



# Urban Research & Development Corporation

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28 West Broad Street • Bethlehem, Pennsylvania 18018 • 610-865-0701 • Fax 610-868-7613 • [www.urdc.com](http://www.urdc.com)

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TO: Worcester Township Planning Commission and Staff

FROM: URDC, Charlie Schmehl ([cschmehl@urdc.com](mailto:cschmehl@urdc.com))

SUBJECT: **Assessment of Center Point Village Vision Plan and Draft Development Regulations**

URDC was engaged to provide an Assessment of the work that has been completed to prepare the Center Point Village Vision Plan and to develop new Zoning and Subdivision and Land Development (SALDO) provisions for the Center Point Village area.

The County Planning Commission staff, Kennedy and Associates, and Township officials have completed great work as part of the Vision Plan and the draft zoning amendment. Our goal is to find ways to further refine the draft regulations to make sure they achieve the Township's objectives, in a practical and realistic way.

There are many sections of the Plan and the draft regulations that we have not commented upon, because we agree with them as written.

We were first asked by the Supervisors to initially work with the Planning Commission to seek answers to three outstanding policy questions. The intent was that once there is some consensus on these questions, it will be easier to then address the remaining issues. This memo incorporates an updated version of the text of the first memo, with descriptions of tentative policy decisions made by the Planning Commission at their September *and November* meetings.

*URDC's staff does not include attorneys, and we cannot provide legal advice. It is essential to involve the Township Solicitor in reviewing all legal matters.*

## **Current Zoning**

We do not believe the current zoning should remain in place, unless there is an extremely attractive alternative option for landowners. The current zoning is geared towards strip commercial development. The current zoning would not only fail in creating a village environment, but also the current Commercial zone could cause land use conflicts with homes and access management problems along Valley Forge Road. We also do not believe it is *appropriate to maintain* much of the floodplain *within* commercial *zoning* along the length of the east side of Valley Forge Road in Center Point.

## **Adopting the New Draft vs. Revising the Current Zoning Ordinance**

A great deal of work, thought and input has been expended on the Vision Plan and the draft amendments. We believe the adopted Vision Plan is appropriate, and that adjustments should be made to the draft amendments to address ideas and concerns expressed in this memo.

### **Issues and Suggestions Regarding the Draft Development Regulations**

#### **1. Zoning Map**

A zoning map was prepared showing CPV-1 and CPV-2 boundaries. It should be attached to the draft.

#### **2. Convenience Store with Fuel Sales**

A policy question was: Should a convenience store with gas pumps be allowed in the Village? How can the number, type, canopy and size of this type of use be controlled to satisfy market requirements, while also providing a rural village character?

It is a real challenge to make a convenience store with gas pumps fit within a rural village, but it is possible. If a gas station convenience store would be allowed, it would require special attention in writing the regulations.

Most chain convenience stores insist on 24-hour operations, which can threaten incompatibilities with nearby homes. These incompatibilities can be reduced with substantial landscaping requirements, large setbacks from homes, wide and thickly planted landscaped buffers, solid fences that help to deflect sound, agreements to limit late night deliveries, and prohibitions on outdoor video broadcasts and outdoor music.

Municipalities have not been successful in convincing chain convenience stores to place their fuel pumps behind the store. We know of only one that was built that way—a Sheetz store in Cranberry Township near Pittsburgh, which was within a Traditional Neighborhood Development.

Many convenience stores have been willing to alter their exterior materials to *have the appearance of* stone, brick or similar materials. We have attached a memo that shows some of the newer facade designs. However, other chains insist on prominently using bright trademark colors. A federal court decision ruled that municipalities cannot interfere with the use of a company's trademark colors.

The canopy is a prominent visual feature. The old approach was to try to limit the height of the canopy. However, strict height limits can effectively prohibit an angled canopy, which helps to contain light pollution (*by directing the light towards the store*) and which many people find more attractive than a flat canopy. Although zoning regulations do not typically regulate color, an applicant can be requested to use neutral or earth tone colors on the exterior face of a canopy, which is done by Wawa. Also, signs on the canopy can be strictly limited.

There have been great improvements in controlling the lighting of *commercial businesses*. The lighting spillover can be controlled *using a foot-candle measurement*. Lighting is now typically recessed inside the canopy or deflected by an angled canopy.

