

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – MAY 8, 2023

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on May 8, 2023. Mr. Costello called the meeting to order.

Those present:

Planning Commission: Adrian Costello, Chair
 Tejinder Gill, Vice Chair
 Colin Coyle, Secretary
 Tony Bush, Member

Others: David W. Kratzer, Jr., Township Manager
 Dan McLoone, Planner
 Barbara Kirk, Township Solicitor
 Fredric K. Weiss, Supervisor Liaison

Absent: John DeLorenzo, Planning Commission Member

APPROVAL OF MINUTES

Mr. Bush moved, Mr. Gill seconded and it was unanimously carried to approve the Minutes of April 10, 2023 as written.

DISCUSS SITE WALK TO TORBERT FARM

The Planning Commission asked for dates to visit the Torbert Farm. Mr. McLoone will e-mail the engineer requesting dates and times that work. Ms. Kirk stated the Township will make sure that the site visit is coordinated prior to the Application coming in front of the Planning Commission.

DISCUSSION AND RECOMMENDATION OF APPROVAL OF PROPOSED ORDINANCE TO AMEND THE DIMENSIONAL STANDARDS IN THE RESIDENTIAL ZONING DISTRICTS TO PROVIDE FOR AND TO ESTABLISH MANDATORY OPEN SPACE REQUIREMENTS

Mr. Costello stated Ms. Kirk had provided the Planning Commission with a revised version of the Ordinance based on the discussion last month. Ms. Kirk stated the

revisions include amending the title of the Ordinance to reflect that it is open space dealing with dimensional standards and inclusion of goals and objectives of the Township by requesting open space be preserved, all of which are outlined on pages 1 and 2 of the Ordinance. Consistent with the recommendation of the Bucks County Planning Commission the definitions were amended to eliminate the definition of common open space and have just one term of open space which will be used throughout the entire Zoning Ordinance and will carry over to any amendments for Subdivision and Land Development. Ms. Kirk stated as requested by the Planning Commission open space will include resource-protected land, but will exclude things such as streets, parking areas, stormwater management facilities, etc.

Ms. Kirk stated in order to assure that there is no confusion sections of the Zoning Ordinance are enumerated under Article 2 stating that anywhere it says “common open space,” that term will be deleted; and the definition of “open space” will be included.

Ms. Kirk stated beginning with page 3 and continuing, for each of the applicable Residential Districts, the Open Space Table of Performance Standards has been modified to include an additional column that Mr. Majewski had previously omitted in the last revised version; and that column is the percent of base site area classified as resource-protection land. Ms. Kirk stated this is for all of the Residential Districts except Section #200-12 which is the actual Residential Resource-Protection Zoning District since that land already has resource-protected areas that will be included as open space. Ms. Kirk stated that is consistent throughout the proposed Ordinance.

Ms. Kirk added noted footnote #2 on page 5 which clarifies that a credit can be given to the developer of a tract of land by setting aside open space as required by the Ordinance in that the developer could possibly construct the maximum number of dwelling units on the property as if open space were not being preserved. She stated that will be accomplished by the submission of a standard Subdivision Plan prepared by the developer or his engineer and presented to the Township to verify what the actual number of units could have been.

Ms. Kirk stated all of the dimensional requirements have been cleaned up, and a section was included dealing with ownership of open space. She stated Section #200-74 has been referenced which is the Section of our current Zoning

Ordinance dealing with ownership of open land. She stated she modified it so that open lands would include the resource-protected land plus any other open space as defined in the definition section. She stated it was included that open space could potentially be owned by a private individual as opposed to a Home-owners or Condominium Association or the Township. She stated in order to insure that nothing could be constructed in the open space, it would be required to Record either a Conservation Easement or Declaration of Restrictions that is approved in advance by the Township. Mr. Costello asked if an HOA would have to do that as well; and Ms. Kirk stated an HOA has to prepare By-Laws and Regulations, and will generally do something by way of a Conservation Easement or Declaration of Restrictions, but you also have the original By-Laws as that is how they designate common open space for each of the unit owners. Mr. Costello stated he assumes an HOA could not change their By-Laws without coming to the Township, and Ms. Kirk agreed.

