

October 2, 2013
Curtis Hall

A regular meeting of the **BUILDING AND ZONING COMMITTEE** was held tonight, Chairman Morton J. Simon, Jr. presiding. Members present were Commissioners Hampton, McKeown, Portner, Sharkey, and Norris. Also present was Ex-Officio Member Haywood.

Staff present were David Jones, Interim Planner/Zoning Officer and Bryan T. Havis, Township Manager. Also present was Joseph Bagley, Esq., Solicitor. A Public Attendance List is attached.

Mr. Simon called the meeting to order at 8:30 p.m.

1. The Committee reviewed the Zoning Hearing Board (“ZHB”) Agenda for October 21 and October 29, 2013 as follows:

APPEAL NO 3471– Appeal of tenant of premises known as 300 S. Easton Rd. Glenside, PA, from the Decision of the Zoning Officer for the following Zoning Relief in order to place a new freestanding sign in place of their existing sign in a Class C-4 Commercial and Business District:

- a. A Variance in accordance with Article XXV, Signs of Chapter 295-197 C.(1)(a). of the Cheltenham Code in order to place a freestanding sign measuring 94.38 sq. ft. instead of the allowed 50 sq. ft. and having a maximum height of 21’-8” instead of the allowed 15’-0”.

The Committee reviewed the requested signage. Mr. Sharkey opposed the size of the sign and felt that Sunoco should adhere to the Township ordinance that regulates signs. He asked that Code Inspections investigate a boat that is being stored on the property and the condition of the exterior of the property for possible code violations.

Upon motion of Mr. Sharkey, the Committee unanimously directed the Township’s Planner/Zoning Officer to advise the Zoning Hearing Board that the Committee recommends denial of said appeal based on the size of the sign, which is too excessive for Easton Road.

APPEAL NO 3474 – Appeal of Ogontz Autos, LLC owner of premises known as 8141 Ogontz Ave., Philadelphia, PA 19050 from the Decision of the Zoning Officer for the following Zoning Relief in order to operate a used motor vehicle sales agency as a “primary use” and the existing Midas Auto Repair as an “accessory use” in a Class C-2 Commercial and Business District:

- a. Variances from the Rules and Regulations of the Article XVI of Chapter 295-108 J. prohibiting the sale of used automobiles.

Mr. Tracy Beers, owner was present. Mr. Jones advised that the Township’s Planning Commission did not oppose said application but it was his opinion that it could be difficult for this property to be transformed into this use. Mr. Jones noted issues with size, parking, parking cars along road frontage, and the selling of used cars, all of which could be problematic, and some of the parking being used is required for the mall under its land development plan. Also, it is possible that a used car lot may not be an accessory use.

Mr. Beers distributed a plan and aerial and ground photos of the property. He discussed the building's footprint, the use of the rear parking area as a used car lot, and stated that no cars will be parked along Ogontz Avenue.

In response to a question from Ms. Hampton, Mr. Beers stated that there will be no change to the parking lot, the cars for sale will be parking at the back of the lot, and not on street frontage, Midas use of the front lot will remain the same.

In response to a question from Mr. McKeown, Mr. Beers stated that there are six (6) Midas employees and one (1) or two (2) employees for the used car facility. Mr. McKeown felt that a restriction to not allow "cars for sale" signage could be considered.

Mr. Portner asked about the number of cars that will be displayed since it appeared to Mr. Portner that there is only space for 17 cars. Mr. Beers responded that he did not want to be limited to the number of cars to be displayed, most of them will be sold over the Internet, and he did not need street exposure since they will be marketed on-line.

Mr. Beers questioned why a zoning application was needed since the property is zoned C2, which allows car sales. Mr. Bagley responded that Mr. Beers' used car business was not the primary use of the property. A primary use (Midas) already existed. In response to a question from Ms. Hampton, Mr. Bagley stated that a used car lot is permitted as a primary use but the Midas business would have to be eliminated as the primary use to do so.

In response to a question from Mr. Simon, Mr. Bagley explained the criteria for primary and secondary uses. For primary use as a used car dealership, the existing building would have to be re-configured in accordance with Township Code. Mr. Simon asked about the extent of Midas' business and where the cars would be repaired. Mr. Beers stated that Midas provides full auto general and maintenance services, and car maintenance will be done inside.

In response to a question from Mr. Norris, Mr. Beers stated that there will not be a separation of the properties. Mr. Norris felt that a separation might be more attractive.

Mr. Haywood suggested that Staff review this appeal further, and requested that the applicant request a continuance at the Zoning Hearing Board meeting. He felt that too many concerns have been raised this evening. Mr. Beers was agreeable.

Upon motion of Mr. Haywood, the Township's Planner/Zoning Officer was directed to advise the Zoning Hearing Board that the Committee recommends the grant of a continuance, and if a continuance is not granted, the Committee recommends denial of said appeal based on insufficient information provided by the applicant.

