

**MINUTES
PLANNING COMMISSION
JULY 27, 2021**

Attendees/Participants: Dave Shula, Sherri Glantz Patchen, Patrick Doran, Aaron Kostyk, Elizabeth Shaw-Fink, Scott Quitel, Charlie Guttenplan, AICP, Director of Planning & Zoning, Krista Heinrich (Township Engineer), Vince Manuele (BOS Liaison), John Walko (Township Solicitor's office), Kimberly Baptist (Consultant, Bergmann)

1. CALL TO ORDER: 7:02 PM by Chair Doran

2. ANNOUNCEMENTS & CORRESPONDENCE

- Mr. Doran announced that he and some other members of the Commission are choosing to wear masks. He is fully vaccinated as he assumes many are. If someone is not fully vaccinated, he invited them to wear a mask. They are optional if you are fully vaccinated. If you are talking with a mask, please step closer to the microphone so that you can be heard.

3. APPROVAL OF MINUTES

- On a motion by Ms. Patchen seconded by Mr. Kostyk, the Planning Commission moved to approve the July 13, 2021 meeting minutes. Vote 6-0

4. ZONING HEARING BOARD APPEALS: None

5. CONDITIONAL USE APPLICATIONS: None

6. SUBDIVISION &/OR LAND DEVELOPMENT APPLICATIONS: None

7. OLD BUSINESS: None

8. NEW BUSINESS:

- Zoning Ordinance Update: Chair Doran stated Ms. Baptiste is going to walk through what has been going on with the Zoning Update process and then 3 separate proposed revisions will be discussed on parking revisions. Chair Doran stated he had the privilege of being on the Steering Committee with Ms. Baptiste, Mr. Guttenplan, Mr. Manuele and Mr. Kaufman to address the changes and had a great process going back and forth over the course of three meetings to propose the changes and make edits to effectuate the goals set forth in the revised Comprehensive Plan Selective Update. Those changes are geared to reducing parking with the goal of reducing impervious surface wherever possible and practical and encouraging more environment friendly practices such as electrical vehicle charging. This is only three units of the process, there is more to come. After discussion, the hope is to make a recommendation to the Board of Supervisors to adopt these as part of an ordinance for adoption in the fall. A preview of what will be happening next in the review process will be discussed because it is ongoing, there are many facets, there is more to come in what we are packing in the zoning code to start to follow through on the commitments that were made as part of the Comprehensive Plan Selective Update.

Ms. Baptiste gave a brief recap and overview on how we got to this point, and that we are now working on some targeted zoning code updates. Ms. Baptiste stated the Whitemarsh Comprehensive Plan was adopted by the Township in 2020. The goal was establishing a vision for future land use in the Township focusing on environmental conservation, making sure the Township was moving forward in a sustainable manner. A series of zoning priorities were identified: Off-street Parking Minimums, Impervious Limits, Accessory Uses, Conservation Design Overlay District (and other Environmental Overlay Districts), Historic District standards, Mixed Use Districts and Bulk and Use Standards. The first focus is on parking modifications.

Revised or Added Parking Revisions:

- Off-Street Parking Minimums (existing). The purpose of this was to reduce parking minimums where possible and focus on modifying regulations to base on square foot dimensions rather than number of employees (which is very changeable), remove outdated uses and add new common uses. Ms. Batiste showed a slide within her PowerPoint that included a portion of a proposed new chart of parking minimums by use.

Planning Commission Comments: How did they come up with the parking standards (they used different published standards, looked at 4-5 different codes from surrounding Townships and the Township Engineer did a comparison based on ITE—Institute of Transportation Engineers standards); Mr. Guttenplan commented if a use is not in the code you are forced to come up with parking standards for the closest use and that is why it is important where you can identify a prevalent use or a use trend to be able to get those uses added. Ms. Baptiste stated this was also trying to be a little more conservative, so you don't have unused surface parking within the Township recognizing the baseline minimums. If a use comes in and feels they need the minimum plus an extra 10%, they would need to present that on a site plan and justify why. It was asked if this could happen and in response, it can happen, especially if it is a special exception or a conditional use, the ZHB or BOS can make that a condition of approval; they will need to demonstrate why they need more than is required. It was also stated that in the land development process review they make sure the technical data supports the number of spaces they want to put in. It was mentioned that these requirements can change and may be reduced even more in the mixed-use zoning districts; this will be discussed when mixed use zoning is reviewed.

- Reserve Parking (new section) would be a portion of the required spaces for a development that are shown on their site plan but not installed when the development is constructed but may be installed later. It creates an opportunity to reserve and keep green portions of surface parking areas. One important aspect is that stormwater is designed as if all the spaces are going to be installed because if at some time in the future the reserve parking gets installed, they don't want to have to go back and retrofit the stormwater management system. All the calculations that the Township Engineer reviews are going to be designed in the configuration shown on the plan because that configuration must work.

Planning Commission Comments: If parking spaces get installed later and regulations change, would variances be required. In response, if the plan is approved under a code and reserved parking is part of it, it can be installed the way it is on the plan based on the date of the approved land development plan instead of the date the construction permit is sought. There was concern that by adding specific language referencing the recommendation by the Planning Commission that may create an ambiguity where in other sections there is no reference to that recommendation by the Planning Commission; Mr. Manuele is in favor of eliminating that language so that we don't create that ambiguity for other sections that don't have it. How do we get it in the code to push the user to agree to lesser parking than what they are asking so there is less parking and more green space; by expanding shared parking beyond the Village Commercial District, up the percentage of reserved parking to what they are comfortable with and show a visual of what areas we want green. Are there any opportunities to do incentives for reducing parking footprint and maximize green footprints; there are a lot of opportunities for incentive zoning, could be a phase 2 consideration. To make sure applicants are aware of the reduced parking minimums, it was suggested to add a reference to reserved parking in the parking requirements section, so applicants are aware that it is an option.

