

**MINUTES
PLANNING COMMISSION
HYBRID MEETING
JANUARY 11, 2022**

Attendees/Participants:

In person: Dave Shula, Bob Dambman, Elizabeth Shaw-Fink, Scott Quitel, Charlie Guttenplan, AICP, Director of Planning & Zoning

Virtual: Sherri Glantz Patchen, Patrick Doran, Aaron Kostyk, Krista Heinrich (Township Engineer), Vince Manuele (BOS Liaison), Dave Sander (Township Solicitor's office)

1. **CALL TO ORDER:** 7:08 PM by Chair Doran
2. **ELECTION OF CHAIR:** Motion by Mr. Dambman, seconded by Mr. Quitel to elect Aaron Kostyk as Chair. Vote 6-0-1 (Mr. Kostyk abstained)
3. **ELECTION OF VICE CHAIR:** Motion by Mr. Shula, seconded by Ms. Glantz Patchen to elect Patrick Doran as Vice-Chair. Vote 6-0-1 (Mr. Doran abstained)

4. ANNOUNCEMENTS & CORRESPONDENCE:

- People should adjust their speakers to the minimal level they are comfortable with so that we get as little feedback as possible
- Please try to only speak one at a time and when not speaking keep your microphones on mute
- People will be able to share their screens when necessary
- An e-mail was received by a resident prior to the meeting. Mr. Sander explained the e-mail will be read following the first presentation. If the resident that sent the e-mail is still on the meeting at the time of public comment, she can make that comment herself in that she is participating in the meeting. Both items on the agenda are for the same property, one for Conditional use and the other for plan approval.

5. APPROVAL OF MINUTES

- On a motion by Ms. Glantz Patchen seconded by Mr. Shula, the Planning Commission moved to approve the December 14, 2021 as drafted. Vote 6-0-1 (Mr. Quitel abstained, not present at that meeting)

6. ZONING HEARING BOARD APPEALS: None

7. CONDITIONAL USE APPLICATIONS:

- Review CU#01-21 (Revised) Federal Realty Investment Trust/1842 Bethlehem Pike (Flourtown Shopping Center); Bank Drive-through

Attendees (Virtual): Rob Lewis, Esquire, from Kaplin Stewart, applicant's representative; Alex Tweedie, P.E., Sr Project Manager from LANDCORE Engineering Consultants, P.C.; Mark Brennan, Federal Realty Investment Trust; Frank Tavani, P.E., PTOE, Traffic Engineer from F. Tavani and Associates, Inc. Traffic Engineering and Planning

Mr. Doran stated both agenda items this evening are interrelated and are for the Flourtown Shopping Center. One for a Conditional Use and the second for a preliminary/final minor land development. They are being asked to make a recommendation on the conditional use and separately consider the preliminary/final land development approval.

Mr. Guttenplan introduced the application. The Springfield Board of Commissioners met last night to consider this but we are not able to determine what that action may have been. Unlike in our Township they did not have to return to the Zoning Hearing Board in Springfield Township because with the change from

the old plan which was a restaurant and bank to the bank only, there was not a reduction in the parking ratio in Springfield Township which is what they got approval from the Zoning Hearing Board for. They had to come back to our Zoning Hearing Board primarily for some floodplain and riparian issues that were discovered during the initial land development review. They got those approvals as well as some minor ones related to the proposal. So, they now need conditional use approval for the drive-through only; this is the only aspect of the proposal that needs conditional use approval. The rest of it is a minor land development for adding the bank building and making certain other improvements to the shopping center as part of the bank and a number of these improvements are ones that came out of discussions previously from this body concerning greening the shopping center, taking out some unnecessary impervious coverage and improving pedestrian access. The current plans incorporate many of the recommendations of the Planning Commission from the last time it was presented to them.