APPEAL NO. 3473: Appeal of Arcadia University, owner of premises known as 450 S. Easton Road, Glenside, PA 19038, from the Decision of the Zoning Officer for the following zoning relief:

- a. Variances from the Rules and Regulations of the Class R-1 Residence District as outlined in CCS 295-07. for the expansion of the educational use on the premises (CTRERP Block 137, Units 26 and 27) by making the following improvements instead of the enumerated permitted uses:

- i. Construction of a new 4400 +/- S.F., one-story (18' high) maintenance building.
- b. Variance from CCS 295-10(C). for a rear yard setback of 10' instead of the allowed 50'.
- c. Variances from the Rules and Regulations of the Steep Slope Conservation District as outlined in Article XXII of the Cheltenham Code, as follows:
 - i. From CCS 295-166(B.) for the construction of site improvements associated with the improvements noted in a. and b., above, for property having a terrain gradient of 15 % or more in a Steep Slope Conservation District.
 - ii. From CCS 295-167. for the construction of site improvements associated with the improvements noted in a. and b., above, instead of the enumerated permitted uses.
- d. In the alternative to (a.) and (c.) above a Special Exception per CCS 295-227(C.) for extension or expansion of a non-conforming use.
- e. Variance from CCS 295-252(B) for a Parking Lot in the Riparian Corridor Conservation District or, in the alternative, an interpretation that CCS 295-250(B) or (C) applies for an existing driveway and parking lot in the Riparian Corridor.

Hal Lichtman, architect, was present. Mr. Jones advised that the Township's Planning Commission supported the application. Mr. Lichtman distributed revised maps and discussed the building's location; location of the creek; location of existing maintenance building; a planned bike path; and restoring of the streambank. He stated that chemicals from vehicles will have a separate system and will be removed by a hazardous waste material company. The parcel of ground on which the building is situated is part of Holy Sepulcher Cemetery, and Arcadia University will be purchasing it contingent upon zoning approval.

Mr. Haywood asked for specifics regarding restoring the streambank. Mr. Lichtman stated that the asphalt area within the riparian buffer area will be replaced with a grass area.

Ms. Hampton was concerned about an environmental impact and suggested the Environmental Advisory Council review this.

Mr. Sharkey stated that in the past, the university wanted to construct a maintenance facility on the former Kanami Garden Center property at the intersection of Waverly and Church Roads, and the Township opposed it. He felt this was a more appropriate site and supported it.

Upon motion of Mr. Haywood, the Committee unanimously directed the Township's Planner/Zoning Officer to advise the Zoning Hearing Board that the committee takes no action on said appeal but if relief is granted, it be granted contingent upon the streambank restoration plan as presented this evening.

APPEAL NO. 3468 (continued): Applicant is the equitable owner of a 3.65+ acre parcel of ground with frontage on Ogontz Avenue, Limekiln Pike, MacDonald Avenue and Clubhouse Lane. The property is located in a C1 Zoning District and is currently vacant.

Applicant proposes to develop the property for a WaWa Convenience Store containing 5,585 square feet with fueling stations. In this regard, Applicant requests the following zoning relief:

1. A variance under Section 295-98 of The Cheltenham Zoning Ordinance of 1929, as amended (the "Ordinance") so as to permit the property to be used as a Wawa convenience store containing 5,585 square feet with fueling stations;
2. A variance under Section 295-102 of the Ordinance for a reduction in the width of the 15 foot wide buffer along a public highway. The area between the proposed driveway and the Limekiln Pike right-of-way is 11.1 feet;
3. A variance under Section 295-101.A of the Ordinance to permit a canopy along Limekiln Pike to be located less than 60 feet from Limekiln Pike;
4. An interpretation under Section 295-221.B.(5)(a) of the Ordinance or, in the alternative, a variance under Section 295-221.B.(5)(a) of the Ordinance, to permit parking to be located between the building and the street;
5. A variance under Section 295-221.F of the Ordinance so as to increase the allowable parking area. The convenience store and the fueling stations use requires 31 parking spaces. Applicant is proposing 66 parking spaces, which is in excess of the maximum parking standard;
6. A variance under Section 295-221.K.(1) of the Ordinance so as to permit service and loading behind the building. Applicant proposes to have the loading on the side of the building (along Clubhouse Lane);
7. A variance under Section 295-196.A.(3) of the Ordinance so as to permit five (5) directional signs, each exceeding 4 square feet; and
8. Variances under Section 295-197.C.(1)(a) of the Ordinance, so as to permit: (a) two (2) free-standing, internally illuminated, double sided signs with LED price changer, one (1) containing 189.04 square feet with a height of 40 feet (located on Ogontz Avenue), and one (1) containing 99.94 square feet with a height of 25 feet (located on Limekiln Pike); (b) three (3) parallel wall signs with logo, one (1) containing 66.69 square feet (facing Limekiln Pike), one (1) containing 37.47 square feet on the rear of the building (facing the Clubhouse Lane/MacDonald Avenue intersection); and (c) an additional 3.92 square feet of parallel wall signage (pump signage), as per the attached signage plan, all of which parallel wall

signs total 108.08 square feet, which total exceeds the maximum square footage permitted;

9. A variance under Section 295-221.B.(5)(b) of the Ordinance so as to permit off-street parking on the corner lots;
10. A variance under Section 225-221.C.(2)(c) of the Ordinance so as to permit the width of driveway entrance along Limekiln Pike to exceed 24 feet in width. The proposed driveway width is 30 feet;
11. A variance under Section 225-223 of the Ordinance so as to permit the trash enclosure to be located approximately 20 feet from the rear yard setback area. The rear setback requirement is 50 feet;
12. To the extent that it is determined that the right-of-way line is located on the conservation easement boundary, Applicant requests additional relief under paragraphs 2 and 3 above as the setbacks may change; and
13. Applicant seeks such other variances, special exceptions and interpretations as may be required in order to develop the property in accordance with the plans submitted by Applicant.

