

# **R. Douglas Stewart & Associates, LTD.**

## **Memorandum**

TO: Paul Leonard, Upper Dublin Township Manager  
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Gil P. High, Jr., Township Solicitor, High, Swartz, Roberts & Seidel  
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FROM: R. Douglas Stewart, R. Douglas Stewart & Associates, Ltd.

RE: Selas Property

RDS/A# 03025

DATE: 10/03/2003

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### **INTRODUCTION**

R. Douglas Stewart & Associates, Ltd. was asked by Upper Dublin Township to provide an analysis of a proposal for the redevelopment of the Selas Property by BET Investments. The property is located at the intersection of Dreshertown Road and Limekiln Pike and is adjacent to a railroad right of way. The current use of the property is industrial and office. Nearby uses include a cement factory, the Pennsylvania Turnpike, a nursery and residential neighborhoods. The Selas property is currently regulated under the EC zoning district. The property is approximately 17 acres in area and is improved with an industrial building, parking areas and some limited green areas and buffers.

R Douglas Stewart & Associates was asked to evaluate the local neighborhood, Township planning documents including the Zoning Ordinance and the application for a development/zoning change and render an opinion, from a land planning point of view, if the proposed development for age restricted apartment development is appropriate.

In conducting this analysis, we reviewed documents authored by the Township and the applicant including:

- A. Upper Dublin Township Zoning Ordinance;
- B. Upper Dublin Zoning Map;

- C. A report titled “*Redevelopment Proposal for the Selas Property*,” submitted by Michael P. Markman, President BET Investments including a cover letter by Bruce E. Toll dated September 2, 2003.
- D. A plan for development of the Selas Property (included in the above referenced report).
- E. A proposed zoning ordinance amendment proposing to change the zoning designation of the subject property to AHS Apartment House Special District. (No date).
- F. Letter from Gilbert P. High, Jr. Township Solicitor, to Paul A. Leonard, Upper Dublin Township Manager, Re: Spot Zoning, dated August 11, 2003
- G. Letter from Gilbert P. High, Jr. Township Solicitor, to Paul A. Leonard, Upper Dublin Township Manager, Re: BET Investments-Selas Property, dated July 30, 2003

### **NEIGHBORHOODS ASSESSMENT**

The Selas property is located at the intersection of Dreshertown Road and Limekiln Pike. The site is irregular in shape. It is bounded by the railroad right of way in the north and the Turnpike on the side, and by a landscape nursery and greenhouses on another side. Across Limekiln Pike are two large lots; one is undeveloped and the other is occupied with one old house. Both of these lots are in the A Residential district. Across Dreshertown Road is an existing residential neighborhood which is also in the A Residential district.

The current use of the property is industrial and office. Nearby are mostly single-family houses with curved road and cul-de-sac street design. Other uses nearby include three golf courses within a mile radius, office center on the north side of the Turnpike, and two cemeteries southwest of the site.

The property has easy access to major roads and the Pennsylvania Turnpike. It is served by Dreshertown Road as the main point of access and has access to Limekiln Pike (or Route 152) to the east. Toll gates to the Pennsylvania Turnpike are located across the railroad, labeled as new exit 339 and 340.

### **EXISTING ZONING AND USE OF PROPERTY**

The proposed property is currently zoned as Employment Center (EC) district. It is currently being used as an industrial and office facility and contains 66,000 S.F. of office and 82,000 S.F. of manufacturing space.

According to the Upper Dublin Township Zoning Ordinance, uses permitted in EC District include any industrial use, dwelling quarters for watchmen, medical facilities,

banks and automated teller machines, hotels, schools, places of worship, restaurants, commercial/retail on the ground floor, office buildings, and public and private recreation lands or facilities (§255-102.) Personal care facility, assisted living center or nursing home are permitted by conditional uses (§255-103.) Residential use or community residential homes are prohibited in this district (§255-104.)

Under existing zoning, the maximum building coverage is limited to 20% of the square foot area of the lot, plus 2.5% per acre multiplied by the lot area in acres, not to exceed 40% (§255-115.) The property could be re-developed into an office park with coverage of up to 6.8 acres of the site and may be up to 50 feet in height. The site could be developed with up to 11 acres of impervious surfaces. There is no setback required from the railroad property, however, a front yard setback of 100 feet and a side yard setback of 50 feet is required. Parking garages are allowed, pedestrian and trail improvements are required, including a dedicated bike trail right-of-way sidewalks and sidewalk connections to buildings as well as areas for bus stops, where needed. Some uses require a traffic impact study.

