

LAND USE, PLANNING AND ZONING COMMITTEE

Minutes of the Meeting of May 1, 2008

Members Present

<input checked="" type="checkbox"/> Joyce Lenhardt, Co-Chair	<input checked="" type="checkbox"/> Jean McCoubrey
<input checked="" type="checkbox"/> Patrick McGranaghan, Co-Chair	<input checked="" type="checkbox"/> Larry McEwen
<input checked="" type="checkbox"/> Harriet Brumberg	<input type="checkbox"/> Ned Mitinger (temporary reassignment)
<input type="checkbox"/> Steve Gendler	<input checked="" type="checkbox"/> Bill Washburn
<input checked="" type="checkbox"/> John Haak	<input checked="" type="checkbox"/> Ned Mitinger, VP Physical (ex-officio)

Others Attending

Sanjiv Jain, owner 8524 Germantown Avenue

Rachel Williams, proposed tenant 8524 Germantown Avenue, Treehouse Play Cafe

Jason Manning, designer, Metcalfe and Associates

Peter Porretta, Architect Lighthouse Architects

There were 35+ people in the audience, most signed in.

Noreen Spota, Acting CHCA manager

Kristen Pazulski, Chestnut Hill Local

Melissa Nash, recorder

Joyce Lenhardt, co-chair, opened the meeting at 8:12. Due to the anticipated lengthy discussion of the Treehouse Play Cafe, the reading of the minutes and other committee business were postponed. The committee members introduced themselves to the group. An audience sign-in sheet was circulated. J Lenhardt asked that the presentation be made without questions or audience comments. That would be followed by committee response and then audience response. She further asked that audience members not respond to each other's questions and comments.

Treehouse Play Cafe at 8524 Germantown Avenue

•Presentation: Sanjiv Jain began the presentation with a brief overview of the project. It has been presented to the committee previously. The concept of the business is new and unique, a high-end play space filled with fun, over-sized objects combined with a high-end restaurant. The restaurant will be Panera Bread and white linen cloths. The target demographic is moms with children from birth to 10 years. The team has great consultants including the designer of exhibits for the Please Touch Museum. He noted that a renovated building with two added stories was presented previously. The present proposal is for the construction of a new four-story building on the site. The proposed construction will be LEED certified. At the last meeting it was requested that the fourth floor rear be setback to relieve the 4-story wall. The existing building and addition could not accommodate both the atrium and two setbacks, so a completely new building was designed. It has 12' setbacks on both the front and rear. S Jain cited a precedent for four stories as the Chestnut Hill Coffee Company. There is a wall of glass on the upper front levels, one or two elevators and scissor staircases for better circulation.

•Committee Questions/Comments: Harriet Brumberg asked about the kitchen ventilation system. All food would be kept in refrigerated cases. The food preparation would occur in the morning; deliveries would also occur in the morning. Clean up would occur at night. Jean McCoubrey asked if exhaust would be through the roof. It would. She further asked about the area. There is approximately 2900 SF each on the first, second and third floors and 2400 SF on the fourth floor. John Haak asked if the trash pickup would be through the rear of the building and if there would be adequate access. S Jain noted that the Parking Foundation owns the alley with access easements granted to commercial and residential neighbors.

Patrick McGranaghan asked about the dining count. R Williams stated that there would be seating for approximately 60 adults with a similar number of children for a total of 120. All food and beverage would be self-serve. Joyce asked about the use of the fourth floor. It would be used for activities and parties. Larry McEwen noted that the fourth floor changes the scale of building on the block in a negative way. J McCoubrey asked about the construction type. Jason Manning of Metcalfe and associates responded that the building would probably be Type II construction with masonry walls, steel joists or concrete decks with resilient floors in the play area. It would be fully sprinklered. L McEwen asked what the benefit to the community would be. Would it be safer? He also asked about the impact of the construction to the Avenue. Pete Porretta of Lighthouse Architects responded that as much as possible, construction would be from the rear. The basement would need to be dug deeper to accommodate the kitchen height. L McEwen asked how there would be a laydown area if coverage would be 100%. It was answered that construction would be phased to avoid disruption during holiday shopping times. L McEwen noted that he has observed that dumpsters from the various businesses on the alley are now wheeled to the Wawa parking lot for pick up. It was also noted that pedestrians use the alley as a short cut through to the lot and Highland Avenue. P McGranaghan asked about the mechanical and elevator rooftop installations as none were shown. J Manning noted that the elevators would have shaft mounted drives with no pistons. They require only about 5' of mechanical space above the cab and that much of that would be in the ceiling space on the fourth floor. There would be kitchen exhaust equipment on the roof. P Porretta stated that structural and mechanical systems have not been chosen. There would probably be a need for a slight parapet to hide the mechanicals on the roof and they would be located mid-roof to further shield them from view.

