

VIA E-MAIL

May 8, 2015

TO: Whitpain Township Planning Commission  
FROM: E. Van Rieker, Township Planning Consultant  
RE: Township Planning Commission Meeting – May 12, 2015

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1. Approval of minutes.
2. Review of a Subdivision Plan for 1218 Walton Road. This application involves a two lot subdivision of approximately 7.98 acres of property located at 1218 Walton Road, which is on the eastern side of Walton Road between Dundee Drive and Walmere Way. Access to the site will be from Walton Road. The property is zoned R-5 Residential District.

*Comment: This is a basic 2-lot subdivision which creates lots well in excess of the lot size requirements for R-5. My only comment is to suggest that the building envelope for proposed Lot #1 not include area designated as Flood Plain Conservation District.*

3. Review of Ordinance #4-241 – Corporate Rental Suites Ordinance. An ordinance amending Chapter 160 of the code of the Township of Whitpain (also known as the zoning ordinance of Whitpain Township), for the purposes of defining a corporate residential suite and providing for such use in the R-E Research and Engineering Zoning District by Conditional Use.

*Comment: You will remember that Applicant's presented the concept of their vision for this property at the meeting held on March 10th.*

- a. *Staff has reviewed a number of drafts in connection with a text amendment that would establish the parameters for an extended stay rental suites.*
- b. *You will note in the attached Ordinance Draft that there is both a minimum and maximum acreage established for this type of facility and numerous regulations and design standards that would apply.*
- c. *As mentioned previously, assuming the details and the design can be worked out, this seems to be the type of use that would be valuable to and supportive of the corporate community.*
- d. *For your ready reference, please find attached the draft Ordinance. I am recommending in favor of adoption of the proposal.*

4. Review current zoning hearing board application.

1. **NO. 2038-15: GWENDOLEN W. AND STEPHEN C. BRYANT** request the following variance relief from the Whitpain Township Zoning Ordinance, as amended: (1) Article XIV, Section 160-85(B)(2)(e), relating to dimensional standards for front yards; and (2) Article XXVIII, Section 160-202 relating to projections into front yards. Applicant proposes to construct an addition within the front yard setbacks along Dairy Lane and Hereford Drive on the property located at 1130 Dairy Lane in the Township's R-7 Residential District. Applicant's requested variance relief, if granted, will allow (1) the construction of the addition resulting in front yard setbacks of 26-feet 3-inches and 21-feet 11-inches along Dairy Lane and Hereford Drive, respectively, where currently the front yard setbacks are 30-feet 8-inches and 35-feet, and the Ordinance requires a minimum setback of 35-feet for front yards; and (2) the construction of the proposed addition within the front yard setbacks along Dairy Lane and Hereford Drive, where the Ordinance prohibits such a structure from being erected within the front yard.

*Comment: This is a residential application and typically the Planning Commission remains neutral unless the proposal has a community-wide impact.*

2. **NO. 2041-15: NVR, INC. (RYAN HOMES)** request variance relief from the Whitpain Township Zoning Ordinance, as amended, as follows: (1) Article XXVI, Section 160-191.B relating to permitted signs in the R-3B Low-Intensity Multifamily District, and (2) Article XXVI, Sections 160-187.B and C relating to prohibited signs. Applicant proposes to install additional signage for the Red Fox Farm Subdivision in the Township's R-3B Low-Intensity Multifamily District. Applicant's requested variance relief, if granted, will allow (1) five 1.5 square foot sales signs and six 14 square foot sales flag signs, where flag signs are prohibited, and where one 32 square foot sales sign is permitted under the Ordinance; and (2) one double sided 8.38 square foot directional sign, where two 2 square foot directional signs are permitted under the Ordinance.

*Comment:*

- a. *Of the proposed signs, the five 1.5 s.f. sales signs and one double sided 8.38 s.f. directional sign appear to be of minimal impact. Their use should be limited to a specific time period, not to extend beyond the sale of the last home.*

- b. *The six 14 s.f. sales flag signs seem excessive and are also a type of signage prohibited within Whitpain Township (a flag or moving sign is prohibited).*
- c. *Another concern would be to establish the maximum height permitted for these signs which, while un-dimensioned, indicate that they would be approximately 9 feet 6 inches in height above ground elevation.*

3. **NO. 2042-15: C. ALEX AND TARA BAHN** request variance relief from the Whitpain Township Zoning Ordinance, as amended, as follows: (1) Article VII, Section 160-34 relating to side yards for single-family detached dwellings in the R-2 Residential District; and (2) Article XXVIII, Section 160-203 relating to projections into side yards. Applicants propose to expand an existing garage 3 feet 4 inches into the side yard and to construct a 10-foot 8 inch addition behind the garage, 3-feet of which will extend into the side yard of their property located at 27 Meade Road in the Township's R-2 Residential District. Applicant's requested variance relief, if granted, will allow a side yard of 12-feet, where 15-feet currently exists, and a minimum of 25-feet for each side yard is required, and no part of a building is permitted to project into the side yard under the Ordinance.

