WHITEMARSH TOWNSHIP PLANNING COMMISSION
MEETING OF MARCH 10, 2020 7:00 PM

DAMBMAN ___ DORAN ___ CORNOG ___ GLANTZ-PATCHEN ___ QUITEL ___
SHAW-FINK ___ SHULA ___
MANUELE (BOS) ___ GUTTENPLAN ___ ESPOSITO ___ SANDER ___

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1. **CALL TO ORDER**

2. **ANNOUNCEMENTS & CORRESPONDENCE**

   - Call for Entries 2020 Montgomery Awards Program

3. **APPROVAL OF MINUTES**

   - February 11, 2020 (amended)

4. **ZONING HEARING BOARD APPEALS**

   - Review ZHB#2020-08 MHP Conshohocken, LLC / 10 Ridge Pike, Conshohocken, PA
     Request for a special exception for urgent care/clinic

5. **CONDITIONAL USE APPLICATIONS**

6. **SUBDIVISION &/OR LAND DEVELOPMENT APPLICATIONS**

7. **OLD BUSINESS**

   - Comprehensive Plan Selective Update – Review Recommendations of Historic Preservation and Environmental/Climate Change Working Groups

8. **NEW BUSINESS**

9. **PLANNING COMMISSION MEMBER COMMENTS**

10. **PUBLIC COMMENT FOR NON-AGENDA ITEMS**

11. **ADJOURNMENT**

NEXT MEETING
March 24, 2020 at 7:00 P.M.

Projected Agenda (anticipated items at this time):

- Review ZHB#2020-10 Whitemarsh Hotel Associates, L.P./432 Pennsylvania Avenue
  Request for modification of prior approval related to restaurant
- Review (continued) SLD #05-14; 901 Washington Partners, LP/901 Washington Street
  Revised Preliminary Plan; 62 Townhomes

PUBLIC PARTICIPATION INFORMATION

1. Public meetings of the Commission shall follow a prescribed agenda, which will be available to the general public no later than the Friday preceding the meeting.
2. If members of the public wish the Commission to address a specific item at a public meeting, a written request to the Staff Liaison shall be submitted at least one week before the meeting. The written request shall specify the item or items the individual desires to be addressed.
3. The Commission may consider other matters for the agenda as they see fit.
4. The Commission will entertain Public Comment at the conclusion of the discussion of the item and prior to specific action on the item during the meeting, at the discretion of the Chair. Individuals must advise the Chair of their desire to offer such comment.
5. A Public Comment period will be provided at the conclusion of a meeting for input on any new subject.
6. The Commission Chair shall preside over Public Comments and may within their discretion:
    a. Recognize individuals wishing to offer comment.
    b. Require identification of such persons.
    c. Allocate total available Public Comment time among all individuals wishing to comment.
    d. Allocate up to a five (5) minute maximum for each individual to offer Public Comment at a meeting, Township Staff shall time comments and shall announce, "one minute remaining" and "time expired" to the Chair.
    e. Rule out of order scandalous, impertinent and redundant comment or any comment the discernible purpose of which is to disrupt or prevent the conduct of the business of the meeting including the questioning of, or polling of, or debating with, individual members of the Commission.

WHITEMARSH TOWNSHIP

TO:	PLANNING COMMISSION
FROM:	**Charles L. Guttenplan, AICP, Director of Planning and Zoning**
SUBJECT:	MATERIAL FOR MARCH 10, 2020 MEETING
DATE:	MARCH 6, 2020
CC:	Vincent Manuele, BOS Liaison Richard L. Mellor, Jr., Township Manager James Hersh, PE, Township Engineer Dave Sander, Esq., Township Solicitor

In addition to the revised minutes from the February 11, 2020 meeting, there are two agenda items for the March 10th meeting. (Minutes from February 25 and the special meeting on February 29 will be on the next agenda.)

The first agenda item is ZHB #2020-08, Zoning Hearing Board application for MHP Conshohocken, LLC for property at 10 Ridge Pike (Whitemarsh Shopping Center). The Applicant is seeing a Special Exception to permit an American Family Care (AFC) urgent care clinic in the new building, currently under construction at the Shopping Center. AFC proposes to lease slightly over one-third of the building. The CR-H District in which the Shopping Center is located, allows any use permitted in the Institutional Overlay District as a special exception. A "clinic" is a permitted special exception use in the Institutional Overlay District. This is on the agenda for the Planning Commission to make a recommendation to the Zoning Hearing Board; the Board will be holding a public hearing at their April 1, 2020 meeting.

The second agenda item is a continued review of the Comprehensive Plan Selective Update. You will recall that at the meeting of February 25th, two working groups were formed, one to review the Historic Preservation recommendations and one to add language pertaining to climate change and the environmental underpinnings of the Plan. The Historic Preservation group has submitted a revised Action Plan for Goal 1, Policy 4 (Historic Preservation); they also propose to incorporate two recommendations from the May 28, 2019 review letter from the Pennsylvania State Historic Preservation Office (that letter is enclosed with their revised Action Plan for reference). If we finalize the edits for the Plan document at this meeting, I will seek authorization to send all of the text edits to the consultant to incorporate into a final draft document.

If you have any questions prior to the meeting, please feel free to get in touch with me (cguttenplan@whitemarshtwp.org or 484-594-2625). If any member is unable to attend the meeting, please send an e-mail to Bob Dambman (rdambman@gmail.com) and copy me. I look forward to seeing you all at the meeting.

Enclosures

Charles L. Guttenplan, AICP
Director of Planning and Zoning/Zoning Officer
616 Germantown Pike
Lafayette Hill, PA 19444
Phone: 484-594-2625 Fax: 610-825-6252
Email: cguttenplan@whitemarshtwp.org

MONTGOMERY AWARDS

Call for Entries

2020 MONTGOMERY AWARDS

We invite you to nominate a project for a 2020 Montgomery Award. The Montgomery Awards Program is a prestigious annual program that promotes outstanding design, innovative planning, and leadership and advocacy in Montgomery County. Since 1967, we have presented 215 awards that acknowledge the exceptional vision and commitment of communities, organizations, and professionals. All of our winners have enhanced our communities and contributed significantly to our great county.

We invite you to become part of this distinguished legacy by submitting a nomination for a 2020 Montgomery Award. We are looking for the best in planning, design, and advocacy in Montgomery County. Nominate a land development project for a Montgomery Award or a person or organization that has significantly contributed to advancing planning in Montgomery County for a Planning Advocate Award.

MONTGOMERY COUNTY
CONSERVATION DISTRICT

We are again partnering with the Montgomery County Conservation District to offer an Environmental Stewardship Award as part of the Montgomery Awards Program. Nominate a project, completed in the past three years, that exemplifies the practices of environmental stewardship and conservation for water and soil quality.

All entries may be submitted online or by mail. The deadline for nominations is May 1, 2020.

MONTGOMERY AWARD
Project Eligibility Criteria
Nomination Requirements
Entry Form

PLANNING ADVOCATE AWARD
Project Eligibility Criteria
Nomination Requirements
Entry Form

ENVIRONMENTAL STEWARDSHIP AWARD
Project Eligibility Criteria
Nomination Requirements
Entry Form

Enter by May 1, 2020

Contact: **Pattie E. B. Guttenplan, RLA, AICP**

Contact: Rita McKelvey 610-278-3753

MCPC MONTCO PLANNING Data Portal

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MONTGOMERY COUNTY
PENNSYLVANIA

MONTGOMERY AWARD ELIGIBILITY & AWARD CRITERIA

ELIGIBILITY

All projects must be located in Montgomery County and must be substantially completed when nominated. They are judged on their "as built" merits. Eligible projects receiving a Montgomery Award typically fall into the following categories:

LAND DEVELOPMENT

These projects promote excellence in design and planning. Projects include residential, office, commercial, and institutional developments that exemplify good site design, such as building placement, project context, parking and circulation, pedestrian amenities, landscaping, and sustainable design practices.

REVITALIZATION

These projects contribute to the revitalization of older, more established communities. Projects can include redevelopment and building rehabilitation, adaptive reuse, infill development, streetscape improvements, new parking facilities, and other community enhancements.

OPEN SPACE

These projects focus on open space preservation, land conservation, and community recreation amenities that sustain natural resources and enrich the community. Projects can include open space, park development, trail implementation, creation of natural areas, and other recreational, cultural, and heritage amenities.

ENVIRONMENTAL

These projects promote the protection and restoration of natural features and sustainable use of resources. Projects can incorporate habitat enhancement, riparian corridor protection, green infrastructure (green roofs, green parking lots, green streets), innovative stormwater design, energy efficiency, and renewable energy.

TRANSPORTATION

These projects improve mobility, enhance safety, and exemplify best planning, engineering, and context-sensitive design and construction. Projects can include road, bridge, transit, bicycle, pedestrian, and traffic calming improvements.

AWARD CRITERIA

Our agency evaluates all submissions, and a select group of nominations is visited, judged, and awarded by the Montgomery Award Committee, consisting of members from the Montgomery County Planning Commission Board. All projects are judged on the following criteria.

DESIGN

All projects must exemplify excellence in planning, design, and implementation. Projects will be judged on quality of design, community context, planning concept, environmental sensitivity, and sustainability.

PROCESS

The process involved in completing a project will also be evaluated. This includes achievement of community goals, successful community collaboration, public/private partnerships, funding strategies, outreach, and citizen participation.

IMPACT

All projects should demonstrate a positive impact to the overall value of the community. This can include economic, environmental, and recreational benefits, increased mobility, improved safety, job creation, enhanced community image, sense of place, and the social, cultural, and economic health of the community.

MONTGOMERY COUNTY
PENNSYLVANIA

PLANNING ADVOCATE AWARD ELIGIBILITY & SUGGESTED CRITERIA

The Planning Advocate Award recognizes an engaged citizen, appointed/elected official or board, or community organization that has made significant and sustained contributions to advancing or promoting planning in Montgomery County. Anyone may submit nominations. Our agency evaluates all submissions, and a select group of nominations are judged and awarded by the Montgomery Award Committee, consisting of members from the Montgomery County Planning Commission Board.

ELIGIBILITY

Any individual, group, or organization that has demonstrated a significant leadership role in promoting excellence in planning and has contributed to community improvement in Montgomery County is eligible. This award is specifically designed to recognize the exceptional work being done by volunteers, public officials, and nonprofit groups/organizations. Self-nominations will not be considered.

Examples of eligible candidates include engaged citizens, members of municipal governing bodies or planning commissions; economic development, transportation, environmental, or historic preservation boards/organizations; or other local appointed and elected officials; citizen leaders; or community organizations.

SUGGESTED CRITERIA

SUPPORT OF PLANNING EFFORTS

Please describe how the nominee's leadership, ideas, work, and commitment have notably advanced or promoted excellence in planning and contributed to improving the community.

EFFECTIVENESS AND RESULTS

Describe the extent to which the nominee has been effective in formulating and implementing ideas and planning efforts that have made a positive impact on the community. Identify the level of influence and effectiveness achieved by the nominee and their sustained commitment to activities that provide significant community contribution. Describe how the nominee has successfully collaborated, engaged, and led the community during the planning process.

MONTGOMERY COUNTY

ENVIRONMENTAL STEWARDSHIP AWARD ELIGIBILITY CRITERIA

The Environmental Stewardship Award recognizes a project in Montgomery County that has been completed in the past three years and exemplifies the practices of environmental stewardship and conservation for water and soil quality. The award will be given by the Montgomery County Conservation District through the Montgomery Awards Program.

PROJECT ELIGIBILITY

- Project must have been completed within the past three years
- Project must be located in Montgomery County
- Applicant may submit up to 5 projects per year for this award

AWARD SELECTION

Anyone may submit nominations. The Montgomery County Conservation District will evaluate all submissions and select the award recipient.

Contact: Jessica Buck, Montgomery County Conservation District, 610-489-4506 ext. 14

MINUTES
PLANNING COMMISSION MEETING FEBRUARY 11, 2020

Attendees: Dave Shula, Sherri Glantz-Patchen, Bob Dambman, Peter Cornog, Scott Quitel, Charlie Guttenplan, AICP, Director of Planning and Zoning, Jacy Toll (BOS Liaison), Jim Hersh (Township Engineer), and Dave Sander, Esq. (Township Solicitor)

1. **CALL TO ORDER:** 7:00 PM by Chair Dambman

2. **ANNOUNCEMENTS & CORRESPONDENCE**

Announcements:

- Montgomery County Planning Commission / Planning Smarter Montco 2020 Courses and Events (provided in packet). Mr. Guttenplan highlighted Course in Community Planning coming up in late March and April and recommended it as a good introductory course for various aspects of planning that the Commission may be involved in.
- The entire packets that are provided to the Planning Commission are now available on the website; this is now the case for all of the various boards and commissions.
- All active Subdivision/Land Development applications will be located under the 2020 Subdivision/Land Development link on the website, regardless of the year they originated.

3. **APPROVAL OF MINUTES**

- On a motion by Mr. Shula, seconded by Mr. Cornog, the Planning Commission approved the January 28, 2020 meeting minutes with amendments made by Ms. Patchen. Vote 5-0.

4. **ZONING HEARING BOARD APPEALS:** None

5. **CONDITIONAL USE APPLICATIONS:**

- Review CU#02-20; Anusa Nail Studio, LLC/428 Germantown Pike
  Personal Service Shop in VC-1 District

Attendees: Dave Ennis, Esquire, the applicant's representative and Xine Huynh, the applicant and owner

The applicant is seeking approval to open a personal service shop pursuant to Section 116-290.C.(2) of the Zoning Code. The applicant is proposing to lease space within the strip shopping center located at 428 Germantown Pike. There are 8 code criteria for conditional use approval; many of which do not apply for shopping centers. The floor plan was reviewed showing 4 manicure stations and 4 pedicure stations; ventilation will be installed for fumes associated with the nail polish; they are starting out with 2 technicians with a potential of 4; hours of operation are Monday-Friday 10:00 AM-7:00 PM and Saturday 9:00 AM-6:00 PM; mostly by appointment only with a minimal number of walk-ins; customer parking will be in the existing parking lot as well as on Germantown Pike and the lease requires all employees to park behind the WAWA. Ms. Patchen stated she doesn't see anything stopping them from filling all stations at the same time (there are only 4 technician chairs so only 4 customers can be serviced at a time; manicures and pedicures aren't each done on 4 different people).

No Public Comment

Motion: On a motion by Mr. Quitel, seconded by Mr. Shula, the Planning Commission recommended granting approval of the conditional use application. Vote 5-0.

6. **SUBDIVISION &/OR LAND DEVELOPMENT APPLICATIONS**

- Review (continued) SLD#05-14; 901 Washington Partners, LP/901 Washington Street
  Revised Preliminary Plan; 62 Townhomes

Attendees: Jim Vesey, one of the owners of the property at 901 Washington Street Partners; his partner Gary Cole; Jim Bannon, Engineer from Nave Newell; Sarah Peck, developer/partner from Progressive New Homes and her associate Justin Moody were present.

Mr. Cornog wanted to know the basis for the request of the variances from the Zoning Hearing Board regarding the reduction of the open space along the river bed from 150' to 45' (the hardship was the irregular shape of the lot and the narrowing on the east side, they were not ~~able~~ willing to provide the proper buffer). It was noted that the Zoning Hearing Board disregarded the Planning Commission's recommendations, noting particularly the recommendation to deny the variance to reduce the riverfront open space (§116-284.A.). Mr. Quitel stated he feels they should start the project with an overlay and then fit the footprint of the development behind that. Mr. Bannon stated this is a much better condition; the impervious coverage is going to be reduced from 92% to 63%. Ms. Peck stated the setback allowed is actually 100' not 150' with 2 public amenities, which they are providing (it was confirmed there is a 49' easternmost setback and 145' westernmost setback).

Ms. Peck presented a PowerPoint hitting some of the things that were addressed since the first meeting. There were some issues raised by the Commission members and staff which they took to heart and made some revisions to the plan. The plan changed to show all units have riverfront views and roof decks on all homes or the option to have one; all units have two car garages and a third parking spot was added; they improved connectivity, changed trail along the river from the Boardwalk back to a red shale macadam trail because it is a zoning requirement; a 5' retaining wall will be built to maximize stormwater management; avoided removal of heritage trees by changing placement of the trail; the basin was changed to increase the capacity while not increasing the area; road widths were changed to 25'; pedestrian access was discussed with SEPTA and David's Bridal and they are working on concepts with them; they are talking to SEPTA about a potential guide rail, future handicap accessibility and also having a separation from the Septa train cars.

Mr. Cornog asked how do you access the trail and who is responsible for maintaining the public access (there are stairs that connect to the trail; and public access will be maintained by the Home Owners Association if the Township won't take it); questioned the proposed size of Washington Street and that no section of the right-of-way be less than 40 ft. (due to site constraints the new street will not meet Township standards; they are proposing a 30' cartway which is more than adequate and it is identical to their former approved office plan); he stated the Township needs to think about alternate roads to Hector Street for future planning.

Mr. Bannon discussed flooding issues that were brought up at the last meeting. They are considering a flooding event at this site elevation 56 ½' which is 1' above the garage floor of the lowest units, so our thinking being below that you are okay, above that you will need to move your car; there have been 4 flooding events since 1999 that are considered a 10 year storm and only 1 of them got to that elevation; it was pointed out that the 100 year storm is 6 feet above the pad and the living spaces are 9 feet above the pad. Mr. Vesey stated there are 10 items that can trigger an evacuation. They met with Nick Weaver, Fire Marshal, who had some good additions to the emergency evacuation plan which they revised and he also recommended the residents downloading an app so they be warned when to take appropriate action. Mr. Cornog asked if there are any guidelines as to when you can return (it was not addressed, that would be dictated by the Township and safety precautions as to when); Ms. Peck stated a public offering statement is required and will be given to a perspective owner or renter with the rules and they will have 7 days to back out. Mr. Bannon explained the 10 year and 100 year floods: the 10 year storm is about the elevation of the pad, the 50 year storm is about 3 ½' above that. The Schuylkill River in this location has never reached that elevation since they installed the gauge at the Fairmount Dam. He explained that for the 4 storm events they looked at the peak of the storm to river crest; the

shortest was less than 7 hours, the average was 9 ½ hours and the highest was 12 ½ hours; it took Floyd 9 hours to crest at this location.

Sara Peck stated they tried to make the development as open as possible but they just couldn't make it work; they already cut the number of units back from 75 to 62; and by moving the units back the views will be of David's Bridal and the loading docks. Ms. Peck offered to walk the site with anyone that is interested to show what is there and to appreciate what is there and how nice it is going to be.

Public Comment: Linda Doll, Fairway Road; Sydelle Zove, Harts Ridge Road. Ms. Doll commented if the public has access to the red shale trail how do they get to it, where do you park (come down Lee street and park on Washington Street); doesn't feel the trail is a trail, it is not connected to anything (the Planning Commission stated this is just the first step; it is the same as the sidewalk issues; this is the start of the future development of a longer trail); didn't understand how parking was added (39 spaces were added behind garages though they are only 8' wide and are not included in the parking count, there is ample parking for visitors and public parking for those with no driveways); where are the trash cans kept (in garages until collection day then will be placed in front of the units); and concerned about the narrow roads (will add no parking signs. Ms. Zove agreed that the 36' road width was too wide for residential, but suggested not going below 26'; perpendicular parking and backing into a road way is a safety issue; concerned with the proximity of the sidewalk in proximity to the tracks; she explained her observations on how the Zoning Hearing Board decided to grant the variance for the setback reduction from the riverbank; and she stated that the 24' street width is traffic calming but the motive behind this waiver is to put in more units. Debra Harris, Pilgrim Road, stated that cars parked on streets make it safer; 24' wide streets with parking on both sides tends to slow down vehicles; trash trucks are able to get through, and wider roads are more dangerous.

Planning Commission Final Comments: Mr. Quitel stated it is not the street width, it is the open space (or reduction) that drives the number of units; they fought for reduced green space width but didn't fight for an alternative to the red shale trail; asked if they had to meet the 150' setback would they still build (not sure but it is not economically feasible for less units).

Ms. Peck stated they received a lot of feedback on design issues; the landscape architect is very excited about this opportunity in helping restore the riverbank and improving its environment.