Convenience stores with gas pumps typically generate substantial amounts of traffic. There have been some studies that claim that the Institute of Traffic Engineering traffic generation estimates are out of date, and undercount the traffic. A high percentage of this traffic is pass-by traffic that is already on the road. However, as convenience stores emphasize prepared foods (and possibly alcohol sales in the future), there will be a greater amount of destination traffic. That is particularly true if there are few other quick-service breakfast and lunch choices in the area and if there are a large number of persons working in the surrounding region during the day.

The draft ordinance *had* proposed to limit gasoline pumps to a maximum of 6. This actually could have an unintended consequence of causing more congestion and long lines of vehicles waiting for an open pump. Internal congestion is a problem at many busy convenience stores with gas sales. One option would be to allow a maximum of 8 *sets of* fuel dispensers. In comparison, the larger Wawas typically have 12 fuel dispensers (at 3 islands) *or higher numbers. If fuel sales are to be allowed*, a provision should also prohibit fueling for large trucks (some gas stations have one set of pumps for cars, and another set of pumps for large trucks).

Convenience stores with gas pumps typically attract large numbers of customers in the mornings who are driving oversized delivery trucks, trailers with lawn mowers, and contractor vehicles. That needs to be considered in parking lots.

Tens of new chain convenience stores with gas pumps *have been* built in the region *in the last few years or are under construction*. On the positive side, they can provide an initial infusion of dollars that can pay many of the up-front costs needed to start a larger development.

Major chain convenience stores often sell their gas at a lower price than existing older gas stations. This is because the convenience stores make most of their profits from food and tobacco products, and not gas. The gasoline sales are an attraction to bring customers into the store for other items. As a result, many existing older gas stations have closed when a major chain gas station/convenience store opened nearby.

Some chain convenience stores with gas are now providing indoor and outdoor seating. Some of this seating is designed to be combined with on-site alcohol consumption. There are some Pennsylvania court cases that appear to limit the ability of a municipality to use zoning to limit alcohol sales. Additional parking should be provided when there is any seating, but some flexibility could be provided for outdoor seating, which is not used during much of the year.

The Township already meets its legal obligation to allow for gasoline service stations as a special exception use in the C Commercial district. *In addition to the C district in parts of the Center Point Village, the existing C district also includes land along Germantown Pike in the Fairview Village area. The C district does not allow service stations to operate between 10 pm and 6 am, but we believe that does not exclude the use.* We did not notice any provisions that would prohibit the gas station use in the C district from being combined with a retail store or restaurant.

At their November meeting, the *majority of the* Township Planning Commission *expressed an opinion that they would not* favor allowing a convenience store with gasoline sales. *If gasoline sales would be allowed, it would be essential that the proper standards be put into place, as described on the previous*

page. For example, a separation distance between gasoline sales uses should be added so that no more than one new gasoline sales use is allowed in the Village, *beyond the one existing gas station.*

*However, concerns were expressed that a gasoline service station could be developed under the current zoning, with no design controls, before the zoning would be revised. However, the current prohibition on business hours after 10 pm would make it unlikely that a major chain gas station/convenience store would be developed.*

Also, if the existing gas station would be redeveloped, it also should be required to meet modern standards.

### 3. Residential Density

A question was asked: What should be the minimum open space requirement and maximum permitted residential density in the Village? How can realistic market requirements be meshed with the intent of preserving a rural village character?

The Board of Supervisors adopted a Resolution in 2017 to amend the Vision Plan to limit the base density for residential land areas to 2.5 dwelling units per acre. The Plan previously *proposed* a base density of 2 to 3 dwelling units per acre.

