

CONSHOHOCKEN BOROUGH COUNCIL
PETITION FOR AMENDMENT TO ZONING ORDINANCE AND ZONING MAP

1. Keystone Property Group, L.P., a Pennsylvania limited partnership ("Keystone"), with an address of 125 East Elm Street, Suite 400, Conshohocken, PA 19428, is the agent for the legal owners of Tax Map Parcel Nos. 05-00-02810-002, 05-00-06040-003 and 05-00-02350-003 (which are affiliated entities of Keystone), and is the equitable owner of Tax Map Parcel Nos. 05-00-06032-002, 05-00-02852-005, and 05-00-02840-008, located in Conshohocken Borough, Montgomery County, Pennsylvania (collectively, the "Keystone Parcels").

2. Washington Hose & Steam Fire Engine Company 1 is the owner of Tax Map Parcel No. 05-00-04252-009 (the "Fire Company Parcel").

3. The Keystone Parcels and the Fire Company Parcel comprise the entire block bounded by Fayette Street, Elm Street, Robinson Alley and First Avenue (the "Development Block"); and are currently zoned BC – Borough Commercial.

4. Pursuant to Chapter 27, Part 5, Section 27-501 of the Conshohocken Borough Zoning Ordinance, Petitioners are requesting the Borough Council amend the Conshohocken Borough Zoning Ordinance to adopt a new zoning district titled SP-4 Specially Planned District (the "SP-4 District"), all as set forth in more detail within the proposed Zoning Ordinance Amendment attached hereto as Exhibit "A".

5. Pursuant to Chapter 27, Part 5, Section 27-501 of the Conshohocken Borough Zoning Ordinance, Petitioners are requesting the Borough Council amend the Conshohocken Borough Zoning Map to rezone the Development Block to the SP-4 District, all as set forth in more detail within the proposed Zoning Map Amendment attached hereto as Exhibit "B".

6. Pursuant to Chapter 27, Part 5, Section 27-503 of the Conshohocken Borough Zoning Ordinance, Petitioners request that this Petition be forwarded to the Conshohocken

Borough Planning Commission so that they may provide their review of this proposed Zoning Ordinance and Map Amendments.

WHEREFORE, Petitioners respectfully request a public hearing on this Petition for Zoning Ordinance and Map Amendments be scheduled before the Conshohocken Borough Council.

PETITIONER:

KEYSTONE PROPERTY GROUP, L.P.

By: 

Robert W. Gundlach, Jr., Esquire
Attorney for Petitioner

Exhibit "A"

Zoning Ordinance Amendment

[attached]

BOROUGH OF CONSHOHOCKEN

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. _____ 2016

AN ORDINANCE OF THE BOROUGH OF CONSHOHOCKEN, MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE BOROUGH OF CONSHOHOCKEN ZONING ORDINANCE BY CREATING A NEW PLANNED SP-4 SPECIALLY PLANNED DISTRICT TO CREATE UNIFIED DEVELOPMENT AREAS FOR UNIFIED AND COHESIVE DEVELOPMENT SUBJECT TO SPECIFIC DEVELOPMENT STANDARDS AND TO PERMIT CERTAIN USES; RE-ZONING CERTAIN LAND PRESENTLY IN THE BUSINESS AND COMMERCIAL DISTRICT TO THE SP-4 SPECIALLY PLANNED ZONING DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Borough Council of the Borough of Conshohocken is duly empowered by the Borough Code to enact certain regulations relating to the public health, safety and welfare of the citizens of the community of the Borough of Conshohocken; and

WHEREAS, the Borough Council has determined that the interests of the Borough would be best served by amending the provisions of the Zoning Ordinance; and

