

**MINUTES OF THE PLANNING COMMISSION
UPPER POTTSBROOK TOWNSHIP**

February 8, 2010

The regular meeting of the Upper Pottsgrove Planning Commission was held on Monday, February 8, 2010, at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Elwood Taylor, Herb Miller, John Bealer, John Ungerman and Donald Nice present. Also present were County Planner Michael Narcowich, Township Engineer John Theisen, Township Manager Jack Layne and Recording Secretary Michelle Reddick. The meeting was called to order by Chairman Taylor at 6:03 p.m. There were 11 people in the audience.

APPROVAL OF MINUTES – A motion by Miller, seconded by Nice, to approve the minutes of January 11, 2010, as written. All aye votes.

#5-07 PASCAL ANNEXATION – final plan review – Engineer Nick Feola of Bursich Associates and Realtor Chris Monte were present to discuss revised final plans dated January 27, 2010. The Planning Commission reviewed the revised plans as well as comments from Township Engineer John Theisen and County Planner Mike Narcowich. Mr. Theisen noted the only outstanding issue was the requirement in the Subdivision and Land Development Ordinance for the dedication of 1,300 square feet of open space. However, he explained that the Board of Commissioners does have the right to accept a fee in lieu of open space, and this would be appropriate since there is no usable open space to dedicate within this project. Mr. Monte indicated the applicant would not have a problem with that since there is no available open space to dedicate. Mr. Ungerman noted that since there are no other trails or Township open space contiguous to this property, it would be appropriate to recommend to the Board of Commissioners they accept a fee in lieu of dedication of open space. Mr. Taylor advised that the Board of Commissioners will make the determination to allow a fee in lieu of open space. Mr. Narcowich briefly reviewed his comments and noted that the applicant already received a waiver for his comment concerning tree removal and replacement. He further noted the applicant would need to request additional waivers for the required tract buffer and street trees as listed in his comments. Mr. Monte indicated the only house affected by the tract buffer is 1722 Gilbertsville Road which has already been sold. In reference to Mr. Narcowich's comment concerning construction of a sanitary or storm sewer in a steep slope area, Mr. Theisen advised that there would only be minor disturbance of the steep slope and it would be considered a di minimus issue. A motion by Ungerman, seconded by Nice, to recommend to the Board of Commissioners final plan approval subject to satisfaction of all the outstanding issues from preliminary plan approval and additional waivers for street trees and tract buffer. All aye votes.

#5-09 C.F. POTTSBROOK ASSOCIATES – land development plan review – Representatives from C.F. Pottsgrove Associates along with engineer Matt Rutt, Attorney Greg Adelman, traffic engineer Matt Hammond and franchise owner Don Welsh were present to discuss preliminary plans for a Sonic Restaurant to be located on the northwest corner of Route 100 and Upland Square Drive. This project is partly in Upper Pottsgrove Township and partly in West Pottsgrove Township. Greg Adelman noted that there are several issues up in the air with respect to the proposed Sonic. Therefore, he felt it was important to explain what is going on in West Pottsgrove Township. He explained that they examined the property and the current zoning in West Pottsgrove which is Planned Retail Center and determined that there are multiple sections that require zoning relief. He noted that the Planned Retail Center ordinance was really intended to apply to the Upland Square project as a whole, and this portion of the property is considered the residual parcel that was left over after Upland Square Drive was constructed. He further noted that the property was zoned Commercial Business and then was