The current draft recommends a base density of one dwelling per acre for the residential portions of a tract, if bonuses *are not used*. If the applicant agrees to comply with various bonus options under the draft, a maximum density of 4 dwellings per acre could be achieved. The draft minimum open space requirement currently starts out at 35 percent (Draft Section 150-249.12.A.(1)) for most major projects. Through use of the bonuses *as drafted*, the maximum density could be increased to 1.25 homes per acre with 40 percent open space, *or* 1.5 homes per acre with 45 percent open space. However, there is no provision for incentives *to encourage more than 45 percent open space.*

The goal should be to offer an initial density that is low enough so that an applicant would be highly motivated to use the density *bonus* provisions. There are some results that can only be achieved through optional incentive-based bonus provisions. For example, a Township can not require that an applicant maintain 60 percent of a parcel of land in one large area of preserved open space, *but can strongly encourage it through incentives.*

Mr. E. Van Rieker provided a sketch plan of the Palmer Tract to the Township. It proposed 99 dwelling units on a 48.39 acre residential tract (after deleting the areas proposed for commercial uses). That was an average of 2.04 homes per acre. (The density calculation would be lower if the proposed open space on the south side of Skippack Pike would be allowed to be counted together with the northern side of Skippack Pike, but that area to the south is mostly flood-prone and wetlands).

The Van Rieker sketch plan showed 27.4 acres of preserved land north of Skippack Pike within the 48.4 acre residential development area. That would result in 56.6 percent open space. Most notably, the plan proposed to preserve a substantial contiguous area of scenic farmland.

We are uncertain whether a zoning ordinance can require an applicant to follow the conceptual “Land Use Bubble Map” for a permitted by right use. The Township Solicitor could be asked to provide input

on the matter. It is more traditional to make greater use of incentives and bonuses to achieve the Township's preferred land use pattern. This could involve *setting* the base average density *at* only one dwelling per 2 acres (with large minimum lot widths), which is based upon the current zoning. As a result, the applicant would be strongly discouraged from choosing the conventional option. However, because *the* more conventional option would *continue to* be offered, it is easier to legally defend the desired land uses with higher standards, because the applicant will have voluntarily chosen to use the optional standards.

At the September 2017 meeting, the Township Planning Commission provided an initial indication that they favor maintaining the current minimum lot size of two acres for areas that are not currently commercially zoned, if the applicant does not meet all of the standards for the Village development. However, the *amendment* should state that existing lawful lots can be used for a permitted by right use without needing to meet additional requirements *because they have a nonconforming lot area*.

An average base density of one dwelling per acre would then be possible if the applicant followed the conceptual Land Use Bubble Plan Map. The list of allowed commercial uses would also ONLY be allowed if there was compliance with the Land Use Bubble Plan Map. Then, the proposed system of density bonuses would be used. However, instead of allowing a maximum total average density of 4 dwelling units per acre, the Planning Commission recommended that the maximum density with the use of a reasonable set of bonuses should be limited to 1.75 units per acre. The goal is to make it very practical to achieve an average of 1.75 homes per acre, with the open space that is desired by the Township, by following the Vision Plan and the Land Use Bubble Plan Map.

As a result, there should be more emphasis on the percentage of the tract that is preserved in open space through the density bonuses. Instead of the density bonuses stopping once 45 percent open space has been achieved, the density bonuses should provide incentives up to 65 percent or higher open space. The highest bonuses should only be possible if the project provided large contiguous areas of open space that are mostly suitable for agricultural uses.

We recommend counting each acre of floodplain land, wetlands or steeply sloped land as one-half or one-quarter acre of open space.

To provide flexibility to relate to the changing real estate market, we recommend offering a little more flexibility in the percentages that can be built of each type of housing.

#### **4. Scale and Height of Development**

A question was asked: What is an appropriate scale for non-residential development in the Village? How should maximum building size, building height and massing be controlled, to meet realistic market requirements with the intent of preserving a rural village character?

It is possible to allow a medium-sized building to have the appearance of connected smaller buildings, through the use of variations in setbacks, materials, rooflines and other features. An example is illustrated on an attachment.

The current market needs to be fully considered in setting maximum building sizes. For example, a chain pharmacy can serve as an essential anchor that helps to attract customers needed to support nearby smaller and independent businesses. A number of chain pharmacies now average 14,000 to 16,000 square feet of floor area in similar locations. The Township Planning Commission made an initial recommendation that a maximum square foot requirement of 15,000 square feet per commercial establishment should apply. That would require an adjustment to draft Sections 150-249.11.B. and 150-250.4, which would otherwise require a strict 5,000 square foot floor area limit for many commercial uses.

We do not believe that any maximum square footage should apply to offices. If an entity wanted to occupy more than 15,000 square feet of office space in a 2 or 3 story building, that could provide a beneficial anchor to help support commercial uses.

