

APPROVED

**SPRINGETTSBURY TOWNSHIP
BOARD OF SUPERVISORS
WORK SESSION
NOVEMBER 4, 2020**

MEMBERS IN

ATTENDANCE: Mark Swomley, Chairman
Don Bishop
Bob Cox
George Dvoryak
Charles Wurster

ALSO IN

ATTENDANCE: Mark Hodgkinson, Township Manager
Dori Bowders, Director of Administrative Operations
Ray Markey, Community Development
Abby Gibb
Sue Sipe, Stenographer

1. CALL TO ORDER

Chairman Swomley called the meeting to order at 6:00 PM.

This meeting was held via Zoom.

Town Center Overlay Discussion with Marian Maxfield Hull, AICP/PP, Associate Vice President, Manager of Community Planning, AECOM

Chairman Swomley turned the meeting over to Ms. Hull.

Ms. Hull provided a presentation focusing on questions raised and recommendations she proposes. She provided an analysis on what that would mean for the Bon-Ton site to have multi-family housing. She indicated B-T York has requested a zoning amendment for multi-family housing through a change in the Town Center Overlay. This is in the Commercial-Highway District with a density factor of 40 units per acre.

Ms. Hull indicated they do not think the correct way to do this is by changing the Town Center Overlay. The reasoning is if the Town Center Overlay is changed to allow multi-family, all Town Center Overlay areas which are over Commercial Highway will allow it in every location. She pointed out the zoning ordinance has an existing tool that could achieve the goal of developing multi-family housing on this site without changing the Town Center Overlay. The resource is called the flexible development overlay and it was added to the ordinance some time ago to encourage re-development parcels that might be challenged. Without any kind of a zoning change the Board of Supervisors could apply the flexible development overlay to the Bon-Ton site and allow multi-family residential. There are specific standards that a site needs to meet in order to be eligible for application of the flexible development overlay. One of the criteria is that the site has been vacant for a year or more. She pointed out the Bon-Ton site is a separate parcel from the rest of the mall. The associated parking site has also been vacant for more than a

year. Another convenience for the flexible development overlay is that it is silent on maximum permitted density. B-T York requested a density of 40 density factors per acre, which is not currently permitted in the zoning. The maximum density elsewhere in the zoning in multi-family district is 30 units per acre.

Mr. Wurster had a question about if the flexible development was applied to encourage redevelopment and redevelopment occurs, is that flexible development zoning maintained in perpetuity or is there an opportunity after the 13 plus years since the last revised comp plan to have it revert back to commercial highway. Ms. Hull stated that will depend on what happens to the site. She recommended when the Comprehensive Plan and the zoning is reviewed soon, to take a comprehensive look at what is going on at the Galleria and what type of development is desirable in the long run. She also recommended conducting a market analysis.

Ms. Hull stated if allowing multi-family development on this site it would be done under the existing maximum zoning currently in R-1 or looking at what B-T York has requested as the ceiling. She provided a spreadsheet analysis, noting the B-T site including the store and the parking lot is approximately 7½ acres. The primary limitation for development on the site is the density factor for units per acre. She noted the Township has a density factor for units per acre which is a carryover from the former zoning ordinance. They revisited changing the way the density is measured for multi-family when the ordinance was written.

Ms. Hull explained the density factor is defined as the larger the unit the more units get counted in the density factor:

Efficient apartment is 1 unit

1 bedroom - 2 units

2 bedrooms – 3 units

3 bedrooms – 4 units

4 bedrooms – 6 units

More than 4 bedrooms – 8 units

Ms. Hull indicated R-1 zoning permits 30 units per acre. On a 7½ acre site that would be a maximum of 20-25 density factors for the site.

Ms. Hull pointed out on the spreadsheet the breakdown of the number of units which would be possible on the site covered by building and the percent of the site that would be covered by parking. The maximum site coverage is 85% in the C-H district. This is based on a mix of units which is typical of what they have seen in other developments similar to this site. This would be mostly 1 and 2 bedrooms with a few efficiencies and 3 bedrooms added in, which comes up to approximately 100 units on the site. This would be well below the maximum site coverage for the site. It could be accommodated easily in a 3-story structure. The maximum building height would allow this to go as high 4 stories, but it does not seem likely they would need to do that. With 30 density factors per acre and a density factor of 40 the numbers go up. All efficiencies would be 300 and the proposed mix would be 120, resulting in 30 more units going from a density factor of 30 to a density factor of 40. But the percentage site coverage is less than 50%. The developer would still have plenty of room for green space, amenities, and landscaping. She also noted that theoretically if B-T York wanted to come in and develop all efficiency units the amount of parking required is so great that it would end up exceeding that 85% maximum impervious surface coverage.

