

ABINGTON TOWNSHIP

JULY 27, 2021



PLANNING COMMISSION MEETING



TOWNSHIP OF ABINGTON

PLANNING COMMISSION MEETING

A G E N D A
July 27, 2021
7:30 PM

CALL TO ORDER

ROLL CALL *BROWN, DICELLO, ROBINSON, GAUTHIER, RUSSELL, ROSEN, COOPER, BAKER, STRACKHOUSE*

CONSIDER APPROVAL OF MINUTES

- a. Consider Approving Meeting Minutes of May 25, 2021

PRESENTATION

UNFINISHED BUSINESS

NEW BUSINESS

- a. Consider the request of Penn State University (PSU) for Enactment of Zoning Map and Text Amendments.

PUBLIC COMMENT

ADJOURNMENT

BOARD POLICY ON AGENDA ITEMS

For Information Purposes Only

Board President Announcements

This item on the Board of Commissioners Agenda is reserved for the Board President to make announcements that are required under law for public disclosure, such as announcing executive sessions, or for matters of public notice.

Public Comment

Public Comment on Agenda Items is taken at the beginning of regularly scheduled Public Meetings prior to any votes being cast. When recognized by the presiding Officer, the commenter will have three minutes to comment on agenda items at this first public comment period. All other public comment(s) not specific to an agenda item, if any, are to be made near the end of the public meeting prior to adjournment. Public comment on agenda items at regularly scheduled Board of Commissioner Committee meetings will be after a matter has been moved and seconded and upon call of the Chair for public comment.

Presentations

Should the Board of Commissioners have an issue or entity that requires time to present an issue to the Board, that is more than an oral description relating to an agenda item under consideration, The Board may have that matter listed under Presentations. If nothing is listed under presentations, then there is no business to conduct in that manner.

Consent Agenda

Items of business and matters listed under the Consent Agenda are considered to be routine and non-controversial and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired by Board of Commissioner Members, that item is to be identified by the Board member and will be identified and removed from the Consent Agenda, and will be considered separately at the appropriate place on the Agenda.

Unfinished Business

Items for consideration as unfinished business are matters that have been considered for action at a public Board Meeting and have not been tabled to a date certain or voted upon.

New Business

Items for consideration as new business are matters that have been considered for action at the Board Committee Meeting. It is Board practice to not introduce new business at Board Committee Meetings.

BOARD POLICY ON PUBLIC PARTICIPATION

For Information Purposes Only

The Township shall conduct business in accordance with the Commonwealth of Pennsylvania Laws governing the conduct of public meetings and only establish guidelines that shall govern public participation at meetings consistent with the law.

Each commenter shall:

- Direct their comments to the Presiding Officer;
- Speak from the podium or into a microphone designated by the presiding officer;
- State their name for the record;
- Either orally or in writing provide their address for the record;
- Have a maximum of three minutes to make their comments. Each commenter when speaking to a specific agenda item, is to keep their comments relative to that identified agenda item;
- Speak one time per agenda item;
- When commenting on non-agenda items, the commenter is to keep their comments related to matters of the Township of Abington, Montgomery County, Pennsylvania.
- State a question to the Presiding Officer after all commenters have spoken, and;
- Be seated after speaking or upon the request of the presiding officer;
- Not engage in debate, dialogue or discussion;
- Not disrupt the public meeting, and;
- Exercise restraint and sound judgement in avoiding the use of profane language, and the maligning of others.

The stated meeting of the Planning Commission of the Township of Abington was held on Tuesday, May 25, 2021 as a Zoom webinar and teleconference with Chairperson Lucy Strackhouse presiding.

CALL TO ORDER: 7:31 p.m.

ROLL CALL: Present: BROWN, DiCELLO, ROBINSON, GAUTHIER, ROSEN, BAKER, RUSSELL, STRACKHOUSE
Excused: COOPER

Also Present: County Planner NARCOWICH
Administrative Manager WYRSTA
Commissioners THOMPSON, WINEGRAD,
MYERS, SPIEGELMAN, SCHREIBER,
CARSWELL, BOLE

PLEDGE OF ALLEGIANCE

CONSIDER APPROVAL OF MINUTES:

Ms. Robinson made a MOTION, seconded by Ms. Gauthier to approve the minutes of the April 27, 2021 Planning Commission Meeting.

MOTION was ADOPTED 8-0.

PRESENTATION: None.

UNFINISHED BUSINESS:

Consider what, if any, recommendations are to be made to the Board of Commissioners on the Zoning Ordinance Text Amendment request by PREIT:

Ms. Strackhouse noted that the Planning Commission will be voting on proposed text amendment this evening, and she asked for any public comments.

Lora Lehmann, 1431 Bryant Lane, asked how many acres are included in the plan; and she expressed concern about 365 units in one building and that no financial analysis was presented.

Jim Hilburt, 1807 Preston Avenue, said he is firmly against this proposal just as many of his neighbors as it will significantly lower property values of the single-family homes in the vicinity, and developing large-scale apartment complexes will diminish the suburban feel of the surrounding community. It was disclosed at the last meeting for the first time that an additional apartment building could be built that would double the number of potential apartments.

This project will change the Willow Grove property impacting the surrounding community in negative ways. Since the notice of the initial presentation in the fall, there has not been a single communication to residents about this proposed development. He asked what has been done to communicate the specific details of this project to the residents of the immediate area and what is the legal obligation to notify taxpayers of proposed development prior to voting on this proposal?

Ms. Gauthier replied regarding the legal obligation; Township staff provides notice of the meetings for the Planning Commission Meetings, which is required by the Pennsylvania Planning Code, so the legal obligation has been met. Also, the Board of Commissioners notifies their individual residents going beyond what is required.

Ms. Strackhouse added that the Planning Commission is an advisory board to the Board of Commissioners who makes the ultimate decision. Any notices regarding meetings are sent from Township staff as well as your local Commissioner.

Linda Montz, 47 Twin Brooks Drive, objected to any apartment building constructed at the Willow Grove Mall site as traffic and Township resources cannot handle it.

Jeannette DeMaio, 717 Martin Road, agreed with those who spoke tonight, and she expressed concern about wood frame construction catching fire causing devastating results.

Joseph Applegate, 205 Elm Avenue, concurred with those who spoke tonight. He asked for the number of units proposed to be built; will there be capabilities for expansion; how many children will be living there as he already pays enough in school taxes; and by bringing more people in will result in more traffic and more problems.

Ms. Strackhouse noted that the proposed text amendment has been revised to reflect some of the comments made by the Planning Commission from several previous meetings. She asked for any comments from members of the Planning Commission.

Ms. Gauthier clarified that what is before the Planning Commission tonight is a proposed text amendment to the zoning ordinance; however, PREIT has provided a sketch plan of an apartment building of 365 dwelling units. Also, the Planning Commission previously asked about other sites that could be developed, and the applicant indicated one area that could have an apartment building constructed, but that is not being proposed at this time. Any recommendation made tonight will only be on the proposed zoning text amendment by the applicant.

Mr. Narcowich provided comments made by Rita Stevens (personally) to be part of public comments as follows:

'The current draft lacks adequate suitable planting area for canopy trees given the intensity of the development and that it is one of the areas that has the fewest trees, there should be 25% minimum for green space as required in the BC District and is it appropriate to use the retention pond as public open space; also, there should be adequate pedestrian access to transit and to Crestmont Park; and it should reference best practices in the MCPC green sustainable parking guide such as maximize shading and greening and safe and accessible pedestrian strips.'

Ms. Gauthier clarified that if the text amendment is approved, the Township will require a master plan of the site prior to any land development. Also, the building material such as wood frame construction is not included in the proposed text amendment. Is that correct?

Mr. Narcowich replied that the text amendment does include language for a master plan, and we will make sure it meets Township's standards. Also, there is no construction material included in the proposed text amendment as that is affected by a court decision and the Township cannot supersede it.