Also, we believe interconnected buildings can be attractive and desirable if there are proper design standards. Therefore, we do not recommend precluding several commercial businesses from being connected, provided that there is variation in the architectural design within the building.

The intent is to allow upper story apartments or offices above commercial uses. An applicant could use a false second story (such as with dormers), but it should not be required.

Drive-through uses are described in part 6. below.

The draft ordinance includes a number of design standards to provide commercial development with a high level of architectural design. Additional ones could be added; however, we understand a policy decision was previously made to delete some of the previously proposed standards. A balance is needed between necessary standards versus being too prescriptive and thereby tying the hands of architects.

The height standards should be written to make sure they do not preclude good design. The current method of measuring “building height” is based upon the average between the eave the ridge of a roof. This method does allow some flexibility for peaked and pitched roofs and decorative roof extensions. However, the proposed 35 feet height limit may still be limiting for commercial development, which may have higher ceilings. One option would be to allow a 45 feet height with a maximum number of 3 stories for businesses. As a result, developers would be encouraged to use decorative roof peaks and pitches and higher internal ceilings, but would not be allowed to squeeze in a fourth story.

Some communities require that buildings either include 2 or more stories, or have the appearance of 2 or more stories. That is used to a greater extent in downtowns than in villages. In many cases, developers do not believe it is feasible in a suburban or rural area to build a second story, particularly for uses such as banks. Having a standard of “appearing to have 2 stories” means that there are false second floor windows, which often have the appearance of a dormer on a pitched roof.

## **5. Land Use Bubble Plan**

In the previous section, we described why the bulk of the new provisions for higher density should be regulated as an option. This is to allow a more defensible requirement that applicants must comply with the Land Use Bubble Plan. Because the applicant would have the option of creating 2-acre single

family detached lots, it will be easier to legally require compliance with the Bubble Plan because it will be an option.

## 6. **Allowed Uses**

We recommend simplifying the housing types, and instead using the housing type *names* in the current zoning ordinance. That would involve merging carriage house into townhouse, for example. A definition needs to be added for “Twin Homes,” which we recommend be limited to side-by-side homes.

## 7. **Commercial Depth**

The draft limits commercial uses to a 300 feet depth from Skippack Pike and Valley Forge Road. A 400 feet depth would provide more room for internal shared circulation and *help create* more of a village vs. strip layout.

## 8. **Drive-Through Uses**

The draft would prohibit all drive-through uses in CPV-1, but *would* allow almost all types of drive-through uses in CPV-2. We recommend *that* drive-throughs in CPV-2 be limited to pharmacies and financial institutions/banks. The drive-through window should be required to be placed on the rear of the building. The main change would be to not allow restaurant drive-throughs, which are more likely to generate conflicts with pedestrian traffic and are more likely to generate noise and litter.

## 9. **Offices**

*The current draft states that* offices *would* be limited to “small scale” in converted dwellings. We believe all sizes of offices should be allowed, in new and old construction. Also, the draft *would* allow apartments above commercial uses, but *we believe it* should also allow offices above commercial uses.

## 10. **Residential Density**

It is recommended that the base density be changed from one unit per acre to two acres per unit. However, by complying with the Land Use Bubble Plan, the design standards, and providing certain amenities, it should be practical to achieve 1.75 units per acre. The current maximum density in the draft is 4 units per acre.

We recommend that land that is separated by a pre-existing public street not be counted towards density of a tract.

## 11. **Transfer of Development Rights (TDR)**

The current draft offers a bonus for transfer of development rights. The largest property owner was quoted at a meeting as saying they were not interested in using *a TDR option*. It may be advisable to delete the TDR option of sending additional density into the village, to allow a more predictable maximum density.

12. **Density Bonuses**

For larger tracts, the minimum open space should be increased from 35 percent. Currently, a bonus can only be achieved for an additional 10 percent, up to a total of 45 percent open space. The goal should be to achieve a higher total percentage of open space on larger tracts, and to have most of that open space be contiguous.

13. **Woodland Bonus**

The draft proposes a 0.25 per acre density bonus for preservation of 50 percent of the woodlands. Most of the woodlands appear to be along the creek, where they will be protected by the existing Riparian Conservation Overlay. Therefore, this bonus may not be needed.