WHEREAS, the Borough Council has determined that creating the SP-4 Specially Planned District, which expands the list of Business Commercial District uses in certain circumstances that more currently reflect the present commercial trends related to such uses, and which will contribute to the economic base of the Borough of Conshohocken, which will assist in connecting and unifying the areas of lower and upper Conshohocken, and is consistent with its long-term objective of both maintaining the economic vitality of the Borough of Conshohocken and creating of a community center for the residents of the Borough, all as originally set forth in the Redevelopment Plan adopted by Borough Council in 1971; and

WHEREAS, the Borough Council of the Borough of Conshohocken acknowledges that changes to Business and Commercial area of the Borough, including commercial and residential development, have caused a need to create an SP-4 zoning district and to permit unified development areas that can be strategically and appropriately located to provide services to commuters and the community.

NOW THEREFORE, be it **RESOLVED** and it is hereby **RESOLVED** by the Council of the Borough of Conshohocken as follows:

SECTION 1

The Borough of Conshohocken Zoning Ordinance is hereby amended to include **Section 27-2200 et seq.- Specially Planned District Four** as follows:

Part 22
SP-4 — SPECIALLY PLANNED DISTRICT FOUR

§ 27-2201 Declaration of Legislative Intent.

It shall be the purpose of the Specially Planned District No. 4 (hereinafter "SP-4 District") to encourage the innovative design of the SP-4 District and to create Unified Developments (each a "Unified Development") where multiple yet distinct land uses are combined into a single unified development project, and, in particular circumstances, to provide additional options for redevelopment of specified properties previously occupied but not vacant, the redevelopment and revitalization of the SP-4 area and the Unified Developments will advance the public health, safety, and welfare; to encourage a planned arrangement of individually-owned and operated uses within complementary function categories, including professional and business offices, retail sales and commercial services, lodging, recreation/leisure time, and public space for activities benefiting the citizens of the Borough of Conshohocken and their guests, to plan off-street parking to avoid inadequate parking and provide the citizens and guests of the Borough of Conshohocken with additional off-street parking to better access downtown Conshohocken; and to encourage the planning and utilization of land and the harmonious design, erection and use of buildings in a diversified commerce-business community that will contribute to the economic base of the Borough of Conshohocken and otherwise further the purposes of this chapter.

§ 27-2202 Use Regulations.

1. A building may be erected, altered, or used, and a lot may be used or occupied for any of the following uses and no other:

(a) Business offices, including but not limited to, security and commodity brokerage, real estate sales, travel agency, employment counseling, insurance sales, advertising, mailing and stenographic services, offices for development and technology companies, professional office for the practice of, but not limited to, medicine, law, engineering, architecture or design, real estate, insurance, or financial institutions.

(b) Bank or financial institutions.

(c) Hotel/motel and meeting room facilities when ancillary and subordinate to the hotel/motel.

(d) Public terminal, train station, or taxi stands.

(e) Parking garages.

(f) Retail establishment for the sale of dry goods, variety merchandise, clothing, food, baked goods, beverages, flowers, plants, drugs, hardware, books and furnishings.

(g) Sale and repair of watches, clocks, optical goods, musical, professional or scientific instruments.

(h) Personal services shop: barber or beauty shops, custom tailoring, shoe repair, or dry cleaning (provided that no cleaning operations are performed on the premises).

(i) Liquor store.

(j) Restaurants and taverns with both indoor and outdoor seating not to include drive-in restaurants. Restaurants or taverns may sell alcoholic beverages for on-site consumption.

(k) Municipal or government office, public utility office.

(l) Studio for dance, fitness, music, art or photography.

(m) Fitness center, health club, or racquet club.

(n) Educational, religious or philanthropic uses.

(o) Community facility or community events (including but not limited to movie nights, music and concerts, live performances and farmers' markets).

(p) Any use of the same general character as the permitted uses above.

(q) Accessory uses related to the above permitted uses including, without limitation, the following:

(i) Balconies, which shall be cantilevered platforms that project from the wall of a building above the ground and is surrounded by a railing, balustrade, or parapet, which is designed to provide outdoor living or entertaining areas, and are at least 6 feet from the ground.