Mr. Baker asked for the number of acres on the property?

Mr. Kaplin replied 78 acres. PREIT's application is aimed at the Bloomingdale's parking lot and presented was a building of 365 apartment units, and there is one other possible location to the south of that property, but we do not have control over it. We developed an ordinance to allow for an important component in trying to preserve the mall and that is an apartment project, and after the last few meetings, we revised the text amendment based on concerns expressed by the Planning Commission.

Mr. Baker suggested eight units per acre as opposed to 16, which would be more reasonable.

Mr. Kaplin replied we used the same limitations from the Township's Apartment/Office District and there is a matrix of limitations including 20% retail, which almost guarantees that the mall needs to remain. If the zoning is changed, the first step is the conditional use process of an overall comprehensive plan followed by the land development process.

Mr. Brown noted that the proposed text amendment does not address the need for long-term planning of the property, so it should be reviewed further making sure that the intent is captured and that is a goal of the master plan process. Also, he is in favor of requiring 25% green space. And 16 units X 78 acres totals 1,248 units, and the intent of the transit-oriented residential use would be to restrict the calculation of the number of units per acre to the portion within the 2,500 linear feet and that totals approximately 25 acres, so that would be 400 units, so if a restriction were to be placed on the 16 units per acre, there could not be over 1,000 units in the entire district if it were limited to 2,500 linear feet.

Mr. Kaplin replied that would be creating a zoning district for 25 acres, which could bring a challenge to the ordinance based on spot zoning.

Ms. Strackhouse said that the Township Solicitor would need to be consulted.

Mr. Brown noted that the restriction would not limit the potential for that use to just be on the mall property as it covers multiple properties within the BC District.

Ms. Gauthier agreed that proposed ordinance needs to better define where this use can be built, and since it is transit-oriented development, it would fall in line with the MPC and not be spot zoning, in her opinion. She asked for the approximate acreage under the 2,500 linear feet area and the definition of the measurement needs to be more specific such as how and where it is measured from.

Mr. Seth Shapiro, representing PREIT, replied he does not know the approximate acreage that falls under the 2,000 linear feet at this time.

Mr. Baker agreed that the arbitrary radii should be further defined to avoid any possible lawsuits. He suggested reducing the number of units per acre by using the entire property that would still allow for a potential of 365 units.

Mr. Narcowich noted that proximity to both train stations is a limiting factor, and it applies to multiple property owners of the Willow Grove Park Mall site. So, if you take 16 dwelling units per acre and multiply it by the entire property of approximately 106 acres, that number would be cut in half as the entire building for this use would need to be within the circle of 2,500 linear feet from a train station, and that was a revision made by the applicant per request by the Planning Commission at the last meeting.

Mr. Brown said the calculation of the density per acre should be based on the 2,500 linear feet because if there is a future change of property boundaries, then it would not meet the intent.

Mr. Narcowich agreed that it needs to be defined further to ensure that there is no “wobble room” that a future property owner of this site could take advantage of it. So, the density should be calculated based on the portion of land within the 2,500 linear feet.

The Planning Commission agreed that needs to be “crystal clear.”

Mr. Baker said he would like to see more green area.

Mr. Shapiro replied currently the site is approximately 80% impervious surface, 20% green space.

Mr. Narcowich noted that we would like to see the green space requirement to be equivalent to what the BC District requires.

Ms. Allison Lee, Township Engineer, noted that it was discussed at the last meeting that the green space requirement should be bumped up to 25%; however, revised text amendment still shows it as 15%.

Mr. Rosen said Mr. Copper is absent tonight; however, he asked for his comments to be read into the record as follows:

‘At this time, I would vote against proposed zoning amendment and recommend that the Board of Commissioners decide not to have this amendment on their agenda for discussion or consideration at this time. Over the past several months, we had several meetings going through the details of the proposed amendment line-by-line and several items have been changed and the proposed amendment has been revised to reflect these changes. However, there is a lot more planning and review that should take place on this matter before a revote and potential approval is given.

The mall and surrounding parcels in the BC District make up a large and valuable part of our community and we need to make sure that any proposed major changes are thoroughly and carefully reviewed before moving ahead. In this case, there is more work that needs to be done to ensure that the best possible plan is created so that the mall or whatever business or structure that might get built mid-to-long term can be successful and that it is a viable part of the community.

The presentations to-date were not enough to convince me to approve the proposed zoning amendment and I do not believe it was adequate for other Planning Commission members as well. Also, the overwhelming percentage of the public that spoke were also not convinced or in favor of what was proposed.

In closing, I recognize that times have changed, and the mall will have to change as well to be able to survive and prosper. I am in favor of trying to make that happen; however, I am not convinced that this proposed amendment is what is best for Abington Township.

I would recommend that the Township create a small taskforce to further review all the pros and cons of this proposal and to look at adjacent properties and what they are currently used for and consider if they might be able to be renovated or redeveloped in ways that support the mall that might create a better overall plan.'

Mr. Rosen said that the mall has been the iconic symbol for Willow Grove for decades and whatever we do here will be seen throughout the Township and used as a template that may be considered by other developers/owners of property, therefore, it is exceedingly important that we get this right.

He suggested that the developers pursue a presentation that provides as much color and texture of ultimately what this property will look like in the near and medium term. He questioned whether it would create too much density; is this the right mix of tenants and what is the implications for public services such as education and police, etc., and are there alternative uses to contemplate such as cultural, recreation or otherwise.

It is difficult to convince an antagonistic crowd about the potential of over 1,000 new apartment dwellers in that location without showing a much bigger vision, and the Planning Commission needs to decide whether this proposed amendment, as presented, reflects the betterment to Abington Township. The presentation has been lacking in detail, and he is not satisfied that this is what he wants for the Willow Grove Park Mall. Also, he would like to know what the legal liability is for the Township if an apartment building of 365 dwelling units was made from wood construction. So, at this time, he would vote "no" on the proposed amendment.

Mr. Baker said he likes the idea of a mixed-use apartment building as it is the way of the future if it can revitalize this iconic site, but it needs to be done well. And he is concerned about the density and wants to be sure that it will not be a 1,200-unit apartment complex, so he can see the finish line, but he cannot vote in favor of the text amendment without having some clarification of density, so he will vote "no" on this project.

Ms. Gauthier agreed there is merit to mixed-use at the Willow Grove Park Mall site and it could fit in nicely with the existing area that is moderately pedestrian friendly. However, the interior circulation as well as the bus stops/bus shelters would need to be coordinated through the master plan, and the Township needs to be proactive rather than reactive, which is key for additional development on this site, so she is not in favor of the proposed text amendment at this time.

More green space is needed for potential residents and more outdoor space rather than just walking around a detention basin, which should be included in proposed text amendment. Also, she feels the Township should undertake its own master plan of the potential redevelopment of the site in conjunction with the updated Comp Plan prior to approving any type of text amendment of the zoning ordinance, so more study needs to be done, and she will vote “no” on proposed text amendment.

Mr. Russell commented that he would like to see 25% green space to be required and the allowable density needs to be clarified, and he agreed that the Township should initiate a master plan as opposed to putting it in the hands of the developer. Also, he would like further detail on what the tax benefit for the Township would be. Also, it was indicated that the recently completed facility at the Willow Grove Train Station is 95% occupied, so there is clearly a demand, and he does not want to throw this out before seeing what a master plan might bring as well as revised proposed text amendment.

Mr. Brown said he is in support of additional mixed-use and transit-oriented residential makes sense, but the long-term vision and master plan for this area is currently lacking and he would not support it in its current form as the density needs further clarification, so he recommended that the Board of Commissioners evaluate this further and take our comments into consideration.

Ms. Strackhouse said she has many unanswered questions and there are items that should be included in this proposed text amendment, so she cannot support it in its current form. And although she supports this type of development at the Willow Grove Park Mall site, she would like to see more information on the cost benefits to the Township; more green space; clarification on the density; also, about proposed new uses for the mall itself, and a draft master plan would be helpful as well as LEED certification or energy efficiencies for proposed apartment building.

