

**CONSHOHOCKEN BOROUGH PLANNING COMMISSION**  
**MEETING MINUTES/REPORT TO CONSHOHOCKEN BOROUGH COUNCIL**

**MEETING DATE:     October 12, 2023**

**AGENDA ITEM #1 – FAYETTE STREET CORRIDOR OVERLAY DISTRICT ORDINANCE**

**COMMISSION ACTION:** Recommendation for adoption of ordinance as presented, with recommendation that Borough Council consider amending the ordinance to:

- require more street trees—i.e. less distance between the trees as recommended by MCPC
- permit daycares in Zone 2 and Zone 3
- permit the microbrewery, winery, or distillery use in Zone 1

**MATERIALS REVIEWED:** The Planning Commission reviewed the following materials:

1. memorandum dated October 4, 2023 from Gilmore and Associates, Inc. to Borough Council regarding “Draft Fayette Street Overlay District”
2. draft ordinance amending the Borough’s zoning map and zoning ordinance to create a Fayette Street Corridor Overlay District
3. review letter of the Montgomery County Planning Commission (“MCPC”) dated September 13, 2023

**MEETING SUMMARY:**

The following members of the Planning Commission were present: Elizabeth MacNeal, Chair, Daniel Swartley McArdle, Vice Chair, Judy Smith-Kressley, Dana MacNeal, and David Swedkowski. Also present for the Borough were Borough Solicitor, Michael E. Peters, Esquire and Judy Stern Goldstein, the Borough’s planning consultant with respect to the draft ordinance.

Ms. Stern Goldstein presented the ordinance draft and explained how the ordinance was developed, starting with the Comprehensive Plan’s focus on redevelopment and use of underutilized properties along the Fayette Street corridor, and the goal of getting more visitors to the upper avenues of the Borough. Ms. Stern Goldstein explained that a task force was formed to prepare the ordinance.

Ultimately, the ordinance as drafted contains three “zones”. Ms. Stern Goldstein explained the locations of the zones. She also explained the concept

of a zoning “overlay” and how the underlying zoning district regulations could still be used. In order to take advantage of the overlay, Ms. Stern Goldstein explained that there were criteria that must be met.

Ms. Stern Goldstein reviewed each section of the draft ordinance with the Planning Commission. With respect to the table of permitted uses, she explained why certain uses were deemed appropriate for some zones, but not others. With respect to the area and dimensional requirements, Ms. Stern Goldstein explained the task force’s focus on creating “nooks and crannies” and a vibrant street life as opposed to a “wall” of buildings. This also allows for greater flexibility for those seeking to redevelop properties.

Ms. Stern Goldstein explained the civic/public plaza requirements for certain developments, and went through the general requirements highlighting those requirements of particular interest.

Ms. Stern Goldstein explained that she had reviewed the MCPC review letter, and that no additional changes were made to the draft ordinance following that review, as the task force had taken the identified issues into account, and simply reached a different conclusion from, or had a different focus than, MCPC.

Chair MacNeal asked whether the Planning Commission had any comments or questions.

Member Smith-Kressley asked whether the existing farmer’s market taking place in Zone 1 could continue. Ms. Stern Goldstein explained that this ordinance would not affect the ability of that farmer’s market to continue to operate.

Member Smith-Kressley asked why Zone 3 provided for a lower maximum height. Ms. Stern Goldstein explained that due to the shorter residential properties in Zone 3, the lower height was more appropriate to avoid overshadowing the neighboring residences.

Member Smith-Kressley noted that she agreed with the MCPC that there should be more street trees (*i.e.* the distance between street trees should be less). Ms. Stern Goldstein explained that the distance was agreed upon by the task force after significant discussion, and that the Borough could always require more street trees during the subdivision/land development process. Vice Chair Swartley McCardle and Chair MacNeal both felt that there should be additional street trees, and that a recommendation should be made by the Commission to that effect.

Member Smith-Kressley noted that she felt the sidewalks were too narrow to accommodate the required clear area for tree stock. Ms. Stern Goldstein explained that the sidewalk width would be *in addition* to the clear area required for tree stock.

Member Swedkowski asked why the minimum square footage to take advantage of the overlay was higher in Zone 1 than the other zones. Ms. Stern Goldstein explained that in order to take advantage of the overlay, a developer in Zone 1 would need to combine lots. To the extent someone wanted to use a property in Zone 1 for those uses already permitted there, they would take advantage of the underlying zoning. Mr. Peters explained how the overlay interacted with the underlying zoning, in terms of needing to choose one or the other when redeveloping.

Chair MacNeal asked why daycare was only permitted in Zone 1 instead of the upper zones. Ms. Stern Goldstein explained that in terms of redevelopment, a daycare would not generally be viewed as the highest and best use of the property. Moreover, it was felt that the daycares should be closer to the dense office/commercial uses in Zone 1. Ms. Stern Goldstein also explained that the task force felt that a daycare was not the type of “draw” that would bring people up into the upper avenues, as desired under the Overlay.

Chair MacNeal asked why the microbrewery, winery, and distillery use was not allowed in Zone 1. Ms. Stern Goldstein explained that such use required more footprint, but Chair MacNeal stated that if Zone 1 required 10,000 square feet as a minimum lot area, that should address that issue.

Chair MacNeal asked about a few of the other uses permitted in some zones versus others, and the Commission and Ms. Stern Goldstein engaged in discussion regarding same.

Chair MacNeal asked whether the existing use of temporary sandwich-board signage would still be permitted, and Ms. Stern Goldstein explained the difference between that type of signage and a “freestanding” sign.

Ms. Smith-Kressley stated that she felt that recreation/indoor uses should be permitted in Zone 3. Member MacNeal also asked questions regarding whether a fitness center would be permitted in Zone 2 or Zone 3. Ms. Stern Goldstein explained that these uses were not permitted in these areas due to the intensity of the use.

Member Swedkowski stated that he wanted to make sure a parking garage/parking lot would not be permitted on its own in Zone 1, and Ms. Stern Goldstein explained that it would only be permitted with another use (mixed use).

Chair MacNeal asked for confirmation that the overlay did not affect the next row of properties off of Fayette Street, and Ms. Stern Goldstein confirmed.

Chair MacNeal asked for public comment. Lisa Rhodes of 1108 Fayette Street thanked the Commission and Ms. Stern Goldstein for their discussion

Member Swartley McCardle made a motion to recommend adoption of the ordinance draft, with the recommendation that Borough Council consider amending the ordinance to:

- require more street trees—*i.e.* less distance between the trees as recommended by MCPC
- permit daycares in Zone 2 and Zone 3
- permit the microbrewery, winery, or distillery use in Zone 1

Ms. Smith Kressley seconded the motion. Member Swedkowski abstained from the vote, noting that he felt the ordinance needed to be analyzed more, and the motion was otherwise passed by all members present.