Mr. Coyle noted Section #200-74 and stated in theory a shed or maintenance shed could be built in that space only if it was consistent with the original Plans, and Ms. Kirk agreed. Ms. Kirk stated if there is open space which is intended to be passive open space, the Supervisors might improve the installation or construction of park benches, which is technically a “building or construction.”

Ms. Kirk stated the Bucks County Planning Commission recommended standards be revised to indicate who is required to own and maintain required open space and to provide a cross-reference to Section #200-74. Ms. Kirk stated she was not sure if the Planning Commission wanted under each of the Sections or Chapters where it “says A – Open Space - and then enumerates 1 through 6” that an additional sentence be added saying “Ownership of open land shall be in conformance with Section #200-74.” Mr. Costello stated he feels that would help. Mr. Coyle stated the question is where the reference should go. He stated he would put it in Section #200-7 adding Section #200-7 references #200-74 and #200-74 is referencing #200-7. Ms. Kirk stated #200-7 is technically the Definition section of the Zoning Ordinance. Mr. Bush stated he feels that Ms. Kirk should advise what section it should be in, but the Planning Commission should decide what it should say. He stated he feels it should say “with the Preliminary Plan there is a submission for a Management Plan as to how the open space is going to be handled, whether it is an HOA, Dedicated to the Township, or a Land Trust or Conservancy. Ms. Kirk stated that should be in SALDO and not Zoning. Mr. Bush stated he feels it should be done at the same time. Mr. Bush stated earlier Ms. Kirk discussed changing the definition of open space throughout the Zoning Ordinance, and he feels it should also be changed in SALDO at the same time and everything should be done uniformly at one time.

Ms. Kirk stated the proposed Ordinance is something that the Supervisors have been anxious to see, and deals with the Zoning Section of the Code of Ordinances. She stated they can begin the process by confirming the definitions; and if it goes to the Supervisors, it has to go back up to the Bucks County Planning Commission for review. Ms. Kirk stated as it is being reviewed for thirty days, she can begin working on the SALDO to mirror what is being proposed in this Ordinance. Mr. Bush stated the SALDO changes are just to mirror what is being proposed in this Ordinance. Ms. Kirk agreed but added she has no idea where this would go in all of the SALDO provisions. Mr. Bush stated it should be done at the same time. Dr. Weiss stated the staff can be working on this.

Ms. Kirk noted Sections #200-74, #200-75, and #200-76, adding that she only dealt with the Section dealing with ownership and did not touch the other provisions that dealt with possibly what Mr. Bush is referring to about how the ownership/maintenance is handled. Ms. Kirk stated it may already be addressed.

Mr. Costello asked if there is language included which requires that the Township has to sign off on what the open space plan is just for checks and balances so that the developer does not just benefit a couple dozen houses on the development but that there is a visual benefit to the Township. Mr. Costello stated he does not want the open space to be hidden in the back or in the middle of the houses where no one else in the Township can see it. He stated it should also not be broken out into a lot of small pieces. Ms. Kirk stated the definition says “open space shall be contiguous to lots within the cluster-design development. Mr. Costello asked if that would that be one piece or can it be a lot of little pieces, and Ms. Kirk stated it does not say. Mr. Costello stated he feels that it would be good to specify a review process with the Township to make sure that it performs with the intent.

Dr. Weiss stated the standard process is that before the Application goes through the process where it is presented to the Board, it goes through the staff first.

Ms. Kirk stated Section #200-75 of the Zoning Ordinance states, “Plan Requirements,” but it is not part of what is being discussed because it did not change. She stated it states, “All open land shall be shown on Preliminary, Final, and Record Plans in accordance with the requirements of Chapter 178 – Subdivision and Land Development.” Ms. Kirk stated they could say that open space shall be contiguous lots within the cluster-design development in conformity with Section #200-75.