(ii) Public or private parking garages and lots, excluding motor vehicle junkyards, accessory to and on the same lot as a principal use or on a separate lot so long as the separate lot is (a) part of a Unified Development, or (b) restricted for use by the Unified Development via a restrictive covenant recorded against the separate lot.

2. A Unified Development is generally defined as the development and/or redevelopment of one or more parcels of land as a mixed use project that is designed in compliance with the dimensional standards set forth in Section 27-2203 below.

§ 27-2203 Dimensional Standards for Unified Developments.

1. All Unified Developments occurring within the SP-4 District shall meet the following regulations:

A. Area Regulations:

Minimum Tract Area: 95,000 square feet for the Unified Development.

Minimum Lot Area: 2,500 square feet.

Minimum Lot Width: 25 feet.

Minimum Setback from (property line adjacent to) perimeter streets: 0 feet.

Minimum Setback from internal streets: 10 feet (provided that this regulation does not apply to private driveways within the Unified Development).

Minimum Building Separation: 0 feet.

Maximum Building Coverage: 95% of the area comprising the Unified Development.

Maximum Impervious Coverage: 95% of the area comprising the Unified Development.

FAR: 10.0 (excluding parking garages which are not subject to the FAR).

Minimum Public Plaza Space: A minimum of 15,000 square feet of the Unified Development shall be provided as plaza space for public access; with at least 5,000 square feet of the public plaza space being a contiguous greenspace area. The purpose of the plaza space shall be to provide year-round opportunities for outdoor recreation and community activities, and provide visual relief within the built environment. It must facilitate north-south and east-west circulation for pedestrians to and throughout the Unified Development and the Borough, providing continuous, safe and convenient pedestrian linkages throughout the Unified Development. Plaza space must be appropriate in scale and character of the Unified Development as an urban center, and be provided in a manner to meet the needs of the Unified Development, consistent with this Ordinance.

Minimum Height: 2 stories.

Maximum Building Height: A maximum height of 200 feet is permitted, exclusive of penthouse and mechanical equipment, improvements related to roof-top patios, parapets, aerials, communication towers, building/tenant signage and similar improvements customarily placed on the roofs of office buildings and hotels. For buildings with flat roofs, building height is measured from average grade to the top of the building wall, including parapets. For buildings with pitched roofs, building height is measured from grade to the midpoint of the slope. Architectural embellishments such as vertical façade extensions shall be permitted above the maximum height requirement by 20 feet. Additive embellishments on the façade (such as cladding, cladding features, roof overhangs, canopies, brows, etc.) shall be permitted to overhang the property line by 2 feet.

Animated Façade Use: "Animated façade areas" shall be used along portions of Fayette Street to create an external streetscape presence. This shall include the use of transparent exterior storefront facades, entries, landscaping, seating, canopies and awnings, where possible, which create a façade that provides interest to pedestrians and vehicles.

Maximum Wall Height: Visible retaining walls shall not exceed ten feet (10') in height unless authorized by the Borough Council as a conditional use pursuant to §27-826 of this Chapter. Any retaining walls in excess of five feet (5') shall be designed with articulation and features to mitigate wall height issues.

Adaptive Reuse: Adaptive reuse of historic or significant structures is required. Proposed use must be compatible with adjacent uses.

B. Development Standards:

(i) For purposes of this section, a unified development plan, shall be defined as a plan for the development of one or more contiguous tracts of property located within the Unified Development of the SP-4 District, regardless of ownership, for one or more uses provided under Section 27-2202.

(ii). Location Requirements:

a. Must contain a minimum of 300 feet of frontage on one major arterial road as calculated for the Unified Development;

b. Shall not be permitted on a tract located within 100 feet of another tract containing a Unified Development in the SP-4 District; however, this provision shall not restrict an applicant from adding land into an approved Unified Development.