Mr. Lewis gave a general overview of the project touching base on both the conditional use and land development. The Flourtown Shopping Center is a very complex piece of property. It is approximately 23 acres, comprised of multiple tax parcels and the shopping itself was originally developed back in the 1960's. The shopping center began a significant redevelopment years ago (2006), which included the creation of the Giant Grocery Store, included the replacement of the former Genuardi's with the Movie Tavern, substantial renovations to all of the facades throughout the center, and the creation of an additional pad site. The existing conditions exhibit shows approximately 177,000 sq.ft. of retail space. In addition to the original 1960's design and layout there are some significant leases at play (including McDonalds pad site). The center is located in two municipalities with the vast majority located in Springfield and a small part is in Whitemarsh. At this time, none of the buildings are located in Whitemarsh. This bank will be partially in Whitemarsh. Initially the pad site they proposed was to consist of 4,500 sq.ft. and that was to include a bank with a drive-through and a restaurant; that has since been removed from the proposal, mostly due to floodplain mapping. They will be removing a substantial amount of pavement to create a large green area which also gives them the opportunity to improve landscaping, traffic flow, and pedestrian access from Bethlehem Pike into the center. Stormwater management BMPs will be provided within the green space area, including amended soils to meet the stormwater ordinance requirements. Mr. Lewis stated they are here for Preliminary/Final Land Development approval and Conditional Use approval for a drive-through only. Please note this drive-through window is not a teller, it is drive-up ATM facility; there will also be a 24-hour ATM in the bank lobby. They are in receipt of review letters, an updated 1/10/2022 response letter was submitted based on a meeting with staff where open issues were resolved. The applicant is seeking only one waiver request – Section 105-21.B.(1)(n) to not require a survey of all features within 500 feet, to allow an aerial photo as a substitute.

Mr. Doran asked for confirmation that the only use of the drive-through is for the ATM, no tellers/window. Mr. Lewis confirmed, and also stated that it was requested that a bypass lane/exit lane be provided; that has been provided.

Ms. Glantz Patchen asked that they walk through §116-290. Criteria for the Conditional Use approval. Mr. Lewis explained the definition of a conditional use and how they meet the various criteria. Conditional Uses are uses legislatively permitted, as long as conditions in §116-37.F. and §116-290.E.(5)(a)-(g) are met. The conditions in §116-37.F. are general and have been met. §116-290.E.(5)(a)-(g): Traffic Study: the first criteria has to do with when and where a traffic study may be appropriate for conditional uses, in fact it references the SALDO section for when a traffic study may be appropriate. They have not submitted a formal traffic study because of the minor nature of what they are proposing (and is not specifically required by SALDO) for a 2,450 sq.ft. addition to an existing shopping center. Because this is an addition to a shopping center the magnitude of additional trips to be generated is minimal (5-10 PM peak hour trips). A traffic analysis for internal circulation, parking & queuing/stacking at the drive-through was done - satisfies criterion (a). Criterion (b): the drive-through window shall not require a new access to an existing road which they are not proposing. Criterion (c): has to do with location of drive-through. It states it shall be located behind the building or shielded from view from an abutting street. The internal drive would actually be considered as the building front and in that case, the drive-through is to the rear. Given the location facing Bethlehem Pike, this is like a corner; the drive-through will be screened from Bethlehem Pike with substantial new landscaping being provided. Criterion (d): any stacking shall not conflict with circulation. Their Traffic Engineer has studied the drive-through and opined that there will be no conflict and that

adequate stacking is provided. Criterion (e): any time a proposed use is adjacent to residential uses, a fence with landscaping shall be provided. There is adjacent residentially zoned land, however it is not used residentially. While there is no use to buffer from, they have provided decorative fencing and substantial landscape and buffering on the residential side of that fence so they believe they comply. Criterion (f): the drive-through facility shall not be the only access to the use. There is a lobby and pedestrian access into the building. Criterion (g): has to do with restaurant drive-throughs only, and since they are not proposing a restaurant, this does not apply here.

Architectural renderings were presented. This rendering has not been updated and does not show the drive-through bypass, sidewalk continuation, and the relocation of the door facing Bethlehem Pike. The rendering will be updated prior to the Board of Supervisors presentation.

Mr. Dambman asked if the drive-through ATM will be a 24-7 service. Mr. Lewis responded yes; the lobby ATM will also be open 24-7.