Mr. Kaplin said we are willing to work with the Board of Commissioners on limiting the density, and there is no possibility of another building being constructed in the near future as we do not control the land, and he asked the Planning Commission to not provide a negative recommendation.

Mr. DiCello said he is in support of the concept and moving this forward; however, further clarification on density is needed; the radius needs to be crystal clear, and 25% green space should be required.

Ms. Strackhouse asked for any further public comments.

Joseph Applegate, 205 Elm Avenue, thanked Mr. Rosen for his “no” vote on the proposal and he agreed with his comments.

Mike Tobin, 642 Kirkwood Street, commented that the number of apartments as well as whether one or two buildings are being proposed needs to be clarified.

Lora Lehmann, 1431 Bryant Lane, expressed concern that the number of proposed units should have been discussed as the first planning meeting, and a “solid wall” along Easton Road, residential or otherwise, is not what the people of Abington want.

Linda Montz, 47 Twin Brooks Drive, said she wished more residents had been notified of this proposal, and she objects to any apartment building on this site. She feels the Township will be providing services that will cost far more than any revenue it will receive, and she thanked those for voting “no.”

Natalie Pawell, 1920 Fleming Avenue, expressed concern about not being notified about this project and only heard about it through Facebook; also, that no one on her street or the surrounding streets were notified that a zoning change was being discussed. And, unlike individual residents, families of the apartments pay towards the apartment complex that is taxed by the School District, which is a big difference in what they get per student. Also, she asked for the density to be considered as well as additional traffic in this small area.

Cakky Evans, 1132 Lindsay Lane, requested that the recordings of these meetings posted on the Township’s website could be expedited. Also, if there will be a taskforce for a master plan, she suggested including School District officials as well as members of the Shade Tree Commission and EAC.

Jeannette DeMaio, 717 Martin Road, agreed with comments made from the neighbors about how overcrowding is a big issue. She asked for a cost benefit analysis to be provided and would like to see what exactly is being planned, and then the citizens have a right to decide whether they want it.

Mr. Brown made a MOTION, seconded by Mr. Russell to recommend approval in concept of the proposed text amendment subject to further precise definition of density, dwelling units per acre, increased minimum green area, and that a revised summary of the Planning Commission's comments/questions to be forward to the Board of Commissioners for their consideration.

Ms. Strackhouse asked for a roll call vote on the motion on the floor as follows:

Mr. Rosen voted no.

Mr. Brown voted yes.

Mr. DiCello voted yes.

Mr. Baker voted yes.

Ms. Strackhouse voted no.

Ms. Gauthier vote no.

Ms. Robinson voted no.

Mr. Russell voted yes.

MOTION FAILED 4-4.

Mr. Rosen made a MOTION, seconded by Ms. Gauthier to **REJECT** the proposed text amendment to the zoning ordinance **as offered** by PREIT and to have the matter come back before the Planning Commission to discuss in further detail.

Ms. Strackhouse asked for a roll call vote on the motion on the floor as follows:

Mr. Rosen voted yes.

Ms. Gauthier voted yes.

Mr. Baker voted yes.

Ms. Robinson voted yes.

Mr. Brown voted no.

Mr. Russell voted yes.

Mr. DiCello voted no.

Ms. Strackhouse voted no.

MOTION was ADOPTED 5-3.

NEW BUSINESS:

Consider approving the Second Amended Land Development Application LD-21-05- Rydal Waters Pickleball Courts. The applicant, Presby's Inspired Life, proposes to replace two twin dwellings (Units 70 & 71) with a pickleball sports court and storage building on Harbison Way in the Rydal Waters development. The site is located in the SNR Senior Neighborhood Residential Zoning District in Ward 7, and is served by public water and sewer:

Mr. Gary Tilford, PE, with Charles E. Shoemaker Inc. Engineers, representing the applicant, said in 2006, Rydal Waters designed and approved a single-family residential development and then it moved to construction that included a roadway network, sanitary sewer, and the storm sewer basin for single family homes. The property eventually went bankrupt and languished for many years, and then Presby Inspired Life purchased it from the developer.

In 2016, discussions began with Township officials on the type of active senior community this could become, and in the meantime, the property had been rezoned to SNR Senior Neighborhood Residential and the plan was eventually approved, so construction began again for Rydal Waters as a senior living community of 85 cottages and a roadway connecting Rydal Park community to Rydal Water. This development is a mixture of single and twin units, and then two twins were removed and replaced with three single units, so it became an 84-unit development.

Now in 2021, the site is under construction with residents moving in making it an active senior community. In addition to the clubhouse and swimming pool, they are interested in having a pickleball court, which is smaller than a tennis court, using paddles and a whiffle ball. The plan was presented showing location of proposed pickleball court along with a one-story building approximately 20 X 25 feet for storage, a restroom for the participants and an awning in case of inclement weather. Units 70 and 71 will be removed and replaced with the pickleball court.

The applicant received comments from Pennoni Associates as well as the MCPC, and one of the issues was the riparian corridor in this area. Ordinance No. 2147 was approved by the Board of Commissioners in 2017 indicating that all infrastructure, roads, sidewalks, retaining walls, culverts, stormwater detention basin, and berms were not considered to be in Zone 2 of the Riparian Corridor.

We maintained Zone 1 next to the channel that begins on the western property line near proposed pickleball court, which is storm pipe carrying water from Old York Road and surrounding streets and discharging traversing Harbison Way entering a tributary heading towards the Meadowbrook Creek. Rydal Waters agreed to maintain the limits of the Zone 1 corridor width; supplement the plantings within the corridor and make sure the streambanks remain stable and clean.

During the land development process, a waiver was granted to mitigate the loss in square footage in Zone 2 and add to the riparian corridor or restrict other lands on the property of equal square footage.

Ms. Strackhouse noted that the EAC in their review letter dated April 14, 2021, recommended native vegetation to be planted between the pickleball court and Units 68 and 69.

Mr. Tilford replied we are planning to provide a high-intensity buffer adjacent to the perimeter of the site facing Penn State Resident Hall and a medium intensity buffer between the pickleball court and Unit 69 and the landscape plan has been developed showing that criteria.

Ms. Strackhouse continued that the EAC asked for clarification as to why only Zone 1 of the RCCD (Riparian Corridor Conservation District) is 25-wide that is immediately adjacent to the stream, which is identified on the plan rather than Zones 1 and 2, which are shown along the creek north of Rydal Way.

Mr. Tilford replied it is due to the ordinance related to this project in which the project was ready for submission to the Township and the Township had approved a new ordinance that significantly impacted what was being planned for the two years prior. So, Zone 2 was mitigated with additional area that was set aside as riparian corridor elsewhere on the property and those areas are adjacent to the Zone 2 areas of equal square footage.

Mr. Narcowich asked for an update on the outstanding item regarding the trail. Also, he suggested screening the trail from the Woodside Building noting that it looks as if the course of the trail still needs to be clarified. And was a plan prepared showing proposed street trees for the development?

Mr. Tilford replied there is ongoing discussion as to whether it is a public or private trail as well as about maintenance and insurance. And landscaping is being done to the entranceways along Rydal Way.

Mr. Narcowich questioned whether the applicant proposes naturalized planting mix in the basin.

Mr. Tilford replied as the ordinance is written, the basin and berms were not counted as mitigated areas as they were already constructed, although there is landscaping associated with the basin per land development regulations.

Mr. Narcowich suggested installing crosswalks at the intersections as well as at the entrance to the parking area by the clubhouse.

Mr. Tilford replied that has been addressed, and if there is an added need, we will consider it. Also, no waivers are being requested.

Ms. Strackhouse asked for any comments from members of the Planning Commission.

Ms. Gauthier asked for the types of plantings listed on the landscape plan.

Mr. Tilford provided the landscape plan showing the plant list.

