

A regular meeting of the **BUILDING AND ZONING COMMITTEE** was held tonight, Chairman Morton J. Simon, Jr. presiding. Members present were Commissioners Brockington, Holland, Norris, Pransky, Rappoport and Sharkey.

Staff present were Bryan Havir, Township Manager; Alyson Elliott, Assistant Township Manager; and Henry Sekawungu, Director of Planning and Zoning. Also present was Joseph Bagley, Esq., Solicitor. A Public Attendance List is attached.

Mr. Simon called the meeting to order at 9:55 p.m.

1. Receipt of the August 28, 2017 Planning Commission Meeting Minutes.

Ms. Rappoport raised concerns about buffers, setbacks, steep slopes, EDUs, signage and driveway access for Zoning Hearing Board (ZHB) Appeal No. 17-3579, requesting relief to permit the construction of one-story medical office building (MedExpress) for a property located on South Easton Road, Glenside (adjacent to Michael's Restaurant). She was not satisfied, based on the Planning Commission's minutes, that the applicant took every possible step to minimize the relief necessary to permit this project. Based on the building's proximity to Grey Towers at Arcadia University, which is a National Historical Landmark, she would also like the Township to ask the applicant to use building materials similar to those on its buildings in Bloomfield, PA and Runnemeade, NJ to stay in keeping with the adjacent architecture, rather than its standard façade.

Action on ZHB Appeal No. 17-3579 was tabled until later in the meeting.

Upon motion of Mr. Simon, the Committee unanimously received the August 28, 2017 Planning Commission meeting minutes.

2. Review of Zoning Hearing Board Decisions.

Upon motion of Mr. Simon, the Committee unanimously, agreed to take no action on the August 14, 2017 decision of the Zoning Hearing Board granting the applicant's requests with conditions on ZHB Appeal No. 17-3579 for CLK Realty Associates, LLC to permit a multi-tenant office use and residential apartment in the same building, and other associated relief from the Township's Zoning Ordinance, at 7827 Old York Road, Elkins Park.

3. Receipt of the August 2017 Report of the Building Inspector.

Upon motion of Mr. Simon, the Committee unanimously received the August 2017 Report of the Building Inspector.

4. Old Business.

a. Discussion on the Revised Draft Zoning Ordinance.

Brian Olszak, Community Planner for the Montgomery County Planning Commission (MCPC), provided a brief overview of the changes made based on Mr. Simon's and Ms. Rappoport's comments from the August 2017 meeting. Mr. Olszak said the August 2, 2017 MCPC "review" letter comments were not incorporated into the

revisions, as they would be part of MCPC's 247 review and are changes that could be considered at a later date after the Ordinance is adopted.

The following were items Mr. Olszak wanted to seek clarification on from his "errata" memorandum dated August 2, 2017 prior to finalizing the Ordinance:

- 1) Item 13: Minimum width of townhouses – no change.
- 2) Item 17: Regarding the consistency of the height of street and pedestrian lights in the MU3 Mixed Use and C1 Commercial zoning districts – no change.
- 3) Item 19: Consider lowering the maximum impervious surface ratio in the MU3 on page 127 – changed to 30% maximum impervious coverage.
- 4) Item 24: Consider adding subsection F.1 on page 216 to require a distance of 1,600 feet from a use to be by way of safe pedestrian travel – ok to change.

Upon motion of Mr. Simon, the Committee unanimously approved the above listed changes.

Commissioner Sharkey proposed several changes he would like to see made to the Ordinance before supporting its adoption:

- 1) Upon motion of Mr. Sharkey, the Committee unanimously agreed to Mr. Sharkey's proposed map change to extend the MU2 Zoning District in map section B3 to include an additional parcel on Montier Road.
- 2) Upon motion of Mr. Sharkey, the Committee unanimously agreed to Mr. Sharkey's proposed request to change the zoning map for approximately five parcels along Willow Grove Avenue in map section B2/C2 from MU2 to R2 Residential, in keeping with the current character of existing development.
- 3) Upon motion of Mr. Sharkey, the Committee unanimously agreed to Mr. Sharkey's proposal to prohibit uses of the same type in use group B-20 (a and b), Personal Care Uses, from being located within 750 feet of each other.
- 4) Upon motion of Mr. Sharkey, the Committee unanimously agreed to Mr. Sharkey's proposal to remove use group D-12: School, Public/Private from being permitted in B-17, Mixed Use Buildings and stating that only uses permitted by right within the zoning district of a property will be permitted in mixed use buildings.

Commissioner Simon discussed the following revisions to the draft Zoning Ordinance (page numbers based on the redlined version):

- 1) Page 43 (Use Group A-1.g), increase location of horse stable to not less than 50 feet from any property line and not in the front yard. Also, increase minimum acreage from two horses per acre to one horse per acre.

