

The stated meeting of the Planning Commission of the Township of Abington was held on Tuesday, June 23, 2015 at the Township Administration Building, Abington, PA., with Chairman, Mr. Don Marquardt presiding.

CALL TO ORDER: 7:31 p.m.

ROLL CALL: Present: SPEARMAN, COOPER, GAUTHIER,
STRACKHOUSE, WEGGEL, ROSEN, RUSSELL,
ROBINSON, MARQUARDT

Also Present: Director of Code Enforcement MATTEO
Planning & Zoning Official PENECALE
County Planner NARCOWICH
Commissioner SANCHEZ

PLEDGE OF ALLEGIANCE

Agenda Item PC1 – Review of proposed Ordinance No. 2095 to allow for Student Apartment Housing within PB Planned Business Districts of the Township of Abington - continued presentation from May 26, 2015:

Mr. Marquardt read agenda item PC1 into the record, and asked the applicant to present their plan.

Marc Jonas, Attorney with Eastburn & Gray, P.C., representing the applicant Penn State University, said we here this evening to follow up on some open-ended questions from the meeting that was held on May 26, 2015. The request is to add a permitted use to the PB Planned Business Districts of Abington Township. It would only apply to properties zoned PB that are two acres in size; two miles from a railroad station; two miles from the campus of a college/university located in Abington and that it is owned/operated by a college/university.

One of the questions from the last meeting were what properties are eligible under the two mile radii from the main campus of the Abington higher-learning institution in which Mr. Craig Bryson of Pennoni will address that. Also we were asked to address the economic impact study as well as front yard setbacks.

A detailed economic impact study was submitted to the Township's EDC prepared by 4WARD Planning and the EDC voted unanimously to recommend approval of the project as it is economically viable for Abington Township.

The key findings of economic impact analysis were that the proposed student housing project will generate 127 new full and part-time jobs in the local area between 2015 and 2017 and 56 new jobs between 2017 and 2026.

The new student housing project is estimated to result in over \$35 million in total economic output; \$1.1 million in tax revenues mostly in state tax revenues was projected; and a net positive economic contribution. They also put value on internships and volunteerism, which are important parts of Penn State education.

The study also included student spending and the possible positive values on residential housing and developing the site, which is in need of redevelopment. It also looked at what is the fiscal impact on the Township and there was a projected service cost in the amount of \$47,433 to the Township. Also, Penn State officials are currently in discussions with Township officials about possible additional contributions.

Craig Bryson, Consulting Engineer with Pennoni Associates, Project Manager for this project, presented the Township's zoning map showing the areas currently zoned PB and the location of proposed site in relation to those zones. Per our proposal, eligible properties have to be within two miles of the campus; two miles within a train station and two acres in size.

We took each area and identified the properties that are two acres showing Section A as the area of the mall; Section B is the Abington Shopping Center; Section C is our site; Section D is the Acme site; and Section E is the Giant Supermarket for a total of 31 properties that are eligible per this ordinance.

Mr. Rosen asked currently does Penn State own any of those 31 parcels?

Mr. Bryson replied no, only the proposed site.

Regarding the building setback line; shown on the map was the proposed building in relation to the property line showing the proposed 10-foot offset and the 20-foot landscape buffer and the current 50-foot front yard setback.

Currently, a 10-foot offset is proposed, and the only feature touching the 10-foot line is the canopy for the bike path and the actual building is 20-feet. If the desire is to push the building back, the plan as proposed shows an emergency access in the back of the property and proposed fence, and off of that fence, is a 2:1, 3:1 slope down to the next property. If we pushed the building back, the space for emergency access would be in jeopardy and then the property goes into a steep slope.

Mr. Spearman asked Mr. Narcowich for his opinion with respect to the broader scope of the plan such as street frontages, build-to-lines and does it fit in with planning principles for these major thoroughfares.

Mr. Narcowich replied it is not exactly what we propose for the comprehensive zoning, but it is closer than a lot of proposals that would have been received in the past.

Generally, it is more built to the street than a lot of suburban-style development and past development, and it is transit-oriented, which is supported. Also, a main entrance would make it more attractive from a pedestrian-oriented standpoint.

Mr. Rosen said as a matter of security and monitoring the flow of a commonplace, the entrance should be in the middle of the building.