(iii) Separate ownership of or conveyance of a parcel or parcels within the approved plan shall be permitted upon compliance with the following conditions:

a. Irrevocable perpetual cross-easements are in effect and recorded, whether set forth in a cross-easement agreement or in a plan of condominium, in favor of and duly binding on all title owners (and their respective successors and assigns) within the area of the approved plan, with respect to use, control and maintenance of the common areas including but not limited to access areas, green areas, and parking areas.

b. The application of zoning requirements including, but not limited to building coverage, impervious coverage, open space, parking, loading, buffers, setbacks and landscaping shall apply to the overall site approved as a unified development area. Individual lots within the plan or created pursuant to this section need not comply with these zoning requirements.

(iv) Staging.

a. All proposed Unified Developments shall be constructed in accordance with an overall plan and shall include the planned phasing and schedule of construction.

b. Staging shall include the time for beginning and completion of each stage. Such timing may be modified by Council on the showing of good cause by the developer.

c. All parcels shall be included in the Unified Development plan, with a minimum of conceptual design for later phase developments.

§ 27-2204 Dimensional Standards for Uses Other Than a Unified Development.

The dimensional standards for any uses permitted in the SP-4 District other than a Unified Development shall be subject to the requirements in Section 27-1303.

§ 27-2205 Signage Standards.

Buildings in the SP-4 District shall have signage which meets the requirements in Section 27-2101 et seq. except as set forth below:

(a) Hotels and Office buildings shall be permitted to have top of building monumental signs, not to exceed three (3) such signs, each not to exceed 500 square feet. Retail tenants in any hotel or office building shall be permitted to have its own signage on the building which square footage shall not exceed 75 square feet for each sign.

(b) A monumental sign shall be permitted within the Unified Development Area to identify the branding of any open space, and such signage shall be located near the street level and shall not exceed 250 square feet.

(c) Incidental signs are permitted for the convenience and safety of the public (for example, signs identifying parking areas, telephones, rest rooms, entrance etc.). Each sign shall not exceed 4 square feet in size and contain no advertising.

(d) Official street and traffic signs and any signs required by law shall be permitted.

(e) Trespassing signs and signs indicating private ownership of roadways or other property, on the same premises therewith.

(f) Real estate signs for advertising the sale or rental of the building or property upon which the sign is erected, provided that the total area on any one side of such signs shall not exceed 75 square feet.

§ 27-2206 Required Off-Street Parking Capacity.

1. No less than three hundred (300) parking spaces shall be made available to the Borough, in addition to the parking requirements as outlined below, as part of the Unified Development and for the purpose of providing public parking during off-peak hours. The parking spaces must meet the size requirements of this Ordinance, and shall be accessible and identified as available for public use. For purposes of this paragraph, off-peak hours are defined as (a) 6 P.M. to 6 A.M. on Monday through Friday, and (b) any time on weekends and national holidays.

2. Unified Developments shall be permitted to be parked at a reduced requirement based on a shared parking study. In order to calculate the amount of parking, a shared parking study shall be prepared by an appropriate professional. The study shall demonstrate that the proposed parking supply will be adequate to serve the parking needs of the Unified

Development. Such study shall be based upon accepted industry standards such as that described in the current edition of "Shared Parking", published by the Urban Land Institute, supplemented as appropriate by actual experience and studies of, or known to, the professional preparing the report. The study should consider parking demand variations due to factors such as time of day, weekday versus weekend demand, monthly variations in parking demand, captive markets within the site and modal split, all of which would affect when the peak accumulated parking demand would occur and include any other contractual obligations to provide public parking. For purposes of preparing the shared parking study, the minimum single use peak hour demand parking requirements for each use are as follows (to the extent a use is not specifically listed below, the requirements of the most similar use shall apply):

Use	Requirement
Retail	4/1,000 square feet
Office	3/1000 square feet
Restaurant	4/1000 square feet
Hotel	1 per room
Recreational and all other permitted uses	5/1,000 square feet

3. The required parking for a Unified Development, using the parking requirements set forth above, shall be permitted to be reduced and phased as part of the subdivision/land development approval process and based on a variety of factors, including (a) the shared parking study, (b) the projected use of transit facilities by office workers and retail patrons, (c) the use of valet parking, and (d) the timing for the construction of the new buildings and uses requiring the proposed parking.

