicle to turn around to exit a driveway that abuts to a main road, so that it is moving forward not backing out into the roadway. The second amendment was regarding the Open Space Overlay Option concerning open space requirements. This would require at least 20% of the area of the tract, or 1500 square feet per dwelling unit, whichever is greater, be set aside for common open space; and to provide a minimum frontage of 70 feet. The consensus of the Planning Commission was that wording should be added which indicated that the open space area should not contain parking areas or storm water management facilities. A motion was made by Mr. Rall, seconded by Mr. McGuire, to recommend approval of these ordinance amendments to the Board of Supervisors. The motion further indicated that the wording for the open space area should be revised to indicate that it cannot be used for parking areas or storm water management facilities. Motion carried unanimously.

There being no further business, this meeting was adjourned at 10:00 p.m.

Respectfully submitted:

Marita Stoerrle
Development Coordinator/
Recording Secretary