Ms. Patchen and the other members would like to take up the applicant's offer to walk the site; this will be advertised as a public meeting once a day and time are set.

7. OLD BUSINESS: None.

8. NEW BUSINESS: None.

9. PLANNING COMMISSION MEMBERS COMMENTS: None.

10. PUBLIC COMMENT FOR NON AGENDA ITEMS

- Chair Dambman reiterated on the Montgomery County Planning Commission / Planning Smarter Montco 2020 Courses and Events for those who were not present at the beginning of the meeting.

11. ADJOURNMENT

- On a motion by Mr. Cornog, seconded by Mr. Shula, the meeting was adjourned at 9:40 PM.

Respectfully submitted,

Charles L. Guttenplan, AICP, Director of Planning & Zoning

The Planning Commission is appointed as an advisory group to the Board of Supervisors and the Zoning Hearing Board with respect to comprehensive land use planning, existing land use, and various land use and zoning applications in Whitemarsh Township. No formal decisions are rendered by the Planning Commission. Formal decisions are rendered by the Board of Supervisors or Zoning Hearing Board, as prescribed by law, based on the type of application.

G:PLANNING COMMISSION/PC Minutes/2020/2.12.2020

DRAFT

ZHB APPEAL #2020-08
SUMMARY

APPLICANT: MHP Conshohocken, LLC

PROPERTY LOCATION: Parcel #65-00-09997-00-9
Block 001, Unit 001
10 Ridge Pike
Conshohocken, PA 19428

ZONING DISTRICT: CRH – Commercial Retail (High) District

SUMMARY OF RELIEF REQUEST:

The Applicant is requesting a **Special Exception under Section 116-104.A.(6)(b)** to permit an American Family Care (AFC) Urgent Care clinic in the new building, currently under construction at the Property. This section allows any use permitted in the Institutional Overlay District as a special exception in the CR-H District. A "clinic" is a permitted special exception use in the Institutional Overlay District (Section 116-175.K.).

PRIOR DECISIONS
ZHB#2018-29 Variances / Parking
ZHB#2016-16 Variances/Cellular Antennas
ZHB#2010-20 Variance/Signage
ZHB#2009-34 Variance/Addition
ZHB#2006-58 Variance/Signage
ZHB#2004-47 Variance/Outdoor Dining – Denied
ZHB#2002-52 Variance/Outdoor Dining – Denied
ZHB#1997-26 Variance/Signage
ZHB#1997-07 Variance/Signage
ZHB#1996-18 Variance/Signage
ZHB#1994-18 Special Exception/Use
ZHB#1994-03 Variance & Special Exception/New Building, Parking & Use
ZHB#1975-23 Special Exception/Dumpsters
ZHB#1974-14 Special Exception/Use – Denied
ZHB#1962 Variance/Parking
ZHB#1956 Variance/Signage - Denied

Respectfully Submitted,

Charles L. Guttenplan, AICP
Director of Planning and Zoning/Zoning Officer

APPEAL TO ZONING HEARING BOARD
WHITEMARSH TOWNSHIP
COMMONWEALTH OF PENNSYLVANIA

APPEAL NO: 2020-08

Applicant/Appellant: MHP Conshohocken LLC

Address: 610 Conshohocken State Road, Penn Valley, PA 19072

Phone #: 215-825-3195 **Cell Number:** **E-Mail:** mmmaiorino@afcurgentcare.c

Owner: Glenmont Associates Limited Partnership

Address: c/o Brixmor Property Group, One Fayette Street, Suite 150, Conshohocken, PA 19420

Phone #: 212-869-3000 **Cell Number:** **E-Mail:**

Location of the Property Involved: Whitemarsh Shopping Center, Ridge and Butler Pikes, Conshohocken PA Store B-5

Block #: **Unit #:** **Parcel #:**

NATURE OF APPLICATION (Describe proposed use and/or construction: type of appeal requested and specific section(s) of Whitemarsh Township Zoning Code which is (are) relied upon):

Applicant requests a special exception pursuant to Section 116-104(A)(6)(b) to permit an AFC Urgent Care clinic/ physician office at the Property. The Property is located in the CR Commercial Retail District. A "clinic" is a permitted special exception use in the Institutional Overlay District (Section 116-175(k)) and is therefore permitted by special exception in the CR Commercial Retail District. "Physician office" is a use permitted by right in the CR Commercial Retail District.

GROUNDS FOR APPEAL (State reasons for appeal and nature of hardship, if claimed):
****Attach additional sheets if necessary**

A "clinic" is a use permitted by special exception in the CR Commercial Retail District. The Applicant's proposed use is more specifically described in Exhibit "A" attached hereto and incorporated herein. The Applicant's proposed use satisfies all requirements for the grant of a special exception both under the Whitemarsh Township Zoning Code and under the Pennsylvania Municipalities Planning Code.

Legal Counsel (if represented): Alfred Fuscaldo, Esq. (Fuscaldo Law Group LLC)

Address: P.O. Box 147, Valley Forge, PA 19481

Phone #: 484-302-5481 **E-Mail:** al@fuscaldolaw.com

My (Our) signature(s) authorize(s) permission to pose my (our) property and permission to the Zoning Hearing Board and their representative to enter thereon for inspection purposes.

I (We) certify the information provided on this application and supporting documentation and plans are true and correct to the best of my (our) knowledge, information, and belief. You are required to submit proof that you are one of the following:

RECEIVED
FEB 25 2020
WHITEMARSH TOWNSHIP
ZONING & ENGINEERING

I am (We are)

- ☐ **Owner(s) of Legal Title**
- ☐ **Owner(s) of Equitable Title**
- ☒ **Tenant(s) with permission of Owner(s) of Title (Enclose letter attesting to same)**

Date: February 25, 2020

Signature of Applicant/Appellant: Matthew Maiorino
Managing Member, MHP Conshohocken LLC

Signature of Applicant/Appellant:

EXHIBIT "A"

American Family Care (AFC) is a network of physician practices that provides affordable, efficient and convenient healthcare to patients of all ages who require treatment for high-acuity, non-life-threatening illness or injury, including ailments such as colds, coughs, sore throats, ear infections, pinkeye, flu or flu-like symptoms, sprains, strains, fractures and minor lacerations. AFC also provides workers compensation and occupational health services to area employers with an offering that includes pre-employment physicals, breath alcohol testing, DOT physicals and drug testing.

AFC operates over 240 offices across the country. Each AFC office is open every day of the year – holidays and weekends included – from 8 am to 8 pm on weekdays and from 8 am to 5 pm on weekends. AFC accepts most major health insurances and neither appointments nor referrals are required. Every patient in an AFC practice is under the care of a board-certified Family Practice or Emergency Medicine physician and AFC's costs are typically five times less than the cost of an Emergency Room visit. The wait time to see a clinical professional in AFC offices averages less than 15 minutes and AFC strives to have every patient discharged within one hour from the time that they register. Across AFC's entire network of care, AFC averages 65 minute door-to-door service. AFC achieves this through a digital patient check-in system that is accessible to patients; in-clinic, online, and via mobile app. An AFC patient will never be "admitted" or stay overnight.

AFC averages 3-4 patients per hour, and its clinics reach an average patient volume of 40 patients per day. As a result, AFC patients have a minimal parking impact. At 40 patients per day, AFC's operational needs will dictate staffing of approximately five employees. Staff parking for this AFC will be located behind the building.

After over 35 years of operation, AFC knows that its peak hours of operation will occur between 8-10am (40%) and 4-6pm (30%). Based on AFC's average patients per day, this equates to; 8-10am – 16 patients per day, 4-6pm – 12 patients per day, Other – 12 patients per day.

AFC is not an Emergency Room, a specialty clinic, or a surgical center. AFC is a physician practice that offers an affordable and efficient alternative to the Emergency Department with more convenient hours and services than many traditional primary care options.

AFC physician offices maintain a digital X-Ray platform for basic imaging requirements and that are most commonly used to view possible sprains or fractures, but never for treatment of major trauma, compound fractures or any other life-threatening ailment that would be better treated in a hospital. AFC does not "set" or cast fractures, nor does AFC treat chronic illnesses presented by its patients, but rather AFC stabilizes its patients and refers such injuries or illnesses to the appropriate specialty practice physicians in the area or to a primary care physician, as required. AFC also maintains a small laboratory onsite to support basic phlebotomy and the various types of "rapid" testing that are commonly found in a physician's office (i.e., strep, flu, mono, etc.). AFC does not use medical gases in its lab and the vast majority of the tests ordered by AFC physicians are sent out to a third-party laboratory for interpretation, the results of which are communicated back to the AFC clinical team over a secure electronic system and directly into AFC's Electronic Medical Record platform.

AFC patients always arrive to the AFC practice under their own power, never by ambulance, and in the rare instance when a patient arrives with a condition that AFC physicians deem critical, AFC dials 911 immediately and the patient is cared for by an AFC physician until EMT's arrive. With AFC's "crash cart" and defibrillator on hand, AFC physicians have the training, experience and ability to follow emergency protocols to support any critical patient until help arrives by administering aspirin, epi, intubation, EKG, etc.

AFC physicians order and administer basic medications (ibuprofen, Tylenol, etc.) and vaccinations required for school, work, travel or following injury (Varicella, Hepatitis, TDap, etc.), but do not dispense any medications, nor does AFC ever maintain narcotics or any kind of addictive, controlled substances on the premises.

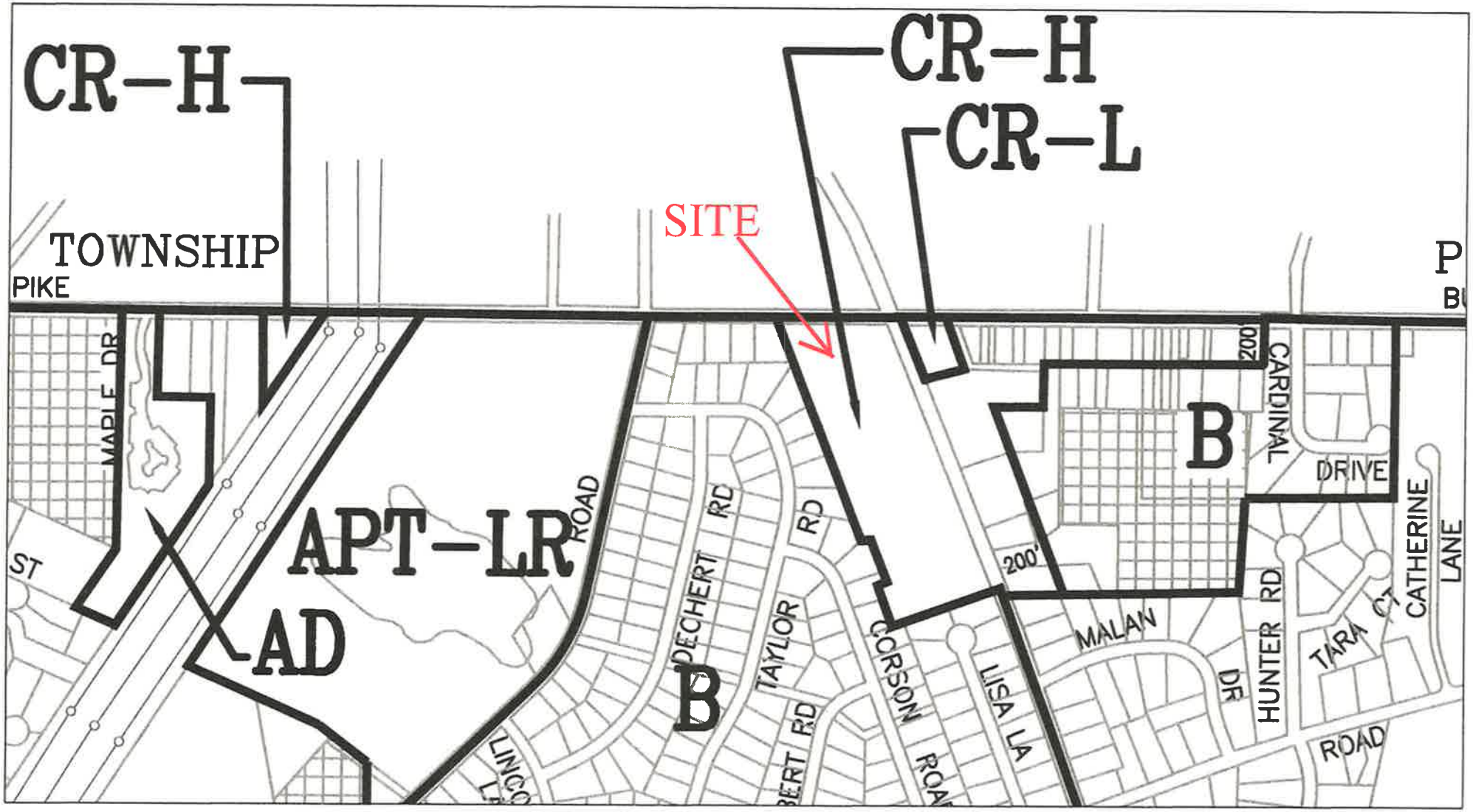
AFC prides itself on being good corporate citizens by sponsoring local not-for-profits and community events that promote the health and wellness of those who live, study and work in the area.

The proposed AFC location is located within the approximately 8973sf retail space approved by Whitemarsh Township and shown on the recorded Site Plan prepared by Langan dated March 29, 2019, last revised December 4, 2019, a copy of which Site Plan is submitted as part of this application. The proposed AFC location is an approximately 3400sf portion of that approved retail space and is highlighted in yellow on the Site Plan.

A copy of the floorplan for this proposed AFC location is attached to this application as Exhibit "B".

Elevations of this proposed AFC location is attached to this application as Exhibit "C".

Photos of representative AFC locations are attached to this application as Exhibit "D".


CR-H
CR-H
CR-L
SITE
TOWNSHIP
PIKE
P
B
MAPLE DR
ST
APT-LR
AD
ROAD
DECHERT RD
TAYLOR RD
CORSON ROAD
LISA LA
B
200'
200'
CARDINAL
DRIVE
MALAN
DR
HUNTER RD
TARA CT
CATHERINE
LANE
ROAD

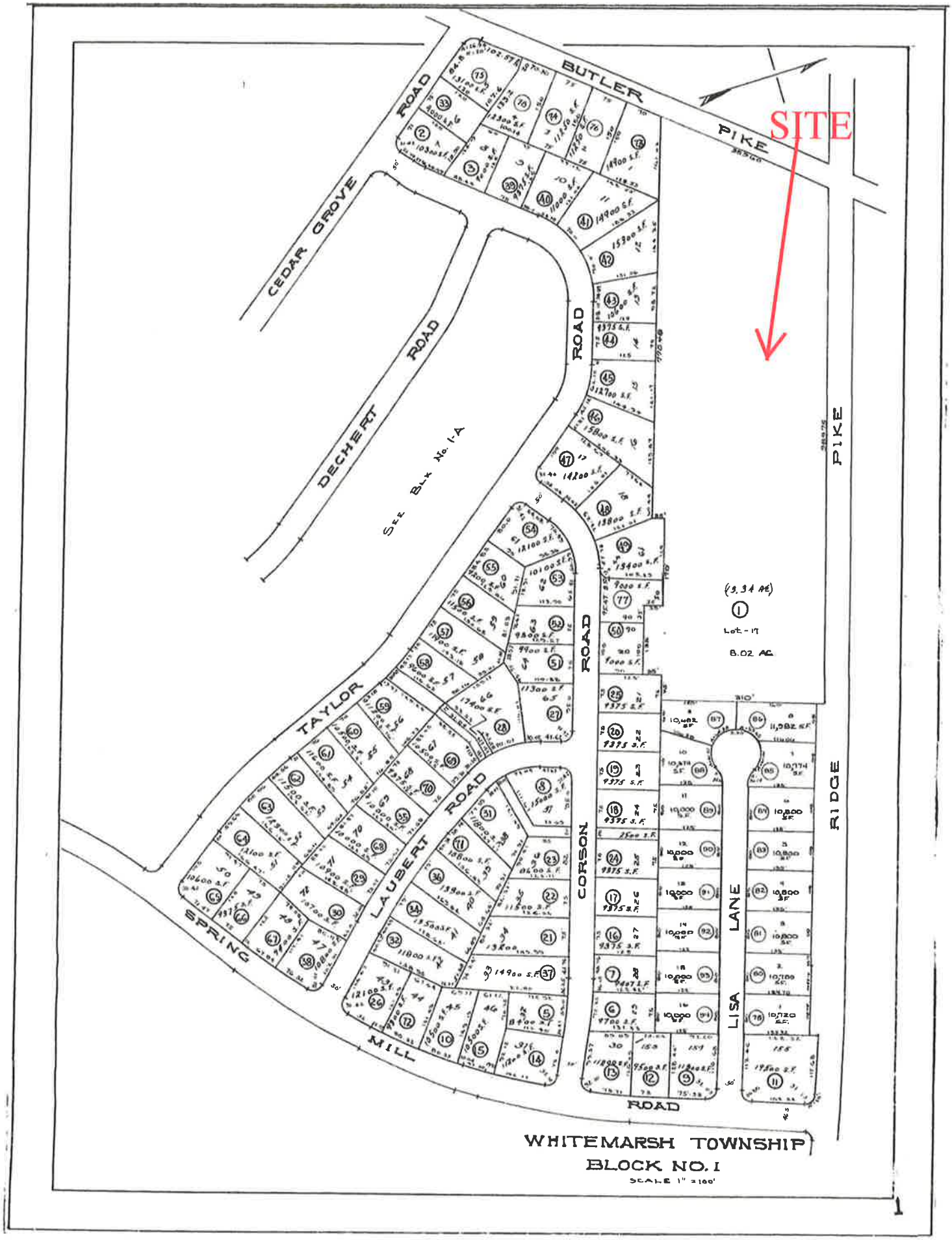
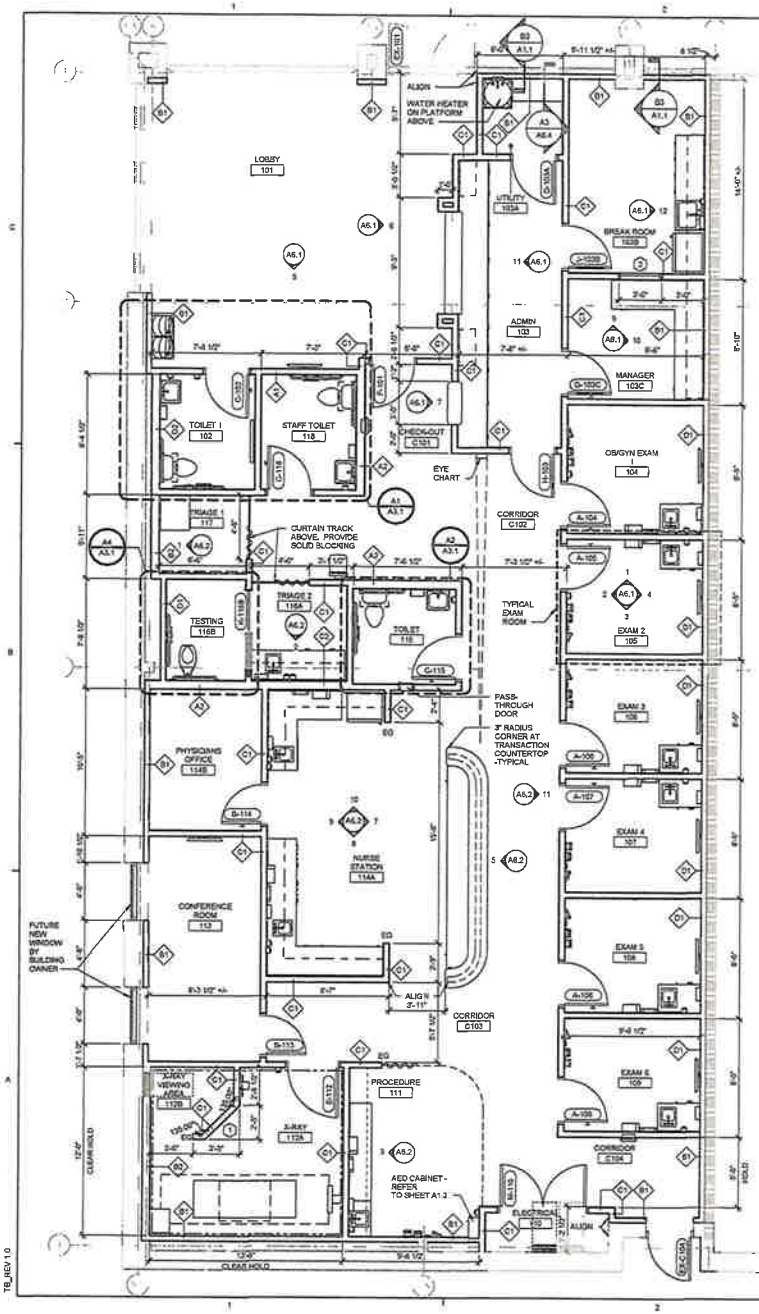