- 2) Page 78 (Use Group D-12.d), delete “facilities” and or “group of facilities” from this section.
- 3) Page 80(Use Group D-15.1), delete definitions for arterial major/minor highways they are already defined in the Comprehensive Plan.
- 4) Page 87 (Use Group G-5.i), delete “landscape provision of this ordinance.”
- 5) Pages 95, 98, and 109, change the language for all dimensional standards referencing maximum building height to read: “the lesser of three stories or 40 feet”.
- 6) Page 105, change the language for all dimensional standards referencing minimum lot area to read, “the larger of 1 acre or 2,500 square feet per dwelling unit of any size.”
- 7) Pages 135 and 136, add “building permit:” as a requirement in sections e and f.
- 8) Page 139, correct typo by removing “interior” and delete subsection C.1 related to the interior of each building.
- 9) Page 139 (subsection d), capitalize “Master Plan”
- 10) Page 153, “area” should be “acres”
- 11) Page 153 (subsection D), Mr. Bagley will provide edits to the proposed development agreement to improve clarity.
- 12) Article XVIII, make definition of “Demolition by Neglect” consistent across all existing and proposed Township ordinances.
- 13) Page 160, in the definition of “demolition,” add “or in part.”

Upon motion of Mr. Simon, the Committee unanimously agreed to Mr. Simon’s proposed changes to the draft Zoning Ordinance as listed above.

Recommendation to the Board of Commissioners: Upon motion of Mr. Pransky, and unanimously approved, the Committee recommended the adoption of an Ordinance amending Chapter 295, Zoning, of the Cheltenham Township Code of Ordinances and the Cheltenham Township Zoning Map in their entirety and recommending that the Board of Commissioners authorize advertisement of a public hearing to be held at its regularly-scheduled meeting on November 15, 2017, in order to receive public comment and consider adoption of said Ordinance and Map.

On behalf of the Committee, Mr. Simon thanked Brian Olszak, Montgomery County Planning Commission, David Cohen, and all who participated in drafting the revised Zoning Ordinance for their patience, expertise and dedication in developing this Ordinance over the years.

Note: The proposed comprehensive Zoning Ordinance and Zoning Map amendments will be posted on the Township website for public review once the revisions discussed at this meeting have been incorporated. The proposed Zoning Ordinance and Map amendments will be located at: www.CheltenhamTownship.org > Document Center > Resolutions and Ordinances > Ordinances under Consideration.

b. **Medical Marijuana Dispensary Ordinance.**

Recommendation to the Board of Commissioners: Upon motion of Mr. Sharkey, and unanimously approved, the Committee recommended the adoption of an Ordinance amending Chapter 295, Zoning, Article XVII, C3 Commercial and Business Districts, of the Cheltenham Township Code of Ordinances to permit medical marijuana dispensaries by special exception in certain portions of the Zoning District and recommending that the Board of Commissioners authorize advertisement of a public hearing to be held at its regularly-scheduled meeting on October 18, 2017, in order to receive public comment and consider adoption of said Ordinance.

5. **New Business.**

Upon motion of Mr. Sharkey, unanimously approved by the Committee, discussion on the proposed Ordinance amending Chapter 215, Property Maintenance, Section 215-2, Modification of Standards, of the Cheltenham Township Code of Ordinances was tabled until the October Building and Zoning Committee meeting due to the lateness of the meeting.

6. **Executive Session.** The Committee recessed into an Executive Session at 11:50 pm. to discuss potential litigation and returned to regular session at 11:58 p.m.

7. **ZHB Appeal No. 17-3579, MedExpress, South Easton Road.**

Upon motion of Mr. Holland, the Committee unanimously recommended the Zoning Hearing Board deny Appeal No. 17-3579 and authorized the Township Solicitor to attend the Hearing on September 11, 2017, to request a 30-day continuance so the applicant can appear before the Building and Zoning Committee at its meeting on October 4, 2017, to present its requests for relief from the requirements of the Zoning Code.

8. **Citizens' Forum – None.**

9. **Adjournment.**


There being no further business, upon motion of Mr. Pransky, the meeting was adjourned at 12:02 p.m.



Bryan T. Havir
Township Manager

As per Alyson Elliott and Henry Sekawungu

PUBLIC ATTENDANCE LIST
Public Works Committee @ 7:30 PM
Building & Zoning Committee @ 8:00 PM
Wednesday, September 6, 2017
Curtis Hall
Wyncote, PA 19095

NAME (Please Print Clearly)	ADDRESS	EMAIL/TELEPHONE
MICH ZYEMANO-LEWIS		
		
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