*Comment: This is a residential application and typically the Planning Commission remains neutral unless the proposal has a community-wide impact.*

4. **NO. 2043-15: AMBLER POWER SPORTS, LLC/BEVILACQUA** request (1) a special exception to grant an additional use pursuant to Decision 519-86; or alternatively (2) a change in a nonconforming use pursuant to Article XXIX, Section 160-224; or alternatively (3) a variance from Article XI, Section 160-55 relating to use regulations in the R-4 Village Preservation District. Applicant's requested relief, if granted, will permit the sales of motorcycles and ATVs at its property located at 200 Railroad Avenue in the Township's R-4 Village Preservation District.

*Comment:*

- a. *This is a large non-conforming building with ample room to accommodate additional service business opportunities. My main concern would be that should motorcycles and ATVs be either serviced at or test driven on or around the property – that this could result in a nuisance impact to residential neighbors nearby. This would have an adverse impact due to excessive noise in the nearby neighborhoods.*

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

The Whitpain Township Board of Supervisors has scheduled a public hearing for Tuesday, June 16, 2015 at 8 p.m. at the Whitpain Township Building, 960 Wentz Road, Blue Bell, PA to consider enactment of Ordinance No. 4-241. Persons with a disability who wish to attend the Administrative Hearing should contact the ADA Coordinator at 610-277-2400. Copies of the proposed ordinance are available at the Township Administration Building during normal business hours of 8:30 a.m. to 4:30 p.m., Monday through Friday.

**BOARD OF SUPERVISORS  
WHITPAIN TOWNSHIP**

**MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 4-241**

**Corporate Rental Suites Ordinance**

**AN ORDINANCE AMENDING CHAPTER 160 OF THE CODE OF THE TOWNSHIP OF WHITPAIN (ALSO KNOWN AS THE ZONING ORDINANCE OF WHITPAIN TOWNSHIP), FOR THE PURPOSES OF DEFINING A CORPORATE RESIDENTIAL SUITE AND PROVIDING FOR SUCH USE IN THE R-E RESEARCH AND ENGINEERING ZONING DISTRICT BY CONDITIONAL USE.**

**BE IT ENACTED and ORDAINED** and it is hereby **ENACTED and ORDAINED** by the **Board of Supervisors of Whitpain Township** as follows:

**Section 1.** Article 160 §160-7 is amended by adding the following definition:

*Corporate Rental Suites.* One or more buildings containing suites/occupancy units available to the public with or without meals. The suites/occupancy units shall be contracted for occupancy on a transient and/or transitional basis. The minimum size of such suites/occupancy units shall be not less than 550 climate controlled square feet and shall include facilities for living sleeping, eating, cooking and sanitation. At least 50% of the corporate suites provided on any lot shall contain not more than one bedroom and no corporate rental suite/occupancy unit shall have more than two bedrooms. Accessory services and amenities offered by the facility shall include, but not be limited to (a) indoor facilities and services consisting of leasing center, housekeeping services, furnished and unfurnished suites/units, café, vending facilities, lobby/lounge/gallery, structures and facilities, maintenance facilities, and a state of the art business center, which shall contain a business lounge, computer center/cyber café, video conferencing facilities, telecommunications facilities, multi-media presentation facilities, copy/production facilities, theater with permanent seating for not more than 35 people, media screen room, meeting rooms and conference facilities, breakout rooms, fitness center, yoga room, spa, massage facilities and other business support areas, and (b) outdoor amenities consisting of pool, cabanas, fire pit, passive recreation seating, meeting areas with outdoor furniture, and barbeque facilities, all of which shall be for the exclusive use of occupants and their guests ("Amenity Space"). Use of facilities by guests shall be accessory to the occupant's use of such facilities, and no such accessory services or amenities offered by the facility shall be advertised, operated or used as a destination for consumers or customers who are not registered occupants of the facility or their invited guests.

**Section 2.** Article 160 is hereby amended by adding a new § 160-111.D as follows:

**§ 160-111.D.** Corporate Rental Suites

When authorized by Conditional Use received from the Board of Supervisors, a building or a combination of buildings may be erected or used and a lot area may be used or occupied for a Corporate Rental Suites development meeting the following criteria:

1. Tract Size. Any parcel to be used as Corporate Rental Suites development shall have a minimum developable area of 10 contiguous acres, shall have a maximum developable area of 15 contiguous acres, and shall have a minimum of 1000 feet of frontage on a public street;
2. Minimum and Maximum Development Scale. No Corporate Rental Suites development shall consist of less than 100 suites/occupancy units nor more than 300 suites/occupancy units.
3. The development shall be served by public sewer and water acceptable to the Township and subject to the approval of the Pennsylvania Department of Environmental Protection and any applicable local authority;
4. The tract of land shall not be contiguous to any property zoned for residential use;
5. Compliance with the development standards set forth in sections 160-112.A-J; and
6. Subject to such reasonable conditions or restrictions as the Board of Supervisors may determine as being in the best interests of the public health, safety, and general welfare.