SITE
BUTLER PIKE
CEDAR GROVE ROAD
DECHERT ROAD
SEE BLK No. 1-A
TAYLOR ROAD
LAUBERT ROAD
SPRING MILL ROAD
CORSON ROAD
LISA LANE
RIDGE PIKE
(3.34 AC)
Lot-17
8.02 AC
WHITEMARSH TOWNSHIP
BLOCK NO. 1
SCALE 1" = 100'

Exhibit "B"

Floorplan



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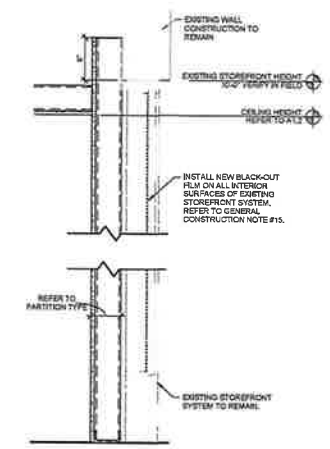
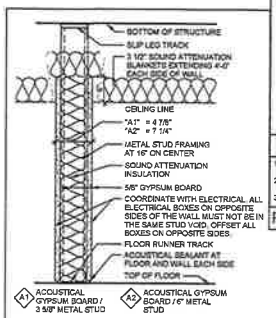
FLOOR PLAN

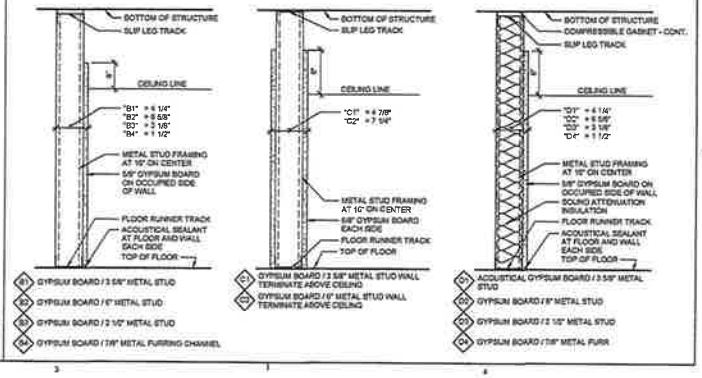
SCALE: 1/4" = 1'-0"



STOREFRONT WALL DETAIL

SCALE: 1 1/2" = 1'-0"





GENERAL CONSTRUCTION NOTES

1. FLOOR PLAN DRAWINGS ARE COMPOSITES OF EXISTING CONSTRUCTION TO REMAIN AND NEW CONSTRUCTION. EXISTING CONSTRUCTION IS SHOWN IN LIGHTER, OUTLINE FORM. DEMOLITION AND/OR NEW CONSTRUCTION IS INDICATED WITH HEAVIER LINEWORK AND MAY ADDITIONALLY BE IDENTIFIED BY NOTE, KEYNOTE, LARGER SCALE DETAIL REFERENCE, OR MATERIAL PATTERN (REFER ALSO TO LEGEND).
2. DO NOT SCALE DRAWINGS. WORK FROM DIMENSIONS SHOWN. IF ADDITIONAL INFORMATION IS NEEDED, OR WHERE DRAWINGS OR DRAWING SCALE APPEAR TO CONFLICT WITH INDICATED DIMENSIONS, BRING TO THE ATTENTION OF THE ARCHITECT FOR REVIEW.
3. THE EXISTING BUILDING, AND ITS SUBSEQUENT CONSTRUCTION MODIFICATIONS, ARE ASSUMED TO BE IN FULL COMPLIANCE WITH APPLICABLE CODES AND REGULATIONS IN EFFECT AT THE TIME OF CONSTRUCTION.
4. NOTIFY THE OWNER AND ARCHITECT OF ALL CODE AND/OR CONSTRUCTION DEFICIENCIES DISCOVERED OR UNCOVERED IN THE COURSE OF CONSTRUCTION OPERATIONS.
5. ALL WALL DIMENSIONS ARE TO FINISH FACE OF WALL UNLESS NOTED OTHERWISE.
6. WHERE NEW WALL CONSTRUCTION ABUTS EXISTING, IN-LINE, ON PLANS, DIRECTLY ALIGN NEW FINISH WALL SURFACE(S) WITH EXISTING.
7. INSTALL NEW CEILING. REFER TO SHEET A1.2 FOR CEILING TYPES AND HEIGHTS.
8. PROVIDE DUST BARRIER TO SEPARATE CONSTRUCTION AREA FROM THE REST OF THE BUILDING. PROVIDE TEMPORARY FILTERS TO PREVENT THE SPREAD OF DUST THROUGH THE BUILDING VIA THE RETURN AIR SYSTEM. UPON COMPLETION OF CONSTRUCTION OPERATIONS, REMOVE BARRIERS AND REPAIR ANY DAMAGE CAUSED BY THEIR INSTALLATION OR PRESENCE TO "LIKE NEW" CONDITION.
9. PATCH AND REPAIR OPENINGS IN AND/OR PENETRATIONS THROUGH EXISTING FIRE RATED ASSEMBLIES AND SMOKE BARRIER ASSEMBLIES. MAINTAIN RATING - TYPICAL.
10. SELECTIVELY DEMOLISH EXISTING FLOOR SLAB AS REQUIRED TO INSTALL NEW CONDUIT, PIPING, ETC. REFER ALSO TO MECHANICAL AND ELECTRICAL DRAWINGS. PATCH AND REPAIR SLABS TO MATCH EXISTING.
11. NO SMOKING IS ALLOWED INSIDE THE EXISTING BUILDING, INCLUDING THE CONSTRUCTION SITE IN ITS ENTIRETY, UNLESS SEPARATELY PERMITTED BY THE OWNER AT DESIGNATED SMOKING AREAS.
12. INDICATION(S) FOR RATED WALL CONSTRUCTION AS SHOWN ON REFLECTED CEILING PLAN(S) TAKE PRECEDENCE OVER WALL CONSTRUCTION TYPE NOTED ON FLOOR PLAN DRAWINGS, IN CASE OF CONFLICT BETWEEN THE TWO.
13. VERIFY THE DIMENSIONS, LOCATIONS, ELEVATIONS AND ARRANGEMENT OF ALL ITEMS ASSOCIATED WITH INSTALLATION OF EQUIPMENT AND RELATED MECHANICAL AND ELECTRICAL WORK.
14. REFER TO A3.1 FOR ALL TOILET ROOM FIXTURE LAYOUT AND DIMENSIONS, TYPICAL.
15. INSTALL WHITE VINYL EQUAL TO 3M FASARA GLASS FILM OPAQUE WHITE SH2MAOW (INSTALL PER MANUFACTURER WRITTEN INSTRUCTIONS) ON STOREFRONT GLAZING THAT IS COVERED WITH INTERIOR WALLS, TYPICAL.
16. LOCK AND SEAL ALL EXISTING EXTERIOR DOORS THAT ARE BEING COVERED BY NEW WALL PARTITIONS, TYPICAL.
17. CONTRACTOR TO PROVIDE BLOCKING FOR CASEWORK AND EQUIPMENT. INSTALL PER MANUFACTURER STANDARDS. ALL WOOD BLOCKING SHALL BE FIRE RETARDANT TREATED - TYPICAL.
18. CONTRACTOR TO FIELD VERIFY AND MAINTAIN EXISTING FIRE RATINGS.
19. BUILDING MONADE BY OWNER, REFER TO ELECTRICAL FOR ADDITIONAL INFORMATION.

FLOOR PLAN LEGEND

- EXISTING CONSTRUCTION TO REMAIN
- NEW PARTITION CONSTRUCTION
- EXISTING 1 HR RATED FIRE PARTITION
- X-000 — DOOR TAG - REFER TO A2.1 FOR DOOR TYPE — DOOR NUMBER — DOOR TYPE
- EG — END GUARD REFER TO SPECIFICATIONS
- XX — WINDOW TAG - REFER TO SHEET A2.1 FOR ELEVATIONS
- ROOM NAME 101 — NEW ROOM NAME AND NUMBER
- XXX — PARTITION TYPE INDICATOR - REFER TO PARTITION TYPE LEGEND
- TYPICAL EXAM ROOM LAYOUT. ALL EXAM ROOMS TO BE SIMILAR OR OPPOSITE HAND. REFER TO EXAM 2 ROOM 105 FOR TYPICAL FLOOR PLAN NOTES AND REFERENCES.
- REFER TO OWNER PROVIDED RADIATION SHIELDING REPORT FOR WALL REQUIREMENTS AND X-RAY DRAWINGS FOR EQUIPMENT LAYOUT AT X-RAY.

PLAN NOTES

1. NEW WALLS TO BE WALL TYPE A1, UNLESS NOTED OTHERWISE.
2. MAINTAIN MINIMUM CLEARANCE REQUIRED BY CODE AT ALL ELECTRICAL PANELS, TYP.
3. INSTALL CORNER GUARDS AT ALL OUTSIDE CORNERS UNLESS NOTED OTHERWISE.

PARTITION TYPE LEGEND

SSOE

CONSULTANTS:

SEAL ON THIS DOCUMENT AUTHORIZED BY:

PROJECT INFORMATION:

AMERICAN FAMILY CARE
409401 RIDGE PIKE
CONSHOHOCKEN, PA
19428

CLIENT INFORMATION

AMERICAN FAMILY CARE
3700 CAHABA BEACH RD
BIRMINGHAM, AL
35242

CLIENT PROJECT NO:

NO	DATE	SUBJECT
REVISION OR ISSUE		
1	01-21-20	ISSUE FOR PERMITS
0	11-21-19	SCHEMATIC DESIGN

SSOE, Inc.
330 Seven Springs Way, Suite 350
Brentwood, TN 37027-5116
T. (615) 661-1580

PROJECT NO:	020-00098-00
PROJECT MANAGER:	M. ALPERS
DESIGNED:	V. WOODS
CHECKED:	D. HUFF

DRAWING TITLE: FLOOR PLAN

DRAWING NO: A1.1

©Architectural\Revit\020000098_AMFP IN_Jobs\7179A.rvt
DATE: 11/5/2020 8:22:06 AM

Exhibit "C"

Elevations

WHITEMARSH CENTER EXPANSION

BUTLER PIKE & RIDGE PIKE
CONSHOHOCKEN, PA 19428
9423 5/8/18

BRIXMOR

BRIXMOR PROPERTY GROUP - NEW YORK

ONE FAYETTE STREET
CONSHOHOCKEN, PENNSYLVANIA 19428

Ignarri Lummis
ARCHITECTS

601 Chapel Avenue East • Cherry Hill, New Jersey 08034
P 856.428.8877 F 856.429.6379 ignarrilummis.com

WHITEMARSH CENTER EXPANSION

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Exhibit "D"

Representative Photos

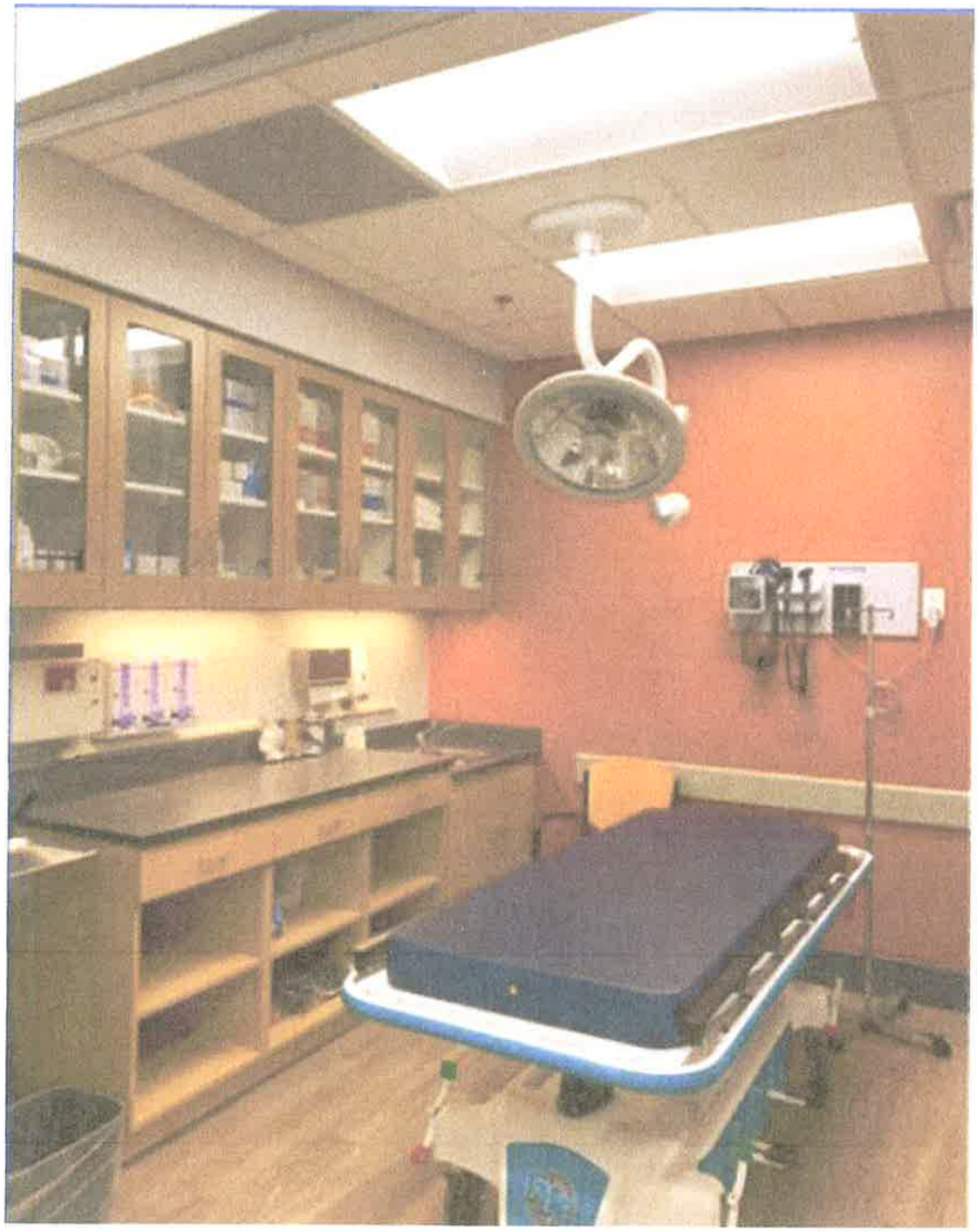
Exhibit "D"

Representative AFC Urgent Care Photos

Sample AFC Signage

Sample AFC Waiting Room

Sample AFC Signage



Sample AFC Examination Room

Sample AFC Examination Room

SITE LOCATION MAP (1" = 800')

TRUCK DELIVERY NOTES:

1. THESE TRUCK AND DELIVERY LIMITATIONS SHALL SUPERSEDE THOSE AS NOTED ON THE 1995 LAND DEVELOPMENT PLAN AND ANY OTHER PREVIOUSLY RECORDED PLANS.
2. ACCESS TO THE REAR AREA OF THE EASTERN END OF THE SHOPPING CENTER IS LIMITED TO SINGLE UNIT TRUCKS UP TO A MAXIMUM LENGTH OF THIRTY FEET.
3. ALL DELIVERIES SHALL BE PROHIBITED BEFORE 7:00 AM AND AFTER 6:00 PM.

GENERAL SITE NOTES:

1. THE CONTRACTOR SHALL FURNISH, INSTALL, TEST AND COMPLETE ALL WORK TO THE SATISFACTION OF THE ENGINEER AND OWNER IN ACCORDANCE WITH THE CONTRACT DOCUMENTS. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR MEANS AND METHODS OF CONSTRUCTION; AS SUCH, THESE PLANS DO NOT COMPLETELY REPRESENT, NOR ARE THEY INTENDED TO REPRESENT, ALL SPECIFIC INSTRUCTIONS REQUIRED FOR SITEWORK CONSTRUCTION. THE CONTRACTOR IS RESPONSIBLE TO CONSTRUCT ALL IMPROVEMENTS DEPICTED ON THESE PLANS IN ACCORDANCE WITH ALL APPLICABLE RULES, REGULATIONS AND LAWS IN EFFECT AT THE TIME OF CONSTRUCTION.
2. THE CONTRACTOR SHALL ACCEPT THE SITE AS IS. THE CONTRACTOR SHALL ASSESS CONDITIONS, AND THE KIND, QUALITY AND QUANTITY OF WORK REQUIRED. THE OWNER AND ENGINEER MAKE NO GUARANTEE IN REGARD TO THE ACCURACY OF ANY INFORMATION THAT WAS OBTAINED DURING INVESTIGATIONS. THE CONTRACTOR SHALL MAKE A THOROUGH SITE INSPECTION IN ORDER TO FIELD CHECK EXISTING SITE CONDITIONS, CORRELATE CONDITIONS WITH THE DRAWINGS, AND RESOLVE ANY POSSIBLE CONSTRUCTION CONFLICTS WITH THE OWNER AND ENGINEER PRIOR TO COMMENCEMENT OF WORK. THE CONTRACTOR SHALL PERFORM ADDITIONAL TOPOGRAPHIC SURVEYS HE/SHE DEEMS NECESSARY, PROVIDED THEY ARE COORDINATED WITH THE OWNER. ANY CONDITIONS DETERMINED BY THE CONTRACTOR THAT DIFFER FROM THE INFORMATION SHOWN ON THE DRAWINGS THAT ARE NOT BROUGHT TO THE ATTENTION OF THE OWNER AND ENGINEER PRIOR TO THE START OF WORK SHALL NOT BE CONSIDERED GROUNDS FOR ADDITIONAL PAYMENT OR CHANGES TO THE CONTRACT DURATION, OR ANY OTHER CLAIMS AGAINST THE OWNER OR OWNER'S ENGINEER.
3. THE CONTRACTOR SHALL, WHEN HE/SHE DEEMS NECESSARY, PROVIDE A WRITTEN REQUEST FOR INFORMATION (RFI) TO THE OWNER AND/OR OWNER'S DESIGNATED REPRESENTATIVE, AND ENGINEER PRIOR TO THE CONSTRUCTION OF ANY SPECIFIC SITEWORK ITEM. THE (RFI) SHALL BE IN A FORM ACCEPTABLE TO OWNER AND/OR OWNER'S DESIGNATED REPRESENTATIVE, AND ENGINEER AND SHALL ALLOW FOR A MINIMUM OF THREE WORK DAYS FOR A WRITTEN REPLY. RFIS SHALL BE NUMBERED CONSECUTIVELY BY DATE SUBMITTED. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR SITEWORK ITEMS CONSTRUCTED DIFFERENTLY THAN INTENDED OR AS DEPICTED ON THE PLANS.
4. INFORMATION RELATED TO ELEVATIONS AND PROPOSED UTILITIES (SUCH AS ROADWAY GRADES, INVERT ELEVATIONS, RIM ELEVATIONS, GRATE ELEVATIONS, BUILDING FINISHED FLOOR ELEVATIONS, ETC.) MAY BE FOUND IN MORE THAN ONE LOCATION IN THE CONTRACT DOCUMENTS. THE CONTRACTOR SHALL SUFFICIENTLY REVIEW ALL PLANS, PROFILES AND ANY OTHER INFORMATION IN THE CONTRACT DOCUMENTS FOR CONSISTENCY PRIOR TO BID. ANY INCONSISTENCIES OR DISCREPANCIES THAT ARE FOUND BY THE CONTRACTOR OR HIS ASSIGNS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE OWNER AND ENGINEER IN WRITING, IN THE FORMAT OF AN RFI PRIOR TO BID.
5. THERE ARE ADDITIONAL NOTES, SPECIFICATIONS AND REQUIREMENTS CONTAINED THROUGHOUT THE PLAN SET AS WELL AS REFERENCES TO SPECIFICATIONS FROM APPLICABLE GOVERNING AUTHORITIES AND INDUSTRY STANDARDS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN, REVIEW AND ADHERE TO ALL THESE DOCUMENTS.
6. CONTRACTOR IS SPECIFICALLY CAUTIONED THAT ALL CONSTRUCTION STAKEOUT FOR THIS PROJECT MUST BE COMPLETED FROM THE SITE SPECIFIC SURVEY CONTROL (HORIZONTAL AND VERTICAL) UPON WHICH THE DESIGN IS BASED. THE CONTRACTOR SHOULD NOT RELY ON OR RE-ESTABLISH SURVEY CONTROL BY GPS OR OTHER METHODS FOR USE IN CONSTRUCTION STAKEOUT OR ANY OTHER PURPOSE FOR THIS PROJECT. ANY DISCREPANCIES BETWEEN THE EXISTING HORIZONTAL OR VERTICAL DATA SHOWN ON THESE DRAWINGS AND THAT ENCOUNTERED IN THE FIELD MUST BE REPORTED TO THE DESIGN TEAM PRIOR TO CONSTRUCTION FOR RESOLUTION.