Mr. Cox asked how many units B-T York is planning to build. Ms. Hull stated the information on their request does not include units just that they would like to see a density factor of 40 units per acre. She does not yet have their actual proposal with numbers of units.

Ms. Hull explained parking requirements noting the zoning does require 2 parking spaces per unit regardless of the unit size. It essentially encourages development of larger units for rental sq. footage per parking space provided.

Chairman Swomley referred to the write up document noting she talked about setbacks along the east and west of the site. Ms. Hull noted the site is set far back from Mt. Zion Road. The main setback from the north does not seem to be of issue. She noted by the time they get a building far enough back from the berm it will be set back far enough. She felt it is a big enough site that they should be able to adjust the building orientation.

Chairman Swomley asked about the west side of the parking lot area backing up to what will be employee parking and unloading for the casino, as to the plan for screening and setbacks in that area.

Ms. Hull indicated in developing multi-family housing she assumes they would want to put in screening. She noted there are provisions elsewhere in the ordinance that address buffering and screening between residential and commercial uses. With the flexibility they have within the conditional use process, the Board will need to make sure to get an agreement they will provide the buffering that is needed in that area.

Chairman Swomley questioned what would be done on the east side where there is a 3-story high wall. He also commented he was concerned how the developer will handle some of the issues on the property. At this time, Ms. Hull stated she is not sure how that will be done.

Mr. Wurster questioned if they decide to extend flexible development to this parcel, would this be just one parcel to change or should they view it as a review of flexible development and see if there are other extensions. He noted they have had some development in the flexible zone. Ms. Hull stated as the comprehensive plan is revised and zoning after that, the Board should look at anything which was developed in the flexible development zone. She noted in the past those changes were made because they did not know what was going to happen. Most were in a location where they were buffered so they allowed for a wider range of uses. She added since those projects were developed, the Board should determine what is consistent in terms of other zoning, knowing they have this as an anchor in this location. Do they want to rezone areas around it to be consistent with this use?

Public Comment – Charles Stuhre

Mr. Stuhre commented that in determining the height of the proposed developments to consider the fire department's ability to service them in an emergency.

Mr. Wurster commented the Board of Supervisors made some edits to the zoning amendment to accommodate the casino. He asked if the use of the flexible development overlay would create any conflict with those changes. Ms. Hull responded she did not think so.

Mr. Wurster asked Ms. Hull what she sees as a trend for multi-family housing. Ms. Hull indicated it is very much a trend, especially as younger people are waiting longer to have families and buy a home. She also referred to the side of the demographic affecting older people who do not want to be maintaining homes in retirement and want to be free to do other things. She indicated having a market for both for high quality units and amenities.

Mr. Wurster asked if there were any other unintentional consequences, implications of using the flexible development at this site as it relates to other future development of the mall. Ms. Hull stated this site has

formerly only been eligible for commercial uses and will have residential integrated into it. On one side that could be an opportunity and on the other side it could be a constraint in terms of someone who wanted to come in a much higher intensity development.

Mr. Wurster reminded the board approximately 3-4 years ago they were entertaining a project at the Planning Commission level for redevelopment of the vacant tract at Industrial Highway and Northern Way which is in the flexible development zone. This was a multi-tenant project with some on-site amenities. He pointed out it is not unusual for the Township to consider flexible development as a zoning overlay on a multi-tenant project. It was noted that plan has been revisited several times.

Mr. Swomley asked if Ms. Hull thought 40 units per acre was a reasonable density in that area. Ms. Hull stated the density factor that the Township has in place sets up for low multi-family densities compared to other communities. She noted she usually sees a maximum multi-family density as 15 units per acre. She noted usually when doing these analyses for sites that have constraints, the constraint is the parking, it is not the maximum density.

