

**MINUTES OF THE PLANNING COMMISSION
UPPER POTTS GROVE TOWNSHIP**

December 14, 2009

The regular meeting of the Upper Pottsgrove Planning Commission was held on Monday, December 14, 2009, at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Elwood Taylor, Herb Miller, John Bealer and John Ungerman present. Also present were Township Solicitor Chuck Garner, Township Engineer John Theisen, County Planner Michael Narcowich, Township Manager Jack Layne and Recording Secretary Michelle Reddick. The meeting was called to order by Chairman Taylor at 6:01 p.m. There were 10 people in the audience.

APPROVAL OF MINUTES – A motion by Bealer, seconded by Miller, to approve the minutes of November 9, 2009, as written. All aye votes.

ZHB #4-09 RENOVATIONS BY DESIGN, INC. – The applicant has requested a variance under § 350-103.A of the zoning code which would reduce the setback of certain parking spaces from 20 feet to 10 feet from the right of way of Laura Lane for the proposed Woodbrook Commercial land development project. After a brief discussion, a motion by Miller, seconded by Ungerman, to recommend to the Zoning Hearing Board that they require a 20 foot setback along Farmington Avenue but allow a 10 foot setback along Laura Lane. All aye votes.

#2-09 LUDY SUBDIVISION, #3-09 COMMERCE CORNER LOT CONSOLIDATION & #4-09 COMMERCE CORNER LAND DEVELOPMENT – Pat Heller, George Reeves and Bryan Donnelly of Diamond Real Estate, Attorney Michael Murray from the law firm of Riley, Riper, Hollen & Colagregco, and Engineer Nick Rakowski of Nave Newell were present to discuss the proposed land development project. Pat Heller provided a brief overview of the project. He noted there is a signed lease with Carmike Cinemas to build a 14 screen movie theater on the site. He advised there have been discussions with several national retailers as well as another big box anchor, and they have numerous letters of intent. He further advised they attended the International Council of Shopping Centers convention in New York where they spoke with several national retailers. He also noted they visited Montana to meet with representatives from Carmike Cinemas and see a movie theater exactly like the one that is going to be built on their site here in Upper Pottsgrove. Mr. Heller provided photos of the inside and outside of the theater in Montana. In response to a question from Mr. Miller, Mr. Heller advised the name of the theater in Montana is “Shiloh” named after the development out there, but that will not be the name of the theater here. Mr. Heller turned the discussion over to Attorney Murray to talk about the legal issues. Mr. Murray noted the applications were submitted in late November, and the recently adopted Retail Office District regulations were fundamentally incorporated into the land development plan. Mr. Murray explained the project will require a conditional use and this application will be submitted along with revised plans. In reviewing the comments from the Township Engineer, he noted there are some comments concerning zoning district boundaries and setbacks that need some interpretation and discussions with the Township Solicitor. Solicitor Garner noted the applicant’s submission consisted of three separate applications. Mr. Garner explained the first application is a minor subdivision of the Ludy property in order to utilize a portion of that property for the overall land development project. He further explained that the second application is a consolidation plan which incorporates the two acres from the Ludy property and all the other properties involved with this project. Lastly, he explained that the final application is a land development plan for the entire project.

#2-09 LUDY SUBDIVISION, #3-09 COMMERCE CORNER LOT CONSOLIDATION & #4-09 COMMERCE CORNER LAND DEVELOPMENT (cont'd.) - Attorney Murray noted

