

**MINUTES
PLANNING COMMISSION
JUNE 13, 2023**

Attendees/Participants: Dave Shula, Bob Dambman, Aaron Kostyk, Patrick Doran, Elizabeth Shaw-Fink, Charlie Guttenplan, AICP, Director of Planning & Zoning, Krista Heinrich (Township Engineer), Vince Manuele (BOS Liaison), Dave Sander (Township Solicitor's office).

1. **CALL TO ORDER:** 7:00 PM by Chair Kostyk
2. **ANNOUNCEMENTS & CORRESPONDENCE:** None
3. **APPROVAL OF MINUTES**

- On a motion by Mr. Dambman, seconded by Mr. Shula, the Planning Commission moved to approve the March 14, 2023 meeting minutes as written. Vote 4-0-1 (Ms. Shaw-Fink abstained, not present at that meeting)
- On a motion by Mr. Shula, seconded by Mr. Doran, the Planning Commission moved to approve the May 9, 2023 meeting minutes as written. Vote 5-0

At Mr. Doran's request later in the meeting, Mr. Kostyk reopened the discussion of the May 9, 2023 meeting minutes. Mr. Doran needs to abstain from the vote on those minutes; was not present at that meeting. Mr. Kostyk invalidated the action previously taken on the approval of the May 9, 2023 meeting minutes. A motion was made by Mr. Shula; seconded by Mr. Dambman to approve the May 9, 2023 meeting minutes as written. Vote 4-0-1 (Mr. Doran abstained).

4. **ZONING HEARING BOARD APPEALS:** None
5. **CONDITIONAL USE APPLICATIONS:** None
6. **SUBDIVISION &/OR LAND DEVELOPMENT APPLICATIONS:**

- MileOne Fort Washington, LLC / 500-512 Pennsylvania Avenue, Fort Washington, PA
Preliminary Minor Subdivision (Consolidation of 4 Lots) & Major Land Development (Expanded, Multi-story Dealership)

Attendees: John Iannozzi, Esquire, Applicant's Representative; Dennis Turnbaugh, Division President; Jon Penney, President, with Penney Design Group, LLC; Matt Hammond, P.E., with Traffic Planning and Design, Inc.; Jeff Beavan, P.E., with Bohler Engineers

Mr. Guttenplan introduced the application. The applicant is proposing a minor subdivision to consolidate 4 lots (5 parcels) into one lot, and a major land development to remove two existing buildings and construct a multi-story addition to the rear of the current sales building. The applicant went in front of the Zoning Hearing Board on June 7, 2023, with a number of variances and special exceptions necessary. All the relief requested was granted, with certain conditions most of which were based on the Township Engineer's memo concerning floodplain concerns because the entire property is in the floodplain of the Sandy Run.

Mr. Iannozzi: They are basically taking 4 lots and consolidating them into 1, 3 buildings and consolidating them into 1, and 5 driveways consolidating them into 2. This will make for a much safer and easier traffic circulation for the Township. This business has been in the Township for over 50 years. Through this project it will allow for it to be here for many more years.

Mr. Turnbaugh: This dealership has been in this location since 2001. BMW sets requirements for dealerships including the size of the facility, number of vehicles on display, service work stalls, as well as the physical

layout of the building, and interior and exterior finishes. The current facility does not meet many of these franchise requirements. The property is entirely in combination of a floodplain and floodway which creates much of a hardship. Accordingly, they want to make the site safer. With the proposed construction they want to address flooding risks with this project. Since they purchased this location 2 years ago, they have been investigating how to fulfill the franchise requirements and capture more of the service business that currently lacks the physical capacity to take care of. They want to stay on Pennsylvania Avenue. Unfortunately, if they are unable to meet their facility needs and franchise requirements, they will need to find an alternative location. The plan is to renovate the existing sales building which is already above the FEMA flood level, demo the existing service building and car wash building (both which are subject to flooding), and build a 5 level facility with the required work stalls and structured parking to be able to accommodate their parking needs. This new facility will meet all their anticipated franchise and facility requirements.