•Committee Questions/Comments: Ed Feldman (audience member – out of order) asked if beer and wine would be the only alcoholic beverages served. S Jain stated that they would be. R Williams stated that beer, wine and whiskey would be served, adding that a full bar is needed for the fourth floor party rooms for private parties with drinks and hors d'oeuvres. In response to a question about building materials, S Jain replied that materials have not yet been chosen but that they were prepared to work with the Aesthetics Committees. He did state that Wissahickon schist was under consideration, noting that the material was used on Commerce Bank successfully. Bill Washburn asked about the articulation of the exposed party walls on the third and fourth floors, which are awkward looking as shown. S Jain stated he would work with the committees to make the appearance of these walls satisfactory. J Haak asked if the parents would be with their children at all times. R Williams stated that there will be an attendant on each floor to prevent fights. Children will need to be with parents to move from floor to floor. Older children are freer to move about. S Jain responded to an earlier question about the need for a fourth floor. The project could operate without the fourth floor but needs it to be more productive.

•Audience Questions/Comments: Gerald Schultz, owner Antique Gallery, asked about the Neighbor Support section of the info book, which is essentially empty. He noted that hem Paperia, Kitchen Kapers, Fox and Roach do not support the project. S Jain noted that the book were prepared at the last minute. The committee has copies of letters received in support and not in support of the proposal. R Williams noted that there would be high shelves place around the cafe or parents to place wine/beer glasses when not at their tables. E Feldman asked about the nature of the permit notice posted on site. S Jain stated that this is the required notice that a zoning hearing has been scheduled. Their hearing is scheduled for May 6 or 7 and will be continued. He does not have a demolition permit yet. Julie O'Connell stated that she has looked at the properties zoning file and noted that the plans in the file and the plans shown tonight are different. Among other differences, the plans show only one elevator. P Porretta stated that changes have been made to the design since submission and that this is normal. J O'Connell also noted that the refusal states the restaurant is for eat-in and take-out. (E Feldman read the refusal statement to the audience) S Jain noted that the take-out component was standard for doggie bags and call ahead to take out. There

would not be a take-out window. Woman representing Fox& Roach and the Highland Mall stated that their objection was not the use but was the building. It sets a precedent and there is no hardship. S Jain replied that this was not a hardship issue but one of what is the best use for the building. In regard to the comments about the changing plans, the se plans show a second elevator and are more current. Harriet Brumberg asked why both the extra story and 100% coverage were needed. S Jain replied that the space was needed for the business. R Williams added that she could work with three stories but it would be tight. J Haak suggested that the “take-out” issue needed clarification as to its exact meaning and how it would work. John O’Connell Asked three questions: why does this seem early in the design process? would any committee members who have business with Sanjiv Jain recuse themselves for voting, could S Jain guarantee that the demolition and construction would not harm any neighboring buildings. S Jain replied that at the zoning stage full construction plans are often not yet developed. The committee concurred. J Lenhardt noted that she does not believe anyone has a business/professional with S Jain but the by-laws state that anyone who has a relationship with an applicant must recuse himself. The problems of demolition/construction were briefly discussed, noting that every care would be taken to ensure the no harm was done. Tom Hemphill observed that the committee disputes the heights of fences so why is it considering the 800-pound gorilla – mothers drinking during playtime. A mom from Manayunk stated that she and her husband take their kids to Le Bus and have a beer. Le Bus has a play area for the kids.