Ms. Allison Lee noted that Pennoni issued a review letter dated April 16, 2021, and the plans before the Planning Commission tonight are the revisions based on Pennoni's review.

Mr. Tilford replied that the applicant will comply with all comments.

Ms. Strackhouse asked for any public comments. There were none.

Mr. Russell made a MOTION, seconded by Mr. Rosen to recommend approval of the application of Presby's Inspired Life, the Second Amended Land Development Application LD-2105- Rydal Waters Pickleball Courts as presented.

MOTION was ADOPTED 8-0.

ADJOURNMENT: 10:36 p.m.

Respectfully submitted,

Liz Vile, Minutes Secretary



PLANNING COMMISSION MEETING

AGENDA ITEM

July 27, 2021

DATE

Code

DEPARTMENT

AGENDA ITEM NUMBER

FISCAL IMPACT

Cost > \$10,000

Yes No

PUBLIC BID REQUIRED

Cost > \$20,100

Yes No

AGENDA ITEM:

PSU text amendment

EXECUTIVE SUMMARY:

Penn State University is requesting amend the Zoning Ordinance of the Township of Abington, providing for and regulation a college/university campus use in the CS Community Service District and amending the official Zoning Map of Abington Township, by rezoning three parcels from the residential low density (R-1) district to the community service (CS) district.

PREVIOUS BOARD ACTIONS:

July 8, 2021 - The Committee made a motion to move the agenda item to the Planning Commission in July.

RECOMMENDED BOARD ACTIONS:

Consider the request of Penn State University (PSU) for Enactment of Zoning Map and Text Amendments.



Eastburn and Gray, PC

Attorneys at Law

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June 15, 2021

Via Email (rmanfredi@abington.org)

Richard J. Manfredi, Township Manager

1176 Old York Road

Abington, PA 19001

RE: Penn State - Abington - Request for Enactment of Zoning Map and Text Amendments

Dear Rich:

On behalf of Penn State-Abington, we request that the Township Board of Commissioners set a public hearing date for consideration and enactment of the accompanying zoning map and text amendments.

These amendments have been the subject of several community meetings and input from Township staff.

Please provide us with the date, time, and place of any meeting at which these amendments will be discussed. Please also provide us with communications sent to and received by the Township regarding these proposed amendments.

Very truly yours,

Marc D. Jonas, Esq.

MDJ/rab

Enclosures: Zoning Map and Text Amendments

Cc: Thomas Hecker, Township Commissioner (thecker@AbingtonPA.gov)
Michael P. Clarke, Esq. (mclarke@rudolphclarke.com)
Margo DelliCarpini, Ph. D. (med6086@psu.edu)

**TOWNSHIP OF ABINGTON
ORDINANCE NO. _____**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF
ABINGTON TOWNSHIP, BY REZONING THREE PARCELS FROM
THE RESIDENTIAL LOW DENSITY (R-1) DISTRICT TO THE
COMMUNITY SERVICE (CS) DISTRICT**

WHEREAS, the Board of Commissioners of the Township of Abington is empowered to amend the Zoning Ordinance and Zoning Map regulating the use and control of land within the Township; and,

WHEREAS, the Board of Commissioners of the Township of Abington has determined that it is in the interest of the health, safety and welfare of the residents of the Township to rezone three parcels of property within the Township and identified below from the Residential Low Density (R-1) District to the Community Service (CS) District; and

WHEREAS, the Board of Commissioners of the Township of Abington has determined that the rezoning of these three parcels from the Residential Low Density (R-1) District to the Community Service (CS) District is consistent with the community development goals and directives for Abington Township, and the general purpose and intent set forth in The Revised Abington Township Zoning Ordinance; and

WHEREAS, all three parcels to be rezoned are bordered by and enclosed within Woodland Road, Cloverly Lane, and School Lane but are zoned in a way which is inconsistent with the 42.19 acre abutting parcel owned by the Pennsylvania State University.

NOW THEREFORE, the Board of Commissioners of the Township of Abington does hereby enact and ordain as follows:

Section 1. The Official Zoning Map of Abington Township , as provided for in section 300.2 of The Revised Abington Township Zoning Ordinance, is hereby amended follows:

- a. The parcel known as 1681 Cloverly Lane, being tax parcel number 30-00-09780-00-9, block 003, unit 020, is hereby rezoned from the Residential Low Density (R-1) District to the Community Service (CS) District.
- b. The parcel known as 1639 Cloverly Lane, being tax parcel number 30-00-09788-00-1, block 003 unit 001, is hereby rezoned from the Residential Low Density (R-1) District to the Community Service (CS) District.

- c. The parcel known as 1665 Cloverly Lane, being tax parcel number 30-00-09784-00-5, block 003 unit 025, is hereby rezoned from the Residential Low Density (R-1) District to the Community Service (CS) District.

Section 2. Severability.

If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

Section 3. Conflicting Ordinances Repealed.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. Effective Date.

This ordinance shall become effective and shall be enforced from and after _____, 20__.

ENACTED AND ORDAINED the _____ day of _____, 20__.

TOWNSHIP OF ABINGTON

Attest:

Richard Manfredi, Secretary

By: _____
John L. Spiegleman, President
Board of Commissioners

**TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE
TOWNSHIP OF ABINGTON, PROVIDING FOR AND REGULATING A
COLLEGE/UNIVERSITY CAMPUS USE IN THE CS COMMUNITY SERVICE
DISTRICT**

WHEREAS, the Board of Commissioners of the Township of Abington has the authority pursuant to section 601 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10601, and section 1502.1 of The First Class Township Code, 53 P.S. §56502.1, to enact and amend land use ordinances;

WHEREAS, the Township of Abington is home to highly respected educational institutions of higher learning which significantly contribute to and enhance the vibrancy, appeal, and culture of the Township;

WHEREAS, section 900.A of the Zoning Ordinance states that the intent of the CS Community Service District is to “[p]rovide for the education, medical, municipal, religious, and recreational needs of the Township community....”

WHEREAS, the Zoning Ordinance does not expressly provide for a college or university campus use that recognizes the uniqueness of these institutions and promotes the redevelopment of land currently used for college or university purposes within the Township; nor does the Zoning Ordinance provide appropriate design and regulatory standards for college and university facilities that will mutually benefit the Township and the institution;

WHEREAS, the CS Community Service District of the Township seeks to provide for the educational needs of the Township community, allowing reasonable and measured growth of facilities and physical plant, while addressing the compatibility with nearby properties by minimizing potential impacts caused by traffic, noise, and lighting;

WHEREAS, permitting reasonable and controlled development of current college and university facilities will help to ensure the vitality of these institutions and provide continuing and significant community and economic benefits to the Township; and

WHEREAS, the Board of Commissioners has determined that the amendment of the zoning ordinance is appropriate and necessary to promote the development and redevelopment of land used for college and university purposes in the Township.

NOW, THEREFORE, the Board of Commissioners does hereby ENACT and ORDAIN as follows:

Section 1. The Comprehensive Use Matrix in the Appendix to the Zoning Ordinance, referred to in section 901 of the Zoning Ordinance, shall be amended by the addition of Use E-18, *University Campus*, as a permitted use in the CS Community Service District

Section 2. Section 902 of the Zoning Ordinance, *Dimensional Requirements in Community Service Districts*, shall be amended to read as follows:

SECTION 902. DIMENSIONAL REQUIREMENTS: *See Figure 9.4 CS Community Service District: Dimensional Requirements.*

A. The Dimensional Requirements for a Use E-18 University Campus shall be as follows:

1. The maximum building coverage shall be 25%.
2. The maximum impervious coverage shall be 45%.
3. The minimum green area shall be 55%.
4. The maximum building height shall be 45 feet, subject to the exceptions set forth in section 2601.G, *Height Exceptions*. Building height may be increased to 55 feet, if the front or other yard setback along a public street exceeds 100 feet, if fire access lanes are provided for the structure, consistent with recommendations of the township fire marshal, and if a high-intensity buffer is

used along property lines adjacent to a residential zoning district. For properties greater than 25 acres, new building facades may exceed a length of 160 feet provided that they include minimum 10-foot deep horizontal building offsets at least once every 100 horizontal feet of façade length. However, in no case shall a new building façade exceed a length of 300 feet.