- Electrical Vehicle Charging Stations (New). The purpose is to regulate and encourage the siting of the charging stations. The regulations cover size and location, general design, maintenance, access, fees, signage and number of spaces that are required. The EV charging stations as written are in addition to the minimum required parking spaces per the minimum parking table, they are required for all new, expanded or renovated parking areas and a minimum of 50% must be ADA-accessible. If you have 19 or fewer parking spaces you are not required to install an EV charging station, but encouraged to; 20-50 spaces you are required to have 2; 51-100 spaces you are required to have 5; and for every 50 spaces over 100 you are required to have 1 additional.

Planning Commission Comments: A sentence needs to be added clarifying that the number of EV charging stations required are in addition to the minimum number of parking spaces required. The

committee also spoke about certain new developments where the developers are offering as an upgrade the charging stations right in the garages. Mr. Doran explained the intent for residential development; doesn't want to rely on the developer putting EV charging stations in individual garages which is not accessible to visitors to the development to charge their vehicles; we don't want the developer to think that counts towards EV parking requirements.

Public Comment: Steve Kaufman, Harts Ridge Road, asked for clarification that if the code states a minimum amount of required parking spaces and a developer asks for additional parking, do they have to justify the increase; in response the answer is no, the only time they would have to is if they need something in return like not being able to satisfy the impervious ground coverage. Ms. Baptiste commented you could increase the percentage required of maximums for parking.

Mr. Kaufman also commented he had a concern regarding the power of the Planning Commission. The Planning Commission should be able to comment on park & recreation and fee in lieu; is it appropriate to add language encouraging the Planning Commission to weigh in? Is there anything in the code that discourages the Planning Commission to weigh in and make recommendations? Mr. Walko commented he is not aware of anything in the code that would discourage them from commenting on any items that comes before them. He believes the Board of Supervisors really defers to the Planning Commission to provide the recommendation that they feel is necessary for them to make or to bring up the points that they want to communicate to BOS. Mr. Kaufman asked if related SALDO and Chapter 55 are part of Phase 2 (they are not at the present time). He questioned how we can make a decision about zoning requirements without looking at related requirements in those codes that relate or may conflict with changes being made.

Ms. Baptiste asked if they would like to add a maximum to the parking; it was agreed upon that 10% is sufficient as a maximum above the minimums required. Any more than that would have to be justified through a variance request. The Commission would like to see a provision that has a maximum, exclusive of single family residential.

Mr. Manuele asked if the draft ordinance comes to the Planning Commission before it comes to the Board of Supervisors and suggested that Ms. Baptiste work with counsel to draft the ordinance to reflect the conditions as discussed tonight so that they can shorten the timeframe it takes to go to the Board of Supervisors. The next time the Planning Commission sees it, it will be in the form of an ordinance. Mr. Walko commented from the results of the feedback received from the PC, if it's been motioned to advertise and provided to the County Planning Commission as well and there are substantive changes, it would have to come back again before the PC. It would still move the ball forward to actually have it in a formal ordinance form even if it's not being advertised for a hearing at that time. The initial draft ordinance will come to the PC for final comments and once any revisions made, it would then be sent to the County PC, advertised, etc. Mr. Walko does encourage the PC to provide comments so by the time it reaches the Solicitor's office, it will have all those comments incorporated. Any comments beyond what was suggested tonight will be sent to Ms. Baptiste within a week.

Ms. Baptiste briefly explained the concerns of the Conservation Design Overlay. It does not meet the goals of the Township particularly, as it applies to smaller parcels; because of the loose interpretations of the open space requirements, it's not achieving what the vision is set out for; and the need to look at golf courses which is something that will need to be evaluated as this moves forward. A consideration moving forward is keeping the Conservation Design Overlay to apply to larger parcels but prepare new regulations for smaller parcels using Cluster Development regulations.

As it relates to the Floodplain Conservation Overlay, it was noted that a lot of variances come through for site improvements; do we want to continue to allow for only residential development in the floodplain, or should we be able to build at all in the floodplain?

The Riparian Corridor Overlay, there was just some general lack of understanding of where the overlay applies. There needs to be some clarification of the intent of this overlay district and where it is applicable; that will be the focus moving forward.

Steep Slope Overlay, some of the existing issues were identified as it relates to applicability to existing lots and should there be different standards for existing lots vs where you see new construction; should

the trigger be a 15% slope vs the current 8% slope; and should we be defining manmade vs naturally occurring steep slopes and modify the regulations specific to those definitions.

Other considerations that were identified that the existing zoning ordinance does not regulate protections for are important scenic views, significant natural areas, roadway landscape buffers, hillside development standards and stormwater runoff.

Next steps:

- Parking Regulations – Planning Commission to provide recommendations to Project Team on the proposed parking regulations; prepare ordinance package; and review and adopt by the BOS by fall.
- Complete Draft Environmental Overlay Updates - the goal is to have the draft environmental overlay updates reviewed by the committee in August/September; presentation to Planning Commission by October.

9. PLANNING COMMISSION MEMBERS COMMENTS: None

10. PUBLIC COMMENT FOR NON AGENDA ITEMS: None

11. ADJOURNMENT

- On a motion made by Mr. Kostyk; seconded by Mr. Shula, the meeting was adjourned at 8:59 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.