SITE CONSTRUCTION NOTES:

1. APPLICANT/OWNER:

   GLENMONT ASSOCIATES, LP
   C/O BRIXMOR PROPERTY GROUP, INC.
   ONE FAYETTE STREET, SUITE 150
   CONSHOHOCKEN, PA 19428
   PHONE: (610) 825-7100 FAX: (610) 834-8110

2. SITE IDENTIFICATION

   BLOCK NO.1, LOT 17
   BUTLER PIKE & RIDGE PIKE
   WHITEMARSH TOWNSHIP
   MONTGOMERY COUNTY, PA 19428

3. ALL DRAWINGS IN THIS PLAN SET ARE MADE PART OF THIS RECORD PLAN AND ALL INFORMATION SHOWN HEREON SHALL BE CONSIDERED APPLICABLE FOR THE COMPLETION OF THIS PROJECT. INDIVIDUAL PLANS SHALL NOT BE USED SINCE THEY CONSTITUTE ONLY A PART OF THE COMPLETE SET OF PLANS FOR THIS PROJECT.
4. THIS APPLICATION PROPOSES THE CONSTRUCTION OF A STAND-ALONE MULTI-TENANT BUILDING, ALONG WITH THE SUPPORTING INFRASTRUCTURE INCLUDING PARKING, DRIVE AISLES, LIGHTING, LANDSCAPING AND UTILITIES, INCLUDING BUT NOT LIMITED TO WATER, SANITARY SEWER, TELEPHONE, ELECTRIC, GAS AND STORM DRAINAGE FACILITIES.
5. THIS SITE PLAN IS BASED UPON EXISTING PHYSICAL CONDITIONS FOUND AT THE SUBJECT SITE, AND THE FOLLOWING REFERENCE PLANS:
   A. A PLAN ENTITLED "BOUNDARY AND TOPOGRAPHIC SURVEY", DRAWING NUMBER VT-101, AS PREPARED BY LANGAN ENGINEERING AND ENVIRONMENTAL SERVICES, INC., DATED 3/29/19.
   B. A PLAN ENTITLED "LAND DEVELOPMENT PLAN", DRAWING 01, AS PREPARED BY BENCHMARK CIVIL ENGINEERING SERVICES, INC., DATED 1/19/95 AND LAST REVISED 8/14/95.
6. REFER TO ARCHITECTURAL PLAN SETS FOR ALL BUILDING INFORMATION, INCLUDING ELEVATIONS, FLOOR PLANS, SIGNAGE INFORMATION, AND TENANT-SPECIFIC DETAILS, DIRECTIONAL SIGNAGE, ETC.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CONSTRUCTION PERMITS INCLUDING, BUT NOT LIMITED TO, SIDEWALK/STREET CLOSING AND DEMOLITION.
8. ALL TOWNSHIP, COUNTY AND STATE OCCUPANCY PERMITS SHALL BE OBTAINED FOR CONSTRUCTION AND IMPROVEMENTS WITHIN TOWNSHIP, COUNTY AND STATE ROADS.
9. THE CONTRACTOR SHALL REVIEW AND COMPLY WITH ALL APPLICABLE PROVISIONS, STANDARDS AND SPECIFICATIONS. CONSTRUCTION REQUIREMENTS AND MATERIAL SPECIFICATIONS SHALL BE IN ACCORDANCE WITH THE LATEST STANDARDS AND DETAILS OF WHITEMARSH TOWNSHIP, MONTGOMERY COUNTY, PADEP, PennDOT, AND OSHA WHERE APPLICABLE.
10. ALL DIMENSIONS SHOWN ON THE PLANS SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IN WRITING IF ANY DISCREPANCIES EXIST PRIOR TO PROCEEDING WITH CONSTRUCTION.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, INCLUDING BUT NOT LIMITED TO STRUCTURES, UTILITIES, STORM DRAINAGE, SIGNS, TRAFFIC SIGNALS, POLES, ETC. AS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITIES SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COSTS SHALL BE INCLUDED IN BASE BID.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING THE DAMAGE DONE TO ANY EXISTING ITEM DURING CONSTRUCTION, INCLUDING BUT NOT LIMITED TO STRUCTURES, UTILITIES, STORM DRAINAGE, PAVEMENT, STRIPING, CURB, ETC. REPAIRS SHALL BE EQUAL TO OR BETTER THAN EXISTING CONDITIONS. THE CONTRACTOR IS RESPONSIBLE TO DOCUMENT ALL EXISTING DAMAGE AND NOTIFY THE CONSTRUCTION MANAGER PRIOR TO CONSTRUCTION START.
13. THE CONTRACTOR SHALL FOLLOW ALL LOCAL, STATE AND FEDERAL REGULATIONS IN DISPOSING OF DEMOLISHED MATERIALS REMOVED FROM THE SITE.
14. THE CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF CANOPIES, EXIT DOORS, RAMPS, TRUCK DOCKS, PRECISE BUILDING DIMENSIONS, CONCRETE PADS AND EXACT BUILDING UTILITY ENTRANCE LOCATIONS.
15. ALL DISTURBED AREAS ARE TO RECEIVE SIX INCHES OF TOPSOIL, SEED, MULCH AND WATER UNTIL A HEALTHY STAND OF GRASS IS ESTABLISHED.
16. ALL PAVEMENT MARKINGS SHALL CONFORM TO THE "MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES" (LATEST EDITION) FROM THE U.S. DEPARTMENT OF TRANSPORTATION.
17. ALL DIMENSIONS AND RADII ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
18. AS PER THE "NATIONAL FLOOD INSURANCE PROGRAM FIRM MAP TITLED MONTGOMERY COUNTY PENNSYLVANIA (ALL JURISDICTIONS), PANEL 358 OF 451, MAP NUMBER 42091C0358G, EFFECTIVE DATE MARCH 2, 2016" THE SUBJECT PROPERTY LIES WITHIN ZONE X (UNSHADED), AN AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
19. THE PERMANENT REMOVAL OF TOPSOIL FROM LAND WITHIN THE TOWNSHIP IS PROHIBITED.
20. ALL LANDSCAPING AND SCREENING MUST BE APPROVED BY THE SHADE TREE COMMISSION PRIOR TO PRELIMINARY PLAN APPROVAL.
21. ALL UTILITIES SHALL BE LOCATED UNDERGROUND AND ALL WASTE STORAGE AND DISPOSAL FACILITIES SHALL BE SCREENED.
22. A PRE-CONSTRUCTION CONFERENCE WITH THE TOWNSHIP SHADE TREE COMMISSION MUST TAKE PLACE PRIOR TO THE START OF CONSTRUCTION.
23. ALL ADA RAMPS RAMPS MUST COMPLY WITH PENNDOT PUBLICATION 72M.
24. FOR AN ARTERIAL ROADWAY WITH A POSTED SPEED LIMIT OF 35 MPH, SECTION 105-37 REQUIRES THAT A MINIMUM STOPPING SIGHT DISTANCE OF 350 FEET BE PROVIDED IN EACH DIRECTION, AND THAT THE SIGHT DISTANCE MEASUREMENT SHALL BE MADE FROM A POINT 3.75 FEET ABOVE THE CENTER LINE OF THE ROAD SURFACE TO A POINT 0.5 FEET ABOVE THE CENTER LINE OF ROAD SURFACE. PA CODE TITLE 67, CHAPTER 441 REQUIRES A MINIMUM SIGHT DISTANCE OF 440 FEET TO THE LEFT AND 350 FEET TO THE RIGHT FOR BUTLER PIKE, AND OF 300 FEET TO THE LEFT AND 350 FEET TO THE RIGHT FOR RIDGE PIKE. COMPLIANCE WITH THE MINIMUM SIGHT DISTANCE REQUIREMENTS HAS BEEN CONFIRMED FOR THE EXISTING SITE ACCESS DRIVEWAY ON BUTLER PIKE AND THE TWO EXISTING SITE ACCESS DRIVEWAYS ON RIDGE PIKE.

OVERALL SITE SUMMARY

EXISTING SUMMARY	
TOTAL EXISTING BUILDING GFA:	68,621 SF
TOTAL EXISTING PARKING:	368 SPACES
EXISTING PARKING RATIO:	5.36 SP./1,000 SF
PROPOSED SUMMARY	
PROPOSED RETAIL BUILDING GFA:	8,973 SF
TOTAL PROPOSED BUILDING GFA:	77,594 SF
TOTAL PROPOSED PARKING:	345 SPACES
PROPOSED PARKING RATIO:	4.47 SP./1,000 SF

EXISTING PARKING STALL SUMMARY

DIMENSIONS	ORIENTATION	QUANTITY
11' X 13'	ANGLED (45°)	35 SPACES
9' X 18'	ANGLED (45°)	15 SPACES
9' X 19'	ANGLED (45°)	2 SPACES
9' X 20'	ANGLED (45°)	41 SPACES
9' X 21'	ANGLED (45°)	13 SPACES
10' X 19'	ANGLED (45°)	21 SPACES
10' X 18'	ANGLED (60°)	29 SPACES
10' X 20'	ANGLED (45°)	32 SPACES
10' X 20'	ANGLED (60°)	56 SPACES
9' X 18'	PERPENDICULAR	13 SPACES
10' X 18'	PERPENDICULAR	12 SPACES
10' X 19'	PERPENDICULAR	17 SPACES
10' X 20'	PERPENDICULAR	82 SPACES
	EXISTING PARKING TOTAL:	368 SPACES

PROPOSED PARKING STALL SUMMARY

DIMENSIONS	ORIENTATION	QUANTITY
9' x 18'	PERPENDICULAR	126 SPACES
10' x 18'	PERPENDICULAR	102 SPACES
10' x 19'	PERPENDICULAR	17 SPACES
10' x 20'	PERPENDICULAR	74 SPACES
8' x 22'	PARALLEL	8 SPACES
10' x 22'	PARALLEL	8 SPACES
10' x 19'	ANGLED (60°)	8 SPACES
	PROPOSED PARKING TOTAL:	345 SPACES

WHITEMARSH SHOPPING CENTER
WHITEMARSH TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA
LAND USE AND DEVELOPMENT REGULATIONS

ZONING SUMMARY - BLOCK 1, UNIT 1 - PARCEL 65-00-09997-00-9
ZONING DISTRICT DESIGNATION: COMMERCIAL RETAIL – HIGH (CR-H)

APPLICABLE REGULATIONS	PERMITTED/REQUIRED	EXISTING	PROPOSED
SCHEDULE OF USE REGULATIONS			
PERMITTED USES	RETAIL STORES, PERSONAL SERVICE SHOPS, BANKS, OFFICES	SUPERMARKET, RETAIL, RESTAURANT, THERAPY, DRY CLEANER, SALON	RETAIL
AREA AND BULK REGULATIONS			
MINIMUM LOT AREA	N/A	348,440 SF (8.00 AC)	348,440 SF (8.00 AC)
MINIMUM FRONT YARD	50 FEET	108.5 FEET	103.8 FEET
MINIMUM SIDE YARD (FROM NON-RESIDENTIAL)	20 FEET EACH	N/A	N/A
MINIMUM SIDE YARD (FROM RESIDENTIAL)	100 FEET	260.0 FEET	100.5 FEET
MINIMUM REAR YARD (FROM NON-RESIDENTIAL)	50 FEET	N/A	N/A
MINIMUM REAR YARD (FROM RESIDENTIAL)	100 FEET	26.5 FEET	26.5 FEET (1)
MINIMUM FRONT YARD PARKING SETBACK	50 FEET	0 FEET	0 FEET (1)
MINIMUM PARKING SETBACK (FROM RESIDENTIAL)	50 FEET	10.6 FEET	10.6 FEET (1)
MAXIMUM BUILDING COVERAGE	40%	19.8%	22.2%
MAXIMUM IMPERVIOUS COVERAGE	65%	80.7%	79.6% (1)
MINIMUM GREEN SPACE AREA	35%	19.3%	20.4% (1)
MAXIMUM BUILDING HEIGHT	35 FEET	20 FEET MAX.	29 FEET MAX.
PARKING & LOADING REGULATIONS			
MINIMUM PARKING STALL DIMENSIONS (90° STALLS)	9 FEET × 19 FEET	8 FEET × 18 FEET	9 FEET × 18 FEET
MINIMUM PARKING DRIVE AISLE WIDTH (90° STALLS)	24 FEET	23+ FEET	24 FEET
MINIMUM PARKING STALL DIMENSIONS (45° STALLS)	9 FEET × 18.00 FEET	9 FEET × 18.1 FEET	N/A
MINIMUM PARKING ONE-WAY DRIVE AISLE WIDTH (45° STALLS)	13 FEET	10.8 FEET	N/A
MINIMUM PARKING TWO-WAY DRIVE AISLE WIDTH (45° STALLS)	18 FEET	22 FEET	N/A
MINIMUM PARKING STALL DIMENSIONS (PARALLEL STALLS)	8 FEET × 22 FEET	N/A	8 FEET × 22 FEET
MINIMUM PARKING TWO-WAY DRIVE AISLE WIDTH (PARALLEL)	18 FEET	N/A	24 FEET
MINIMUM PARKING SETBACK FROM ANY STRUCTURE	10 FEET	0 FEET	0 FEET (2)
MINIMUM REQUIRED OFF-STREET PARKING SPACES: GREATER OF CR-H & §118-184 REQUIREMENTS (REFER TO PARKING TABLE)	1,749 SPACES	368 SPACES	345 SPACES (2)
MINIMUM NUMBER OF ADA ACCESSIBLE PARKING SPACES	8 SPACES	10 SPACES	11 SPACES
MINIMUM NUMBER OF ADA VAN ACCESSIBLE PARKING SPACES	2 SPACES	2 SPACES	11 SPACES

NOTES:
1. EXISTING LEGAL NON-CONFORMITY TO REMAIN.
2. THE FOLLOWING VARIANCES WERE PREVIOUSLY GRANTED BY THE ZONING HEARING BOARD OF WHITEMARSH TOWNSHIP AT THE 2/6/19 PUBLIC HEARING, AS OUTLINED IN ZONING HEARING BOARD DECISION NO. 2018-29 DATED 3/12/19:
   A. A VARIANCE FROM §118-24.D(3) TO PERMIT THE EXISTING 46% OF THE REAR YARD AREA TO BE DEVOTED TO ACCESSORY USES (90° PARKING IN PLACE OF ANGLED PARKING), RATHER THAN THE 30% ALLOWED.
   B. VARIANCES FROM §118-93.E AND §118-24.E(3)(a) TO PERMIT MODIFICATIONS TO PARKING IN THE FRONT YARD ADJACENT TO BUTLER PIKE.
   C. A VARIANCE FROM §118-184.E TO PERMIT PARKING AREAS AND DOUBLE ROWS OF PARKING TO BE SEPARATED FROM EACH OTHER BY PLANTING STRIPS LESS THAN 10 FEET IN WIDTH.
   D. A VARIANCE FROM §118-184.F TO PERMIT SEVERAL NEW PARKING SPACES LOCATED LESS THAN THE REQUIRED 10 FEET FROM THE PROPOSED BUILDING.
   E. A VARIANCE FROM §118-184 TO PERMIT 340 PARKING SPACES RATHER THAN THE 1,717 SPACES REQUIRED.

RECORDING INFORMATION

A. OWNER OF RECORD

WE, GLENMONT ASSOCIATES, LP, BY GLENMONT LLC, ITS GENERAL PARTNER, ACKNOWLEDGE THAT WE ARE THE OWNER OF THIS PARCEL, TAX PARCEL 65-00-09997-00-9, AND ARE IN FULL AGREEMENT WITH THIS LAND DEVELOPMENT PLAN SITUATE IN THE TOWNSHIP OF WHITEMARSH, COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA, AND THAT IT IS OUR DESIRE WITH OUR FULL CONSENT THAT THIS PLAN BE RECORDED ACCORDING TO LAW.

[signature] 1/17/20

GLENMONT ASSOCIATES LP, BY GLENMONT LLC, ITS GENERAL PARTNER — DATE
BY DAVID VENDER, EXECUTIVE VICE PRESIDENT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF MONTGOMERY

ON THIS, THE 17 DAY OF January, 2020, BEFORE ME, A PUBLIC NOTARY, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED DAVID VENDER, WHO ACKNOWLEDGED THEMSELVES TO BE EXECUTIVE VICE PRESIDENT OF GLENMONT LLC, GENERAL PARTNER OF GLENMONT ASSOCIATES, LP, AND THAT THEY, AS SUCH OFFICER, BEING AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED BY SIGNING THEIR NAME THEREON AS SUCH.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

[signature] 4/15/21

NOTARY PUBLIC — MY COMMISSION EXPIRES

(SEAL)

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
SHARON L BAUMEISTER
Notary Public
CONSHOHOCKEN BORO, MONTGOMERY COUNTY
My Commission Expires Apr 15, 2021

B. ENGINEER'S ACKNOWLEDGEMENT

I HEREBY CERTIFY THAT I HAVE PREPARED THIS PLAN (OR PLAT) AND THAT ALL DIMENSIONS AND INFORMATION ARE CORRECT.

[signature] 1/15/20

BRIAN M. CONLON, P.E., SENIOR ASSOCIATE/VP, PA LICENSE NO. PE061782

C. TOWNSHIP ENGINEER'S APPROVAL

THIS LAND DEVELOPMENT PLAN WAS REVIEWED BY THE TOWNSHIP ENGINEER FOR THE TOWNSHIP OF WHITEMARSH THIS 21st DAY OF January, 2020.

[signature]

TOWNSHIP ENGINEER

D. BOARD OF SUPERVISORS APPROVAL

THIS LAND DEVELOPMENT PLAN WAS APPROVED BY RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF WHITEMARSH THIS 12 DAY OF September 2019 2020.

[signature]

CHAIRMAN

[signature]

SECRETARY

E. MONTGOMERY COUNTY PLANNING COMMISSION CERTIFICATION

MCPC No: ~~18-0120-002~~ 16-0120-003

PROCESSED and REVIEWED. Report prepared by Montgomery County Planning Commission in accordance with the Municipalities Planning Code.