Traffic Impact Study:

Mr. Doran asked what is the difference between what you have provided and a "full Traffic Impact Study"? Mr. Lewis stated a traffic impact study can take on all kinds of different levels, for example: study of nearby signals, access points, levels of service of nearby intersections. A formal Traffic Study is not required per SALDO (which is referenced in the Zoning Section 116-290.E.(5)(a). While a full-blown traffic study is not required, they studied what is appropriate for what they are proposing which is internal circulation, stacking and a pedestrian study. Springfield Township asked for and they agreed to other unrelated pedestrian improvements to the center for the signalized entry as part of this project.

Mr. Tavani followed up on what Mr. Lewis stated. The SALDO section says a transportation impact study is only required for commercial uses where more than 25,000 sq.ft or more of gross floor area or 100 or more parking spaces but they are proposing an order of magnitude less that what would be required for such a study. Mr. Tavani stated the Township Engineer cites a different section which states the Planning Commission may request an impact study for any use at their discretion. He feels this would not be reasonable here in that the trips generated are so low, and will not have major impact to surrounding area.

Ms. Patchen commented she is not suggesting that they need to do a traffic study that is optional but to confirm what they are saying is that it is not required and they met the spirit of it and she is comfortable with that. Mr. Doran still believes the code requires a traffic impact study.

Mr. Tavani explained the reason they are citing the section they are is because that is the section Ms. Heinrich cited in her letter. He believes that is the section that applies and that there are different thresholds for different developments. A different section allows the PC to require a study for any development for any reason.

Ms. Heinrich stated if we are looking at this from a SALDO perspective, this is how it's been traditionally applied.

Mr. Guttenplan thinks the discussion this evening does demonstrate some ambiguity in the interpretation of the ordinances; in such a case, the ambiguity would be interpreted in favor of the applicant.

Mr. Sander stated that that is the stated standard in the MPC with regard to ambiguities in land use ordinances. Ultimately, the Board of Supervisors will determine whether this condition has been met. Planning Commission's job is to decide if a majority opines that the provision is met.

Mr. Lewis stated what got lost in the debate of whether or not the ordinance provision requires a traffic study at any time is that if it does require a traffic impact study, SALDO would dictate what is required. In that case, it would be what we studied and submitted. We have in fact submitted what is necessary for the Planning Commission to evaluate the traffic impact.

Public Comment:

Sydelle Zove; Harts Ridge Road – She appreciates the discussion, the back and forth on the matter of §116-290.E.(5). However, she thinks the focus has been on the Traffic Impact Study requirements as defined in subsection (a), there has been no discussion about subsection (d) of the code. She asked if Charlie could read that section, which addresses stacking and the need for a Transportation Impact Study related to the stacking impact. He left it out, did not mention it in the study.

Rob Lewis responded that Mr. Tavani did analyze the stacking for the proposal and believes he has done what is required.

Ms. Glantz Patchen asked Ms. Heinrich if a Transportation Impact Study was required, would what they submitted satisfy the requirements. Ms. Heinrich responded that a Traffic Impact Study can consist of many things; for larger developments they are asked to look at intersections and study the levels of service, that is probably not warranted in this case. It would have very little impact to signalized intersections down Bethlehem Pike. It can look at pedestrian needs, which their study did do. It can look at internal circulation, unsignalized intersections. Ms. Heinrich states she believes in this case what they presented would meet the requirements of a traffic impact study.

Richard Abraham: 670 Bethlehem Pike (attending in person)– commented regardless of the details of looking at these sections and determining whether or not a Traffic or Transportation Impact Study is required, the section that is most important is that the Planning Commission, at its discretion, may request an Impact Study for any development. He has several problems with what was submitted as did Ms. Heinrich in her review letter. There's nothing in the study that addresses the internal circulation including traffic from the Movie Tavern, it is based on statistics from 2012. The study provided indicates that a stacking area requires room for 5.8 vehicles, there are only 4 shown and then the one at the ATM. Their own study is inconsistent with what the traffic study requires. Also, it is impossible for a car to use the bypass exit unless they are the second car in line; feels that Covid will increase the use of drive-throughs; and feels the Planning Commission has the right to require a traffic study.