5. The site must have direct access to a public street.

- B. Where any dimensional or other requirements in the zoning ordinance, *e.g.*, *Figure 9.4 CS Community Service District: Dimensional Requirements*, conflict with the dimensional requirements set forth in this section and section 2103.E-18, the specific requirements of this section and section 2103.E-18 shall apply.

Section 3. Section 2103.E of the Zoning Ordinance, *Community Service Uses (Institutional Uses)*, shall be amended by the addition of a new Use E-18, *University Campus*, which shall read as follows:

Use E-18: University Campus: A college or university comprising one or more buildings, lots, parcels, facilities and uses that provides academic instruction or support to individuals enrolled therein, and that are authorized to award associate, baccalaureate, or post-baccalaureate degrees. This use shall comprise accessory and ancillary uses to serve the needs of the institution’s students, faculty, and staff, including, but not limited to: academic facilities, performance facilities, recreational/athletic facilities, social facilities, eating/dining facilities, administrative facilities, support facilities, health facilities, faculty housing facilities, parking facilities, and retail facilities. A mixture of these uses, including retail, office, or institutional, and residential uses, may be located within the same building without being classified as a Use J-1, Mixed-Use Building. The following additional standards shall apply and shall supersede any conflicting requirements in the Zoning Ordinance:

A. Architectural standards:

1. Building elevations/renderings shall be submitted to determine compliance with these criteria. Views presented shall include those of each new building façade visible from the street, as viewed from the street. Views of new parking areas from the street shall also be provided, where visible from the street.
2. It is recommended that all new buildings and expansions be compatible with the architectural theme of existing buildings and structures on-campus and on abutting streets. Factors for consideration include, but are not limited to:
 - a. Colors
 - b. Materials
 - c. Style and pitch of roof
 - d. Use of differentiated materials
 - e. Wall-to- window-and-door ratio
 - f. Architectural features and trim
 - g. Door accentuation
3. Security features, including lighting, shall be non-intrusive relative to nearby residential uses.
4. New mechanical, and HVAC facilities shall be screened from public view, consistent with §2403 Buffers and Screens, Subsection C.
5. New trash, storage, tanks and loading shall not occur within 100 feet of a street.
6. Submission of a master facilities plan is required for two or more new (non-accessory buildings, 80,000 square feet of new floor area, or a new outdoor facility area of at least 2 acres, unless a plan has been submitted within the past 3 years. The master facilities plan shall meet the requirements of a tentative sketch plan. In addition to the requirements of a tentative sketch plan in the SALDO, the applicant shall show:
 - a. Proposed driveways and parking areas.
 - b. Student and faculty count.
 - c. Approximate building heights.
 - d. Floor area of existing and proposed buildings.
 - e. Proposed timeline for building construction.

- f. Building and impervious coverage data.
 - g. Elevations for building within 300 feet of a residential use (showing façade[s] facing public street or residential use within 300 feet).
- 7. Setback from residential Uses. The following uses shall be set back at least 100 feet from the lot line of a property on which a residential use is located: (1) organized activities such as graduation ceremonies or camp activities; and (2) active recreation fields or structures.
- 8. Traffic Study
 - a. Purpose. The Traffic Impact Study will enable the Township to assess the impact of the proposed development on the transportation system in the Township. The purpose of the impact study is to insure that proposed developments do not adversely affect the transportation network and to identify any traffic problems associated with access between the site and the existing transportation network. The study's purpose is also to delineate solutions to potential problems and to present improvements to be incorporated into the proposed development.
 - b. A Traffic Impact Study shall be prepared by a qualified traffic engineer and/or transportation planner with previous traffic study experience. Procedures and standards for a Traffic Impact Study are as set forth in the SALDO (if such provisions are incorporated to the SALDO at the time of the proposed land development). The applicant may provide funds to the Township to enable the Township to hire a traffic engineer of its choice to conduct the study, if this procedure is deemed appropriate and approved by the Township.
 - c. A Traffic Impact Study prepared in accordance with the guidelines of the Pennsylvania Department of Transportation as part of an application for a state highway occupancy permit may be submitted to the Township in fulfillment of this requirement.

- d. In preparing the Traffic Impact Study, the most recent edition of the Trip Generation Handbook of the Institute of Transportation Engineers shall be used.
 - e. A traffic study is required for a new building or other improvement which meets any of these standards:
 - (i) It generates an average of 3,000+ trips/day.
 - (ii) It generates 100 or more vehicle trips entering or exiting in an hour.
 - (iii) It generates 100 or more additional vehicle trips in a redevelopment site.
 - (iv) It generates an increase in peak hour traffic greater than 5% of the existing volume in surrounding residential communities.
 - (v) Daily trip generation rates are greater than 500 trips per 1,000 s.f. of GLA.
- B. Excavation in or disturbance of a steep slope area shall be permitted if the development within that area includes engineered slope stabilization; retaining walls; and/or foundation walls, and provided approval is obtained from the Township engineer. The landowner shall submit an erosion and sedimentation control plan during land development.
- C. Existing parking lots shall not be subject to the landscaping requirements of § 2402.A.2. Parking areas on the same lot are not required to be interconnected. A 12-foot buffer is permitted for new vehicle parking located within a yard along a public street and within a screening buffer required by section 2403.B provided that enhancements to the portion less than 15 feet are made by providing 20% more evergreen shrubs and (if applicable) evergreen trees otherwise required for the buffer.
- D. There shall be provided one (1) off-street loading berth per building or facility that is erected with a gross floor area over twenty thousand (20,000) square feet where the principal use of the building requires the regular receipt or distribution of materials or merchandise by vehicles.

- E. In the event of a conflict or inconsistency between any zoning regulation governing a Use E-18: *University Campus* and any other zoning regulation in the Abington Township Zoning Ordinance, the specific regulation for Use E-18 shall apply and control.

Section 4. Section 2304, *Parking Use Requirements*, subsection E, *Community Service (Institutional) Uses*, shall be amended to add the following:

- 18. Use E-18: University Campus:** A “parking space” shall be at least 9 feet x 18 feet in size. The computation of required parking spaces shall include both on-site and off-site parking spaces. A University Campus use shall have one (1) parking space for every classroom, plus one (1) space for every two and a half (2.5) students who regularly attend classes on campus, plus one (1) space for every ten (10) fixed auditorium seats, plus one (1) space for every three hundred (300) square feet of gross office area. The required number of parking spaces may be reduced by a maximum of thirty percent (30%) if the college or university provides and makes available all of the following:
 - 1. a regularly scheduled shuttle service, which shall include service to a commuter rail station;
 - 2. a ride-share program; and
 - 3. to the extent such programs are readily available, car-share and bike share services.

Section 6. The Comprehensive Use Matrix in the Appendix to the Zoning Ordinance, referred to in section 901 of the Zoning Ordinance, shall be amended by changing Use E-14, *School or College – Public/Private*, to Use E-14, *School – Public/Private*.

Section 7. Section 2103.E of the Zoning Ordinance, *Community Service Uses (Institutional Uses)*, Use E-14, *School or College – Public/Private*, shall be amended by amending the name of the use category and the introductory paragraph as follows:

Use E-14: School – Public/Private: A facility, building, lot, parcel, use, or group of facilities, buildings and uses that provides a broad educational curriculum

to individuals enrolled therein, and is licensed by the State Department of Education, including private and public kindergartens, elementary, junior and senior high schools:...

Section 8. Section 2304, *Parking Use Requirements*, subsection E, *Community Service (Institutional) Uses*, subsection 14 shall be amended as follows:

- 14. **Use E-14: School – Public/Private:** Elementary and secondary schools require 1 parking space for every classroom plus 1 space for every 4 students in tenth grade or higher, plus 1 space for every 10 fixed auditorium seats.