Certified on this date 2/6/20

[signature]

For the Director

Montgomery County Planning Commission

WAIVERS GRANTED

THE FOLLOWING WAIVERS FROM STRICT COMPLIANCE WITH THE REQUIREMENTS OF THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AND OTHER APPLICABLE ORDINANCES AT THE SECTIONS LISTED BELOW WERE GRANTED BY THE WHITEMARSH TOWNSHIP BOARD OF SUPERVISORS ON SEPTEMBER 12, 2019 BY RESOLUTION #2019-15, LISTED AT SECTION 13 OF SAID RESOLUTION.

a. §105-30.A – FROM THE REQUIREMENT TO PROVIDE SIDEWALKS AND STREET TREES ALONG RIDGE PIKE, SUBJECT TO THE FOLLOWING CONDITIONS:
   (1) THE APPLICANT SHALL AMEND THE PLANTO ADD A NOTE CONFIRMING THE EXISTING RIGHT-OF-WAY OF RIDGE PIKE;
   (2) THE APPLICANT SHALL DEDICATE TO MONTGOMERY COUNTY, AT NO COST TO THE COUNTY, THE RIGHT-OF-WAY REQUIRED TO CONSTRUCT A NEW MSE RETAINING WALL ALONG RIDGE PIKE FROM THE INTERSECTION WITH BUTLER PIKE TO THE EXISTING END OF THE WALL NEAR THE MID-BLOCK ENTRANCE TO THE WHITEMARSH SHOPPING CENTER TO CREATE SPACE FOR THE COUNTY TO CONSTRUCT A SIDEWALK ALONG THE FULL RIDGE PIKE FRONTAGE OF THE PROPERTY;
   (3) THE APPLICANT SHALL DEDICATE TO MONTGOMERY COUNTY, AT NO COST TO THE COUNTY, THE RIGHT-OF-WAY REQUIRED TO CONSTRUCT A NEW SIDEWALK, AS REFERENCE IN CONDITION 13.a(2) ABOVE;
   (4) THE APPLICANT SHALL ENTER INTO A WRITTEN AGREEMENT WITH MONTGOMERY COUNTY SPECIFYING THE LOCATION OF THE RETAINING WALL, PROVIDING FOR THE REVIEW AND APPROVAL OF THE PLANS FOR THE RETAINING WALL BY THE APPLICANT, PROVIDING FOR THE INSPECTION OF THE CONSTRUCTION OF THE RETAINING WALL BY THE APPLICANT, PROVIDING FOR MAINTENANCE OBLIGATIONS OF THE COUNTY, AND PROVIDING FOR THE APPLICANT'S RIGHT TO INSPECT AND REPAIR THE RETAINING WALL IF THE COUNTY FAILS TO DO SO;
   (5) THE APPLICANT SHALL ENTER INTO A WRITTEN AGREEMENT WITH MONTGOMERY COUNTY IN WHICH THE APPLICANT WILL GRANT ALL REQUIRED TEMPORARY CONSTRUCTION EASEMENTS TO THE COUNTY FOR THE CONSTRUCTION OF THE RETAINING WALL AND SIDEWALKS AT NO COST TO THE COUNTY.
b. §105-30.A – FROM THE REQUIREMENT TO PROVIDE SIDEWALKS AND STREET TREES ALONG BUTLER PIKE.
c. §105-21.B(1)(n) – A PARTIAL WAIVER FROM THE REQUIREMENT TO SHOW DRAINAGE, UTILITY, AND OTHER MAN-MADE FEATURES WITHIN 500 FEET OF THE SITE, TO ALLOW THE APPLICANT TO SUBMIT AN AERIAL PLAN OF THE SURROUNDING AREA.
d. §105-21.B(13) – FROM THE REQUIREMENT TO PROVIDE AN EXISTING RESOURCES AND SITE ANALYSIS PLAN (ERSAP).
e. §105-21.B(15) – FROM THE REQUIREMENT TO PROVIDE A PRELIMINARY RESOURCE IMPACT AND CONSERVATION PLAN.
f. §105-21.B(17)(a) – FROM THE REQUIREMENT TO PROVIDE A SEWER AND WATER FEASIBILITY REPORT.
g. §105-38.C & 105-50.C(2) – FROM THE REQUIREMENT THAT DRIVES NECESSARY FOR ACCESS FOR FIRE PROTECTION EQUIPMENT SHALL HAVE A MINIMUM INSIDE RADIUS OF 25 FEET AND OUTSIDE RADIUS OF 50 FEET.
h. §105-38.H – FROM THE REQUIREMENT THAT PARKING AREAS BE SET BACK FROM THE RIGHT-OF-WAY LINE AT LEAST 15 FEET.
i. §105-38.I – FROM THE REQUIREMENT TO PROVIDE LANDSCAPED ISLANDS BETWEEN ROWS OF 15 CONTINUOUS PARKING SPACES.
j. §105-38.J – FROM THE REQUIREMENT THAT PARKING AREAS NOT EXCEED 30 CARS IN CAPACITY, AND THAT SEPARATE AREAS BE PHYSICALLY SEPARATED BY A TEN-FOOT-WIDE PLANTING STRIP.
k. §105-38.K – FROM THE REQUIREMENT THAT PARKING AREAS WITH LESS THAN 30 SPACES NOT HAVE GRADES THAT EXCEED 5% AND THAT PARKING AREAS WITH MORE THAN 30 SPACES NOT HAVE GRADES THAT EXCEED 3%, TO ALLOW THE EXISTING NONCONFORMING SLOPE OF UP TO 7.5% TO REMAIN, AND TO ALLOW SLOPES NOT TO EXCEED 5% IN AREAS OF PAVEMENT RECONSTRUCTION.
l. §105-38.O – FROM THE REQUIREMENT THAT PARKING AREAS BE LOCATED AT LEAST 10 FEET FROM ANY BUILDING OR STRUCTURE TO ALLOW PARKING SPACES TO BE LOCATED AT LEAST 4 FEET FROM ANY BUILDING.
m. §105-38.Q – FROM THE REQUIREMENT FOR A MINIMUM 5-FOOT RADIUS OF CURVATURE FOR ALL CURBLINES.
n. §105-38.S – FROM THE REQUIREMENT TO PROVIDE RAISED PEDESTRIAN CROSSWALKS AT INTERVALS NOT EXCEEDING 200 FEET ALONG THE LENGTH OF EACH PARKING AREA.
o. §105-39.A – FROM THE REQUIREMENT THAT AT LEAST ONE 3-INCH CALIPER TREE BE PLANTED FOR EVERY TWO (2) PARKING SPACES.
p. §105-38.C – FROM THE REQUIREMENT TO PROVIDE AT LEAST 10% OF PARKING AREAS TO BE DEVOTED TO LANDSCAPING.
q. §105-45.A – FROM THE REQUIREMENT TO PROVIDE STREET TREES ALONG BUTLER PIKE AND RIDGE PIKE.
r. §105-52 – FROM THE REQUIREMENT FOR BUFFER YARDS.
s. §105-53.D – FROM THE REQUIREMENT FOR DEDICATION OF LAND TO THE TOWNSHIP SUITABLE FOR PARK AND RECREATION USE.
t. §105-69.C – FROM THE REQUIREMENT THAT IMPROVEMENTS BE MADE TO THE EXISTING STREET ABUTTING THE SITE.
u. §105-73 – FROM THE REQUIREMENT TO CONSTRUCT SIDEWALKS IN ACCORDANCE WITH SECTION 105-30 AND 105-47.
v. §105-12.D – FROM THE REQUIREMENT THAT A PRELIMINARY LAND DEVELOPMENT PLAN AND FINAL LAND DEVELOPMENT PLAN BE SUBMITTED AND APPROVED SEPARATELY.
w. RESOLUTION 2004-8 § I(C)(1)(b) – FROM THE REQUIREMENT TO PROVIDE DETAILED PLANS AND CALCULATIONS FOR PROPOSED RETAINING WALLS AT THIS TIME, TO ALLOW SUCH REQUIRED DRAWINGS TO BE SUBMITTED FOR REVIEW AND APPROVAL PRIOR TO CONSTRUCTION.

ZONING HEARING BOARD CONDITIONS OF APPROVAL

THE FOLLOWING ARE CONDITIONS OF APPROVAL AS GRANTED BY THE WHITEMARSH TOWNSHIP ZONING HEARING BOARD ON FEBRUARY 6, 2019 BY RESOLUTION #2018-29.

1. ALL USE AND DEVELOPMENT PERMITTED BY THIS DECISION SHALL SUBSTANTIALLY CONFORM TO THE EXHIBITS AND TESTIMONY PRESENTED BY THE APPLICANT, UNLESS INCONSISTENT WITH ANY SPECIFIC CONDITIONS IMPOSED BY THIS BOARD, IN WHICH CASE THESE SPECIFIC CONDITIONS SHALL TAKE PRECEDENCE.
2. THE APPLICANT SHALL APPLY FOR AND OBTAIN ALL PERMITS REQUIRED BY THE TOWNSHIP CODES IN A TIMELY MANNER.
3. THE APPLICANT SHALL COMPLY WITH ALL REQUIREMENTS OF THE TOWNSHIP RELATED TO LAND DEVELOPMENT APPROVALS. THE APPLICANT SHALL PROVIDE COPIES OF THE LAND DEVELOPMENT PLANS TO THE OBJECTORS, MCCARRICK, AS WELL AS NOTICE OF ANY PUBLIC MEETINGS WITH RESPECT TO SUCH PROCEEDINGS.
4. THE APPLICANT SHALL INSTALL AND MAINTAIN NEW 6' HIGH FENCING (TO THE EXTENT PERMITTED BY CODE) AND 6'-12' HIGH LANDSCAPING ALONG THE EASTERN BOUNDARY OF THE PROPERTY, AS SHOWN ON THE PLAN MARKED AS EXHIBIT A-18, TO THE SATISFACTION OF THE TOWNSHIP.
5. THE APPLICANT SHALL NOT PERMIT SEASONAL SALES WITH TENTS OR TRAILERS.
6. THE APPLICANT SHALL TAKE ALL COMMERCIALLY REASONABLE MEASURES, TO THE SATISFACTION OF THE TOWNSHIP, AND TO THE MAXIMUM EXTENT PERMITTED BY LAW, INCLUDING, BUT NOT LIMITED TO, ACTIONS IN COURT, SO AS TO ASSURE THAT TENANTS REQUIRE EMPLOYEES TO UTILIZE PARKING BEHIND THE BUILDINGS. ALL FUTURE LEASES SHALL ALSO REQUIRE SAME.
7. THE APPLICANT SHALL TAKE ALL COMMERCIALLY REASONABLE MEASURES, TO THE SATISFACTION OF TOWNSHIP, AND TO THE MAXIMUM EXTENT PERMITTED BY LAW, INCLUDING, BUT NOT LIMITED TO, ACTIONS IN COURT, SO AS TO ASSURE THAT TENANTS COMPLY WITH THE PEACE AND GOOD ORDER ORDINANCE AND NOISE ORDINANCES OF THE TOWNSHIP AS RELATED TO TRUCK DELIVERIES AND TRASH REMOVAL.
8. ANY RESTAURANT IN THE PROPOSED NEW BUILDING (WHICH WOULD REQUIRE A FUTURE SPECIAL EXCEPTION NOT GRANTED HEREBY) SHALL NOT EXCEED 3,500 SQUARE FEET.
9. THE APPLICANT SHALL POST SIGNS PROHIBITING CARS OR TRUCKS IDLING NEAR THE ADJACENT MCCARRICK PROPERTY, AND THE APPLICANT SHALL TAKE ALL COMMERCIALLY REASONABLE MEASURES TO ENFORCE THIS RESTRICTION.
10. THE APPLICANT SHALL TAKE ALL COMMERCIALLY REASONABLE MEASURES SO AS TO ASSURE THAT TRASH IS REGULARLY CLEARED FROM THE PROPERTY, AND THAT TRASH REMAINS IN THE TRASH CONTAINERS.
11. THE APPLICANT SHALL TAKE ALL COMMERCIALLY REASONABLE MEASURES SO AS TO ASSURE THE SHOPPING CART CORRALS DO NOT OCCUPY OR ENCROACH ON THE DESIGNATED PARKING SPACES.
12. TO THE SATISFACTION OF THE TOWNSHIP, THE APPLICANT SHALL INSTALL NEW LIGHTING IN THE PARKING LOT AND THE LIGHTING TO THE REAR OF THE SHOPPING CENTER SHALL NOT SPILL OVER ONTO THE RESIDENCES.
13. THE APPLICANT SHALL PROVIDE TO THE TOWNSHIP, THE POLICE, JOHN AND MARY ELLEN MCCARRICK AND ANDREW BORSTEIN, CONTACT INFORMATION FOR THE BRIXMOR POINT PERSON FOR CONCERNS AND COMPLAINTS.

SIGN LEGEND

①	②	③	④
STOP	RESERVED PARKING	NO PARKING EXCEPT WHILE CHARGING	ONLY

NOTES:
1. THE SYMBOLS REPRESENTING THE PROPOSED SIGNS (◊) ARE SHOWN GRAPHICALLY AND DO NOT REPRESENT EXACT LOCATIONS. THE LOCATIONS OF THE SIGNS SHALL BE PLACED AND COORDINATED WITH WHITEMARSH TOWNSHIP.
2. REFER TO DETAIL SHEET CS-501 FOR DETAILED INFORMATION OF EACH SIGN.
3. ALL SIGNS SHALL CONFORM TO THE "MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES" (LATEST EDITION) FROM THE U.S. DEPARTMENT OF TRANSPORTATION.
4. SIGN MATERIALS SHALL BE MADE OF REFLECTIVE SHEETING ON ALUMINUM BLANKS MOUNTED ON GALVANIZED STEEL POSTS, ALL CONFORMING TO PennDOT STANDARD SPECIFICATIONS.

PENNSYLVANIA ONE CALL SYSTEM, INC. 1-800-242-1776 STOP - CALL BEFORE YOU DIG

CALL BEFORE YOU DIG IN PA, TOLL FREE 1 - 800 - 242-1776
FOR FREE MARKOUTS TO LOCATE UNDERGROUND UTILITIES
" IT'S THE LAW "
SERIAL NO. 20190882944-000

LEGEND

▬ ▬ ▬	PROPERTY LINE
— — —	ADJACENT PROPERTY LINE
— — —	BUILDING SETBACK LINE
- - - -	PARKING SETBACK LINE
— — —	ZONING BOUNDARY LINE
▬▬▬	BUILDING LINE
//////	RETAINING WALL BY COUNTY
\\\\\\	SOUTH EAST RETAINING WALL BY BRIXMOR
XXXXXX	WEST RETAINING WALL (BUTLER) BY BRIXMOR
	CURB
	EDGE OF PAVEMENT
30	PARKING SUBTOTAL
⑩	PARKING COUNT
	TRAFFIC SIGN
◊3	TRAFFIC SIGN DESIGNATION
▲	DOORWAY
	CONCRETE
•	BOLLARD

Montgomery County
FEB 14 2020
Recorder of Deeds

Date	Description	No.
12/4/19	REVISED PER T&M REVIEW	6.
11/25/19	REVISED PER 11/11/19 T&M REVIEW LETTER	5.
11/6/19	REVISED PER COUNTY PLANNING COMMISSION COORDINATION	4.
9/27/19	REVISED FOR RESOLUTION COMPLIANCE	3.
8/22/19	REVISED FOR RESOLUTION COMPLIANCE	2.
8/14/19	REVISED FOR RESOLUTION COMPLIANCE	1.

REVISIONS

[signature] 1/15/20
BRIAN M. CONLON — DATE
PROFESSIONAL ENGINEER
PA Lic. No. PE061782

LANGAN
1818 Market Street, Suite 3300, Philadelphia, PA 19103
T: 215 845 8900 F: 215 845 8901 www.langan.com

Project

WHITEMARSH SHOPPING CENTER

WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY — PENNSYLVANIA

Drawing Title

SITE CONSTRUCTION PLAN

Project No. 220076701	Drawing No.
Date 29 MARCH 2019	CS-101
Scale 1"=40'	
Drawn By JOB / Checked By SRQ/BMC	
Submission Date	SHEET 6 OF 26

LANGAN

BEFORE THE ZONING HEARING BOARD OF WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

IN RE: BRIXMOR PROPERTY GROUP NO. 2018-29

DECISION

I. BACKGROUND

The Applicant, Brixmor Property Group, filed an application with the Zoning Hearing Board, regarding the property located at 10 E. Ridge Pike. Public hearings were conducted on December 5, 2018, January 9, 2019 and February 6, 2019.

The Applicant proposed to construct a new 8,973 square foot multi-tenant retail building and make modifications to the parking layout and traffic circulation within the Whitemarsh Shopping Center. The property is zoned CR-H Commercial Retail High District.

The Applicant requested the following relief:

1. A variance from Section 116-24.D(3), so as to permit the existing 49% of the rear yard area to be devoted to accessory uses (90° parking in place of angled parking), rather than the 30% allowed.

2. Variances from Section 116.93.E and 116.24.E(3)(a), so as to permit modifications to parking in the front yard adjacent to Butler Pike.

3. A variance from Section 116-184, so as to permit 340 parking spaces, rather than the 1,717 spaces required.

4. A variance from Section 116-184.E, so as to permit parking areas and double rows of parking to be separated from each other by planting strips less than 10 feet in width.

5. A variance from Section 116-184.F, so as to permit several new parking spaces located less than the required 10 feet from the proposed building.

The Zoning Hearing Board members participating in the hearings were Marc Weinstein, who served as Chair, Robert A. Bacine, James Behr, Stanley A. Casacio and William E. Kramer. The Applicants were represented by Marc Kaplin, Esquire. The following neighboring property owners entered appearances as parties in opposition to the application:

John and Mary Ellen McCarrick

The witnesses were duly sworn or affirmed and Notes of Testimony for the hearings were transcribed and are hereby made a part of this record. After the hearings and public discussion, the Board voted February 6, 2019 to grant the application, by a vote of 4 to 1, with Mr. Behr dissenting. The Board issues Findings of Fact and Conclusions of Law in support of the Decision and Order.

II. FINDINGS OF FACT

1. The Applicant is Brixmor Property Group, which owns and operates the Whitemarsh Shopping Center located at the corner of Ridge Pike and Butler Pike (10 E. Ridge Pike), Whitemarsh Township, Montgomery County, Pennsylvania.