Mr. Tavani responded to Mr. Abraham's comments – regarding conflict when movie traffic lets out, the movie theatre is on the opposite side of the site, there will be very little conflict with the bank use. In his professional opinion, there will not be a conflict. The study referenced older data – traffic engineering data is empirical and constantly being updated and changed. That is the most recent data available. That data indicated 5.8 was the average. Other studies found the same to be 8 or 4 vehicles in queue. The 2008 study observed highest maximum queue to be 4 vehicles deep. The average ATM user, given other options, such as available parking, and alternative ATM locations inside the building, the number of vehicles queuing should be to the lower end, and 5 queuing spaces should be sufficient. Mr. Lewis also commented that the original plan is very different from the current plan. Both Township Engineers reviewed and commented on the circulation and they reworked the circulation to respond.

Richard Abraham commented that all Movie Tavern users must use the aisle in front of the bank to exit. If the drive-through is not behind the bank there must be landscaping; the landscaping that has been proposed will impede the view of vehicles leaving the site.

Mr. Quitel commented new data should be considered, residents' observations are important. Why wouldn't they suggest a traffic study be done to make sure they feel solid about the safety aspect of this.

Ms. Heinrich responded: she met onsite with Tim Woodrow who is the Engineer for Springfield and some of these things were discussed. On the Springfield side of the property, they required a lot of improvements that are not shown in this packet. To the question of a traffic impact study, they have done a traffic study exclusive of offsite traffic conditions. They have already studied and created a report of what is going on the site which is what we reviewed. Things that she likes that they provided from the original submission is

now they have this access drive off to Bethlehem Pike that is aligned with a parking lot drive aisle where before it wasn't and a green area with a pedestrian sidewalk access. To answer the question why shouldn't you require more traffic study, she thinks the only thing they haven't addressed with what they studied so far is what is going on off-site and she doesn't think that given the amount of trips generated by this use, they are not going to have any noticeable impact off-site. Mr. Quitel commented that taking into account what Ms. Heinrich said, that she feels confident that they are doing the best design from a safety aspect. Ms. Heinrich stated they do have some outstanding comments in her letter that that they have yet to address; they have indicated that they will comply. What they have provided is sufficient in her opinion. Mr. Tavani believe this plan not only mitigates to impact of the 8 hourly trips but it substantially improves the appearance and traffic flow of vehicles and pedestrians.

Mr. Tweedie added that he believes pedestrian circulation safety has been vetted thoroughly by both Townships by Mr. Tavani's study and their response to comments on this revised design.

Mr. Abraham: presented photos and discussed ADA spaces, and showed landscaping interfering with view of every car leaving shopping center to go North by cars entering.

Mr. Tweedie responded a solid structure is very different than a tree. A tree and landscaping provides landscape buffering and shielding but it is not a solid wall, and will not restrict view. Furthermore, there are no conflicting cross movements that could be blocked. It is a continuous flow, with no intersecting movements.

Sydelle Zove: following up to a comment made by Mr. Tweedie in regards to ADA compliant for the handicap stalls, do ADA provisions allow crosswalks across a 2-way drive aisle. Mr. Tweedie replied there is no proclulsion in ADA standards that prohibit this type of design.

Motion:

Ms. Glantz Patchen made a motion to recommend approval of the Conditional Use; seconded by Mr. Dambman. Vote 7-0

8. SUBDIVISION &/OR LAND DEVELOPMENT APPLICATIONS:

- Review SLD#02-20 (Revised) Federal Realty Investment Trust/1842 Bethlehem Pike (Flourtown Shopping Center); Preliminary/Final Minor Land Development Plan – Bank with Drive-through

Mr. Lewis stated there is only one waiver request §105-21.B.(1)(n) to provide survey of all features within 500 feet of site to allow aerial photo to show the required features. He believes they have support from the Township Engineer for this requested waiver.

Mr. Quitel commented after looking at the landscape plan; the landscaping does not seem appropriate to a floodplain.