Mr. Gill asked if there is anything about signage, and Ms. Kirk stated that would fall under the Sign requirements of the Zoning Code.

Ms. Kirk stated there was a question about the overall acreage of the lots that this would apply to. She stated she understood that there was concern that some of these lots could be two to three acres, and some of the Planning Commission members were not comfortable with making a developer with two to three acres subject to open space; and the number suggested was ten acres or more.

Mr. Costello stated he feels the Township may be “getting more pain than benefit when you get down that small.” Ms. Kirk stated if ten acres or more is what the Planning Commission is looking at, each part where it says “A – Open Space,” it could just be applicable to tracts of land consisting of ten acres or more.

Ms. Kirk stated this will have to go back for review to the Bucks County Planning Commission and the Board of Supervisors, so it would be good to have something in here and have someone indicate they do not want it, rather than not having it in there.

Mr. Coyle stated with regard to maintenance, there is a requirement under Section #200-77 that open lands be maintained; and he asked if we should ask people at the time of submitting the Plan to present the plan for the maintenance. Mr. Bush stated it should be required with the Preliminary Plan. Ms. Kirk stated there is a Section under the Zoning Ordinance about open lands maintenance which indicates: “Open lands to be free of litter and debris, not to be used for dumping of waste, grass mowing is required in accordance with Chapter 84 of the Township Ordinances, and all maintenance of plants, trees, and pruning shall be done in accordance with the requirements of the Landscape Maintenance provisions of Chapter 178,” which is SALDO. Ms. Kirk stated they could not unilaterally cut down a tree because they did not like the way it looks; and it has to be diseased, in decay, or present substantial harm. She stated generally that has to be presented to the Township first for approval before it can be cut down.

Mr. Bush stated at one point Mr. Majewski had indicated that there has to be signage to designate resource-protected land, and a reference to that should be reflected in this Maintenance Plan. He noted that there was discussion

about fencing, but that did “not go very far.” Ms. Kirk stated she did not feel we could mandate an individual property owner to fence in open space. Mr. Bush stated they were discussing the developer on the front end.

Ms. Kirk stated our SALDO requires Major Subdivision and Land Development Plans to contain an approved Landscape Plan before construction addressing the conservation of natural landscape to enhance the development and protect surrounding areas, native plants and native flora by mimicking the localized native plant community, addressing areas of the site preserved from development and exclusive of building areas. It must address minimization of site disturbance, street trees, buffers, parking areas, and landscaping. It must include/indicate proposed location, quantity, and types of planting. Ms. Kirk stated it does not say anything about signage per se; but when we revise SALDO, we can include signage.

Mr. Bush stated Mr. Majewski had indicated that it is in there somewhere, and Ms. Kirk agreed that it could be. Dr. Weiss stated there are a lot of “preserved open space” signs around the Township. Ms. Kirk asked Mr. Bush if he wants it in the Zoning Ordinance. Mr. Bush stated it should be in the Management Plan for the open space that will be submitted. Mr. Coyle stated there is no Management Plan required today, although there is a Landscape Plan and a Code requirement.

Ms. Kirk stated under Zoning it says, “The lands have to be maintained in accordance with the Landscape Maintenance Plan under SALDO.” Ms. Kirk stated she understands that they want the SALDO Landscape Maintenance Plan to include construction/installation of signage to designate open space, and the Commission agreed. Mr. Coyle stated if they are using resource-protected land as part of the open space, they should denote that resource-protection boundary.

Mr. McLoone stated he was not sure if the sign regulations should be called out in #200-83. Ms. Kirk stated #200-83 lists the types of signage. Dr. Weiss stated the Township has preserved open space signs already. Ms. Kirk stated she believes they are talking about the signs indicating whether the open space is owned by the Township, an HOA, etc. Mr. Bush stated if it is an HOA, it is not really open to the public, and Ms. Kirk agreed. Ms. Kirk asked if it would make the most sense to say, “In accordance with the signs as used by the Township to designate open space,” and Mr. McLoone agreed.