Mr. Penney: Reviewed the current condition. The building to the east is the current car wash building, the center building is a sales building, and the building to the west is the service building. It is very disconnected, there are 3 separate buildings. From an operational standpoint it is not ideal. They are trying to do a consolidation into 1 site, 5 entrances become 2, and one consolidated building. The center building will be kept and renovated, they are taking down the front portion of the building and adding a 2-story glass box, building, a new service driveway, and raising up the elevation to match the main elevation which is above the floodplain. They will then construct a 5-story parking garage. From the back of the showroom, you'll be able to walk/drive into the parking level. The building will be elevated on stilts above flood elevation (170.11') for a total elevation of a 65-foot tall building. On the 2nd level there will be oil storage, in a floodproof room (also elevated 20 feet above floodplain). Building elevations and floor plans were reviewed. The 2nd level is parts and service and then parking above. The project will be phased.

Mr. Shula: asked if the building is the same height as the Audi building? Mr. Penney responded: this will be one level higher than Audi building.

Mr. Hammond: There are currently 5 driveways serving the property. The main driveway is opposite Commerce Drive, but slightly offset (not aligned). Pennsylvania Avenue is a State Road, so they coordinated with PennDOT early in the process. The main access point will be directly aligned with Commerce Drive (signaled intersection), then they will eliminate the multiple driveways in between, and provide an additional driveway access point on the eastern side of the property line (right-in, right-out only). A Traffic Study was prepared and sent to the Township Engineer and PennDOT for review. Being that the traffic signal is owned and maintained by Upper Dublin Township, they also coordinated with Upper Dublin Township. There is a future project to construct a portion of the Cross County Trail. However, one of the aspects to this plan is that there is a missing link getting you from Commerce Drive/Pennsylvania Avenue from the driveway or crosswalk to the existing trail. They have agreed to provide this connection as part of this development. Because they are consolidating the access points, there will be upgrades to the signal, and they will provide additional ADA upgrades and pedestrian facilities at the intersection.

Mr. Doran: what was the number used, based on increased traffic? Mr. Hammond responded: they looked at the trip generation; he is not in agreement with the ITE Trip Generation numbers for dealerships, but they are using them, even though they don't seem to reflect actual expectations. So it is an overestimate.

Mr. Beavan went through the waiver letter as color coded by Ms. Heinrich, with conditions recommended for certain waivers, also noted by Ms. Heinrich.

GREEN – NO OBJECTION TO WAIVER (By Township Engineer)

1. From SALDO §105-21.B.(1)(n) from the requirement to show all utilities and significant man-made features within 500-feet of, and within the site, to permit utilities and significant man-made features to be shown within the site and along frontage of project boundary, as off-site improvements are not proposed. An Aerial Plan showing features within 500-feet of the project will be included within the plan set conditioned upon the plans showing existing features along Pennsylvania Avenue for approximately 200 feet to the East of the property, or to the satisfaction of the Township Engineer, to verify proper alignment and an aerial photo showing features with 500 feet being included in the plan set.

2. From SALDO §105-21.B.(13) to permit the site survey (to project extents) to serve as the existing resources and site analysis (ERSA) plan. The site survey shows all the existing conditions on the property including the tree lines, the streams, the floodplain and the floodway.

3. From SALDO §105-21.B.(15) to permit the site post-construction stormwater management (PCSM) plans, details, and notes to serve as the Preliminary Resource Impact and Conservation Plan, as this will meet the resource identification, impact, and conservation requirements for PADEP and NPDES purposes.

6. From SALDO §105-38.B. from the requirement that the maximum width of entrance and exit drives shall be 35-feet at the street line, in order to provide alignment with opposite travel and auxiliary lanes and to satisfy PennDOT design criteria (including lane widths and required radii) along a state route. They are proposing a wider entrance to align with Commerce Drive across the street and then to provide a channelization island for the right in right out driveway on the right side of the plan. The pavement width at the main driveway will be 40 feet and then widens out with a radii at the curb line, and the lanes on the right are 14 or 16 feet wide each, but by the time the channelization island is added in, the curb opening ends up being 50 feet, subject to PennDOT review and approval.