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changed to Planned Retail Center. However, he believes it was never intended to apply to such a small parcel as the one where Sonic will be located. He explained that at the same time they filed their land development application with Upper Pottsgrove, they also filed a land development application in West Pottsgrove along with a zoning application for variances from multiple sections of the Planned Retail Center ordinance. The parcel is a little over four (4) acres, and the proposed Sonic is approximately 1,500 square feet including the eating area and associated parking and drive aisles. The stormwater is proposed to be handled with basins already in place as part of the Upland Square Shopping Center in West Pottsgrove Township which were oversized in order to accommodate future development of this property. The original proposed sewer was changed so that the sewer will be located entirely in West Pottsgrove Township for this project, and would be part of the already approved sewage planning module for the entire Upland Square project which includes this residual parcel. From a planning perspective, this project is in a public sewer service in the West Pottsgrove portion of the property so that it simplifies the sewer planning for the overall project. Mr. Adelman explained that they have proposed an overlay zoning district which the Township is considering for this property and other properties along the Route 100 corridor and have received some comments from County Planner Mike Narcowich. However, he has not had a chance to review those comments in any detail so that is part of the process we anticipate going through with the Township in order to make sure that it works from a planning perspective. The Planning Commission reviewed comments in the Township Engineer's letter dated January 26, 2010. Mr. Adelman referenced Mr. Theisen's comment regarding the plan not complying with the current zoning, and noted that they are moving forward with the plan review with the understanding that the Township is considering the Route 100 overlay zoning district. Mr. Adelman also noted that the proposed overlay district will change that area to commercial; the comment concerning a berm would not apply. Mr. Taylor noted that since the Sonic as well as most of the area around it will be changed to commercial (including some of the homes along N. State Street) once the Route 100 overlay district is adopted, there is no need to worry about any special buffering. Mr. Adelman also noted the future plans on N. State Street are to vacate and cul-de-sac in a bulb so that there will be a clear mark between the residential area and the proposed commercial area (this is once the Route 100 overlay district is approved). Mr. Adelman noted that Sonic is proposing an LED sign. In response to a question from Mr. Miller, franchise owner Don Welsh advised that there is not an LED sign at the Sonic in Morgantown. Mr. Welsh explained that Sonic did not allow LED signs as part of the franchise in the past. Therefore, this will be only the second LED sign for Sonic. He noted there is a Sonic currently under construction in Willow Grove which will have the first LED sign. Mr. Taylor suggested the applicant pass along the specifications for the LED sign since the Planning Commission is currently discussing regulations for LED signs. Mr. Adelman noted that even though the plan was reviewed as a preliminary plan, they are considering it a joint preliminary/final submission. Mr. Adelman further noted other comments made by the Township Engineer deal with adding detail to the plan, waivers that they will be requesting, issues that need to be worked out and provisions that may need to be added to the overlay district. Mr. Adelman reiterated that stormwater will be handled with basins that are part of the Upland Square project in West Pottsgrove, and sewer and water will also be entirely in West Pottsgrove. The Planning Commission briefly reviewed comments from the Montgomery County Planning Commission. In response to the comment concerning a grading easement along the driveway access, Engineer Matt Hammond advised that there is a temporary grading easement.

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Mr. Narowich suggested adding a note to the plan that the easement is an access easement for the future development of the Gambone property. Mr. Adelman advised that from a planning perspective, they have done everything on their property to make sure interconnections occur. He suggested that this matter be addressed as part of the proposed Route 100 overlay district. In response to the comment concerning illegal u-turns, the applicant agreed to look at doing some type of raised island to prevent vehicles from exiting the Sonic to attempt an illegal u-turn to go east on Upland Square Drive. Engineer Matt Rutt advised that steep slopes are shown, and the temporary grading easements are in place. Mr. Narowich noted that the Regional Planning Commission is in the process of amending the Comprehensive Plan's Future Land Use Map to allow the zoning which is proposed to accommodate this land development project.

ROUTE 100 COMMERCIAL OVERLAY DISTRICT – Mr. Adelman explained the proposed overlay zoning district is based off of the standard commercial district in West Pottsgrove. The proposed overlay zoning district has similar uses to those in the commercial district in West Pottsgrove but in smaller parcels. The Planning Commission agreed that further review and comments were needed on the proposed overlay zoning district regulations before they reviewed the proposed regulations.

ADJOURNMENT – A motion by Miller, seconded by Nice, to adjourn the meeting at 8:40 p.m. All aye votes.

Respectfully submitted,

Michelle L. Reddick
Recording Secretary