it is somewhat hard to look at each of the projects separately when, for example, a comment on the Ludy subdivision is that the applicant is creating a landlocked piece of property with no access to an existing public road. However, Mr. Murray explained this issue will be resolved by the lot consolidation. Solicitor Garner explained that a condition of approval for the Ludy subdivision would be that the landlocked piece being created would have to be consolidated into another piece with proper access. He further explained there are probably other issues similar to that one that would have to be addressed in the same manner. Solicitor Garner suggested the Planning Commission look at the overall site, layout, proposed uses and issues surrounding the land development project. Mr. Garner explained that the issues (comments) surrounding the Ludy Subdivision and the Commerce Corner lot consolidation will be addressed as the issues involving the land development are discussed. In response to a question from Mr. Ungerman, Mr. Murray advised the Ludy property will not have access from the land development project. In response to a question from Mr. Miller, Mr. Heller advised that they did try to work with the owners of the property at the corner of N. State and Wilson Streets, but the owners were not interested. In response to a question from Mr. Taylor, Mr. Heller advised that a portion of Harding Street will be vacated. In response to a question from **Donald Young, 56 Harding Street**, Mr. Heller advised there will be public sewer adjacent to his property. **#4-09 Commerce Corner Land Development** – Mr. Taylor noted that most of the issues are technical, and the applicant has advised they will be addressing those issues. However, Mr. Taylor asked Engineer Nick Rakowski to explain the access changes to Commerce Drive. Mr. Rakowski explained that full access to Commerce Drive will be eliminated, and there will only be a one-way in from Route 100. Mr. Rakowski further explained that interior to the site, Commerce Boulevard will be reconfigured out to Wilson Street, and Harding Street will be a right in, right out only. In response to a question from Mr. Ungerman, Mr. Heller advised that PennDOT was not in favor of an outlet to Route 100 north. In response to a question from Mr. Taylor, Mr. Rakowski advised Commerce Drive is not a straight shot to Commerce Boulevard due to grading issues. County Planner Mike Narowich briefly reviewed his comments and noted that in accordance with the Regional Plan, a master plan would be required. He expressed concern that information is not provided concerning front facades of buildings and other design standards. Mr. Taylor noted that this information is not yet provided, because the applicant does not know who the tenants are yet. Mr. Narowich suggested adding a note to the preliminary plan that the applicant will comply with design standards. Mr. Narowich advised his only other concern would be the setbacks from residential properties. Attorney Murray advised this is a legal issue that needs some interpretation and discussion. In response to a question from **Donald Young, 56 Harding Street**, Mr. Rakowski advised the access road to Mr. Young's property would be 15 feet. Mr. Taylor noted that the Township will need to make sure the access road will meet any future needs. **Diana Updegrave, 1404 Farmington Avenue**, expressed concern that the developer is asking the Township to vacate a public road along which there are existing businesses and make it private. Mr. Taylor advised that Commerce Drive north of the project will remain public and the portion within their development will be private. In response to a question from Mr. Narowich, Mr. Rakowski advised he would take a look at the riparian corridor ordinance. In response to another question from Mr. Narowich, Mr. Rakowski advised the parking lot aisles are 24 feet wide. In response to a question from Mr. Bealer, Mr. Rakowski advised there will be grading changes between the upper and lower levels of the parking area. Mr. Miller expressed concern that there is no fore bay in Basin 2 and no fencing around the basins.

#4-09 Commerce Corner Land Development (cont'd) - Township traffic engineer Joe Fiocco noted that the traffic study did not match the site plan as far as square footage. Mr. Fiocco suggested the applicant take a look at the internal intersection where the main entrance connects to Commerce Boulevard. In response to a question from Mr. Ungerman, Mr. Heller advised there are no plans for any improvements to the intersection of Farmington Avenue and Wilson Street. However, Mr. Heller advised that they agreed with PennDOT to do improvements along N. State Street and Wilson Street. Mr. Heller advised that they will have the engineer work to revise the plans and submit revised plans as well as the conditional use application.

REGIONAL MAP AMENDMENT/IMPLEMENTATION PLAN – County Planner Mike Narcowich explained that the Regional Zoning Map is being amended to take the suburban residential future land use and change it to regional commerce future land use. A motion by Ungerman, seconded by Miller, to support the proposed amendments to the Pottstown Region’s Future Land Use Map which includes the change from “Suburban Residential” to “Regional Commerce” in an area just north of the intersection of PA 100 and Upland Square Drive. All aye votes.

DIGITAL/LED SIGN REGULATIONS – County Planner Mike Narcowich briefly reviewed proposed regulations for digital/LED signs. He noted he had originally suggested limiting these types of signs to the Limited Industrial District. However, based upon recommendations at a recent meeting he attended, he is suggesting that the Limited Industrial District may not be such a good area for these types of signs. Mr. Taylor suggested that we make sure these types of signs are safe and limit change rate, animation, brightness and color rather than limit where these types of signs can be placed. Mr. Ungerman noted he is favor of these types of signs, but suggested we not allow these signs to be any larger that what is currently allowed. Mr. Narcowich agreed to make changes to the proposed regulations as discussed and provide revised regulations for discussion at the next meeting.

2010 MEETING SCHEDULE – After a brief discussion, the Planning Commission approved the meeting schedule for 2010 with the meetings being held on the second Monday of each month at 6:00 p.m. with the exception of the month of October which would be the second Tuesday of the month due to the second Monday being a holiday.

ADJOURNMENT – A motion by Ungerman, seconded by Miller, to adjourn the meeting at 8:15 p.m. All aye votes.

Respectfully submitted,

Michelle L. Reddick
Recording Secretary