It was noted that Zoning Hearing Board testimony on said appeal has not concluded.

Upon motion of Mr. Haywood, the Committee unanimously directed the Township's Planner/Zoning Officer to advise the Zoning Hearing Board that the Committee takes no further action on said appeal, and if relief is granted, it be granted contingent upon the Committee's recommendations as previously stated.

2. Upon motion of Mr. Sharkey, the Committee unanimously accepted the Planning Commission Regular Meeting Minutes dated September 23, 2013.

3. Upon motion of Mr. Sharkey, the Committee unanimously approved and denied the issuance of Certificates of Appropriates for signage as recommended by the Economic Development Task Force as follows:

Approve: Santander, 500 Central Avenue, Cheltenham Village Business District, for signage.
Park Plates, 7852 Montgomery Avenue, Elkins Park East Commercial Business District, for signage.
State Farm, 421 Central Avenue, Cheltenham Village Commercial Business District, for signage and awning.

Deny: Sunoco, 300 S. Easton Road, Glenside Business District, for signage.

4. The Committee reviewed recent decisions of the Zoning Hearing Board as follows:

APPEAL NO. 3465: Appeal of Elizabeth and Scott Rawes owners of premises known as 7801 Woodlawn Ave., Elkins Park, PA 19027 zoned R-4, from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a 26' x 24' garage with a second floor in-law suite on the northeast side of the premises.

The Zoning Hearing Board granted applicants request for relief subject to conditions.

Upon motion of Mr. Norris, the Committee unanimously agreed to take no action.

APPEAL NO. 3467: Appeal of Anita T. Conner, owner of the premises known as 8000 Old York Road, Elkins Park, PA 19027 from the decision of the zoning officer for the following zoning relief in order to allow a 4% expansion of an existing Accounting and Law office in a Class R-4 residential district.

The Zoning Hearing Board granted applicant's request for relief subject to conditions.

Upon motion of Mr. Portner, the Committee unanimously agreed to take no action.

APPEAL NO. 3469: Appeal of David Barry, equitable owner of premises known as 338 E. Laurel Avenue, Cheltenham, Pa 19012 from the decision of the zoning officer for the following zoning relief in order to use the garage on the premises as an office and warehouse for the operation of a landscaping/snowplow business and storage of landscaping/snowplow equipment on the premises.

The Zoning Hearing Board denied the request for relief.

Upon motion of Mr. Sharkey, the Committee unanimously agreed to take no action.

5. Old Business – None.

6. New Business: The Committee considered a renewal of the Township's contract with the Montgomery County Planning Commission. Mr. Havir reviewed the terms of the contract including the services the County would render.

Ms. Hampton questioned the County's services as they pertain to the Township's planned bike/ped program and the credentials of the experts. She questioned if the planners could be vetted.

Mr. Sharkey noted that the last County planner who assisted the Township was recently hired by a national company, and Townships that use the services of an outside professional planner have much higher costs.

It was Mr. Haywood's opinion that the County planners did an excellent job of assisting the Township on its Sustainability Plan.

Mr. Simon did not believe that the contract limits the Township to using the County. He believed the contract gave either party the ability to terminate their services if they are not adequate.

Mr. Norris asked if it was a retainer-type contract. Mr. Havir advised that the County bills each spring (April) and each fall (October), and the Township has exceeded the agreed upon hours in every contract it has had with the County. The County underwrites 50% of the contract.

Upon motion of Ms. Hampton, the Committee unanimously decided to table action on the Township's three (3) year contract renewal with the Montgomery County Planning Commission until the November 6, 2013 meeting.

7. Upon motion of Mr. Portner, the Committee unanimously received the Report of the Building Inspector for the month of September 2013.

8. Under Citizens' Forum – None.

There being no further business, upon motion of Mr. Simon, and unanimously approved by the Committee, the meeting was adjourned at 9:30 pm.



Bryan T. Havir
Township Manager

as per Anna Marie Felix



PUBLIC ATTENDANCE LIST
Public Safety Committee, 7:30 p.m.
Public Affairs Committee, 7:45 p.m.
Building and Zoning Committee, 8:00 p.m.
Wednesday, October 2, 2013
Curtis Hall

NAME (Please Print Clearly)	ADDRESS	E-MAIL and/or TELEPHONE
<i>Ann Rappoport</i>	<i>Wyncote</i>	