Section 9. Repealer. All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

Section 10. Severability. In the event that any section, sentence, clause, or word of this ordinance shall be declared illegal, invalid, or unconstitutional by any court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this ordinance.

Section 11. Effective Date. This Ordinance shall be effective as of the date of enactment.

ENACTED and **ORDAINED** this _____ day of _____, 2021.

TOWNSHIP OF ABINGTON

Attest:

Secretary

By: _____
John L. Spiegelman, President
Board of Commissioners

**TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE
TOWNSHIP OF ABINGTON, PROVIDING FOR AND REGULATING A
COLLEGE/UNIVERSITY CAMPUS USE IN THE CS COMMUNITY SERVICE
DISTRICT**

WHEREAS, the Board of Commissioners of the Township of Abington has the authority pursuant to section 601 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10601, and section 1502.1 of The First Class Township Code, 53 P.S. §56502.1, to enact and amend land use ordinances;

WHEREAS, the Township of Abington is home to highly respected educational institutions of higher learning which significantly contribute to and enhance the vibrancy, appeal, and culture of the Township;

WHEREAS, section 900.A of the Zoning Ordinance states that the intent of the CS Community Service District is to “[p]rovide for the education, medical, municipal, religious, and recreational needs of the Township community....”

WHEREAS, the Zoning Ordinance does not expressly provide for a college or university campus use that recognizes the uniqueness of these institutions and promotes the redevelopment of land currently used for college or university purposes within the Township; nor does the Zoning Ordinance provide appropriate design and regulatory standards for college and university facilities that will mutually benefit the Township and the institution;

WHEREAS, the CS Community Service District of the Township seeks to provide for the educational needs of the Township community, allowing reasonable and measured growth of facilities and physical plant, while addressing the compatibility with nearby properties by minimizing potential impacts caused by traffic, noise, and lighting;

WHEREAS, permitting reasonable and controlled development of current college and university facilities will help to ensure the vitality of these institutions and provide continuing and significant community and economic benefits to the Township; and

WHEREAS, the Board of Commissioners has determined that the amendment of the zoning ordinance is appropriate and necessary to promote the development and redevelopment of land used for college and university purposes in the Township.

NOW, THEREFORE, the Board of Commissioners does hereby ENACT and ORDAIN as follows:

Section 1. The Comprehensive Use Matrix in the Appendix to the Zoning Ordinance, referred to in section 901 of the Zoning Ordinance, shall be amended by the addition of Use E-18, *University Campus*, as a permitted use in the CS Community Service District

Section 2. Section 902 of the Zoning Ordinance, *Dimensional Requirements* in Community Service Districts, shall be amended to read as follows:

**SECTION 902. DIMENSIONAL REQUIREMENTS: See Figure 9.4 CS
Community Service District: Dimensional Requirements.**

A. The Dimensional Requirements for a Use E-18 University Campus shall be as follows:

1. The maximum building coverage shall be 25%.
2. The maximum impervious coverage shall be 45%.
3. The minimum green area shall be 55%.
4. The maximum building height shall be 45 feet, subject to the exceptions set forth in section 2601.G, *Height Exceptions*. Building height may be increased to 55 feet, if the front or other yard setback along a public street exceeds 100 feet, if fire access lanes are provided for the structure, consistent with recommendations of the township fire marshal, and if a high-intensity buffer is

used along property lines adjacent to a residential zoning district. For properties greater than 25 acres, new building facades may exceed a length of 160 feet provided that they include minimum 10-foot deep horizontal building offsets at least once every 100 horizontal feet of façade length. However, in no case shall a new building façade exceed a length of 300 feet.

5. The site must have direct access to a public street.

- B. Where any dimensional or other requirements in the zoning ordinance, e.g., *Figure 9.4 CS Community Service District: Dimensional Requirements*, conflict with the dimensional requirements set forth in this section and section 2103.E-18, the specific requirements of this section and section 2103.E-18 shall apply.

Section 3. Section 2103.E of the Zoning Ordinance, *Community Service Uses (Institutional Uses)*, shall be amended by the addition of a new Use E-18, *University Campus*, which shall read as follows:

Use E-18: University Campus: A college or university comprising one or more buildings, lots, parcels, facilities and uses that provides academic instruction or support to individuals enrolled therein, and that are authorized to award associate, baccalaureate, or post-baccalaureate degrees. This use shall comprise accessory and ancillary uses to serve the needs of the institution’s students, faculty, and staff, including, but not limited to: academic facilities, performance facilities, recreational/athletic facilities, social facilities, eating/dining facilities, administrative facilities, support facilities, health facilities, faculty housing facilities, parking facilities, and retail facilities. The following additional standards shall apply and shall supersede any conflicting requirements in the Zoning Ordinance:

- A. Architectural standards:

Deleted: A mixture of these uses, including retail, office, or institutional, and residential uses, may be located within the same building without being classified as a Use J-1, Mixed-Use Building.

1. Building elevations/renderings shall be submitted to determine compliance with these criteria. Views presented shall include those of each new building façade visible from the street, as viewed from the street. Views of new parking areas from the street shall also be provided, where visible from the street.
2. It is recommended that all new buildings and expansions be compatible with the architectural theme of existing buildings and structures on-campus and on abutting streets. Factors for consideration include, but are not limited to:
 - a. Colors
 - b. Materials
 - c. Style and pitch of roof
 - d. Use of differentiated materials
 - e. Wall-to- window-and-door ratio
 - f. Architectural features and trim
 - g. Door accentuation
3. Security features, including lighting, shall be non-intrusive relative to nearby residential uses.
4. New mechanical, and HVAC facilities shall be screened from public view, consistent with §2403 Buffers and Screens, Subsection C.
5. ↓
6. Submission of a master facilities plan is required for two or more new (non-accessory buildings, 80,000 square feet of new floor area, or a new outdoor facility area of at least 2 acres, unless a plan has been submitted within the past 3 years. The master facilities plan shall meet the requirements of a tentative sketch plan. In addition to the requirements of a tentative sketch plan in the SALDO, the applicant shall show:
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 - d. Floor area of existing and proposed buildings.
 - e. Proposed timeline for building construction.
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Deleted: New trash, storage, tanks and loading shall not occur within 100 feet of a street.

- g. Elevations for building within 300 feet of a residential use (showing façade[s] facing public street or residential use within 300 feet).
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- 8. Traffic Study
 - a. Purpose. The Traffic Impact Study will enable the Township to assess the impact of the proposed development on the transportation system in the Township. The purpose of the impact study is to insure that proposed developments do not adversely affect the transportation network and to identify any traffic problems associated with access between the site and the existing transportation network. The study's purpose is also to delineate solutions to potential problems and to present improvements to be incorporated into the proposed development.
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 - c. A Traffic Impact Study prepared in accordance with the guidelines of the Pennsylvania Department of Transportation as part of an application for a state highway occupancy permit may be submitted to the Township in fulfillment of this requirement.

Commented [NM2]: We are going to keep the requirement in the current use regulations for E-14: School or College – Public/Private

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- d. In preparing the Traffic Impact Study, the most recent edition of the Trip Generation Handbook of the Institute of Transportation Engineers shall be used.
- e. A traffic study is required for a new building or other improvement which meets any of these standards:
 - (i) It generates an average of 3,000+ trips/day.
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- B. Existing parking lots shall not be subject to the landscaping requirements of § 2402.A.2. Parking areas on the same lot are not required to be interconnected. A 12-foot buffer is permitted for new vehicle parking located within a yard along a public street and within a screening buffer required by section 2403.B provided that enhancements to the portion less than 15 feet are made by providing 20% more evergreen shrubs and (if applicable) evergreen trees otherwise required for the buffer.
- C. There shall be provided one (1) off-street loading berth per building or facility that is erected with a gross floor area over twenty thousand (20,000) square feet where the principal use of the building requires the regular receipt or distribution of materials or merchandise by vehicles.
- D. In the event of a conflict or inconsistency between any zoning regulation governing a Use E-18: *University Campus* and any other zoning regulation in the Abington Township Zoning Ordinance, the specific regulation for Use E-18 shall apply and control.

