MONTGOMERY COUNTY
BOARD OF COMMISSIONERS

JAMILA H. WINDER, CHAIR
NEIL K. MAKHIJA, VICE CHAIR
THOMAS DIBELLO, COMMISSIONER

WWW.MONTGOMERYCOUNTYPA.GOV

MONTGOMERY COUNTY
PLANNING COMMISSION
MONTGOMERY COUNTY • PO BOX 311
NORRISTOWN, PA 19404-0311

610-278-3722
PLANNING@MONTGOMERYCOUNTYPA.GOV

SCOTT FRANCE, AICP
EXECUTIVE DIRECTOR

October 4, 2024

Ms. Marianne McConnell, Director of Planning & Zoning
Montgomery Township
1001 Stump Road
Montgomeryville, Pennsylvania 18936-9605

Re: MCPC #24-0195-001
Proposal Name: Daniel and Lorraine Dunleavy Plan and Zoning Ordinance
Montgomery Township

Dear Ms. McConnell:

We have reviewed the above-referenced zoning code text amendment in accordance with Section 609 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on September 6, 2024. We forward this letter as a report of our review.

BACKGROUND

Montgomery Township has submitted a text amendment on behalf of Daniel and Lorraine Dunleavy to amend Township Code Chapter 230 (Zoning) to add a subpart to Section 83-K, the special regulations for when a property in the BP-Business Professional zoning district abuts a residential zoning district. The subpart would allow building floor area to measure up to 10,000 square feet, higher than the 5,000 square feet set forth in the code currently, if the BP-zoned lot is at least 60,000 square feet in size and wholly in the BP zone, and conforms to additional regulations for emergency service access and off-street parking.

The applicants provided a sketch plan for a proposed 9,775 square foot building at Horsham Road and Upper State Road that would conform to the new zoning district regulations if they were to be implemented. A detailed explanation of the history of the site and why this zoning change is being requested was also included.

COMPREHENSIVE PLAN COMPLIANCE

Montgomery County's comprehensive plan, *Montco 2040: A Shared Vision*, shows this property along with its neighbors on the north side of Horsham Road as part of the "Suburban Residential Area" future land use area. However, the other side of Horsham Road from this location, along with the Montgomeryville/Five Points corridor just northwest along Horsham Road, is part of the "Regional Mixed Use Center" area. While developments that fit with the general character of suburban residential areas are expected, the location is close enough to denser development to make sense as an area with slightly more intensive building developments than are present now. We feel that this proposed amendment is broadly in compliance with *Montco 2040.*

Similar to the county's plan, Montgomery Township's 2022 comprehensive plan denotes this area as "Lower Density Residential" on its future land use map, but it is across Horsham Road from a "Mixed Use" zone and down the street from Commercial zones. The plan's economic development implementation strategies also lists that the township will "analyze potential for adaptive reuse of underutilized properties and promote appropriate redevelopment options". While it is not explicitly in alignment with the future land use map, the Business Professional zone was meant to offer the potential to include professional office spaces in a more low-density residential setting when it was developed (with help from this very zoning amendment applicant) in 2008. Indeed, most of the other BP zones across the township are included in non lower-density residential future land use areas. Therefore, we believe this amendment is compatible with the spirit of Montgomery Township's comprehensive plan.

RECOMMENDATION

The Montgomery County Planning Commission (MCPC) generally supports the applicant's proposal, however, in the course of our review we have identified the following issues that the municipality may wish to consider prior to zoning amendment adoption. Our comments are as follows:

REVIEW COMMENTS

PROCESS COMMENT

The MCPC acknowledges the challenges and difficulties faced by the property owners in attempting to find a suitable tenant for this particular location that can fit with the required zoning code. However, zoning text amendments that alter how development can take place in every BP-zoned parcel across the township should only be considered as a last resort. We would encourage the property owners and township to discuss whether attempting to pursue a Zoning Hearing Board ruling granting variance relief for this site is a more palatable method to address the local constraints, rather than changing the regulations for all BP-zoned parcels in the Township. (The comments below assume that the process to pass the ordinance will continue.)

ORDINANCE COMMENTS

A. The amendment proposes that "building floor area" may be increased to a maximum of 10,000 square feet, but it is unclear whether this would permit multi-story buildings of greater than 10,000 square feet in total useable floor space. We would recommend rewording this phrase to either "building footprint" or the "single floor area"/"total floor area" convention that is used in existing Section 230-89.K(2).
B. Section (a) of the proposed amendment states that "The lot to be developed has a minimum lot area of at least 60,000 square feet acres in size"; we would recommend removing the superfluous "acres" word.
C. The township may wish to take this opportunity of amending the zoning code to consider adding additional design standards and setback requirements for properties that fall into this situation where the special regulations apply, especially as it concerns screening adjacent to residential properties. Larger and more intense BP uses than would normally be found in the township may need more consideration for separation of nuisances from nearby residential neighbors.

CONCLUSION

We wish to reiterate that MCPC generally supports the township's proposal, but we believe that our suggested revisions will better achieve Montgomery Township's planning objectives.

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality. Should the governing body adopt this proposed zoning ordinance amendment, Section 609 of the Municipalities Planning Code requires that we be sent an official copy within 30 days.

Sincerely,



Matthew Popek, AICP
Transportation Planning Assistant Manager II
matthew.popek@montgomerycountypa.gov - 610-278-3730

c: Carolyn McCreary, Twp. Manager
Jim Rall, Chrm., Twp. Planning Commission