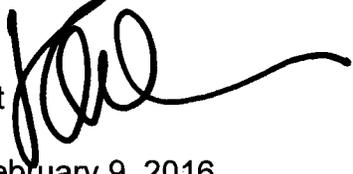


VIA E-MAIL

February 5, 2016

TO: Whitpain Township Planning Commission  
FROM: E. Van Rieker, Township Planning Consultant  
RE: Township Planning Commission Meeting – February 9, 2016



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Regular Session - 7:30 P.M.

1. Approval of minutes.
2. Review Ordinance #4-239. An ordinance amending the Whitpain Township Zoning Map to create the "Airport Overlay District" to designate the appropriate airport areas in Whitpain Township; and amending the code of the Township of Whitpain, Part II (General Legislation), Chapter 160 (Zoning) to add a New Article XXVA entitled "Airport Overlay District" to establish regulations for airport facilities in the Township, including: legislative intent; creation of overlay district; use regulations; and special regulations related to operating certificates, runways, signs and residential housing.

*Comment:*

*A. You will remember that this proposal was initially discussed at the July 14, 2015 meeting of the Whitpain Township Planning Commission. Ken and Brad can update us on specifics that have transpired since that time, but it is my understanding that the proposed draft has been polished in order to reflect questions raised by the Planning Commission and concerns from some of the neighbors. I have folded in my previous comments for ready reference, which are still relevant for this proposal:*

- 1. The state recommends that every municipality that contains an airport should also have an airport district. This idea follows Pennsylvania Act 164, 1984.*
- 2. This particular airport overlay district applies only to land owned by Wings Field and should not be considered a "fly-over district" which also establishes landing areas beyond the runway. This district applies only to a specific tract of land. It represents an overlay in the sense that should the airport ever cease operations then the underlying zoning would survive.*

3. *The Montgomery County Comprehensive Plan, Transportation element states the following; "All airports in Montgomery County should be retained, particularly the reliever airports." (Wings Field has been identified as a reliever airport). "Many corporations use airports to transport business travelers to and from larger airports. One way to retain existing airports in Montgomery County is to support them by regulating land uses and controlling height of structures near them."*
  4. *This current proposed zoning amendment should not be confused with the Airport Hazard Landing Act, 1984, which focus on airport operations beyond the actual airport property. This proposed amendment to both the Zoning Map and the Township Code legitimizes Wings Field from a land use point of view and also provides a Master Plan illustrating the manner in which the airport is expected to develop (or said another way – to be preserved).*
  5. *The balance of the ordinance is a straight forward recital of use regulations along with support building bulk and height regulations and includes a provision for cluster housing on a tract not-to-exceed 10 acres. Based on the maximum gross density this means that a maximum of 5 dwelling units could be created.*
- B. *For ready reference, please find attached the latest draft of the Airport Overlay District submitted by the applicant with changes from the July Draft underlined.*
3. Review Ordinance #4-242. Review of Floodplain Conservation District Ordinance and Miscellaneous Amendments to Building Code and Subdivision and Land Development Ordinance Related Thereto. An ordinance amending the Code of the Township of Whitpain, Chapter 160 (Zoning) to repeal existing Article XXV (FP Floodplain Conservation District) in its entirety and adopt a new Article XXV entitled "FP' Floodplain Conservation District".

*Comment:*

- A. *As you all may well know, the Federal Emergency Management Agency (FEMA) regulates the National Flood Insurance Program, which consists of maps prepared by FEMA, which are to be adopted by individual municipalities who wish to participate in the NFIP program. Periodically, FEMA updates the maps and updates the recommended floodplain regulations text, which are to be adopted and administered by each municipality participating in the program.*
- B. *Attached Ordinance 4-242 is the compilation of work performed by FEMA, Montgomery County Planning Commission (the planning agency charged by FEMA to coordinate review and updates of ordinances and maps), Township*

*Staff and DCEP (the state agency also involved in interfacing between FEMA, a federal agency, and local counties and municipalities.) After more than 5 years of delay, FEMA has recently authorized all municipalities that wish to participate in the National Flood Insurance Program, must update their floodplain maps (pending since 2010) and the complimentary floodplain regulations. These have previously been a part of the individual zoning ordinance, but are periodically recommended by FEMA to be revised and updated.*

*C. The current regulations are required by FEMA to be adopted by individual municipalities on or before March 2, 2016. Virtually all of the adjoining municipalities in Montgomery County are currently engaged with the preparation and updating of the new floodplain maps and regulatory zoning ordinance. This is an action item required by the Board of Supervisors and it is recommended that the Planning Commission support the proposed ordinance amendment.*

4. Review current zoning hearing board application.

1. **NO. 2067-16: R & B HELD LLC** requests a variance from Article V, Section 160-13 regarding Use Regulations in an R-1 Residential District or; alternatively, a modification of condition of previously granted relief from ZHB Decision 1524-04 relating to an age restriction of 55 and over. Applicant requests the removal of the age restriction with respect to the existing eight (8) single-family attached dwelling units on the property located at 579-587 Township Line Road in Whitpain Township's R 1 Residential District.