14. **Off-Site Pedestrian Improvement Bonus**

This bonus would mainly be valuable if the Township determines it would like sidewalks to be built within the street right-of-way but beyond the borders of a development site. As written, the developer of the Palmer Tract would have to build 1,600 feet of sidewalk along the properties of other landowners. We do not believe that bonus would be used as proposed. It may be found that the proposed trail system along the creek and the power lines would be cheaper and easier to construct, without the disruption and high expense of building sidewalks within a PennDOT right-of-way.

A more fair method would be to provide that for every X square feet of sidewalk that is constructed off-site, the applicant is allowed one additional dwelling unit.

15. **Historic Building Bonus**

There is a valuable proposed provision in the current draft that the preservation of a historic building does not count towards density. Otherwise, a historic house might be demolished so that a much more profitable house could be built in its place. However, we do not believe an entire tract should receive a 0.5 increase in density because one historic building is preserved. Instead, it might be tied to a specific increase in number of dwelling units (such as 2).

16. **Trail Bonus**

The trails are important features. Some municipalities interpret the MPC provisions for pedestrian improvements to mean that trail links can be required in any case.

17. **Housing Types**

The draft says that at least two housing types are required, with each of those types comprising at least 20 percent and no one type comprising more than 60 percent. To allow flexibility for the market, we recommend that 60 percent be increased to 75 percent. One of the main results would be that a project could be comprised of up to 75 percent townhouses, which can make it much easier to achieve higher percentages of contiguous preserved open space.



We recommend that the term “carriage houses” not be used, and that attached side-by-side units be required to meet the townhouse standards. The building and impervious coverages for townhouses should be able to be met for the entire townhouse project area, as opposed to each lot, which allows condominium layouts. If a condominium arrangement is used, the townhouse dimensional standards should be only used for spacing purposes, and not require the creation of individual lot lines.

#### 18. **Non-Residential Percentage**

As written, any Mixed Use Development must contain at least 5 percent non-residential uses. Mixed Use Development is proposed to be required on tracts of more than 3 acres. We suggest this minimum non-residential requirement only apply for larger tracts.

#### 19. **Single Family Detached Houses**

The draft dimensional provisions discourage the construction of single family detached houses, by requiring four times the lot size for a single vs. a townhouse. We believe a properly designed single can work well on a 5,000 or 6,000 square foot lot with a 50 or 60 feet lot width. This compares to the draft requirement of 8,500 square feet lots with an 80 feet width. The width of a lot has great impacts upon infrastructure improvement costs to a developer. We recommend applying the “village single” design features (draft Section 150-249.11.B.2.d) to all singles within the Center Point Village.

We do not believe “maximum net lot area” requirements are needed.

#### 20. **Multi-Family**

It is unclear why apartments need four times the net density as townhouses.

We recommend a minimum one acre lot area for any new multi-family construction, so that a small lot is not converted into an apartment building where it would not be expected. The current draft is also strict in only allowing a maximum of four apartments per building. That would make it harder to promote apartments above commercial uses. *In some areas, the Township may wish to only allow apartments if they are above commercial uses, or are within an existing building.*

#### 21. **Live Work Units**

Consideration should be given to allowing Live Work Units. They involve a person conducting a business in the same building as they reside. The types of businesses would be limited, such as arts galleries, offices, electronics repair, and personal services. They function similar to a home occupation, except there is no limit to the percentage of the unit that can be used for the business. The division between the business and residential spaces can remain very flexible and can change over time. State Construction Codes were updated to make it easier to develop Live Work units, without needing fire separation walls between the spaces.

Live-Work Units often function is a townhouse-type of arrangement, with a street-level entrance for each business, and with the bulk of the upper story used as a residence.

## 22. Flexibility in Home Occupations

For the existing homes that are along Valley Forge Road or Skippack Pike, one option is to be more flexible in home occupation regulations. These specific homes could be allowed to have a “Major Home Occupation.” Compared to the current home occupation requirements, this could allow a second non-resident employee (vs. the current limit of one), a sign of 2 square feet (vs. the current prohibition on all signs), more than 2 off-street parking spaces (vs. the current maximum of 2), and a floor area of up to 30 percent of the total building floor area (vs. a current limit of 500 square feet or ½ the first floor, whichever is more restrictive).

The current home occupation provisions could remain in place for the rest of the Township.