7. From SALDO §105-38.C. to permit curb radii of less than 25-feet along parking lot aisles necessary for access for fire protection equipment, as long as truck turning templates are provided to the satisfaction of the Township Fire Marshal and Township Engineer showing circulation throughout the site. They provided a fire truck turning plan with the Land Development plans and will make some modifications based on the Township Engineer's comments.

Mr. Doran: what steps will be taken to ensure that no vehicles will be in those areas. In response: signs can be erected to enforce no parking areas. They will work with the Fire Marshal and Township Engineer on that.

12. From SALDO §105-38.O. from the requirement to provide at least 10-feet between any parking area and a building for the 14 parking spaces located near the service drive lane, for consistency with the Zoning Ordinance. A determination was obtained from the Township that relief was not required from a similar code section in the Zoning Ordinance (§116-184.E) due to the fact that the ramp adjacent to the service drive lanes is considered part of the (garage) structure, and therefore the parking spaces west of the service drive lanes would not be subject to the setback between a parking area and building (as they are on the building).

17. From Whitemarsh Township Code – Grading, Erosion Control, Stormwater Management and Best Management Practices §58-30.A.(9) to permit construction of impervious surfaces prior to completion of all on-site stormwater facilities, provided that adequate erosion and sediment pollution controls are provided to prevent sediment-laden water from leaving the site and that E&S adequacy and an NPDES permit are obtained from PADEP and the Montgomery County Conservation District prior to commencing construction. The applicant will work with DEP and the Montgomery County Conservation District, but it will occur in stages where they will install controls to prevent any sediments from reaching the stream, proceed with site construction and then the stormwater facilities will get constructed primarily underground while site construction is occurring.

18. From Whitemarsh Township Code – Grading, Erosion Control, Stormwater Management and Best Management Practices §58-34.B.(7)(d) to permit stormwater pipe sizes under 18-inches and to permit HDPE pipe in lieu of the required RCP pipe. The smallest pipe size on site is 15-inches for some areas that have very small drainage areas to them and that is to make sure they have the required flow in the pipes.

19. From Whitemarsh Township Code – Grading, Erosion Control, Stormwater Management and Best Management Practices §58-34.B.(7)(h) to permit roof leader piping to have a minimum of 12-inches of cover over the top of the pipe where 18-inches is required. They will need to provide a pipe that has adequate bearing capacity for that.

YELLOW – NO COMMENT (By Township Engineer) – DEFER TO PLANNING COMMISSION

4. From SALDO §105-30.A. and §105-48.E. to permit street trees to be planted outside of the Tree Zone, due to utility conflicts and an existing sanitary sewer easement along the site frontage. The required number of street trees under §105-48.B. are provided along the site frontage.

9. From SALDO §105-38.H. to permit a 4.9-foot setback in lieu of a 15-foot setback to off-street parking spaces along the southeastern property line for up to 13 inventory storage and/or service storage spaces. This area is currently utilized for vehicular storage and moves the edge of pavement back from a 0-foot setback in the existing condition. All other parking areas on site meet the required parking setback.

10. From SALDO §105-38.I. to permit parking rows of greater than 15 spaces without interruption by a landscaping area for the parking spaces located within the parking structure.

13. From SALDO §105-39.A. to permit fewer than the required number of parking lot trees due to insufficient planting area within the parking lots.

Mr. Doran: what is the difference between the required and proposed number of parking lot trees (in response: he did not have the exact number at that time but will be able to get that information).

Mr. Shula: are there other places in the site that you can plant the deficient number of trees (in response: they are planting everywhere they can by providing extended buffers and they are proposing to maintain tree lines along most of the perimeter of the property).

Mr. Doran: do you have the option of putting any type of cooling or green space on the top deck (in response: the top deck is intended for parking, no green is planned).

14. From SALDO § 105-52.B.(2) from the requirement to provide a 50-foot buffer yard, to permit an alternative planting option for the buffers along Pennsylvania Avenue and the southeastern property line due to limited site area. The required quantity of buffer plantings are being provided to meet the screening requirements but they do not have a 50 feet width on that green space and that is because of the need of circulation in front of the existing structure to remain.