Mr. Gill asked what is the signage for resource-protected land, but Ms. Kirk stated she did not know. She stated she feels that open space land or natural resource-protected land may have signage as part of SALDO, but she is not aware of any Section in the Zoning Ordinance that would require it. She stated this will now require a sign for designation of open space.

Mr. Kratzer stated there was a discussion today related to the definition of open space. He stated this was site specific, but could be applicable to other potential lots in the Township. He stated there was some question about the potential re-combination of a tract which was subdivided into two tracts, and the potential of re-combination of those lots for purposes of development. He stated there was some discussion about including some reference in the definition either added to the second to last sentence or the last sentence that open space shall not include landfills without appropriate remediation. He stated they want to make sure that there is not credit for lands that are unremediated lands within this definition of open space. Ms. Kirk stated it should say, "Not include leftover areas, remnants of land remaining after lotting out, or other unusable areas such as environmentally-damaged lands." Mr. Kratzer stated he would be in favor of language like that.

Mr. Costello stated the intent of this is to take either resource-protected land or other tracts of land that would otherwise be developable. He stated they cannot take undevelopable land and try to "squeeze it in and call it open space and get credit up front." Mr. Costello stated with regard to the tract being referred to, if they wanted to spend the money to clean it up, they would have developed it.

Ms. Kirk suggested language as follows: "Such as environmentally-damaged or un-remediated land." This was acceptable to the Commission.

Mr. Bush stated a lot of time was spent discussing the 25% being inclusive of or excluding resource-protected lands. He stated he understands for a while Dr. Weiss wanted it to be excluding resource-protected lands; however, Mr. Majewski took the position that would not be enforceable and could be considered an improper taking of land. Mr. Bush stated Ms. Kirk was asked her opinion, and she had indicated 50% would be a taking and 25% would not be. Ms. Kirk stated she had stated "a minimum requirement." She added she does not know what the "magic number" would be. Mr. Bush stated he saw on the Internet that in Chester County for 10 acres or more, the County has recommended setting aside 50% of the property. He stated they are

recommending that on a County-wide basis. He stated this would be a guide for us, and we could put the number north of 25%; and while we do not have to go to 50%, we do not have to go with 25% unless there is a reason that we cannot go above that.

Mr. Kratzer stated while neither he nor Ms. Kirk have looked at that, he feels some consideration needs to be given to the equivalency standard that is currently in the Ordinance. He stated the 50% dedication of land area may permit much greater densities than what is being provided for in this Ordinance. He stated the yield was not going to be increased any more than the yield that is permitted under a non-cluster subdivision design. He stated he does not know that there is not some kind of density bonus contained within the Chester County models.

Ms. Kirk stated she is also concerned with the example provided by Mr. Bush because there are no County Zoning regulations, and all Zoning regulations are done at the Municipality level. Mr. Bush stated he understands that, and this was just what Chester County was recommending. Ms. Kirk stated she does not know what the basis is for Chester County's recommendation of 50% of open land. She stated she has not researched that issue because she knew that we were dealing with a local Zoning regulation. Ms. Kirk stated she cannot state that 25% is the highest number we could push because it is always a balancing act.

Mr. McLoone stated he know that Chester County is the fastest growing County in Pennsylvania, and that may be the reason that they are recommending 50% compared to 25%. Ms. Kirk stated Chester County might also be offering multiple Open Space Grants to local Municipalities, but she does not know.