### **PROPOSAL/AGE RESTRICTED DEVELOPMENT**

The applicant, BET Investments, proposes to develop the subject 17 acre tract as an age-restricted rental community consisting of 200 units in 4-4 story buildings. A clubhouse, parking areas and an open space lot is also proposed. The application to the Township is re-zone the property from the Employment Center District to the AHS-Apartment House Special District and place onto the property, a covenant limiting residency within the community, generally to persons 55 years of age or older. Since the AHS-District requires buildings to be minimum of 50 feet in height, and the applicant proposes a lesser height, some form of zoning relief is necessary.

### **RECOMMENDATIONS**

#### **1. Land Use Recommendation – Generally**

R. Douglas Stewart & Associates has been involved in numerous re-zonings in the past 20 years, while work with municipalities and developers and has written many zoning ordinance amendments to accommodate various types of development. We have also been involved in a number of age restricted developments through out the Philadelphia region and have written amendments that address the age-restriction concept. We understand the concept as it relates to the community within it is proposed, its relationship to service and infrastructure needs and its internal need such as parking, buffering, circulation and even social needs.

The overall population is aging. The “baby-boomers” are entering the 55-or-older demographic. Socially, a portion of this age group is seeking a life style and housing situation that caters to its unique needs and life style. Age restricted

communities in various forms have materialized to meet the needs of this demographic group.

Age restricted communities have several characteristics which are generally unique to the housing type and which can be beneficial to the municipality within which they are developed. For example, school age children are not allowed to reside within the community, yet the residents pay real estate taxes to the school district. Thus, there is a positive impact on the school. From a land planning point of view, it is generally accepted that the local services receive a benefit since most age restricted development utilize fewer services. Often times roads are private, trash removal is contracted, library and recreation facilities are provided within a clubhouse and internal security is provided. In other words, fewer municipal services are required for each dwelling unit yet the residents continue to pay real estate taxes. As the community “ages in place” and more of the residents retire, the tendency to drive during traffic park hours lessen, thus lessening the burden on the road system.

An age restricted community also provides an opportunity for existing Township residents, as they become older, to retire and remain in the same area or municipality.

Given the overall benefits of this type of community (land use), R. Douglas Stewart & Associates encourages Upper Dublin Township to support the development of age restricted developments within the Township.

## 2. Land Use Recommendation – Specifically

The tract on which the applicant proposes development is currently under utilized as a manufacturing and office complex. The applicant, however, has very accurately noted the property can be redeveloped under its existing zoning classification into a much more intensive development/facility. From a land planning point of view, one must be realistic and accept this as a possibility. This is especially significant given the close proximity of the property to the very large adjacent neighborhood.

Similarly, the fact that the applicant is proposing to convert and intensive non-residential development to a new, less demanding land use – residential in character and use – must be considered seriously. Therefore, from a land planning point of view, R. Douglas Stewart & Associates recommends that the proposed use is an appropriate alternative to the existing or potential use of the property under existing zoning regulation. We also believe the location, given the existing infrastructure and accessibility, is also appropriate for the proposed use.

### 3. Zoning

The applicant is proposing to re-zone the property to Apartment House Special (AHS) District, a zoning classification that is not specifically oriented to an age-restricted development. The applicant is also offering to place into effect, a Declaration of Covenants and Restrictions document, to bind itself (and presumably the Township) to an age-restricted community on the subject site.

We see several problems with this approach.

First, we believe land uses should be governed by the zoning classification. The AHS District does not specifically permit and “Age-restricted-Community” as a specific use although nothing would stop a developer from imposing an age restriction on a by-right AHS development. However, our concern arises from the fact that the applicant’s entire proposal is based, not on a potential by-right AHS development, but on a scaled down age-restricted development. A close reading of the proposed covenants will show language that appears to allow the applicant or developer, at its option, to void the covenants. Should this occur, the property would remain in the AHS zoning classification where a more intensive, higher impact by-right development could be constructed. While such may or may not be appropriate, to this point in time, only the age restricted development has been brought forth and under consideration.