Mr. Weggel asked for the location of proposed entrances to the building.

Mr. Bryson replied there is only one entrance.

Mr. Marquardt commented that he was in favor of the project as it is a good use for this site.

Ms. Gauthier said she would vote for the amendment as proposed contingent upon that the net fiscal impact issue be resolved for the Township.

Mr. Rosen said he feels this is a great project as it relates to this site. However, his concern has been that he does not like the ordinance because it is about just this site, and there could be potential application for 31 other sites that have not been considered.

He would prefer to approve an overlay district for this particular project or he would like some assurances that there would be no further application of this ordinance on anything other than this particular site without the applicant appearing before the Planning Commission for approval for any future site development. He feels it is irresponsible to recommend blanket approval of this ordinance. He is happy that this site will be developed, but he does not like the concept of the ordinance because it provides criteria for development of only this site.

Ms. Gauthier suggested that this use could be approved by a conditional use process, so there would be more control over properties. It is proposed as a by-right use in the PB District. Is that correct?

Mr. Jones replied this use is already a by-right use in the PB District. The problem with the conditional use process is that it adds another hurdle for the applicant, which is time and money. If a municipality is trying to encourage growth with larger projects, they need to be mindful about the process.

When the zoning rewrite is completed, we do not know whether the PB District will continue, and if not, this use will not be built anywhere in the Township unless the Board of Commissioners feels it is a use good enough to permit it in a new zoning district. We feel this is a good ordinance and good for the site and it always can be tweaked by the Board of Commissioners in the future. We are requesting a favorable recommendation to be passed onto the Board of Commissioners for consideration at the public hearing to be held tomorrow night.

Mr. Rosen said he previously requested Mr. Narcowich to look into other avenues as a “middle ground” in regards to this ordinance to be considered by members of the Planning Commission.

Mr. Narcowich said if there is an interest in limiting the sites, which is linked to the thinking behind the comprehensive zoning rewrite, it could be limited to sites along Old York Road. What we did in the draft zoning with the future of the planned business district, which will be called something else, was to limit mixed use buildings with multi-family components to three of the five current PB nodes.

We could say parcels that either directly abut Old York Road or abut other PB zoned parcels abutting Old York Road would qualify and that would eliminate Willow Grove Park Mall and Huntingdon Valley Shopping Center.

Mr. Matteo commented neighborhood meetings were held and there was a favorable response about the project. Also many concerns by the Planning Commission can be addressed during the land development process.

Mr. Marquardt agreed with Ms. Gauthier in regards to the economic impact study.

Mr. Spearman suggested approving proposed ordinance as is and then have future discussions during the draft rewrite of zoning to address some of these issues.

Mr. Rosen made a MOTION to recommend approval of the ordinance as written subject to the condition that the ordinance and further development of university/campus residential housing should be reviewed in the development of future rewritten zoning and that it is a specific area of inquiry and then put together criteria for development of those future sites, seconded by Ms. Gauthier.

MOTION was ADOPTED 9-0.

Proposed Ordinance No. 2097 – “Vacant Properties Real Estate Registry”

Mr. Penecale gave a power point presentation to the Board on proposed Ordinance No. 2097 - registration for vacant non-residential buildings.

The purpose of this ordinance is to require the registration of nonresidential buildings within the Township of Abington. The adoption of this ordinance will assist Code Enforcement Department in the property maintenance of these building and sites. The adoption of this ordinance will assist the Economic Development Committee and the Community Development Office with planning of and improvement projects within the Township. The adoption of this ordinance will assist both the Fire Departments and the Police Department with the emergency management of these properties.

Ordinance No. 2097 provides definitions that clearly outline the Township’s meaning for terms such as occupied, open, owner and vacant. This ordinance provides a timeline for registration of any building that has been vacant for 45 consecutive days. This ordinance requires the filing of a registration form that will include the name, address, email address and working phone numbers of all owners and a point of contact for emergencies. This ordinance requires at least one point of contact that resides with the State of Pennsylvania.

Each registration is good for one year, and after the expiration date, a new registration form is required to be submitted.

A fee of \$500.00 shall be imposed for any property owner that has not registered their vacant building after the 45 days time period.

A fee of 1,000.00 shall be imposed for any property owner that has not registered their vacant building after a six (6) month time period.