Mr. Shula: what kind of alternative buffer are you considering, (in response: the alternative is to provide the required quantity of plantings just in a smaller space and then to coordinate so that some of those plantings can wrap the corner and buffer Pennsylvania Avenue as well).

15. A Partial Waiver from SALDO § 105-53.D. from the requirement to provide a fee in lieu of dedication for lands required for Park and/or Recreational Use, to coordinate with the Board of Supervisors in consideration of the fact that the stream is being preserved and an easement is anticipated to be provided to the County for their use in extending the Cross County Trail along the rear of the project site.

Mr. Dambman: if you are maintaining tree lines in the rear, how will you accommodate the trail without removing trees. (in response: at this time, we would be providing an easement only, no trail to be built at this time. Believes the County would try to “wind” any trail around existing trees.

Mr. Doran: can you describe the conditions of the stream (in response: the paving extends all the way to the existing stream, and then grade drops fairly significantly. With this project they would be removing pavement that currently extends to the stream edge, and plant trees).

16. From Whitmarsh Township Code – Tree Protection Standards §55-4.C.(3) and §55-4.D.(6) to permit fewer than the required number of replacement trees due to insufficient planting area. The number of trees they are planting on the property are to meet different requirements, but by the time you add in the trees required for the structured parking and replacement of the trees removed, there isn't enough additional room to plant those plantings.

Mr. Guttenplan: they will be going to the Shade Tree Commission in July.

Mr. Shula: if you were to treat the parking structure, the top level as surface parking, that together with the other surface parking, would you be able to meet the parking tree requirements based on that (in response: no because there is no room to plant islands on that).

RED – RELATED TO INVENTORY AND SERVICE REPAIR OPERATIONS

5. From SALDO §105-38.A. to provide 2-way aisles of a size less than 24-feet for 90-degree parking having a stall width of less than 9 ft x 18 ft in order to preserve an existing parking area in the southwestern corner of the site where they will be utilized for dealership operations and are not intended to be utilized for customer parking.

Mr. Kostyk: wanted to confirm that those spaces are utilized for employees only (in response: yes, just open to employees).

8. From SALDO §105-38.D. to provide double-stacked inventory and service/repair parking spaces without a direct access aisle, as these are intended to be utilized for dealership operations and not to meet required off-street parking requirements.

11. From SALDO §105-38.J. from requiring a maximum of 30 individual parking spaces placed together in any parking area and planting strips of not less than 10-feet in width between parking rows, to permit the proposed parking deck building, to allow certain existing parking areas (including in the southwestern corner of the site) to remain in their existing paved state, and for limited double-stacked inventory/service storage spaces on the site.

Planning Commission Questions/Comments:

Mr. Shula: commented that he likes the fact that they are consolidating the lots and driveway entrances. He likes the way everything is being consolidated into one area opposed to being spread out into multiple buildings.

Mr. Kostyk: has there been any communication with adjacent properties regarding their feelings about the project.

Mr. Iannozzi: during the Zoning Hearing Board process, the owners of the hotels were at the meeting and worked with the Rescape committee (Fort Washington Rescape, Inc.) and incorporated their input; the Rescape committee is taking no position on this. As it relates to Audi, they also know they are doing this project as well.

Mr. Doran: to add to Mr. Shula's view, this is an attractive project, it makes a lot of sense. If you can make parking go vertical and decrease your footprint, I think that is beneficial. There would be more opportunity for green space and create more buffer around the turn in the stream. I assume you are working closely with PADEP to keep the stream clean. The plans for Oil Storage--it is appropriate and prescient to talk about that storage; protecting inventory and the environment. What are the plans with the easement to allow for a future County trail, any agreement about financial support for that? Can the fee in lieu request be put towards that.

Mr. Iannozzi: all the details haven't been fleshed out but will be shown on the final plans.

Public Comment: None

Mr. Dambman: Waiver #16, Tree Protection standards--he is not sure if this is the point where we would look for a tree study. Sometimes we see this at this stage of development.