Deleted: <#>Excavation in or disturbance of a steep slope area shall be permitted if the development within that area includes engineered slope stabilization; retaining walls; and/or foundation walls, and provided approval is obtained from the Township engineer. The landowner shall submit an erosion and sedimentation control plan during land development.

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Section 4. Section 2304, *Parking Use Requirements*, subsection E, *Community Service (Institutional) Uses*, shall be amended to add the following:

- 18. Use E-18: University Campus:** A “parking space” shall be at least 9 feet x 18 feet in size. The computation of required parking spaces shall include both on-site and off-site parking spaces. A University Campus use shall have one (1) parking space for every classroom, plus one (1) space for every two and a half (2.5) students who regularly attend classes on campus, plus one (1) space for every ten (10) fixed auditorium seats, plus one (1) space for every three hundred (300) square feet of gross office area. The required number of parking spaces may be reduced by a maximum of thirty percent (30%) if the college or university provides and makes available all of the following:
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 2. a ride-share program; and
 3. to the extent such programs are readily available, car-share and bike share services.

Section 6. The Comprehensive Use Matrix in the Appendix to the Zoning Ordinance, referred to in section 901 of the Zoning Ordinance, shall be amended by changing Use E-14, *School or College – Public/Private*, to Use E-14, *School – Public/Private*.

Section 7. Section 2103.E of the Zoning Ordinance, *Community Service Uses (Institutional Uses)*, Use E-14, *School or College – Public/Private*, shall be amended by amending the name of the use category and the introductory paragraph as follows:

Use E-14: School – Public/Private: A facility, building, lot, parcel, use, or group of facilities, buildings and uses that provides a broad educational curriculum to individuals enrolled therein, and is licensed by the State Department of Education, including private and public kindergartens, elementary, junior and senior high schools:...

Section 8. Section 2304, *Parking Use Requirements*, subsection E, *Community Service (Institutional) Uses*, subsection 14 shall be amended as follows:

14. **Use E-14: School – Public/Private:** Elementary and secondary schools require 1 parking space for every classroom plus 1 space for every 4 students in tenth grade or higher, plus 1 space for every 10 fixed auditorium seats.

Section 9. Repealer. All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

Section 10. Severability. In the event that any section, sentence, clause, or word of this ordinance shall be declared illegal, invalid, or unconstitutional by any court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this ordinance.

Section 11. Effective Date. This Ordinance shall be effective as of the date of enactment.

ENACTED and ORDAINED this ____ day of _____,
2021.

TOWNSHIP OF ABINGTON

Attest:

Secretary

By: _____
John L. Spiegelman, President
Board of Commissioners

July 20, 2021

ABINT17000.07

Mr. Richard Manfredi, Township Manager
Abington Township
1176 Old York Road
Abington, PA 19001

**RE: The Pennsylvania State University
College/University Campus Use Zoning Text Amendment Review**

Dear Mr. Manfredi

We have received a copy of the proposed draft ordinance amending the Abington Township zoning ordinance for regulating a college/university campus use in the CS – Community Service District as provided by the Montgomery County Planning Commission (MCPC) on July 7, 2021.

Per MCPC's request, we completed our review of the steep slopes section of the proposed draft ordinance, section 3.B. Based on our review, we recommend that additional language be added to include disturbance areas that are located within the steep slope conservation overlay district. Should the area of disturbance be located within the steep slope conservation overlay district, the landowner shall comply with the provisions of Article XVI – Steep Slope Conservation District.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

PENNONI



Khaled R. Hassan, PE
Township Engineer

Enclosure(s) – Proposed draft ordinance w/ mark-ups

cc: Terry Castorina, Executive Assistant
Shaun Littlefield, Zoning Officer
Timothy G. Clark, Director of Engineering
Michael P. Clarke Esq., Rudolph Clarke, LLC, Township Solicitor
Michael Narcowich, AICP, MCPC

**TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE
TOWNSHIP OF ABINGTON, PROVIDING FOR AND REGULATING A
COLLEGE/UNIVERSITY CAMPUS USE IN THE CS COMMUNITY SERVICE
DISTRICT**

WHEREAS, the Board of Commissioners of the Township of Abington has the authority pursuant to section 601 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10601, and section 1502.1 of The First Class Township Code, 53 P.S. §56502.1, to enact and amend land use ordinances;

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WHEREAS, the CS Community Service District of the Township seeks to provide for the educational needs of the Township community, allowing reasonable and measured growth of facilities and physical plant, while addressing the compatibility with nearby properties by minimizing potential impacts caused by traffic, noise, and lighting;

WHEREAS, permitting reasonable and controlled development of current college and university facilities will help to ensure the vitality of these institutions and provide continuing and significant community and economic benefits to the Township; and

WHEREAS, the Board of Commissioners has determined that the amendment of the zoning ordinance is appropriate and necessary to promote the development and redevelopment of land used for college and university purposes in the Township.

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Section 2. Section 902 of the Zoning Ordinance, *Dimensional Requirements in Community Service Districts*, shall be amended to read as follows:

SECTION 902. DIMENSIONAL REQUIREMENTS: *See Figure 9.4 CS Community Service District: Dimensional Requirements.*

A. The Dimensional Requirements for a Use E-18 University Campus shall be as follows:

1. The maximum building coverage shall be 25%.
2. The maximum impervious coverage shall be 45%.
3. The minimum green area shall be 55%.
4. The maximum building height shall be 45 feet, subject to the exceptions set forth in section 2601.G, *Height Exceptions*. Building height may be increased to 55 feet, if the front or other yard setback along a public street exceeds 100 feet, if fire access lanes are provided for the structure, consistent with recommendations of the township fire marshal, and if a high-intensity buffer is

used along property lines adjacent to a residential zoning district. For properties greater than 25 acres, new building facades may exceed a length of 160 feet provided that they include minimum 10-foot deep horizontal building offsets at least once every 100 horizontal feet of façade length. However, in no case shall a new building façade exceed a length of 300 feet.

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A. Architectural standards:

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 - f. Architectural features and trim
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 - e. Proposed timeline for building construction.

- f. Building and impervious coverage data.
 - g. Elevations for building within 300 feet of a residential use (showing façade[s] facing public street or residential use within 300 feet).
- 7. Setback from residential Uses. The following uses shall be set back at least 100 feet from the lot line of a property on which a residential use is located: (1) organized activities such as graduation ceremonies or camp activities; and (2) active recreation fields or structures.
- 8. Traffic Study
 - a. Purpose. The Traffic Impact Study will enable the Township to assess the impact of the proposed development on the transportation system in the Township. The purpose of the impact study is to insure that proposed developments do not adversely affect the transportation network and to identify any traffic problems associated with access between the site and the existing transportation network. The study's purpose is also to delineate solutions to potential problems and to present improvements to be incorporated into the proposed development.
 - b. A Traffic Impact Study shall be prepared by a qualified traffic engineer and/or transportation planner with previous traffic study experience. Procedures and standards for a Traffic Impact Study are as set forth in the SALDO (if such provisions are incorporated to the SALDO at the time of the proposed land development). The applicant may provide funds to the Township to enable the Township to hire a traffic engineer of its choice to conduct the study, if this procedure is deemed appropriate and approved by the Township.
 - c. A Traffic Impact Study prepared in accordance with the guidelines of the Pennsylvania Department of Transportation as part of an application for a state highway occupancy permit may be submitted to the Township in fulfillment of this requirement.