- Continued Audience Comments: Ed Budnick noted that a lot of time has been spent on an application that violates so many rules in so many ways. The purpose for the building variance is to support a business plan. It is totally economic – “I must have” situation rather than any need or hardship. J Lenhardt stated that the committee has received a packet of letters in support of the business. R Williams added that people need this. She has been taking names of those in favor. S Jain also said the business is needed in the community. A person who called herself a Mother in Chestnut Hill stated that you can’t take kids to play in a bank. L McEwen asked about the shadows on the sidewalk and street. P Porretta noted there would be shadows on the street and sidewalk in the afternoon. Ann Spaeth expressed concern about the precedent set by allowing the fourth floor and the blocking of light to the third floor side windows of the Kitchen Kapers building, which has a mansard roof. E Feldman referred to context of the block; it has a two-story context, not three or four. He further stated that there had been no full honest answer to his question about the liquor license. Would the cafe serve beer and wine only or would other alcohol be available and what would be the times of service. R Williams stated that she needed the full bar for catered parties. The hours of operation are not set but the cafe would open at 8 or 9 AM in the morning and close at 8 PM during the week, 9 PM on weekends. Sabine Broadhead, who noted that she has two young children and is a non-drinker, sees the cafe as a fun place and wished that it could be seen beyond alcohol.

- Continued Audience Comments: Eric Spaeth observed that while this might be a good project for the community, it might not be a good project for the location. It is a large business in a small location, requiring lots of change. He asked if this would be a good use for this place, adding that it does entail an architectural sacrifice. John O’Connell asked about music. R Williams stated that she could envision children’s’ music. L McEwen asked if approval to have music would be needed. R Williams answered that she did not know. Liz Stroik of Erdenheim said that she supports the idea. It would bring new life to the avenue. L McEwen asked about the lot coverage, noting that 100% coverage would make the alley tight. He questioned that the alley would function and that a better plan for trash might be needed. H Brumberg noted that that could be made a part of the motion. E Feldman asked if the community would support S Jain if this were a request for a bar and restaurant for adults. As it is now it have two functions – childcare and bar.

•Committee Action: H Brumberg moved that the committee approve the application for variances as submitted without the fourth floor and with 100% lot coverage, with trash removal at the rear and the staircase placements shown in the plans. P McGranaghan stated that the stair configuration need not be included. L McEwen asked the height of the building be clarified – could it be built at 35’ and how would the rooftop equipment be screened. He also asked about the process for obtaining a liquor license, asking if separate licenses could be obtained for the play café and private party businesses. He further noted that the liquor license would be an issue. J Haak asked S Jain about using the second story of the adjoining Penzey Spice building could be reutilized. No specific answer was given. P Porretta stated that the building would need parapets so the height will exceed 35’. There is also a need to figure the ceiling/roof depths. The middle of the roof might need to be higher to incorporate the equipment. Time is needed of redesign. J McCoubrey asked that the legals for the ownership and use of the alley needs to be pinned down. A good site plan is also needed. A summary of reviews needed at this point includes height and massing and status of the alley. In concept the use is supported but not the building. S Jain then stated that the application response was split – use was OK but they needed to come back for the building. P McGranaghan stated that the proposal has been sketchy and that greater clarity in the presentation was needed. S Jain requested a contact on the committee that they could ask questions of. L McEwen also asked that more information be provided. Ned Mitinger asked for clarification of the motion. E Feldman asked that a request for S Jain to refrain from getting a demolition permit until a final judgment is rendered. S Jain responded that he has no intention of getting a demolition permit. J Haak also asked that the liquor license including hours of service needs to be clarified as does takeout in the use refusal. R Williams asked if the use were not a problem would it be supported independently of the building. S Jain asked what he would need – massing, materials. The motion discussion was summarized including the need to come back to the LUPZC next month with the use in a three story building with details shown and clarification of the liquor license and how it functions with the use. The motion passes unanimously.

Adjournment

•The meeting was adjourned at 10:40 PM.