2. The following Exhibits were marked and duly admitted into evidence:

TOWNSHIP EXHIBITS:

T-1A Proof of Publication
T-1B Meeting Notification
T-1C Posting of Notice
T-2 Zoning Map
T-3 Tax Map
T-4 Planning Commission Report dated November 28, 2018

APPLICANT'S EXHIBITS:

A-1 List of Existing Legal Non-Conformities
A-2 List of Variances Granted in 1994
A-3 List of Requested Variances
A-4 Brian M. Conlon, PE - CV
A-5 Aerial
A-6 Whitemarsh Township Zoning Hearing Board Decision of April 7, 1994
A-7 Charles L. Guttenplan, AICP April 18, 2018 Review Letter
A-8 Wendi Kapustin, AICP August 28, 2018 Correspondence
A-9 Charles L. Guttenplan, AICP September 24, 2018 Email Response
A-10 Aerial Overlay Photograph
A-11 Sketch Plan
A-12 Plan
A-13 Land Development Plan
A-14 Peace and Good Order Ordinance
A-15 Excerpt From Tenant Leases
A-16 Section 51-1 of the Whitemarsh Township Code
A-17 Parking Lot Buffering Exhibit
A-18 Modified Parking Lot Buffering Exhibit

OBJECTORS' EXHIBITS:

McCarrick-1 - Statement

3. The Applicant proposes to construct a new 8,973 square foot multi-tenant retail building and make modifications to the parking lot layout and traffic circulation within the Whitemarsh Shopping Center. (N.T. 12/05/18, pp. 14-20, 44, Exhibits A-11, A-12, A-13)

4. The Property is located in the Commercial Retail High District (CRH). (N.T. 12/05/18, p. 18, Exhibit T-2)

5. The Property measures approximately 8 acres. (N.T. 12/05/18, pp. 26-27, Exhibits A-11, A-13)

6. The Township Planning Commission unanimously recommended approval of the application. (Exhibit T-4)

7. The Applicant presented the testimony of Brian Conlon, PE, as an expert in civil engineering ("Engineer"). (N.T. 12/05/18, pp. 24-26, Exhibit A-4)

8. The Engineer prepared the plans showing the existing shopping center as well as the plans for the new building and redesigned parking lot. (N.T. 12/05/18, p. 25, Exhibits A-11, A-12, A-13)

9. The property has numerous zoning nonconformities, and has been the subject of previous Zoning Hearing Board relief, most notably, a 1994 Decision which permitted a total of 390 parking spaces for that expansion of the shopping center. (N.T. 12/05/18, pp. 28-40, Exhibits A-1, A-2, A-6, A-7, A-8, A-9)

10. The Applicant intends to improve the parking and circulation of the shopping center and add curbs, sidewalk, pedestrian accesses, landscaped islands in the parking lot, lighting and trash enclosures. (N.T. 12/05/18, pp. 45-49, 102)

11. The Applicant will install new landscaping and fencing along the rear of the shopping

center. (N.T. 12/05/18, p. 49, Exhibit A-18)

12. There will be a slight reduction in impervious coverage. (N.T. 12/05/18, p. 54)

13. The Applicant's Engineer presented testimony supporting a finding that the parking requirement of 1,717 parking spaces is not necessary for the proper functioning of the shopping center. (N.T. 12/05/18, pp. 66-93)

14. Brixmor has the authority with its tenants' leases to require tenants' employees to park to the rear of the building and to comply with the Township noise ordinances. (N.T. 12/05/18, pp. 70-74, N.T. 01/09/19, p. 12, Exhibit A-15)

15. The Applicant will no longer rent out space in the parking lot for seasonal sales. (N.T. 12/05/18, pp. 86-90)

16. The Land Development Plan from 1995 required posting of signage associated with the Panera Bread restaurant prohibiting trucks over 30 feet long. (N.T. 01/09/19, pp. 3-6, Exhibit A-13)

17. The Whitemarsh Township Peace and Good Order Ordinance restricts noise from truck loading and unloading operations between 6:00 P.M. and 7:00 A.M. (N.T. 01/09/19, pp. 7-10, Exhibit A-14)

18. Concerns were raised by the Board and the neighboring property owners that Brixmor has not been enforcing policies over the last 12 years which would control employee parking, truck traffic, loading and unloading operations and noise, in spite of recent complaints; however, most recently Brixmor has been diligent in responding to neighbor complaints. (N.T. 12/05/18, pp. 95-105, 122, 123; N.T. 01/09/19, pp. 6-19; N.T. 02/06/19, pp. 41-42, 91-94)

19. Brixmor affirmatively agreed to take on the responsibility for the tenants' failures to comply with the noise ordinances of the Township and the conditions imposed by any approval hereunder. (N.T. 01/09/19, pp. 15-17, 32)

20. The Applicant will install dense 6' -12' high landscaping, a 3' wall and solid 6' fencing

to buffer the neighboring properties to the side and rear of the shopping center. (N.T. 01/09/19, pp. 38-52; N.T. 02/06/19, pp 5-6, Exhibit A-18)

21. Any restaurant planned for the 8,973 square foot building would require a Special Exception not granted herein, but the Applicant agreed that no such restaurant would exceed 3,500 square feet. (N.T. 01/09/19, pp. 92, 131, 143-144, 164-167)

22. Objectors, John and MaryEllen McCarrick, expressed concerns regarding lights, car exhaust, trash and outdoor dining. (N.T. 01/09/19, pp. 56-90, 145-149)

23. The Applicant agreed to not install 3 parking spaces shown on the plans and shall be required to post "No Idling" signs at the other parking spaces closest to Mr. and Mrs. McCarrick's property. (N.T. 01/09/19, pp. 78-90, 157-158; N.T. 02/06/19, p. 6, Exhibit A-18)

24. The proposal reduces the existing parking spaces to no less than 340 spaces. (N.T. 01/09/19, pp. 112-113, 118-128)

25. There are still approximately 5 more parking spaces shown on the Plans in addition to the 340 requested, and the removal of the 3 spaces near the McCarrick property will not affect the relief requested. (N.T. 01/09/19, pp. 157-158)

26. The property is unique in that the current use includes a number of zoning nonconformities existing for years, and memorialized by prior Decisions of this Board (Exhibits A-1, A-2)

27. Except for the variance from the number of required parking spaces, all relief requested is merely related to reconfiguration of existing parking areas, which conditions exist either as lawful nonconformities or by prior relief granted, and therefore such requested relief is de minimis in nature.

28. The Applicant's engineer presented uncontroverted, persuasive expert evidence that the proposed parking count of 340 parking spaces exceeds the parking required for the existing and proposed uses. (N.T. 12/05/18, pp. 66-83; N.T. 02/06/19, pp. 6-9)

29. The parking required under the Ordinance, 1,717 parking spaces, is an unnecessary requirement causing a hardship as applied to this particular property considering the existing nonconformities and past relief granted, as well as current and proposed uses.

30. With reference to the variances requested, upon consideration of Section 910.2 of the Pennsylvania Municipalities Planning Code, the Board determines the following:

A. There are unique physical circumstances and conditions, including the size of the property as related to the existing use, and existing lawful nonconforming conditions peculiar to this property, creating an unnecessary hardship which justifies the granting of the parking variances.

B. The Applicant presented uncontroverted credible evidence for the Board to conclude that the property cannot be developed, and, for that matter, cannot be modified, updated, or improved, in strict conformity with the Zoning Ordinance.

C. The hardship arises from the physical circumstances and conditions unique to this property, and has not been created by the Applicant.

D. The granting of the variances will not frustrate the intent of the Zoning Ordinance, and considering the conditions imposed by the Board, the proposal will not adversely impact the development of adjoining properties, or alter the essential character of the neighborhood.

E. The variances requested are the minimum variances to afford relief.

31. Under Section 116-217 of the Zoning Ordinance, the Board determines the following:

A. The use will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and the use of property adjacent to the area of the proposed use will be adequately safeguarded by the conditions imposed by the Board.

B. The proposed use will not have a harmful effect on local vehicular and pedestrian traffic.

C. The proposed use is consistent with the legislative intent of the CR-H Commercial Retail High District.

D. The surrounding neighborhood will not be subjected to objectionable noise, lighting, glare, heat, ventilation, smoke, fumes, vapors, dust, dirt, gases or radioactive or electrical disturbances from the proposed use, provided that the Applicant strictly complies with the extensive conditions imposed by this Decision and Order.

E. The proposed use will not unduly burden sanitary, school, police, fire, park or other public facilities.

32. The majority of the relief requested is de minimis in nature, and the required parking count provisions of the Zoning Ordinance, strictly applied, impose an unnecessary hardship on the property and the Applicant. Therefore, the requested variances should be granted.

III. DISCUSSION

In Hertzberg v. Zoning Bd. of Adjustment of the City of Pittsburgh, 554 Pa. 249, 721 A.2d 43 (1998), the Supreme Court of Pennsylvania determined that, in evaluating a hardship for a dimensional variance, the Zoning Hearing Board should consider various factors, including economics, and the characteristics of the surrounding neighborhood, in determining whether a variance would be appropriate. The Court also held that, when considering a dimensional variance, a Zoning Hearing Board should adopt a somewhat more relaxed standard of scrutiny than when the Board is considering a use variance.

The case before the Board involves the request for dimensional variances, most of which are technical in nature, represent modifications to existing nonconforming conditions, or conditions existing as a result of prior relief granted, and are now required only because of the much-improved reconfiguration of the parking lot. Therefore, four (4) of the variance requests (involving five sections of the Zoning Code) are de minimis, requiring no showing of hardship.

Virtually any modification to the shopping center would require zoning relief. The building addition is permitted from use and dimensional standpoints. The variances apply to the parking lot accessory to the permitted expansion of the use. The parking count variance request is fully supported by the finding of unnecessary hardship. It is impossible for the Applicant to install 1,717 parking spaces with required drive aisles and landscaping for this shopping center. Even if all of the required parking spaces could be installed, there would be vast areas of impervious asphalt virtually unused, and there is no practical reason to require same. The hardship imposed by the Zoning

Ordinance is clearly unnecessary, as the Applicant could never comply with the parking provisions on this particular property. So, the Board is left with a decision as to what degree to grant relief from the parking provisions, or just deny virtually every request to modify, add to, or simply improve the operation of the shopping center. This is not a situation where a vacant lot can support a building and required parking for a permitted use, but the applicant wishes to construct a larger building on the lot with less parking merely for economic reasons. The conditions causing the hardship on this property currently exist, and it is impossible for the Applicant to comply with the parking requirements for the existing permitted uses, even without adding the additional retail space. The Applicant simply cannot comply with the current parking requirements as applied to this property because of the size of the lot, numerous nonconforming conditions, and conditions existing as a result of prior relief from this Board. Under these circumstances, the Board is authorized to grant the dimensional variance for the reduction of parking spaces. Monmalt Partners v. Zoning Hearing Board of the Municipality of Monroeville. 2017WL1737927 (Unreported Commonwealth Court Decision cited for its persuasive value and not as binding precedent). The expert testimony of the Applicant's engineer has assured the Board that the parking variances would have no adverse impact, the proposed parking will be adequate, and the shopping center will now function better than ever before.

The Zoning Hearing Board is sympathetic to the concerns of the Objectors regarding lights, car exhaust and trash, and the Board has imposed strict conditions in this approval to address such concerns. It must be noted however, that the Objectors' main concerns were with reference to the operation of the shopping center in general, not the parking count. Their main complaints were with reference to the area of existing lawful parking areas near their property. In fact, the Objectors advocated for a further reduction in parking spaces in that area of the lot. It must also be noted that the conditions about which the Objectors complained must be expected to exist when one buys a house adjoining the rear of an existing shopping center. No doubt, the proposed improvements and

extensive buffer proposed will help to limit and control such objectionable conditions.

IV. CONCLUSIONS OF LAW

1. The Zoning Hearing Board has jurisdiction over the subject matter of the application.

2. The Applicant is the owner/operator of the property in question.

3. The Applicant and the subject matter are properly before the Board. The Applicant has standing to submit the application. The Objectors have standing to oppose the application.

4. Hearing notices were duly published and posted in accordance with law, by advertisement in the newspaper and posting on the property.

5. With reference to the variances requested, upon consideration of Section 910.2 of the Pennsylvania Municipalities Planning Code, the Board determines the following as a matter of law:

   A. There are unique physical circumstances and conditions, including the size of the property as related to the existing use, and existing lawful nonconforming conditions peculiar to this property, creating an unnecessary hardship which justifies the granting of the parking variances.

   B. The Applicant presented uncontroverted credible evidence for the Board to conclude that the property cannot be developed, and, for that matter, cannot be modified, updated, or improved, in strict conformity with the Zoning Ordinance.

   C. The hardship arises from the physical circumstances and conditions unique to this property, and has not been created by the Applicant.

   D. The granting of the variances will not frustrate the intent of the Zoning Ordinance, and considering the conditions imposed by the Board, the proposal will not adversely impact the development of adjoining properties, or alter the essential character of the neighborhood.

   E. The variances requested are the minimum variances to afford relief.

6. Under Section 116-217 of the Zoning Ordinance, the Board determines the following, as a matter of law:

   A. The use will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and the use of property adjacent to the area of the proposed use will be adequately safeguarded by the conditions imposed by the Board.

B. The proposed use will not have a harmful effect on local vehicular and pedestrian traffic.

C. The proposed use is consistent with the legislative intent of the CR-H Commercial Retail High.

D. The surrounding neighborhood will not be subjected to objectionable noise, lighting, glare, heat, ventilation, smoke, fumes, vapors, dust, dirt, gases or radioactive or electrical disturbances from the proposed use, provided that the Applicant strictly complies with the extensive conditions imposed by this Decision and Order.

E. The proposed use will not unduly burden sanitary, school, police, fire, park or other public facilities.

7. The majority of the relief requested is de minimis in nature, and the required parking count provisions of the Zoning Ordinance, strictly applied, impose an unnecessary hardship on the property and the Applicant. Therefore, the following variances should be granted on a de minimis basis:

1. A variance from Section 116-24.D(3), so as to permit the existing 49% of the rear yard area to be devoted to accessory uses (90° parking in place of angled parking), rather than the 30% allowed.

2. Variances from Section 116.93.E and 116.24.E(3)(a), so as to permit modifications to parking in the front yard adjacent to Butler Pike.

3. A variance from Section 116-184.E, so as to permit parking areas and double rows of parking to be separated from each other by planting strips less than 10 feet in width.

4. A variance from Section 116-184.F, so as to permit several new parking spaces located less than the required 10 feet from the proposed building.

The following variance should be granted on the basis of hardship:

A variance from Section 116-184, so as to permit 340 parking spaces, rather than the 1,717 spaces required.

V. OPINION

Upon consideration of the Findings of Fact and Conclusions of Law, the Board hereby determines that the application should be granted as set forth hereinafter in the Decision and Order.

WHITEMARSH TOWNSHIP ZONING HEARING BOARD

DECISION AND ORDER

APPLICATION NO.:	2018-29	FIRST HEARING DATE:	12/05/18
APPLICANT:	Brixmor Property Group	CONT'D HEARING DATES:	01/09/19
	Block 001, Unit 001		02/06/19
	10 East Ridge Pike	VOTE:	02/06/19
	Conshohocken, PA 19428	WRITTEN DECISION:	03/12/19
	CR-H – Commercial Retail High District	COPY MAILED:	03/12/19

After completion of public hearings on the above-referenced Application, pursuant to public notice as required by law, the Zoning Hearing Board of Whitemarsh Township decided and orders as follows:

1. A variance from Section 116-24.D(3), so as to permit the existing 49% of the rear yard area to be devoted to accessory uses (90° parking in place of angled parking), rather than the 30% allowed, is **GRANTED**.

2. Variances from Section 116.93.E and 116.24.E(3)(a), so as to permit modifications to parking in the front yard adjacent to Butler Pike, are **GRANTED**.

3. A variance from Section 116-184, so as to permit a minimum of 340 parking spaces, rather than the 1,717 spaces required, is **GRANTED**.

4. A variance from Section 116-184.E, so as to permit parking areas and double rows of parking to be separated from each other by planting strips less than 10 feet in width, is **GRANTED**.

5. A variance from Section 116-184.F, so as to permit several new parking spaces located less than the required 10 feet from the proposed building, is **GRANTED**.

THIS DECISION IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. All use and development permitted by this Decision shall substantially conform to the exhibits and testimony presented by the Applicant, unless inconsistent with any specific conditions imposed by this Board, in which case these specific conditions shall take precedence.

2. The Applicant shall apply for and obtain all permits required by the Township Codes in a timely manner.

3. The Applicant shall comply with all requirements of the Township related to Land Development approvals. The Applicant shall provide copies of the Land Development Plans to the Objectors, McCarrick, as well as notice of any public meetings with respect to such proceedings.

4. The Applicant shall install and maintain new 6' high fencing (to the extent permitted by Code) and 6'-12' high landscaping along the eastern boundary of the property, as shown on the plan marked as Exhibit A-18, to the satisfaction of the Township.

5. The Applicant shall not permit seasonal sales with tents or trailers.

6. The Applicant shall take all commercially reasonable measures, to the satisfaction of the Township, and to the maximum extent permitted by law, including, but not limited to, actions in court, so as to assure that tenants require employees to utilize parking behind the buildings. All future leases shall also require same.

7. The Applicant shall take all commercially reasonable measures, to the satisfaction of Township, and to the maximum extent permitted by law, including, but not limited to, actions in court, so as to assure that tenants comply with the Peace and Good Order Ordinance and noise ordinances of the Township as related to truck deliveries and trash removal.

8. Any restaurant in the proposed new building (which would require a future Special Exception not granted hereby) shall not exceed 3,500 square feet.

9. The Applicant shall post signs prohibiting cars or trucks idling near the adjacent McCarrick property, and the Applicant shall take all commercially reasonable measures to enforce this restriction.

10. The Applicant shall take all commercially reasonable measures so as to assure that trash is regularly cleared from the property, and that trash remains in the trash containers.

11. The Applicant shall take all commercially reasonable measures so as to assure the shopping cart corrals do not occupy or encroach on the designated parking spaces.

12. To the satisfaction of the Township, the Applicant shall install new lighting in the parking lot and the lighting to the rear of the shopping center shall not spill over onto the residences.

13. The Applicant shall provide to the Township, the Police, John and Mary Ellen McCarrick and Andrew Borstein, contact information for the Brixmor point person for concerns and complaints.

This Decision and Order of the Board is final and any appeal of it must be filed with the Court of Common Pleas of Montgomery County within thirty (30) days following the copy mailing date set out above.

The Board reserves the right to supplement these Findings of Fact and Conclusions of Law in the event of an appeal.

Section 116-223 of the Zoning Ordinance provides as follows:

Expiration of granted appeals. Unless otherwise specified by the Board, all approvals granted by the Zoning Hearing Board shall automatically expire 365 days after the date of the decision unless: (1) the applicant has acted upon the approval by obtaining the required permit(s) and paying the prescribed fees for same, or (2) the Zoning Hearing Board decision is on appeal to the courts, at which point, the approval, if upheld on appeal, shall expire 365 days after final determination on appeal.

The Zoning Hearing Board may extend the expiration date of approvals for a 180 day period upon request by the applicant, provided that the applicant is, in the opinion of the Zoning Hearing Board, diligently pursuing governmental and/or regulatory approvals as required. Requests for extensions shall be in writing and submitted to the Zoning Hearing Board at least 30 days before any applicable expiration date. Only one (1) extension may be provided for any application.

WHITEMARSH TOWNSHIP ZONING HEARING BOARD:

Marc Weinstein, Chair

Stanley A. Casacio, Vice Chair

Robert A. Bacine

James Behr DISSENT

William E. Kramer

Alternate

Randi Rubin

WHITEMARSH TOWNSHIP ZONING HEARING BOARD

DECISION AND ORDER

APPLICATION NO.:	2016-16	FIRST HEARING DATE:	07/13/16
APPLICANT:	Cellco Partnership d/b/a Verizon Wireless	CONT'D HEARING DATES:	08/03/16, 10/05/16
	Block 001, Unit 001	VOTE:	10/05/16
	10 East Ridge Pike	WRITTEN DECISION:	10/11/16
	Conshohocken, PA 19428	COPY MAILED:	10/11/16
	CR-H – Commercial Retail District		

The Applicant proposes to replace an existing 25' light pole with a 30' light pole and add two (2) cellular antennas at a height of 30' 9". The Applicant will also install an equipment cabinet and utility backboard on a 36 square foot concrete pad.

After completion of a public hearing on the above-referenced Application, pursuant to public notice as required by law, the Zoning Hearing Board of Whitemarsh Township decided and orders as follows:

1. Variances from Section 116-93C, to allow a 36 square foot increase in impervious coverage and a 36 square foot reduction in minimum green space area, are **GRANTED.**

2. Variances from Section 116-302A(1) and 116-302A(4)(c) to allow the proposed telecommunications facility to be within 500' of a lot in residential use and a residential district boundary, are **GRANTED**.

3. Variances from Section 116-302A(4)(c) to allow the proposed telecommunications facility to be within the front yard setbacks of both Butler and Ridge Pikes so as to be located 22' 2" from the Butler Pike ultimate right of way line, and 20' from the East Ridge Pike ultimate right of way line, are **GRANTED**.

4. A Variance from Section 116-302F(1), to allow the installation of the proposed telecommunications facility without a security fence, is **GRANTED**.

THIS DECISION IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. All use and development permitted by this Decision shall conform to the exhibits and testimony presented by the Applicant, unless inconsistent with any specific conditions imposed by this Board, in which case these specific conditions shall take precedence.

2. The Applicant shall apply for and obtain all permits required by the Township Codes in a timely manner.

3. The Applicant shall provide to the Township a copy of a fully-executed redacted lease with respect to the Applicant's use of the property, and a revised plan showing the correct impervious coverage percentages based on the relief granted.

4. The equipment cabinet shall be screened with evergreen landscaping, so as to shield the view of the equipment cabinet.

5. In the event that the facility is not in use for a continuous period of one (1) year, the equipment shall be removed at the cost of the Applicant/Owner within six (6) months.

This Decision and Order of the Board is final and any appeal of it must be filed with the Court of Common Pleas of Montgomery County within thirty (30) days following the copy mailing date set out above.