## 23. Non-Residential Use Setbacks

The proposed front yard setbacks are proposed to be measured from a sidewalk. Since not every property may have a sidewalk, we recommending using the right-of-way line. The side and rear setbacks for a non-residential use should vary, depending upon whether the adjacent lot is in a residential use or a residential district. We believe in relatively small setbacks between business uses, and larger setbacks (with buffers) between business uses and an existing or potential adjacent residential use.

The proposed non-residential use setbacks in both CPV-1 and CPV-2 include a maximum building length of 100 feet for facades facing a street, except for a “shopping center”. We believe interconnected buildings, or buildings that appear to be inter-connected buildings, can be attractive and very pedestrian friendly. Instead of a strict 100 feet length limit in the zoning ordinance, we recommend emphasizing requirements for variations in setbacks, rooflines and other features along a longer building.

## 24. Open Space Restrictions

Draft Section 150-249.10.D. states that all open space shall be permanently deed restricted from “future subdivision and development.” For land that is intended to become recreation land, there should be an exception for customarily accessory non-commercial recreation structures, such as pavilions. For land that is intended to be preserved in agricultural uses, there should be exceptions for customarily accessory structures, such as fences and small accessory agricultural buildings.

## 25. Number of Driveways

Draft Section 15-249.11.E.(1) is a zoning provision that limits a commercial lot in CPV-1 to only one driveway. In many situations, it is advisable to have *a second* access point that allows right hand turns only, to relieve stress from the main driveway. That is customary for multi-use or higher traffic commercial properties. PennDOT will strictly control the number and location of driveways along *State* roads. An alternative would be to say that only one driveway from a lot may permit left hand turns, unless specifically approved otherwise by the Supervisors.

## 26. **Driveway Materials**

Draft Section 150-249.11.E.(2) prohibits residential driveways visible from a street from being constructed of asphalt. We believe this is overly restrictive.

We do like the current encouragement in this section of only hard-surfacing the two tire treads of a residential driveway, which reduces impervious coverage.

## 27. **Loading Docks and Trash Disposal Areas**

Draft Sections 150-249.11.F.(1) and 150-250.C.(1) require loading docks to be setback 25 feet from a residential lot. Draft Sections 150-249.11.F.(3) and 150-250.C.(3) have a similar setback for trash disposal areas. We believe a larger setback is needed, particularly since loading docks and trash disposal areas are usually unattractive and major sources of noise, odors and insects.

## 28. **Outdoor Storage**

Draft Section 150-249.11.F.(2) says that no outdoor storage or display is permitted “overnight.” We suggest it only apply to hours when the business is not open. The goal is avoid over-regulating an outdoor display during evening hours when a business is open.

## 29. **CPV-2 District**

The above provisions mainly address the CPV-1 provisions, but most of the above comments also apply to CPV-2. The CPV-2 area is proposed to allow a convenience store with fuel sales *along Skippack Pike*, which is addressed in a previous section of this report.

## 30. **SALDO Design Standards**

The Township has thoughtfully proposed to place many of the design standards in the Subdivision and Land Development Ordinance (SALDO). A SALDO standard can be modified if an applicant provides an alternative standard that meets the same purpose. In comparison, a zoning provision can only be modified by the Zoning Hearing Board at a hearing, after the applicant provides proof of a hardship.

Section 130-66 should be identified as a new section that is being added to the ordinance. Also, the new sections should start with A., not D.

We generally felt that the draft SALDO design standards were appropriate (draft Section 130-66). For low-traffic shorter residential streets, we believe sidewalks should only be required on one side. For the volumes of pedestrian traffic that are likely to occur, we believe the proposed 8 feet wide sidewalks in front of non-residential uses would be excessive. We believe 5 feet widths would be sufficient in all cases.

The draft provisions that require pitched roofs should be revised (draft Section 130-66.E.C(1) ). It is important to have buildings that do not have the appearance of a flat roof. This is often achieved with slanted roofs around the sides of the building, but which have a flat lower interior roof that screens HVAC equipment. That exception should be included. Another exception to the prohibition of flat

roofs for both non-residential and residential buildings should apply if a building has the appearance of a decorative historic cornice along the front. For example, some attractive townhouses have been built with a historic-style top cornice.

Please contact us if there are any questions or comments.