Mr. Dvoryak commented if you have a marketable commercial property it adds more value to the Township than a residential tract, meaning the revenue opportunity for commercial property is much greater than residential. He cited the example of a commercial property - for every dollar of revenue brought in the cost is 80 cents for residential property. For every dollar of revenue brought in for commercial the cost is \$1.30. He asked if assuming a marketable commercial property does that mean giving up revenue and increasing cost structure for residential. Ms. Hull stated generally the most expensive development built in the Township is single-family housing, due to the cost of providing services - roads, schools, etc. Multi-family depends on the tax structure. Commercial building is the most profitable.

Mr. Dvoryak asked if approving the flexible development for this particular purpose will it limit the opportunity for the owners of the mall to do other types of projects on the site. Ms. Hull stated because of the residential housing there would be opportunities in terms of a built-in market for commercial uses, retail uses, and office uses.

Mr. Dvoryak brought up the idea that was expressed regarding obtaining a market analysis. Ms. Hull stated a market analysis would help to understand what could be available. She noted because the site is central to the Township and has traditionally been a strong tax revenue generator, as the Township moves forward in comprehensive planning it would be beneficial, not just for this site. She indicated it would be advantageous for an economic planner to conduct an economic analysis for the Township overall and determine what the specific opportunities for those sites would be.

Mr. Bishop commented that to the extent there are any risks if there are residential units, the negative only happens if the owner develops it that way, that the act of the Board changing the zoning would not provide any detriment to future development. Ms. Hull stated that was correct and stated with the use of the flexible development overlay recommended, not applying it unless the Township had a specific development in mind. She reiterated her earlier comments regarding risk as to how there was a risk to adding multi-family housing to the Town Center Overlay in the commercial-highway district, since that opens any piece of land in the Town Center zoned for commercial highway use to multi-family housing. She noted that could cause losing the commercial tax base. She pointed out that is the key reason why if the Township decides it is opened to having residential development at this location, the way to do it is the flexible development overlay.

Mr. Cox commented they would not have to apply it to this piece of property until they have a development that is acceptable in that location. He noted his concern is that the focus seems to be on the parking lot and the conversion of it to multi-family to the detriment of 150,000 sq. ft. along with the department store building attached to the parking lot and how that is going to be used. He noted the discussion regarding installing a storage facility in the building was hinged on this multi-family development on the parking lot.

Chairman Swomley stated the developer indicated they could use the upper entrance to the Bon-Ton and use an elevator to get down to the storage facility.

Mr. Bishop asked Ms. Hull to address the mechanics of applying the flexible development overlay in situations like this. Ms. Hull stated it is an application which goes before the Board of Supervisors. The Planning Commission will make an initial recommendation, but it is at the full discretion of the Board of Supervisors. She added there are specifics to determine in terms of does the site meet the requirements, one of which is the site must be vacant for more than a year. Ms. Hull confirmed the zoning ordinance covers flexible development overlay.

Mr. Bishop asked about next steps.

Mr. Luciani stated Att. Hovis is now representing the developer.

Discussion was held as to whether advise the applicant about the presentation. Mr. Wurster commented given that the applicant has come before the Board of Supervisors before, he thought the Board had an obligation to let the applicant know what was discussed and advise them that the Board of Supervisors is now in receipt of this recommendation to implement the flexible development as a solution to the development project.

Chairman Swomley stated he would not be opposed to having the applicant see the presentation that Ms. Hull presented, noting it would give them the basis of the discussion, allowing the Board to still decide how they want to implement it.

Mr. Hodgkinson agreed with the consensus to reach out to Att. Hovis and provide the information to him to determine next steps.

Mr. Bishop stated he also had no problem sharing the information with Att. Hovis.

Mr. Dvoryak commented he would agree if it were communicated in a way that the Board is not offering guidance or coaching since the Board has not yet decided.

Mr. Wurster concurred and suggested advising the applicant this is the recommended tool by a professional and the Board has made no decisions on the residential property at the site.

2. ADJOURNMENT

CHAIRMAN SWOMLEY ADJOURNED THE MEETING AT 7:03 P.M.

Respectfully submitted,

Dori Bowders
Secretary

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