- d. In preparing the Traffic Impact Study, the most recent edition of the Trip Generation Handbook of the Institute of Transportation Engineers shall be used.
 - e. A traffic study is required for a new building or other improvement which meets any of these standards:
 - (i) It generates an average of 3,000+ trips/day.
 - (ii) It generates 100 or more vehicle trips entering or exiting in an hour.
 - (iii) It generates 100 or more additional vehicle trips in a redevelopment site.
 - (iv) It generates an increase in peak hour traffic greater than 5% of the existing volume in surrounding residential communities.
 - (v) Daily trip generation rates are greater than 500 trips per 1,000 s.f. of GLA.
- B. Excavation in or disturbance of a steep slope area shall be permitted if the development within that area includes engineered slope stabilization; retaining walls; and/or foundation walls, and provided approval is obtained from the Township engineer. The landowner shall submit an erosion and sedimentation control plan during land development. Should the disturbance area be located within the steep slope conservation overlay district, the landowner shall comply with the provisions of Article XVI - Steep Slope Conservation District.
- C. Existing parking lots shall not be subject to the landscaping requirements of § 2402.A.2. Parking areas on the same lot are not required to be interconnected. A 12-foot buffer is permitted for new vehicle parking located within a yard along a public street and within a screening buffer required by section 2403.B provided that enhancements to the portion less than 15 feet are made by providing 20% more evergreen shrubs and (if applicable) evergreen trees otherwise required for the buffer.
- D. There shall be provided one (1) off-street loading berth per building or facility that is erected with a gross floor area over twenty thousand (20,000) square feet where the principal use of the building requires the regular receipt or distribution of materials or merchandise by vehicles.

- E. In the event of a conflict or inconsistency between any zoning regulation governing a Use E-18: *University Campus* and any other zoning regulation in the Abington Township Zoning Ordinance, the specific regulation for Use E-18 shall apply and control.

Section 4. Section 2304, *Parking Use Requirements*, subsection E, *Community Service (Institutional) Uses*, shall be amended to add the following:

- 18. Use E-18: University Campus:** A “parking space” shall be at least 9 feet x 18 feet in size. The computation of required parking spaces shall include both on-site and off-site parking spaces. A University Campus use shall have one (1) parking space for every classroom, plus one (1) space for every two and a half (2.5) students who regularly attend classes on campus, plus one (1) space for every ten (10) fixed auditorium seats, plus one (1) space for every three hundred (300) square feet of gross office area. The required number of parking spaces may be reduced by a maximum of thirty percent (30%) if the college or university provides and makes available all of the following:
 - 1. a regularly scheduled shuttle service, which shall include service to a commuter rail station;
 - 2. a ride-share program; and
 - 3. to the extent such programs are readily available, car-share and bike share services.

Section 6. The Comprehensive Use Matrix in the Appendix to the Zoning Ordinance, referred to in section 901 of the Zoning Ordinance, shall be amended by changing Use E-14, *School or College – Public/Private*, to Use E-14, *School – Public/Private*.

Section 7. Section 2103.E of the Zoning Ordinance, *Community Service Uses (Institutional Uses)*, Use E-14, *School or College – Public/Private*, shall be amended by amending the name of the use category and the introductory paragraph as follows:

Use E-14: School – Public/Private: A facility, building, lot, parcel, use, or group of facilities, buildings and uses that provides a broad educational curriculum

to individuals enrolled therein, and is licensed by the State Department of Education, including private and public kindergartens, elementary, junior and senior high schools:...

Section 8. Section 2304, *Parking Use Requirements*, subsection E, *Community Service (Institutional) Uses*, subsection 14 shall be amended as follows:

14. **Use E-14: School – Public/Private:** Elementary and secondary schools require 1 parking space for every classroom plus 1 space for every 4 students in tenth grade or higher, plus 1 space for every 10 fixed auditorium seats.

Section 9. Repealer. All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

Section 10. Severability. In the event that any section, sentence, clause, or word of this ordinance shall be declared illegal, invalid, or unconstitutional by any court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this ordinance.

Section 11. Effective Date. This Ordinance shall be effective as of the date of enactment.

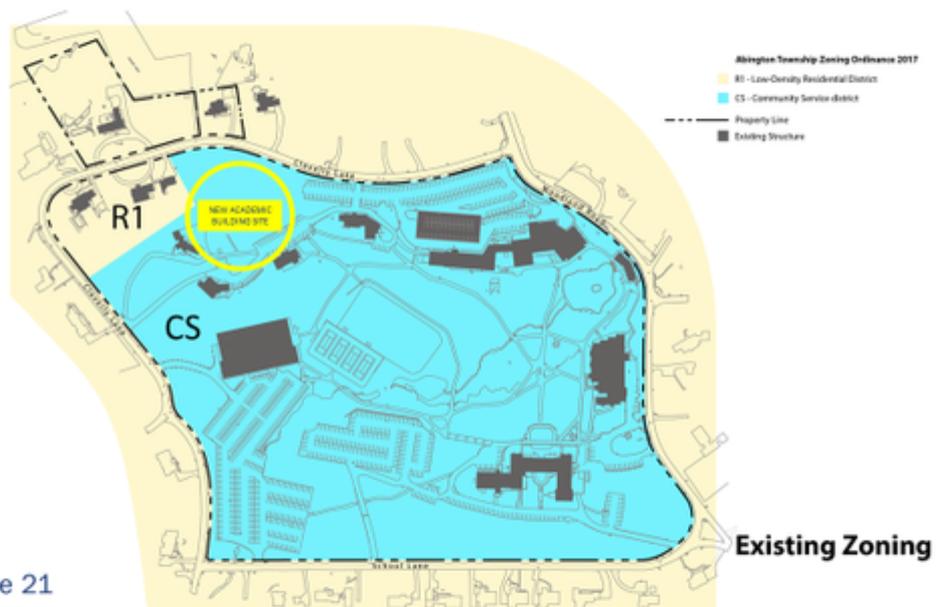
ENACTED and ORDAINED this ____ day of _____, 2021.

TOWNSHIP OF ABINGTON

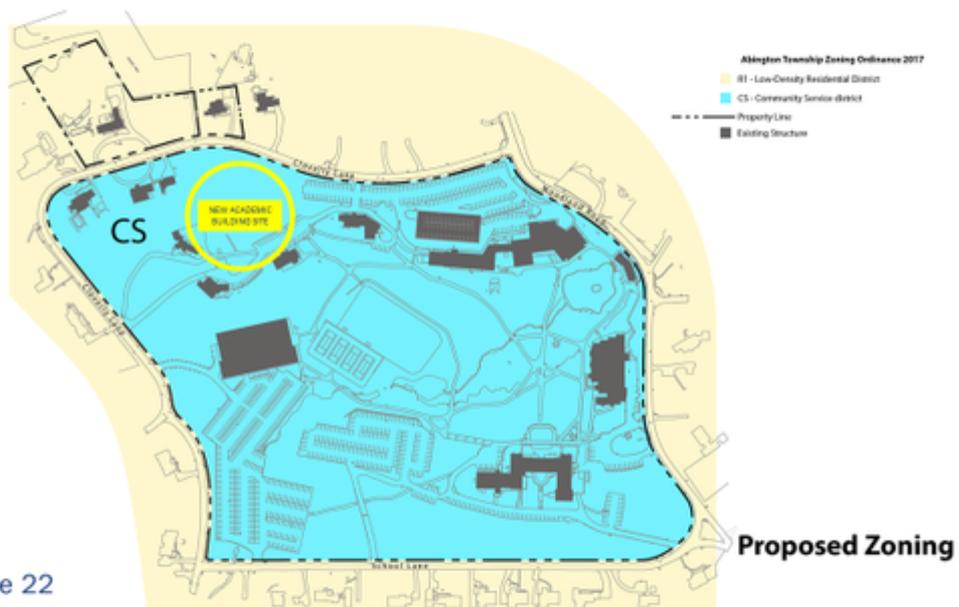
Attest:

Secretary

By: _____
John L. Spiegelman, President
Board of Commissioners



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