Mr. Bush stated he just wants to make sure that we could not go higher than 25%. Ms. Kirk stated she does not know if we could, and she would not be able to tell what the number should be. Mr. Bush stated we have been asking this same question for six months. Ms. Kirk stated there is no definitive way to provide the answer. Ms. Kirk stated Ms. Bush has advised what a County is recommending, and that is not the same as the Municipality's Zoning regulation. She stated there is no Case Law that indicates 33% is acceptable, but not 50%. Mr. Bush stated the Commission is asking Ms. Kirk what her opinion is so that they can make a good recommendation to the Board of Supervisors. He stated it has been the same question. Ms. Kirk stated she has been giving the same answer based on the other Zoning regulations that she has looked at locally in Bucks County. She stated she looked at Buckingham Township, but that is

difficult since everything they have done for open space has been in response to a lawsuit that was filed against them. She stated she also looked at Northampton Township. She stated she believes Plymouth Township is 25%.

Mr. Bush stated he is comfortable with 25% and was just asking why we cannot do better. Mr. Bush stated he is siding with what Dr. Weiss was promoting before. Ms. Kirk stated we used the same language in this Ordinance that was found in other local Zoning regulations in the area of Bucks County that says “not less than 25%.” She stated she cannot tell what a maximum number is going to be. Mr. Kratzer stated he feels the equivalency provision in terms of yield also factors into this. He stated a current example is a 108-acre tract with 78 lots on it; and with the cluster concept, 54 acres would be preserved. He stated he feels on the large tracts we would end up with more than 25%.

Dr. Weiss stated the minimum lot size is 15,000 square feet and it could be anywhere between 25% to whatever we can get to get to the 15,000 square feet; and that would be the range, and the developer would have that control. Dr. Weiss stated he did want more, but he needs to listen to the experts.

Ms. Bush stated several times there is reference to “open space clustering,” and he feels that should be defined. He noted this is on page 5, page 6, and page 8. Mr. Coyle stated it is also in 200-21 in the footnotes.

Mr. Coyle noted the Table on 200-16B. He stated in R-1 we do not say “classified as resource-protected or open” as we do in all of the other Tables. He asked if in R-1, you are only permitted to gain density on resource-protected land.

Ms. Kirk stated that is what she would assume. Mr. Coyle stated in R-1 we would not be allowing a developer to designate more land as open and then increase density. He stated with regard to the other Tables, we have included resource-protected land in the definition of open space already, and it seems redundant. He asked that Ms. Kirk strike “resource-protected land,” and just say open land since in 200-7 we are defining it to include resource-protected land.

Mr. Coyle stated in R-4, we are not permitting open land, and we are only permitting resource-protected land to increase density as shown in 200-33 – Single-Family Detached Dwellings. Mr. Coyle stated he is just double-checking that this was the intent.

Public Comment

Ms. Karen Fell, 1550 Doe Trail, asked with regard to the Torbert site visit, if the public will be invited to go on the walk through or is that just for the Township employees. Ms. Kirk stated it is usually just the Planning Commission so that they can review it. Ms. Fell suggested that it be done during the afternoon traffic back-ups so that they can review the traffic while School is still in session as that is a concern.

Ms. Fell asked with regard to the open space what is to stop a developer from tacking on open space contiguous to someone's back yard and just posting a sign that is it open space. She asked if open space is supposed to be accessible to the people under the Ordinance. Ms. Kirk stated the developer will be required to submit a proposed Plan to the Township's Board of Supervisors outlining the areas of open space along with a Landscape Maintenance Plan. She stated the Supervisors have the final determination as to the open space and a developer could not just unilaterally add extra land to back yards and call it open space. Ms. Fell asked if there is anything in the Code to stop a developer from doing that. Ms. Kirk stated there are regulations in the Subdivision and Land Development Ordinance.

Mr. Costello stated they have discussed that over the past several months, and the control they are trying to get added is to require that the Township sign off before anything is executed. He stated they have talked about signage and how it is designated and shown as open space. He stated the Township has a good intent, and they want to make sure that the developers are meeting that intent.