Mr. Iannozzi: his team will be in front of the Shade Tree Commission (STC), we will present a landscape plan with that information to the STC at that time. We thought the STC was the proper venue for addressing that.

MOTION—WAIVERS

Mr. Doran made a motion to recommend approval of the 19 waivers in the March 15, 2023 letter as revised June 9, 2023, with color coded and Township Engineer comments, subject to the conditions noted under 1, 6, 7, 12, 17, 19 and also recommends approval of waivers #13 & 16 conditioned upon approval from the Shade Tree Commission; seconded by Mr. Dambman. Vote 5-0

MOTION—PRELIMINARY PLAN APPROVAL

Mr. Doran made a motion to recommend preliminary plan approval; seconded by Mr. Shula. Vote 5-0.

7. OLD BUSINESS: None

8. NEW BUSINESS:

- Meeting of June 27, 2023 to be cancelled; next meeting will be July 11, 2023

9. PLANNING COMMISSION MEMBERS COMMENTS:

Mr. Dambman commented that the color-coded notes (on the waiver letter) were helpful.

Mr. Doran asked if there were any updates on the progress of the Ridge Pike project. Mr. Guttenplan replied: it is going to be a mess for a while. It is under construction. The other section west of Butler Pike to Crescent Avenue (Section C) has moved from preliminary engineering to final engineering. Last week he attended a meeting with the consultant and a representatives of the County Planning Commission with Saint Philips to discuss their school crossing needs on Ridge Pike for that section.

Mr. Doran asked what was happening at the intersection right at the corner of Liberty Hill Golf Course where the signage is, is that part of the road widening? Mr. Guttenplan replied: yes, he believes there is some detention right at that corner so there is a little bit more activity going on there.

10. PUBLIC COMMENT FOR NON-AGENDA ITEMS:

Eli Glick, Whitefield Drive: stated this commission has been involved in ordinances and development and waivers and so on. He wanted to share a personal experience on a small issue that is going on in the Township. In July of 2022, his next-door neighbor constructed an illegal detention basin on his property directly adjacent to his. He claimed he was putting in a pond but because of the location and other design features it could only be called a detention basin. His neighbor did not seek an earth disturbance permit or building permit. The work was done without protecting his adjacent trees. His trees by Whitemarsh Code definition are boundary trees with root zones directly under the area of disturbance. Additionally, the construction changed the drainage and natural flow of water to his property. The property owner only applied for a permit after a notice of violation was issued (work was already completed). The Township Engineer reviewed the plans and commented on Chapter 55 requirements. His tree is a boundary tree. He continued to raise the question until the Township Manager intervened and was informed verbally that the project had been "rescoped" to reduce the limit of disturbance below 5,000 square feet, and therefore Chapter 55 no longer applies. Mr. Glick stated the Township failed to protect his property and they should hold his neighbor responsible for violating both Chapter 58 & 55. He thinks the Township manipulated its way out of its requirements. His tree should have been protected before any work was done, so now there is a good chance that the tree will decline. Without the Township commenting on that it is really going to be meaningless. The neighbor claims he was going to make a Koi Pond out of it, and it's large.

Mr. Doran: if he had gone through the process, what would have been the way he would have had to protect the tree. Mr. Glick responded: he would have had to put tree protection fencing around the tree, and then his berm would have to be further from the property line.

Mr. Kostyk: so, your root zone extends onto his property. Mr. Glick responded: yes.

Mr. Kostyk: since it's not a project that is under our purview, he will ask staff to review and see what the status is now and whether there is another avenue that needs to be pursued by the property owner.

Mr. Doran: what is the process if something is built without a permit? Ms. Heinrich responded: the neighbor was issued a violation letter indicating they needed to remove the fill or submit plans that comply with Chapter 58. An application has been submitted and is currently under review.

Mr. Glick: this Township does not enforce its ordinances and he plans to go to the Shade Tree Commission and Board of Supervisors.

11. ADJOURNMENT

- On a motion made by Mr. Doran; seconded by Mr. Shula, the meeting was adjourned at 8:27 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.