Mr. Lewis replied they would happily accept landscape suggestions. They wanted to point out that amended soils are being provided in all green areas at the request of the Township Engineer. These areas are not just grass, will have significant stormwater value with the use of amended soils.

Mr. Quitel stated he appreciates the effort to provide amended soils, but could also provide something like swamp white oak or black gum to mimic what would grow along the Wissahickon.

Mr. Tweedie stated they will take this feedback back and see if some alternative species are appropriate. This is a floodplain on paper but is separate from actual floodplain and balancing floodplain comments and other comments to provide appropriate screening. This area functions more like a "main street" and leans more towards street trees, than floodplain. But will take comments under consideration and look for alternative species.

Mr. Guttenplan stated this plan will have to be approved by the Shade Tree Commission before the Board of Supervisors approves the final plan so plan revisions should be made prior to Shade Tree Commission appearance.

Mr. Lewis stated they have no objection to making sure the Shade Tree Commission is pleased with the selections of the plantings.

Mr. Dambman asked what is the net gain of green space; in response Mr. Tweedie replied approximately 7,000-7,500 sf of green space added.

Public Comment:

Mr. Abraham: Commented Shade Tree Commission approval is required. It is mandatory that this Planning Commission require the applicant to go back to Shade Tree Commission. The Zoning Hearing Board condition requires all use and development must substantially conform to what was presented to them. This plan no longer conforms to the exhibits presented. This should be a condition that they have to go back to the Zoning Hearing Board since they are different from the exhibits presented. This bank is not something that is required for the good of the people. There are many banks in the area already.

Mr. Lewis replied the plans can be modified from the Zoning Hearing Board exhibits to meet SALDO requirements.

Ms. Zove: commented on the planting plan: On April 6th, Mr Tweedie did appear before the Shade Tree Commission. What is significant is that the planting plan presented tonight is identical to plan presented to Shade Tree Commission in April. The minutes confirm that the applicant was asked to plant all native species. She is assuming when this goes back to Shade Tree Commission they will reach the same conclusion.

Mr. Lewis: agreed to modify the planting plans to incorporate comments related to landscaping.

Ms. Zove: The Planning Commission should include a condition that the plans be modified to incorporate the comments and recommendations of the Shade Tree Commission.

Mr. Abraham: recommends a condition be placed that the traffic study be revised to account for the Movie Theatre and COVID.

Mr. Lewis reminded Mr. Guttenplan about the email from resident.

Susan Roedder: 6306 Farmar Lane – stated her comments were well expressed by others and did not bear repeating and asked that her e-mail be removed from public comment.

Motion:

Mr. Shula made a motion to recommend approve of the preliminary/final land development plan subject to the applicant satisfying the remainder of the review letters by the Township Consultants and subject to the Board of Supervisors being satisfied that the transportation study provided thus far is sufficient, and subject to the applicant returning to the Shade Tree Commission and getting a favorable recommendation from them and pass on Mr. Quitel's comments of the type of native planting to be planted and to includes recommending the granting of the waiver or partial waiver as requested; seconded by Mr. Doran. Vote 7-0

9. OLD BUSINESS:

Mr. Dambman reported on the Spring Mill Area Multi-Modal and Land Use Study. Committee Meeting #4 met yesterday. They are nearing the end of the steering committee meetings. There will be a 2nd public meeting/listening session in February. They reviewed the survey that went out: result indicated participants

felt recreation and traffic were first and foremost issues. At some point, the study will come before the Planning Commission for comment before it is formally approved.

10. NEW BUSINESS:

11. PLANNING COMMISSION MEMBERS COMMENTS:

12. PUBLIC COMMENT FOR NON AGENDA ITEMS:

Sydelle Zove: Harts Ridge Road – made a comment regarding the future items listed on the agenda, specifically the master plan for Union League Golf Course. She is hoping those plans will be circulated well in advance of next meeting. Mr. Guttenplan responded yes, they will be circulated as per usual in advance of meeting.

13. ADJOURNMENT

- On a motion made by Ms. Glantz Patchen; seconded by Mr. Shula, the meeting was adjourned at 9:42 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.