Mr. Kirk stated with regard to access to the open lands, that would depend on who owns them. She stated if it is Dedicated to the Township, they would be accessible to the whole community. If it is owned by a Homeowners Association it will probably be designated just for those people within that development. She stated if it is owned by a private individual, it is just for them.

Mr. Barry Kritz, 1451 Heather Circle, asked that when they do the Torbert walk-through, they take note of the two streets directly south where the creeks from the Torbert property currently flow today. He stated those all eventually feed into Brock. He stated at the bottom end of those communities on Heather Circle, you will see there are two retention basins and then along the street feeding in from the opposite side from Torbert's, all of that water flows off into the Pebble Creek Development today. He stated whenever there

is heavy rain, the road is flooded; and the Township cleans up afterwards. He stated retention basins are needed on the Torbert property to help mitigate the water that flows off of there today into those two sets of houses which are lower than the Torbert property. He asked that they take note of those developments when they are looking at the Torbert land.

Ms. Kirk asked Mr. Coyle on the R-1 Table that he referenced does he want resource-protected land taken out and it read open space, or should it be left in the R-1. Mr. Coyle stated he believes R-1 is as intended in its current form and does not need alteration. He stated he also believes that R-4 is as intended in its current form and does not need alteration. He stated it is the others that reference both resource-protected and open land.

Ms. Eileen Killeen, 1116 University Drive, stated it was indicated that developers in R-1 are not allowed to increase the resource-protected land and the density, and she asked if that is in an Ordinance. She stated she would like to see them be able to have as many house but more protected land and maybe be able to do something with the roads and alleviate some traffic situations.

Mr. Coyle stated in a lot of the areas in the Township, we are proposing that if you set aside more land as protected, we will let you build the same number of houses, but you can build them on smaller lots than they are permitted to build on today up to a reasonable minimum lot size.

He stated R-1 density should be R-1 density; however, you are permitted to increase the density if land is designated as resource-protected. He stated resource-protected land cannot be built on anyway, but we are saying that we are allowing you to increase the density a reasonable amount to accommodate for that.

Ms. Kirk stated she will clarify the definition for unusable areas that cannot be counted as open space such as environmentally-damaged or unremediated land or landfills. She will include a clarification on each of the sections that open space shall be applicable to tracts of land consisting of ten acres or more. She will modify one of the provisions under Performance Standards that open space shall be contiguous to lots within the cluster-designed development in conformity with Section #200-75 which deals with Plan requirements being submission of open space being shown on Preliminary, Record and Final Land Development Plans. She will add an additional provision that ownership of open space shall be in conformity with Section #200-74, which was revised.

Ms. Kirk stated the Tables will be modified as to all Residential Districts except for R-1 and R-4 that the site calculations for maximum density shall be based on the percent of base site area classified as open space. Ms. Kirk stated she will fix the language in footnote #2 to remove the paragraph that says: “without open space clustering,” and eliminate the extra word that appears. Ms. Kirk stated Section #200-83b will be included to designate a requirement that signs be posted to identify and designate open space using signs similar to that which the Township uses for its designation of open space.

Mr. Bush asked if something was included about submitting a Management Plan with Preliminary Plan, and Ms. Kirk stated that will be under the SALDO revisions. Mr. Bush stated the other one was to change the definition of open space in SALDO. Ms. Kirk stated she and Mr. McLoone will work on making the modifications to SALDO to reflect the Open Space Ordinance in Zoning so that the definitions are the same and that the SALDO Landscape Maintenance Plan includes signs for designation of open space as she does not know where that is in SALDO. Ms. Kirk stated Preliminary, Final, and Record Plans are to include the Landscape Management Plan.

Mr. Costello stated he wants to make sure that there is a review by the Township so that before the developers start submitting Plans, the Township approves the concept behind their open space proposal. Mr. Costello stated they are trying to protect the Township from someone who might put the open space behind a couple of houses.