§27- 2207 Required Off-Street Parking Dimensional Standards.

Off-street parking spaces are required to be a minimum of 8.5'x18'. A maximum of 40% of the parking stalls in a garage or parking area with greater than 25 parking spaces may be designated as compact spaces. Compact spaces shall be 7-3/4'x16'.

§27-2208 Required Off-Street Loading and Unloading Space.

Off-Street loading berths for new buildings shall be provided and maintained, on the same lot with such buildings located in the SP-4 District, in accordance with the following requirements:

(a) Offices, Commercial and Institutional uses: one loading berth for the first 5,000 square feet up to a maximum of 10,000 square feet; one additional loading berth for each additional 250,000 square feet.

(b) Each loading space shall be a minimum of 12 feet wide, 35 feet long and 14 feet high.

The square footage of the Unified Development can be consolidated for purposes of complying with the loading dock requirements. Any existing building(s) included within the Unified Development and without a loading dock shall be deemed non-conforming as to this requirement.

§ 27-2209 Landscaping.

A landscape plan shall be submitted per the requirements of the Subdivision and Land Development Ordinance (SALDO). Use of native plant materials and naturalistic design is encouraged. The landscape plan shall reflect the requirements of the SALDO as well as the following detailed criteria:

(a) Additional landscaping shall be provided along the exterior walls of all parking garages, along walkways, in court-yards, around sitting areas, at the entrance to the site and in other highly visible locations.

(b) The above design criteria, in addition to that required by the SALDO, is intended to develop a standard whereby adequate landscaping is included in the development. The criteria are not intended to strictly direct the location of this landscaping.

§ 27-2210 Traffic Impacts.

Documentation of on-site improvements proposed to minimize projected adverse transportation impacts on any adjacent public right of way per the requirements and recommendations documented in a report prepared by a licensed traffic engineer.

§ 27-2211 Lighting.

Lighting shall be arranged in a manner which will protect adjacent streets and neighboring properties from direct glare per the requirements of the Subdivision and Land Development Ordinance.

§ 27-2212 Application and Review of Development Proposals.

All proposed developments within the SP-4 District shall meet the requirements as set forth in Section 27-1507.

ORDAINED and ENACTED an ordinance of the Borough of Conshohocken this _____ day of _____, 2016.

BOROUGH OF CONSHOHOCKEN

JAMES GRIFFIN, COUNCIL PRESIDENT

ATTEST:

SECRETARY

Approved this _____ day of _____, 2016

ROBERT FROST, MAYOR

SECTION 2

The Zoning Map of Conshohocken Borough, Section 27-902, is hereby amended to change the zoning classification of the following Montgomery County Tax Map Parcels from the _____ zoning district to the SP-4 Specially Planned – 4 zoning district: no. _____.

SECTION 3

Any and all other Ordinances or parts of Ordinances in violation or in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION 4

The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and, should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, non-enforceable or unconstitutional, the Council hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, non-enforceable, or unconstitutional portion, part or provision of this Ordinance.

SECTION 5

This Ordinance shall become effective immediately.

ORDAINED and ENACTED an ordinance of the Borough of Conshohocken this _____
day of _____, 2016.

BOROUGH OF CONSHOHOCKEN

JAMES GRIFFIN, COUNCIL PRESIDENT

ATTEST:

SECRETARY

Approved this _____ day of _____, 2016

ROBERT FROST, MAYOR

Exhibit "B"

Zoning Map Amendment

[attached]