*Comment:*

*A. This plan, consisting of 8 residential units, was originally approved by the Whitpain Zoning Hearing Board (ca. 2004) to permit a transitional residential use along Township Line Road, between the Sentry Park Administrative and Research District, office industrial uses in Plymouth Township and the adjoining residential neighbors particularly those along Blue Bell-Pennlyn Pike.*

*B. My memory is that the original applicant for the use variance for the subject property (consisting of approximately 2 acres) volunteered an age-restriction, suggesting at the time that this would have the potential of reducing the overall future density of use. It is my understanding that the overall plan remains unchanged, including a recorded restriction prohibiting any future commercial use of the subject property. The current request is to eliminate the age-qualification requirement which would basically permit the attached units to be sold on a "market-rate basis,"*

2. **NO. 2068-16: THE MEITNER FAMILY PARTNERSHIP, LP** requests the following zoning relief from the Whitpain Township Zoning Ordinance, as amended: (1) confirmation of non-conformity as to minimum lot width at

building line, and front yard and side yard setbacks; (2) an interpretation or, alternatively, a variance, from the Ordinance's definitions of "building setback line", "lot", and "yard". contained in Article II, Section 160.7(B); (3) a variance from Article V, Section 160-14 relating to lot area and width within the R-1 Residence Districts; (4) a variance from Article V, Section 160-15 relating to front yards within the R-1 Residence Districts; (5) a variance from Article V, Section 160-17 relating to side yards for single-family dwellings within the R-1 Residence Districts; (6) a variance from Article V, Section 160-19 relating to rear yards in the R-1 Residence Districts; (7) a variance from Article V, Section 160-21 relating to accessory buildings or structures within the R-1 Residence Districts; (8) a variance from Article VII, Section 160-32 relating to front yards within the R-2 Residence Districts; (9) a variance from Article VII, Section 160-34 relating to side yards for one-family detached dwellings within the R-2 Residence Districts; (10) a variance Article VII, Section 160-36 relating to rear yards within R-2 Residence Districts; (11) Article XXVIII, Section 160-202, 203 and 204 relating to front and side yard projections and residential rear yard intrusions within the Township; (12) a variance from Article XXVIII, Section 160-214 relating to green area regulations within the Township; (13) a variance from Article XXVIII, Section 216(B) relating to minimum flag lot (rear lot) size within the Township; (14) a variance from Article XXVIII, Section 216(D) permitting a maximum of 3 flag lots to be stacked, providing at least one lot has frontage on a public street equal to the minimum required lot width for the Districts; and (15) a variance from Article V, Section 160-21 relating to accessory buildings or structures within the R-1 Residence Districts. Applicant proposes to subdivide the split-zoned property which is located at 1030 Skippack Pike within the Township's R-1 and R-2 Residence Districts into 4 lots: Lot 1 will consist of the historic "Gingerbread House," which will be retained and restored; and Lots 2, 3 and 4, which will each be improved with a single-family dwelling. The Property is further identified as Tax Parcel #66-00-06262-00-8.

*Comment:*

- A. *This request concerns a property consisting of approximately 1.9 acres of land, split-zoned R-1 and R-2 and situated between an existing restaurant parking lot (to the east) and O & F Farm (commercial florist and garden center – situated to the west of the subject property).*
- B. *Applicant has submitted a sketch plan illustrating how three new single-family lots could be positioned on the property which, pursuant to the grant of dimensional variances, would yield a total of four single-family residential lots. This property suffers from an unusual shape in that it has a length-to-width ratio of almost 5 to 1. Dimensional variances are requested to create an overall yield of lots, which basically is similar to the maximum density permitted by the underlying residential zoning districts:*

R-1 equals 1.66 d.u.a.  
R-2 equals 2.57 d.u.a.  
Total 4.23 d.u.a.

*Essentially, the request seeks to modify the yard and lot width requirements that would ordinarily apply in order to achieve the density of four residential lots discussed above.*

C. *Although only a sketch, suggest the following items be evaluated by Jim Blanch:*

- *Consider a larger turning radius between lot no. 3 and 4.*
- *The proposed common driveway indicates a width tapering from 18 feet to 16 feet, which seems adequate, but Jim should evaluate compared to other small residential developments which have implemented the shared driveway concept.*

3. **NO. 2069-16: WILLIAM V. BALDASSANO** requests variance relief from the Whitpain Township Zoning Ordinance, as amended, as follows: (1) Article XXI, Section 160-137.C relating to front yards; (2) Article XXI, Section 137.G and I(1) relating to green space and setbacks from residential districts; (3) Article XXVIII, Section 160-202 relating to projections in front yards; and (4) Article XXVIII, Section 160 214.C.(1) relating to green area regulations. Applicant proposes to build a 429 square foot addition in the front yard of an existing dental office on the property located at 1567 DeKalb Pike in the Township's C 1 Commercial District. Applicant's requested variance relief, if granted, will allow a front yard setback of 20-feet for a portion of the addition, where a minimum of 25-feet is required under the Ordinance; the addition of the proposed addition within the front yard where the Ordinance prohibits any building or part of a building to be erected within the front yard; and green space of 39% where a minimum of 50% is required under the Ordinance.

*Comment:*

A. *Disclosure: Bill Baldassano is my dentist. The proposal is to build a small addition without actually increasing the intensity of use (same number of employees). It is my understanding that any increase in the impervious surface will be offset by increasing green area.*

5. Review pertinent planning issues.

cc:	Jim Blanch	Bradley Tate	Jennifer Gallagher
	Karen Dolga	Ken Corti	Nicole Godson
	Otis Hightower	Penny Gerber	
	Tory Meitner	Richard Shorin	
	Roman Pronczak	Ted McLaughlin	