Ms. Kirk asked if the development area of open space is usually governed under SALDO. She stated Zoning generally deals with use of land and the dimensional regulations. Mr. Bush stated we want this to be “hand in glove;” and he feels that if we are going to recommend that the Supervisors approve this, it is conditioned upon these other changes also being implemented. He stated where it actually appears is irrelevant. He stated the relevant point is that it happens. Ms. Kirk stated she understands that Mr. Bush is saying he will not have a problem recommending this proposed Ordinance to the Supervisors provided that they accept revisions similar in SALDO, and Mr. Bush agreed. Ms. Kirk asked Mr. Bush how this would be enforced if this is a recommendation from the Planning Commission. Mr. Bush stated they do not have to enforce it, as it is a recommendation. Ms. Kirk stated when she was asked questions about where things were being put, it was more geared to the Motion; and Mr. Bush agreed. Ms. Kirk stated she felt that he was asking that these provisions be included; and Mr. Bush stated that is not the case, and

he was talking about a Motion. Mr. Bush stated that they would be making a recommendation to the Supervisors that changes are made and that they be in the right place.

Mr. Costello stated if they recommend approval of the Ordinance, he feels what Mr. Bush is saying is that it would be contingent on the whole “document trail/process trail” including everything that was talked about. Mr. Costello stated they recognize that Ms. Kirk needs time to look at SALDO.

Dr. Weiss stated the Board of Supervisors is not ready to approve the Ordinance, and we have to re-advertise. He stated it will come back to the Planning Commission. He stated the Board of Supervisors is the approving authority for SALDO and Plans. He stated he agrees that getting the language in SALDO to conform with this Ordinance is a priority.

Mr. Kratzer stated Ms. Kirk was not asking about how or where, and she was asking a question about when. He stated the modification of SALDO is going to have to come back before the Planning Commission. He stated Ms. Kirk was just making sure that we would not be waiting for the adoption of the Zoning Ordinance until the SALDO provisions were in place.

Mr. Costello stated all he wants in the Motion is that if this proposed Ordinance is approved with all the changes that have been discussed, it is contingent on the fact that the Township follows through and comes back with the appropriate SALDO changes that have been discussed.

Dr. Weiss stated if the Planning Commission makes a recommend to re-advertise with the conditions, he wants to make sure that by the time the secondary comments are made and it comes before the Board again, we have the SALDO language and are able to advertise it. He stated we may advertise both at the same time or pass one and advertise the second one.

Mr. Kratzer stated we need to be cognizant of Pending Ordinance Doctrine as well so that we do not miss another opportunity. He stated he is not sure that the timeline will align where the Board of Supervisors is considering approval of the Zoning Ordinance at the same time that the Subdivisional and Land Development Ordinance amendments are ready to be considered and advertised.

Mr. Costello stated he believes that the Planning Commission recognizes that this is an administrative process, and he feels the Motion could indicate that this should be moved forward, and document the other things that have to happen to make the Planning Commission comfortable with this. Mr. Kratzer stated we will immediately start working on the SALDO amendments. Mr. Costello stated he wants to make sure that as we are moving forward with part of the solution that we do not lose sight of the whole solution.

Mr. Bush moved, Mr. Coyle seconded and it was unanimously carried to recommend submission of the proposed Ordinance with the revisions that were discussed to the Board of Supervisors subject to correlating revisions to SALDO to deal with consistency as to open space and to deal with the issues that were brought up as to a Management Plan to be included with Preliminary and Final Land Developments. Revisions to include that a Landscape Maintenance Plan require designation of open space areas by signage and other similar modifications as discussed with the Zoning Ordinance.

Ms. Kirk stated she will e-mail the Planning Commission the Ordinance in its Final form.

Mr. Costello stated he feels we are at a better place from where we started. Dr. Weiss stated he appreciates the Planning Commission's input adding it will help the Board of Supervisors.

There being no further business, the meeting was adjourned at 9:00 p.m.

Respectfully Submitted,

Colin Coyle, Secretary