RDS/A, based on our involvement with other age-restricted developments, believes there are several ways to appropriately provide for this form of housing on the property. Our first suggestion, and the one we prefer, is to create a separate zoning district that permits only age restricted developments and addresses the specific and unique development requirements. For example, it is our opinion that parking requirements for a by-right multifamily development would be excessive for an age restricted development by it may make sense to require larger spaces for the latter use. These types of differences can easily be addressed in a separate zoning district.

As a second approach, a “Conditional Use” category could be created in an appropriate zoning district (perhaps the AHS District) with specific locational, tract size and other requirements to make a tract eligible for the use. Once determined to be an acceptable site, specific development regulations, written into the conditional use regulation could then be employed.

Although we like it the least, a third possibility would be to create an overlay district that could be applied in certain instances. This approach is more complex than our other recommendations as the base zoning and location criteria must be comprehensively evaluated in advance of creating the overlay.

The Board, however, should recognize that it has several options to implement the necessary standards and safeguards in allowing the proposed use. And again, we

strongly recommend against the use of covenants to allow for the age-restriction use. We would be pleased to assist the Township to develop other standards.

#### 4. Zoning Map Change

As stated above, the site is adjacent to a nursery which is also located in the existing EC District. We are concerned that a zoning change of the subject property, regardless of the district, it is changed to, will leave an isolated island of EC zoned ground – allowing industrial, office and other potentially incompatible development. We therefore recommend that both properties be changed to the same zoning district and that the design of the applicant's property be adjusted to allow for expansion onto the nursery property.

### **DESIGN COMMENTS**

RDS/A has only conducted limited review of the plan, but we do have several comments and recommendations.

1. Building Height – The overall density proposed by the applicant is less than the 20 dwellings/acre allowed in AHS District. As an accommodation, the applicant has also agreed to limit the height of the buildings to 4 stories. In doing so, the overall physical size of the development (buildings and parking) is more spread out than would occur if the buildings were taller. It has been our experience that the perceived height of a 4 story building is not much smaller than that of a 5 story – 50 feet building. This is especially true when the architectural design is sensitive to the perceived height. One technique we have used is to design the top floor into what appears to be a “peaked” roof. (We would be pleased to provide an example of this method.)

We recommend that Township consider allowing 5 story buildings with the resulting “opening” of the overall plan.

2. Parking – Age restricted communities require less parking than conventional communities. This is because they typically have fewer drivers than full families and as the community “ages in place” the need for car usage also decreases. Our experience tells us that the parking needs for the older community does not exceed 1.5 parking spaces for each unit. Should the Township feel the normally accepted standard for multifamily parking of 2 spaces by required, we would encourage you to consider allowing to be placed into reserve, 0.5 spaces per unit. We recommend this with one caveat: adequate additional parking should be associated with the clubhouse. This facility is often the social focal point of the community and especially during inclement weather, residents may chose to drive to it rather than walk.

As stated above, we conducted only a limited review of the site design proposed by the applicant. Should it be the desire of the Township that we so a more comprehensive

evaluation of the current or future versions of the plan, we would be most pleased to do so. We also encourage the Township to take advantage of the review services of the Montgomery County Planning Commission in the review process.

## **CONCLUSION**

Having reviewed the applicants request for re-zoning and its offering of restrictive covenants to allow for an age restricted development, we conclude the following.

- It is our professional opinion as land planners, with experience with age restricted developments, that there is growing and overall need for the use.
- At the proposed location, an age restricted use is currently an appropriate land use.
- We believe a new “age-restricted zoning district” would be more appropriate than zoning the property Apartment House Special District.
- The use of restrictive covenants to allow for and regulate the proposed use is not appropriate.
- The proposed restrictive covenants appear to allow the applicant to, at its option, void the covenants and the property to be developed as a by-right multi-family development. Such would be a concept not evaluated in this re-zoning process.
- We suggest that any re-zoning to allow for the proposed use also include the adjacent nursery property with design considerations to allow for expansion onto it.
- It is our recommendation that 5 story buildings be permitted in order to “open” the site plan and allow for more green area.
- RDS/A recommends that the parking requirement be reduced and that reserve parking be permitted.

The above comments are based on our initial review of the documents cited. We would be pleased to answer any questions that arise. Should additional review in the future be needed, please let us know.

Respectfully submitted;

R. Douglas Stewart & Associates, Ltd.

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R. Douglas Stewart, AICP  
President