Section 116-223 of the Zoning Ordinance provides as follows:

Expiration of granted appeals. Unless otherwise specified by the Board, all approvals granted by the Zoning Hearing Board shall automatically expire 365 days after the date of the decision unless: (1) the applicant has acted upon the approval by obtaining the required permit(s) and paying the prescribed fees for same, or (2) the Zoning Hearing Board decision is on appeal to the courts, at which point, the approval, if upheld on appeal, shall expire 365 days after final determination on appeal.

The Zoning Hearing Board may extend the expiration date of approvals for a 180 day period upon request by the applicant, provided that the applicant is, in the opinion of the Zoning Hearing Board, diligently pursuing governmental and/or regulatory approvals as required. Requests for extensions shall be in writing and submitted to the Zoning Hearing Board at least 30 days before any applicable expiration date. Only one (1) extension may be provided for any application.

WHITEMARSH TOWNSHIP ZONING HEARING BOARD:

Robert A. Bacine, Chair

William E. Kramer, Vice Chair

Marc Weinstein

Stanley A. Casacio

James Behr

Alternate

Randi Rubin

WHITEMARSH TOWNSHIP ZONING HEARING BOARD

DECISION AND ORDER

APPLICATION NO.: 2010-20
APPLICANT: Giant Food Stores, LLC
Block 001, Unit 001
10 Ridge Pike
Conshohocken, PA 19428
CR-H Commercial Retail District

FIRST HEARING DATE: 12/01/10
DECISION: 12/01/10
COPY MAILED: 12/02/10

The Applicant proposes to install an additional sign mounted on the building front thereby increasing the overall area of signage from 151.25 square feet to 215.45 square feet for an aggregate increase of 64.2 square feet.

After completion of a public hearing on the above-referenced Application, pursuant to public notice as required by law, the Zoning Hearing Board of Whitemarsh Township decided and orders as follows:

1. A variance from Section 116-206.A(2)(b) to permit a 64.2 square foot increase in signage is **GRANTED.**

2. A modification to Zoning Hearing Board Case No. 2006-58 is **GRANTED.**

THIS DECISION IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. All use and development permitted by this Decision shall conform to the exhibits and testimony presented by the Applicant, unless inconsistent with any specific conditions imposed by this Board, in which case these specific conditions shall take precedence.

2. The Applicant shall apply for and obtain all permits required by the Township Codes in a timely manner.

This Decision and Order of the Board is final and any appeal of it must be filed with the Court of Common Pleas of Montgomery County within thirty (30) days following the copy mailing date set out above.

Section 116-223 of the Zoning Ordinance provides as follows:

Expiration of granted appeals. Unless otherwise specified by the Board, all approvals granted by the Zoning Hearing Board shall automatically expire 365 days after the date of the decision unless: (1) the applicant has acted upon the approval by obtaining the required permit(s) and paying the prescribed fees for same, or (2) the Zoning Hearing Board decision is on appeal to the courts, at which point, the approval, if upheld on appeal, shall expire 365 days after final determination on appeal.

The Zoning Hearing Board may extend the expiration date of approvals for a 180 day period upon request by the applicant, provided that the applicant is, in the opinion of the Zoning Hearing Board, diligently pursuing governmental and/or regulatory approvals as required. Requests for extensions shall be in writing and submitted to the Zoning Hearing Board at least 30 days before any applicable expiration date. Only one (1) extension may be provided for any application.

However, note:
Act 46 of 2010 provides for a suspension of the expiration of certain governmental approvals under the Pennsylvania Municipalities Planning Code until July 1, 2013.

WHITEMARSH TOWNSHIP ZONING HEARING BOARD:

James Behr, Chair

(ABSENT)
Robert A. Bacine, Vice Chair

William E. Kramer

Marc Weinstein

Jack Cohen

(ALTERNATE)
Randi Rubin Goldstein

WHITEMARSH TOWNSHIP ZONING HEARING BOARD

DECISION AND ORDER

APPLICATION NO.: 2009-34
APPLICANT: Giant Food Stores, LLC
Block 001, Unit 001
10 Ridge Pike
Conshohocken, PA 19428
CR-H Commercial Retail District

FIRST HEARING DATE: 12/14/09
DECISION: 12/14/09
COPY MAILED: 12/15/09

After completion of a public hearing on the above-referenced Application, pursuant to public notice as required by law, the Zoning Hearing Board of Whitemarsh Township decided and orders as follows:

1. A variance from Section 116-93D of the Zoning Ordinance so as to permit a 4.33' additional encroachment into the 100' required rear yard, in addition to the existing encroachment, to construct a 309.34 square foot addition onto the southern side of the Whitemarsh Shopping Center in order to accommodate a new elevator and elevator equipment room located 21.53' from the property line is **GRANTED**.

2. A special exception pursuant to Section 116-203 of the Zoning Ordinance so as to permit the additional encroachment into the required rear yard is **NOT NECESSARY**.

THIS DECISION IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. All use and development permitted by this Decision shall conform to the exhibits and testimony presented by the Applicant, unless inconsistent with any specific conditions imposed by this Board, in which case these specific conditions shall take precedence.

2. The Applicant shall apply for and obtain all permits required by the Township Codes in a timely manner.

This Decision and Order of the Board is final and any appeal of it must be filed with the Court of Common Pleas of Montgomery County within thirty (30) days following the copy mailing date set out above.

Section 116-223 of the Zoning Ordinance provides as follows:

Expiration of granted appeals. Unless otherwise specified by the Board, all approvals granted by the Zoning Hearing Board shall automatically expire 365 days after the date of the decision unless: (1) the applicant has acted upon the approval by obtaining the required permit(s) and paying the prescribed fees for same, or (2) the Zoning Hearing Board decision is on appeal to the courts, at which point, the approval, if upheld on appeal, shall expire 365 days after final determination on appeal.

The Zoning Hearing Board may extend the expiration date of approvals for a 180 day period upon request by the applicant, provided that the applicant is, in the opinion of the Zoning Hearing Board, diligently pursuing governmental and/or regulatory approvals as required. Requests for extensions shall be in writing and submitted to the Zoning Hearing Board at least 30 days before any applicable expiration date. Only one (1) extension may be provided for any application.

WHITEMARSH TOWNSHIP ZONING HEARING BOARD:

Jack Cohen, Chair

James Behr, Vice Chair

Robert A. Bacine

(ABSENT)
William E. Kramer

Marc Weinstein

Randi Rubin Goldstein

WHITEMARSH TOWNSHIP ZONING HEARING BOARD

DECISION AND ORDER

APPLICATION NO.: 2006-58
APPLICANT: Giant Food Stores, LLC
Block 001, Unit 001
10 Ridge Pike
Conshohocken, PA 19428
CR-H Commercial Retail District

FIRST HEARING DATE: 01/08/07
DECISION: 01/08/07
COPY MAILED: 01/09/07

After completion of a public hearing on the above-referenced Application, pursuant to public notice as required by law, the Zoning Hearing Board of Whitemarsh Township decided and orders as follows:

1. A Variance from the terms of Section 116-212 A. of the Whitemarsh Zoning Code to replace two (2) existing signs and thereby reduce the overall square footage of signage from one-hundred, ninety-six (196) square feet to approximately one-hundred, eighty-five (184.59) square feet for an aggregate reduction of approximately twelve (11.41) square feet is **GRANTED/**[redacted].

2. A Modification to Zoning Hearing Board Case #1997-07 is **GRANTED/**[redacted].

THIS DECISION IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. All use and development permitted by this Decision shall conform to the exhibits and testimony presented by Applicant, unless inconsistent with any specific conditions imposed by this Board, in which case these specific conditions shall take precedence.

WHITEMARSH TOWNSHIP ZONING HEARING BOARD:

William F. Kramer, Chair

Marc Weinstein, Vice Chair

Robert A. Bacine

(DID NOT PARTICIPATE)
Mary Ellen Antal

Jack Cohen

This Decision and Order of the Board is final and any appeal of it must be filed with the Court of Common Pleas of Montgomery County within thirty (30) days following the copy mailing date set out above.

§116-223 of the Whitemarsh Township Code provides that all Applications granted by the Board shall automatically expire 365 days after the expiration of the last day to appeal to the Court of Common Pleas of Montgomery County or to an Appellate Court, if the Applicant has failed during that time to act upon the granted Application by obtaining the granted permit and paying the required fee for same. Any request for an extension must be submitted in writing to the Board at least thirty (30) days prior to the expiration date.

WHITEMARSH TOWNSHIP ZONING HEARING BOARD

DECISION AND ORDER

APPLICATION NO. : 2004-47
APPLICANT: **Starbuck Coffee Company**
10 Butler Pike
Conshohocken, PA 19428

FIRST HEARING DATE: ~~10/06/04~~ 10/4/04
DECISION: ~~10/06/04~~ 10/11/04
COPY MAILED: 10/12/04

After completion of a public hearing on the above-referenced Application, the Zoning Hearing Board of Whitemarsh Township decided and orders as follows:

1. A Variance from §116-104(A)(6)(a) of the Code of the Township of Whitemarsh to permit outdoor eating and dining on portions of premises located within the shopping center located at West Ridge Pike and Butler Pike, Conshohocken, Whitemarsh Township is [redacted]/**DENIED.**
2. A Variance from §116-184(D)(6)(a) of the Code of the Township of Whitemarsh to permit outdoor patron seating without providing required additional parking spaces for outdoor dining on portions of premises located within the shopping center located at West Ridge Pike and Butler Pike, Conshohocken, Whitemarsh Township is [redacted]/**DENIED.**

THIS DECISION IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. All use and development permitted by this Decision shall conform to the exhibits and testimony presented by Applicant, unless inconsistent with any specific conditions imposed by this Board, in which case these specific conditions shall take precedence.

Mary Ellen Antal, Chairman

Gordon W. Gerber, Vice Chairman

Robert A. Bacine, Member

William E. Kramer, Member

Kevin McBurney, Member DISSENT

This Decision and Order of the Board is final and any appeal of it must be filed with the Court of Common Pleas of Montgomery County within 30 days following the copy mailing date set out above.

§116-223 of the Whitemarsh Township Code provides that all Applications granted by the Board shall automatically expire 365 days after the expiration of the last day to appeal to the Court of Common Pleas of Montgomery County or to am Appellate Court, if the Applicant has failed during that time to act upon the granted Application by obtaining the granted permit and paying the required fee for same. Any request for an extension must be submitted in writing to the Board at least thirty (30) days prior to the expiration date.

10/15/2004 CC: BOS/PC/ZHB

DECISION AND ORDER

WHITEMARSH TOWNSHIP ZONING HEARING BOARD

APPLICATION 02-52
American Bread Company
d/b/a Panera Bread

First Hearing 2/10/03 Decided 3/10/03 Copy Mailed 3/11/03

At a public hearing of the above application, the Zoning Hearing Board decides and orders as follows:

1. The Variance required from Section 116-104.A of the Whitemarsh Township Code to allow a portion of the walk way at the shopping center located at 48 Ridge Pike to be used for seasonal exterior dining is hereby [redacted] / denied.

2. The Variance required from Section 116-184.D(6) of the Code to allow no additional parking spaces for the dining use is hereby [redacted] / denied.

THIS DECISION IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. All use and development allowed by any granted application shall conform to the exhibits and testimony presented at the hearing unless inconsistent with these conditions in which case these conditions shall take precedence.

Robert A Bacine

Gene Pliego

Kay Ellen Ontal

Gordon W Gerber

The Board is presently without a fifth member

This Decision and Order of the Board is final and any appeal of it must be filed with the Court of Common Pleas of Montgomery County within 30 days following the copy mailing date set out above.

Section 116-223 of the Whitemarsh Township Code provides that all applications granted by the Board shall automatically expire 365 days after the expiration of the last day to appeal to the Court of Common Pleas of Montgomery County or to an Appellate Court, if, during that time, the applicant has not acted upon the granted application by obtaining the granted permit and paying the required fee for same. Any request for an extension must be submitted in writing to the Board at least thirty (30) days prior to the expiration date.

DECISION AND ORDER

WHITEMARSH TOWNSHIP ZONING HEARING BOARD

APPLICATION 97-07
Clemens Market

First Hearing 4/7/97 Decided 4/7/97 Copy Mailed 4/8/97

At a public hearing of the above application, the Zoning Hearing Board decides and orders as follows:

1. The Variance from Section 116-206.A(2) of the Whitemarsh Township Code necessary to allow a 156 square foot sign to be installed on the existing supermarket at 10 Ridge Pike is hereby granted / denied.

2. The Special Exception in accordance with Section 116-212.D(1) is hereby denied

3. The request for an interpretation of the Code was withdrawn.

THIS DECISION IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. All use and development allowed by any granted application shall conform to the exhibits and testimony presented at the hearing unless inconsistent with these conditions in which case these conditions shall take precedence.

This Decision and Order of the Board is final and any appeal of it must be filed with the Court of Common Pleas of Montgomery County within 30 days following the copy mailing date set out above.

Section 116-223 of the Whitemarsh Township Code provides that all applications granted by the Board shall automatically expire 365 days after the expiration of the last day to appeal to the Court of Common Pleas of Montgomery County or to an Appellate Court, if, during that time, the applicant has not acted upon the granted application by obtaining the granted permit and paying the required fee for same. Any request for an extension must be submitted in writing to the Board at least thirty (30) days prior to the expiration date.

DECISION AND ORDER

WHITEMARSH TOWNSHIP ZONING HEARING BOARD

APPLICATION 96-18

E & L Ventures, Inc.
d/b/a Movie Gallery

First Hearing 8/7/96 Decided 8/7/96 Copy Mailed 8/8/96

At a public hearing of the above application, the Zoning Hearing Board decides and orders as follows:

1. The Variance from Section 116-206.A(2)(b) of the Whitemarsh Township Code necessary to allow a sign on the side of a building located in the Whitemarsh Shopping Center at the intersection of Ridge and Germantown Pikes is hereby [redacted] / denied.

THIS DECISION IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. All use and development allowed by any granted application shall conform to the exhibits and testimony presented at the hearing unless inconsistent with these conditions in which case these conditions shall take precedence.

NOTE: The public hearing of the Board began at 8 PM. This hearing began at 9:40 PM. No one appeared on behalf of the applicant nor had the Board or Zoning Officer received any notice that a delay or continuance was required for any reason.

Gordon W. Gorton

Bob Racine (absent)

John McCarthy (absent)

This Decision and Order of the Board is final and any appeal of it must be filed with the Court of Common Pleas of Montgomery County within 30 days following the copy mailing date set out above.

Section 116-223 of the Whitemarsh Township Code provides that all applications granted by the Board shall automatically expire 365 days after the expiration of the last day to appeal to the Court of Common Pleas of Montgomery County or to an Appellate Court, if, during that time, the applicant has not acted upon the granted application by obtaining the granted permit and paying the required fee for same. Any request for an extension must be submitted in writing to the Board at least thirty (30) days prior to the expiration date.

DECISION AND ORDER

WHITEMARSH TOWNSHIP

ZONING HEARING BOARD

APPLICATION 94-18 of Bagel Cafe, Inc.

First Hearing Date 8/3/94 Date Decided 8/3/94 Copy Mailed 8/4/94

At a public hearing of the above application, the Zoning Hearing Board decides and orders as follows:

1. The Special Exception in accordance with Section 116-104.A(6) of the Whitemarsh Township Code necessary to allow use of a location in the Whitemarsh Shopping Center at Ridge and Butler Pikes as a bagel restaurant/cafe and for catering is hereby granted / [redacted].

THIS DECISION IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. All use and development allowed by any granted application shall conform to the exhibits and testimony presented at the hearing unless inconsistent with these conditions in which case these conditions shall take precedence.

NORMA ELIAS (absent)

This Decision and Order of the Board is final and any appeal of it must be filed with the Court of Common Pleas of Montgomery County within 30 days following the copy mailing date set out above.

Section 116-223 of the Whitemarsh Township Code provides that all applications granted by the Board shall automatically expire 365 days after the expiration of the last day to appeal to the Court of Common Pleas of Montgomery County or to an Appellate Court, if, during that time, the applicant has not acted upon the granted application by obtaining the granted permit and paying the required fee for same. Any request for an extension must be submitted in writing to the Board at least thirty (30) days prior to the expiration date.

DECISION AND ORDER

WHITEMARSH TOWNSHIP

ZONING HEARING BOARD

APPLICATION 94-03 of Glenmont Associates, Limited Partnership

First Hearing Date 3/3/94 Date Decided 4/7/94 Copy Mailed 4/8/94

At a public hearing of the above application, the Zoning Hearing Board decides and orders as follows:

1. The Variance from Section 116-93.D of the Whitemarsh Township Code necessary to allow an additional 1300 square feet of new building space to encroach into the required rear yard setback is hereby granted / denied.

2. The Variance from Sections 116-93.E and 116-24.E(3)(a) of the Code necessary to allow an additional 26 parking spaces to be constructed in the front yard setback is hereby granted / denied.

3. The Variance from Section 116-24.D(3) of the Code necessary to allow 49% of the rear yard to be used for parking and loading is hereby granted / denied.

4. The Variance from Section 116-184.F necessary to allow an additional 2 parking spaces to be located within 10 feet of the building is hereby granted / denied.

5. The Special Exception in accordance with Section 116-104.A(6)(a) to allow a restaurant use on the premises is hereby granted / denied.

6. The Special Exception in accordance with Section 116-93.D to allow parking spaces to be located 20 feet from the B Residential District (i) on the eastern edge of the property (16 spaces), and (ii) at the western end of the southern edge of the property (16 spaces) is hereby granted / denied.

7. The Board decides that the property is not presently legally nonconforming with respect to planting strips otherwise required between parking areas by Section 116-184.E so that such planting strips would be required for the proposed renovation of the tract.

8. The Variance from Section 116-184.E necessary to allow parking areas and double parking rows without planting strips between them is hereby granted / denied.

9. The Variance from §116-184 to allow a minimum of 345 parking spaces on the property provided it is developed as set out in Exhibit A-2 and provided that no more than 67 spaces to the rear of the building be less than 10x18 sq ft. and all other parking spaces on the property be no less than 10 x 20 sq ft. is hereby granted.

CONTINUED ON NEXT PAGE

Note: Mr. Kline dissents from all decisions set out above except paragraph 5.

THIS DECISION IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. All use and development allowed by any granted application shall conform to the exhibits and testimony presented at the hearing unless inconsistent with these conditions in which case these conditions shall take precedence.

Norma Elias (absent)

This Decision and Order of the Board is final and any appeal of it must be filed with the Court of Common Pleas of Montgomery County within 30 days following the copy mailing date set out above.

Section 116-223 of the Whitemarsh Township Code provides that all applications granted by the Board shall automatically expire 180 days after the expiration of the last day to appeal to the Court of Common Pleas of Montgomery County or to an Appellate Court, if, during that time, the applicant has not acted upon the granted application by obtaining the granted permit and paying the required fee for same.

ZHB APPEAL #90-36

APPLICANT: K & M Shah Associates - USA VIDEO

PROPERTY ADDRESS: 20 E. Ridge Pike, Conshohocken

ZONING DISTRICT: CRH

REQUESTED RELIEF

The applicant is requesting a variance from Section 116-206 B for the number of signs allowed for a single property.

SUMMARY OF REQUEST

Currently at this property there is a free-standing pole sign, the applicant wishes to construct an additional sign attached to the building of 35 sq.ft. It is noted that this sign is currently constructed without benefit of a Building or Zoning permit.

This case was withdrawn.

ZHB APPEAL #91-23

APPLICANT: K & M Shah Associates

PROPERTY ADDRESS: 20 E. Ridge Pike

ZONING DISTRICT: CRH-Commercial Retail

REQUESTED RELIEF

The applicant is requesting a variance from Section 116-209 B. and Section 116-209 F. to allow for construction of a 35 sq.ft. rooftop sign.

SUMMARY OF REQUEST

The applicant currently has an existing free-standing sign to the front of the property. They wish to construct a 35 sq.ft. rooftop sign which would require a variance to allow an additional sign as well as sign which would project higher than the roofline of the building.

SUMMARY OF HEARING

At the Zoning Hearing Board meeting of October 2, 1991, this case was withdrawn.