A fee of \$1,500.00 shall be imposed for any property owner that has not registered their vacant building after a one (1) year time period.

The Board of Commissioners has the power to waive the \$500.00 registration fee upon written request from the property owner; however, the property is still required to be registered.

Photos were shown of the 1200 block of Easton Road; Tyson Avenue & Jenkintown Road; 1800 block of Old York Road; and two properties located on the 1600 block of Old York Road.

Mr. Rosen questioned whether neighboring municipalities have similar ordinances.

Mr. Penecale replied yes. Upper Moreland Township has a vacant registry ordinance and Upper Dublin adopted theirs two years ago.

Mr. Weggel asked how will the owners be notified and will the owners of properties that have been vacant for a long time fall under the initial 45-day time period clause.

Mr. Penecale replied if the ordinance is adopted, the ordinance goes into effect one week after adoption date. All property owners will be notified and given 30 days to register and, if they do not register at that point, they will be past the 45-day limit and then they will be in violation of the ordinance.

So vacant property owners need to register the property voluntarily prior to 45-days notice and registration is free. After 45-days, there is a \$500 registration fee and the fee increases from there.

Ms. Strackhouse commented that she feels this is a great idea as there is a huge need for it, and she would like to see it include residential properties.

Mr. Penecale replied the Use & Occupancy Certificate process will include registration of residential vacant properties, and Township Solicitor wanted them to be separate.

Mr. Matteo said in the past staff has proposed this type of ordinance, and the Board of Commissioners has approved funds each year for his department to do general maintenance on vacant abandoned properties in Abington Township. Last year, we dealt with 60 properties on a weekly basis and it increases every year. At the present time, there have been over 400 complaints that his department handles. Vacant residential properties will be included, but he wanted to get commercial properties addressed first.

Proposed Ordinance No. 2098 - "Vacant Property Review Board."

Mr. Penecale gave a power point presentation to the Board on proposed Ordinance No. 2098 – "Vacant Property Review Board."

This ordinance creates the Vacant Property Review Board. The VPRB will consist of seven (7) members, appointed by the Board of Commissioners. The Board will be made up of the following:

- One member of the Board of Commissioners.
- The Executive Director of Redevelopment Authority or his/her designee.
- One member of the Montgomery County Planning Commission.
- One member of the Abington Township Planning Commission.
- Three additional members appointed by the Board of Commissioners.

Urban Redevelopment Law – The purpose of this ordinance is to empower the Township of Abington to determine if a property is blighted as per the requirements of the Urban Redevelopment Law. The Vacant Property Review Board will have the authority to develop rules and regulations for properties deemed to be blighted. These rules and regulations must be in compliance with the federal, state and local regulations. They will act as the advisory board to the Board of Commissioners in the acquisition of these blighted properties.

Requirements of a Blighted Property – This ordinance requires notification to the owners by Montgomery County that a property is deemed blighted and that a notice must contain the corrective actions required to bring the property into compliance to be removed from the status of “blighted.” This ordinance contains the ability of appeal by the owner on the status of a “blighted property.” This ordinance also provides regulations of the disposal of properties deemed to be blighted, but outside a defined “Redevelopment Area.”

Mr. Rosen asked is the Redevelopment Authority a Montgomery County agency?

Mr. Narcowich replied yes. The Redevelopment Authority answers to the Montgomery County Department of Commerce.

Mr. Spearman questioned the term “blighted” and suggested there may be a more in-depth definition of it. Does it relate to an actual physical hazard of a building or is it considered blighted in that it is not realizing its full economic potential?

Mr. Narcowich replied it is defined within the ordinance in Exhibit “A” that meets all criteria items one through nine. So in the Urban Redevelopment Law, there is also a definition of “blight” where it needs to meet only one of many criteria.

Ms. Gauthier made a MOTION, seconded by Mr. Rosen to recommend approval to the full Board of Commissioners to adopt Ordinance No. 2097 - “Vacant Properties Real Estate Registry” and to recommend approval to adopt Ordinance No. 2098 - “Vacant Property Review Board.”

MOTION was ADOPTED 9-0.

ADJOURNMENT: 8:57 p.m.

Respectfully submitted,

Liz Vile, Recording Secretary