**Section 3.** Article 160 is hereby amended by adding a new § 160-112.J as follows:

**§160-112.J** Specific Development Standards for Corporate Rental Suites developments.

Corporate Rental Suites developments shall comply with the following additional requirements:

1. Density. The total number of suites/occupancy units shall not exceed twenty-five (25) suites/occupancy units per developable acre.
2. Unit Mix. Suite/Occupancy Unit Mix (as a percentage of total number of suites/occupancy units).
  - a. Studio and/or one-bedroom suites/occupancy units: 50 % minimum
  - b. Units with three or more bedrooms shall not be permitted.
3. Building coverage. The maximum coverage of all primary and accessory buildings and structures in a Corporate Rental Suites development shall be no greater than 30%.
4. Green Space. The minimum green space shall be equal to 50% of the developable acreage of the tract to be developed. Areas devoted to stormwater management, e.g. detention basins, retention basins and BMP's shall be permitted to be included in the required minimum Green Space.
5. Distance between buildings. The horizontal distance, measured in feet, at the closest point between any two buildings shall not be less than 35 feet.

6. **Building Height.** No building shall exceed 50 feet in height nor four habitable stories. Habitable stories shall not include any areas of structured parking.

7. **Amenity space.** Each Corporate Rental Suites development shall provide amenity space, including but not limited to social areas, passive and active recreation areas, conference rooms, and/or other required amenities, at a ratio of not less than 40 s.f. per suite/occupancy unit.

8. **Off-Street Parking and Loading.**

a. Off-street parking shall be provided at a ratio of 1.5 parking spaces per suite/occupancy unit.

b. Areas for loading and unloading shall be designed to minimize interference with circulation areas or automobile parking facilities..

9. **Refuse Areas.** Areas provided for refuse storage must be visually screened from streets and pedestrian ways with landscaping, privacy fencing, and/or walls.

**Section 4. 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 5. Severability.** The provisions of this Ordinance are severable, and in the event that any section, sentence, clause, part, phrase, word or provision herein shall be held illegal, invalid, or unconstitutional, by any Court of competent jurisdiction, such declaration shall not affect or impair the remaining provisions of this Code nor prevent, preclude or otherwise foreclose enforcement of any of the remaining portion of this ordinance.

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**Section 6. Effective Date.** This Ordinance shall take effect and be enforced from and after its approval as required by law.

**ENACTED AND ORDAINED** by the **BOARD OF SUPERVISORS** of **WHITPAIN TOWNSHIP**, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**WHITPAIN TOWNSHIP  
BOARD OF SUPERVISORS**

By: \_\_\_\_\_  
Frederick R. Conner, Jr., Chairman

Attest: \_\_\_\_\_  
Anthony F. Greco, Secretary

**CERTIFICATION**

I, ROMAN M. PRONCZAK, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT I AM THE TOWNSHIP MANAGER OF WHITPAIN TOWNSHIP IN MONTGOMERY COUNTY, PA AND THAT ATTACHED HERETO IS A TRUE AND COMPLETE CORRECT COPY OF ORDINANCE #4-241.

\_\_\_\_\_  
Roman M. Pronczak, Township Manager  
\_\_\_\_\_, 2015

## **NOTICE**

**NOTICE** is hereby given that the Board of Supervisors of Whitpain Township, at its public meeting on Tuesday, June 16, 2015 in the Township Building, 960 Wentz Road, Blue Bell, PA will hold a public hearing on and could vote to adopt Ordinance No. 4-241 entitled "Corporate Rental Suites Ordinance" amending Chapter 160 of the Code of the Township of Whitpain (also known as the Zoning Ordinance of Whitpain Township), for the purposes of defining a Corporate Residential Suite and providing for such use in the R-E Research and Engineering Zoning District by Conditional Use.

Copies of the full text of the proposed ordinance are available for examination during normal business hours at the offices of The Times Herald, 410 Markley Street, Norristown, PA 19404, the Montgomery County Law Library, Court House, Norristown, PA 19401 and the Whitpain Township Building, 960 Wentz Road, Blue Bell, PA 19422 where a copy of the proposed ordinance may be obtained for a charge not greater than the cost thereof.

**JAMES J. GARRITY, ESQ.**  
**WISLER PEARLSTINE, LLP**  
Solicitors for Whitpain Township