ZONING HEARING BOARD

WHITEMARSH TOWNSHIP

ORDER

Appeal No. 23-75 Applicant: Wynnewood Shopping Center, Inc.

We the members of the Whitemarsh Township Zoning Hearing Board, hereby adopt the following order:

The special exception is granted subject to the following conditions:

1. All garbage and trash shall be kept indoors until day of pickup, and on day of pickup, shall be placed outdoors in a dumpster.

2. Applicant shall submit a letter in a form acceptable to the Board indicating that Applicant will comply with the Building Inspector's requirements regarding ventilation system and odor removal.

s/William H. Potterton, Jr.

s/Charles S. Hough

s/Henry S. Miller

Date: November 3, 1975

Zoning Board Decision

ZONING BOARD OF ADJUSTMENT

TOWNSHIP OF WHITEMARSH

CHARLES H. ANTARAMIAN (SCOTTIE CLEANERS)

DECISION

Appeal No. 56 Dated October 31, 1963

Hearing Held November 19 1963

1. INTERPRETATION: The Board adopted the following order which states its interpretation of the Zoning Ordinance or Zoning Map as requested in your appeal:

2. SPECIAL EXCEPTION: By order of the Board, it was determined that a special exception _____ be granted _____ be denied _____ be granted subject to the following conditions:

Pursuant to Article _____, Section _____, Subsection, _____ Paragraph _____ of the Zoning Ordinance, and the decision of the Building Inspector _____ be reversed _____ be confirmed _____ be modified, because:

3. VARIANCE: By order of the Board, it was determined that:

a. Strict application of the ordinance ~~would~~ (would not) produce undue hardship because: s possible for this property to be used for many purposes within the zoning classification as it exists.

b. The hardship created ~~is~~ (is not) unique and (would) ~~would not~~ be shared by all properties alike in the immediate vicinity of this property and in the same use district, because: e are only certain permitted uses under the CR-H commercial zoning classification.

c. The variance (would) ~~would not~~ change the character of the district, because: this is one of the specifically prohibited under CR-H and specifically allowed under CR-L zoning.

and therefore, it was further determined that the requested variance _____ be granted X be denied _____ be granted subject to the following conditions:

and that the previous decision of the Building Inspector be confirmed _____ ~~be reversed~~ ~~be modified~~.

A list of findings of fact, as determined by the Board, is attached and is part of the decision.

(If no stenographic report was made, a brief summary of testimony is also attached.)

Unless otherwise stated, any authorization by the Board for special exception, variance or conditional use shall expire if the applicant fails to obtain a building permit within six (6) months from the date of authorization of such special exception, variance, or conditional use.

TOWNSHIP OF WHITEMARSH

BOARD OF ADJUSTMENT

SECRETARY

APPROVED:

NOTE: Any person aggrieved by the decision of the Board of Adjustment may appeal to the Court of Common Please of Montgomery County. Appeal must be taken within thirty (30) days after decision of the Board.

APPEAL OF CHARLES H. ANTARAMIAN (SCOTTIE CLEANERS) - NO. 56

FINDINGS OF FACT

1. The uses permitted under CR-H zoning are varied and there was no showing of any hardship in that any of these uses was impossible because of the substantial change in the character of the neighborhood.

2. The building in question is a frame structure and it was the finding of the Board that the structure was less than adequate for the proposed operation of the Applicant.

3. It was established by the Applicant that the real owner, Andorra Nurseries, Inc., contemplates a permanent type shopping center development to be constructed in and about the site in question and that under the terms of the lease adequate provisions would have been made for the Applicant in that development.

4. The proposed use is prohibited under the applicable zoning classificatio but specifically allowed under CR-L Commercial zoning classification.

NOTICE IS HEREBY GIVEN that the Zoning Hearing Board of Whitemarsh Township will conduct a public hearing on Monday, May 6, 1974, at 8:00 p.m. in the Township Building, Joshua Road, Lafayette Hill, Pennsylvania, to consider the following:

APPEAL 13-74 of James T. Fitzpatrick for permission to construct a garage on the premises located at 4017 South Warner Road, Lafayette Hill. The proposed structure violates the side and rear setback requirements of §33-409 of the Whitemarsh Zoning Code.

APPEAL 14-74 of Wynnewood Shopping Center, Inc. for permission to use a portion of the premises located on the southeast corner of Ridge and Butler Pikes as a restaurant. §33-1313.A.6(a) permits the proposed use only by special exception in an area zoned CR-H Commercial Retail - High.

All interested persons are invited to appear and be heard.

Zoning Hearing Board of
Whitemarsh Township

Robert E. Bradshaw,
Secretary

OPINION AND ORDER
BOARD OF ADJUSTMENT
WHITEMARSH TOWNSHIP

APPLICATION AND NOTICE OF APPEAL OF
ANDORRA NURSERIES, INC.

On April 26, 1962, the Board of Adjustment met to consider the above application which was advertised as a request for a special exception to use a 4½ acre tract adjacent to the CR-H property at Bethlehem Pike and Ridge Pike for parking area. After due consideration it was decided that the Board could not hear the matter as a special exception but if the facts so developed were able to hear the case as a request for a variance. The transcript of testimony is attached hereto.

The Board makes reference in this decision to only one question which goes beyond all others in marking this ground as being subject to a severe hardship if the owner is forced to comply with the B Residential requirements of the Whitemarsh Township Zoning Ordinance. The topography of this property, the natural drainage in the area surrounding the subject tract of ground and the state of development in and about this tract of ground have created a serious drainage problem both as to this tract and as to the properties to the rear of it on Corson Road and beyond. After extended conferences with the Township Engineer it was learned that to remedy the present situation would require a substantial investment, something in excess of $30,000.00. Without such a drainage remedy the property in its present state is useless. The Board is of the opinion that the use as B Residential would invoke a unique hardship as to this ground.

Subject to the following conditions a variance is granted to the applicant to use the $4\frac{1}{2}$ acre tract in question for parking.

1. The variance is granted conditionally on the submission and approval of plans by the Township Engineer and the installation of a drainage system which shall conform in its minimal aspects to the following specifications:

   a. Increase inlets in the present parking area CR-H at the Corson Road side to the requirements as set forth by the Township Engineer.

   b. The existing 30 inch storm sewer line is to remain and join the lift station to be installed.

   c. Install a 30 inch sewer line through the present drainage ditch in the middle of the proposed parking lot at right angles to Ridge Pike and extending back to the lift station to be installed. The proposed parking area is to contain drainage inlets as required by the Township Engineer.

   d. Extend an adequate forced main line from the lift station to a junction chamber in Spring Mill Road to be located approximately 200 feet from Ridge Pike on Spring Mill Road toward Corson Road.

   e. Install a new storm sewer line in Spring Mill Road from Ridge Pike to the proposed road adjacent to the desilting basin and continue said line into the desilting basin.

   f. The proposed lift station is to be maintained by Andorra Nurseries, Inc.

2. The variance is granted on the specific condition that the following landscape requirements are met.

   a. Shrubs to be planted for the entire perimeter of the existing parking lot CR-H and proposed parking lot.

   b. A chain link fence is to be installed along the rear of the existing and proposed parking lot to run parallel to Corson Road for the entire length of said area for a height of five feet.

c. Developer shall endeavor to maintain as many trees along the rear property line running parallel to Corson Road as is possible.

d. All parking areas are to be curbed at their perimeter as follows: 12 inch curbing on the Corson Road side and 6 inch curbing on the Spring Mill Road side.

3. This variance is granted subject to the following set back requirements.

a. A 35 foot buffer zone is to be maintained for the entire perimeter of the proposed parking area with the exception of the Ridge Pike frontage.

b. Any slope easement which occurs as a result of regrading shall end at the above mentioned buffer zone.

4. This variance is strictly conditioned on ingress and egress from the proposed parking area being limited to Ridge Pike. There shall be no entrances or exits to Spring Mill Road or Corson Road.

5. This variance is granted on the condition that a plan be submitted for lighting the proposed parking area in the following manner.

a. Lighting facilities shall be of a modern shielded type and in all cases shall be shielded and reflect away from the residential areas on Corson Road and Spring Mill Road.

6. Maintenance and cleaning of the proposed parking area is to be provided by Andorra Nurseries, Inc. and in all cases the buffer zone is to be thoroughly cleaned once a week.

It is understood and agreed by Petitioner that this variance is granted subject to the above conditions and that it is not precedent for further extension and variance but applies only to the tract in question. Petitioner has been advised of

these conditions, receipt and acceptance of which are acknowledged by letter signed by Petitioner and made a part of the proceedings on this application.

BY ORDER OF THE BOARD OF ADJUSTMENT

JAMES A. TALONE, Chairman

Lester E. Haines
LESTER HAINES

Henry M. Irwin
HENRY M. IRWIN

May 15, 1962
(Date Signed)

July 25, 1956

Mr. Clark Zantzinger
12 South 12th Street
Philadelphia 7, Pa.

Dear Mr. Zantzinger:

Your petition in half of Andorra Nurseries filed with the Whitemarsh Township Zoning Board of Adjustment reguesting the board for permission to erect a large advertising sign at Butler Pike and Ridge Pike is hereby accordingly denyed.

The board felt that there was sufficient advertisment with the signs that were to be placed on the front and side of the building and there was no need for a larger sign than reguirements under the buisness zoning at this location.

Very truly yours,

Michael J. Laputka
Secretary
WHitemarsh Township
Zoning Board of Adjustments

MJL/ph

DECISION AND ORDER

WHITEMARSH TOWNSHIP ZONING HEARING BOARD

APPLICATION 97-26

Beneficial Savings Bank First Hearing 9/8/97 Decided 9/8/97 Copy Mailed 9/9/97

At a public hearing of the above application, the Zoning Hearing Board decides and orders as follows:

1. The Variance from Section 116-206.A(2)(b) of the Whitemarsh Township Code necessary to allow a 35 square foot sign on the front of the existing supermarket at 10 Ridge Pike is hereby granted [redacted].

THIS DECISION IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. All use and development allowed by any granted application shall conform to the exhibits and testimony presented at the hearing unless inconsistent with these conditions in which case these conditions shall take precedence.

This Decision and Order of the Board is final and any appeal of it must be filed with the Court of Common Pleas of Montgomery County within 30 days following the copy mailing date set out above.

Section 116-223 of the Whitemarsh Township Code provides that all applications granted by the Board shall automatically expire 365 days after the expiration of the last day to appeal to the Court of Common Pleas of Montgomery County or to an Appellate Court, if, during that time, the applicant has not acted upon the granted application by obtaining the granted permit and paying the required fee for same. Any request for an extension must be submitted in writing to the Board at least thirty (30) days prior to the expiration date.

9/11/97 CC: BOS/PC/ZHB

Comprehensive Plan Selective Update

Material from the Historic Preservation Working Group

Goal 1, Policy 4: Historic Preservation Page 73 (Group Draft)

Item	Action Item	Phase	Responsible Party	Cost Estimate	Notes
1.4.1	Develop an inventory of properties listed in the National Register of Historic Places and other historic properties with architectural significance.	Short-term	Township, HARB,		Consult with local historical societies
1.4.2	Continue to preserve and protect properties in the Plymouth Meeting Historic District.	On-going	Township, Planning Commission, HARB	NA	
1.4.3	Utilize the Historical Architectural Review Board (HARB) to the fullest extent possible and consider if the authority of the HARB can be expanded.	Near-term	Planning Commission, HARB	NA	
1.4.4	Consider enacting an ordinance to allow for the local designation of historic properties.	Short-term	Township, HARB	NA	
1.4.5	Establish design and development standards for historic properties in the Plymouth Meeting Historic District and any locally designated properties that allow for adaptive reuse. This may include provisions that allow for relief from zoning requirements such as minimum parking requirements, or impervious cover calculations, to support retention and preservation of historic properties.	Short-term	Township, HARB	$10,000	
1.4.6	Require open space buffers, screening, or	On-going	Township, Planning	NA	Address as part of

Goal 1, Policy 4: Historic Preservation Page 73 (Group Draft)

	enhanced setbacks between historic properties and new development projects.		Commission		zoning updates
1.4.7	Promote an appreciation of historic resources through interpretive signage, walking or driving tours, social media, and/or brochures.	Near-term	Township, HARB	Printing and signage costs.	Consult with local historical societies
1.4.8	Pursue additional listings on the National Register of Historic Places of historic properties and sites in the township.	Near-term	HARB	NA	
1.4.9	Consider applying for Certified Local Government Status.	Mid-term	Township, HARB	NA	
1.4.10	Review the boundaries of the Plymouth Meeting Historic District and consider removal of modern-day subdivisions.	Short-term	Township, Planning Commission, HARB	NA	Remove recent subdivision on Spring Mill Road from Historic District.

EARLIER IN DOCUMENT:

Page 48: Revise as suggested on page 3 of the letter from Cory Kegerise of the PA State Historic Preservation Office.

Page 49: Add new bullet

- Older and historic buildings may provide affordable and desirable space for local businesses.

Pennsylvania State Historic Preservation Office
PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

May 28, 2019

Charles Guttenplan, AICP
Director of Planning and Zoning
Whitemarsh Township
616 Germantown Pike
Lafayette Hill, PA 19444

RE: Comments on Selective Comprehensive Plan Update (Draft April 2019)
Whitemarsh Township, Montgomery County

Dear Mr. Guttenplan,

Thank you for requesting the Pennsylvania State Historic Preservation Office's (PA SHPO) comments on the draft update to Whitemarsh Township's Comprehensive Plan. I have reviewed the draft dated April 2019 that is available via the township website and offer the following comments and recommendations.[1]

Historic preservation and historic resources are mentioned at various points in the draft plan, including in the Future Land Use mapping, as well as the Land Use element. These sections go some of the way toward achieving the Municipalities Planning Code requirement that municipal comprehensive plans include "a plan for the protection of natural and historic resources…", but do not provide a fully realized strategy or plan. These sections are lacking in terms of information about previously identified historic resources, analysis and integration with other elements, and strategies for identifying and protecting previously unidentified historic resources.

1. The draft plan discusses historic resources in the township very narrowly, focusing almost exclusively on the Plymouth Meeting Historic District. While it is true that Plymouth Meeting is the only locally-designated historic district in the municipality, there are a number of other properties listed in the National Register of Historic Places (see chart below). None of these properties are mapped or named and it is unclear how the Actions identified in Land Use Policy 4 are intended to relate to these resources. A chart of previously identified historic resources, as documented in PA SHPO's Cultural Resources Geographic Information System (CRGIS) is included with this letter.

2. The plan should include strategies and recommendations for surveying or further documenting historic places throughout the township. The Viewsheds and Natural Resources Policy includes a recommendation to "develop a Scenic and Natural Resources Inventory to identify key viewsheds and natural areas are identified for future protection"; a similar recommendation should be included for historic resources. The Township should undertake a comprehensive, identification-level survey of the entire municipality to gather information about older and historic properties and apply appropriate protection measures and preservation incentives.

[1] The Pennsylvania Historical and Museum Commission (PHMC) is the Commonwealth's official history agency and is authorized to "provide information and advice on historic resources and appropriate preservation procedures to public officials, private individuals, and organizations" (Title 37, Section 502, Pennsylvania Consolidated Statutes). The State Historic Preservation Office (SHPO) administers Federal and State preservation programs pursuant to the National Historic Preservation Act of 1966, as amended and Pennsylvania State History Code. Please note that these comments are advisory in nature and nothing in this letter is intended to constitute legal advice. These comments are based upon commonly accepted best practices and policies, personal and peer experience, and existing laws, policies, and technical guidance on historic preservation. All matters of a legal nature should be referred to the Township Solicitor for legal advice.

- Among the reasons for doing a historic resource survey is the utility of that information when planning or reviewing projects that may involve State or Federal funds, permits, or licenses, whether undertaken by the Township or other public or private sponsor. It is to a municipality's benefit to have documentation in-hand about potential historic resources prior to undertaking projects that may require State or Federal assistance or reviewing any such project undertaken by a private sponsor so that design, budgetary, legal, timing, and .

3. The recommended Historic Resource Policy action to "continue to preserve and protect locally, state, or federally designated historic properties and districts. Review the role of the HARB in the approvals process" should be revised for specificity and clarity.

    - Per comment 1, the plan does not acknowledge properties listed in the National Register, and there is no State-level designation for historic resources, and Plymouth Meeting is the only locally-designated district, thus it is unclear what this action is intended to achieve.
    - Because the HARB, as currently constituted, is jointly administered with Plymouth Township and is limited to the Plymouth Meeting district, the suggestion that the HARB's role in the "approvals process" is confusing. What approvals process is this action referring to?

4. The recommended action to "develop and enforce design and development standards for historic properties and districts…" should be revised for specificity and clarity.

    - Is this recommendation related specifically to the Plymouth Meeting (Local) Historic District and thus suggesting that the Township devise design standards to guide HARB and township-level decisions about COAs? This is a worthwhile and important action, but the phrasing of this recommendation is unclear about intent.
    - If this recommendation is intended to apply to other historic properties then there should be a companion recommendation to develop a program for such designations. The recommendation to "pursue additional individual listings of significant historic properties…" may be intended to address this concept. But it should be acknowledged that the township does not currently have an ordinance provision that allows for local designation and regulation of individual historic properties.
    - An important issue to make note of is the flexibility afforded historic properties in the International Existing Building Code, Americans with Disabilities Act, and National Flood Insurance Program. Each of these policies allows for some degree of relaxed compliance standards for designated historic buildings, which in some instances can be the determining factor as to whether a property is rehabilitated or demolished. Generally speaking, building and zoning code officials may apply relaxed standards or alternative compliance measures to buildings that are listed in the National Register of Historic Places, determined eligible for listing by the SHPO, or designated as historic by the municipality. The PA SHPO has advised the Department of Labor & Industry that locally designated properties should be eligible for relief if the municipality has adopted an ordinance that contains criteria for determining significance and a process for identifying, evaluating, and applying that criteria to properties throughout the municipality.

5. The recommendation to "require open space buffers between historic structures and new development projects" is laudable in spirit, but again highlights the lack of a coherent definition of historic resources and a regulatory scheme to identify and designate such

properties. This recommendation should be reinforced by companion recommendations in the Land Use Policy 3 and Quality of Life Policy 3 to support open space conservation policies and acquisition priorities for historic properties that contain open space. Historical significance should not be limited to buildings. Landscape features, agricultural fields, vistas, and natural features may all contribute to the significance and context of a historic property and these policies should be cross-referenced and reinforced.

6. Policy recommendations related to zoning, economic development, and housing fail to suggest preservation-friendly development incentives that can help encourage rehabilitation and adaptive use of older and historic properties. For example, an increasing number of Pennsylvania municipalities have included zoning provisions that provide relief from minimum parking requirements, lot setback, impervious cover calculation, and certain low-impact uses for historic properties to allow them to be more easily and predictably rehabilitated rather than demolished. The Zoning, Economic Development, and Housing elements should include recommendations that will encourage preservation outcomes.

7. The second paragraph of the callout-box related to historic districts on page 48 contains several misstatements that should be corrected for clarity.

    - "Districts can be listed in the State and National Registers of Historic Places." This statement is incorrect, as there is no separate listing process or criteria for a State Register of Historic Places in Pennsylvania. This sentence should be changed to: "In Pennsylvania, historic districts can be listed in the National Register of Historic Places or designated by a local government.
    - The second sentence accurately describes the National Register but does not apply to local designation.
    - The third sentence should be restated: "locally designated historic districts (such as Plymouth meeting) may require owners to receive Township approval before making exterior alterations to historic properties in the district."

8. Page 49 – Preserving Whitemarsh's History – This page does a good job of summarizing some of the values of historic preservation but could be augmented with several other points.
    - Older and historic buildings often provide affordable and desirable space for local businesses and entrepreneurial ventures.
    - Preservation of historic buildings contributes to environmental sustainability by encouraging the continued use of existing resources and embodied energy.

Again, thank you for the opportunity to review the draft and provide comments on this important policy document. If you have any questions, would like additional information, or would like assistance in developing any of the suggested language, please contact me at ckegerise@pa.gov or (215) 219-3824).

Sincerely,

Cory R. Kegerise
Community Preservation Coordinator, Eastern Region