

TOWNSHIP OF LOWER MERION
Finance Committee
Issue Briefing

Topic: C-2 and R6A District Amendments

Prepared By: Robert Duncan, Assistant Manager

Date: June 9, 2017

I. Action To Be Considered By The Board:

Consider authorizing the advertisement for a public hearing and consideration for adoption of an ordinance to amend the C-2 and R6A Use Regulations applicable to motor vehicle parking lots and two family dwellings.

II. Why This Issue Requires Board Consideration:

Amendments to the zoning code must be authorized by the Board of Commissioners after holding a public hearing to receive public input.

III. Current Policy Or Practice (If Applicable): NA

IV. Other Relevant Background Information:

This amendment if adopted would allow commercial parking use on two small residentially zoned vacant lots completely enveloped by a car dealership plus an adjacent vacant residential building to be redeveloped for two-unit housing including at least one low/moderate income unit.

The owner of the Ardmore Infiniti Dealership at the corner of Lancaster Ave and Holland Ave has been meeting with staff, representatives from the Ardmore Progressive Civic Association, and neighboring residential property owners along Holland Ave to attempt to develop a plan for the two residentially zoned parcels of land fronting on Holland Ave. The car dealership use, including vehicle display and employee parking lots currently wraps around the two existing vacant residentially zoned lots.

The Ardmore Infiniti owner previously requested a rezoning of these residential lots to commercial zoning but withdrew this request when the neighbors expressed some opposition. The owners have returned to meet with staff and the neighbors exploring other options to address the two vacant residentially zoned lots surrounded by the dealership site and the residential property owned by Ardmore Infiniti just beyond the dealership lot. These meetings have now proceeded for over a year and have resulted in a suggested text amendment to the code to address these lots and any others similarly situated. The meetings have been amicable with all three parties involved seeking a solution to the unusual zoning conditions that currently exist on this property.

One of the concerns raised during these sessions is the site specific aspect of this amendment since there will be very few sites that will meet the standards in this amendment. Although the proposed amendments would apply to any properties in these zoning districts meeting the conditions spelled out in the proposed amendment, there are very few sites that would meet these standards. That acknowledged the attorney for Infiniti has also raised a concern that the current conditions could be considered reverse spot zoning because the commercial use completely surrounds the residential parcels on Holland Ave. This draft amendment will help to address this concern. It should be recognized the reverse spot zoning concept is raised only as a matter of information and to help justify a code amendment rather than a rezoning of the property. The legal concept of reverse spot zoning came up in a recent case in King of Prussia.

These draft amendments include a provision to benefit the community and meet one of our Comprehensive Plan goals by allowing a new two family dwelling to be built in the footprint of an existing house on Holland Ave abutting the commercial lot provided at least one of the units is affordable to moderate income households using HUD income standards.

This site is also one of the sites identified in the Comprehensive Plan as an area to be considered for rezoning due to the commercial use that wraps the residentially zoned lots. The downside to an actual rezoning of these lots is the future development potential created by commercial zoning on the lots. With a rezoning future development of these lots would likely include a new curb cut on Holland Ave and more commercial vehicles using this residential street. This draft amendment avoids the risks posed by an actual rezoning.

The proposed amendments include:

1. Section #1 - Amend the R6A zoning to permit a Motor Vehicle Parking Lot. This use is only permitted if the lot shares the entire side and rear property lines with a commercial use; and the parking lot is accessory to a use permitted in the commercial zoning district. No structures are permitted on the parking lot.
2. Section #2 - Amend the R6A to permit a two-family dwelling to be built within the footprint of an existing dwelling; when adjacent to a permitted commercial use; and at least one of the dwelling units are affordable to moderate income households, using HUD standards for moderate income households.
3. Section #3 – Add a new code section 155-52.1 to establish development requirements, including impervious surface, exterior lighting, and a 10' front yard planting requirement for parking lots in an R6A zoning district.

The meetings have been positive with all parties in agreement seeking to find a solution that works for both the property owner and the neighbors, It does have to be noted that Ardmore Infiniti created this condition when they purchased the residential lots and demolished the two homes on these lots. The two homes were in very poor condition and may not have been salvageable due to the cost required to bring them up to current standards. These prior actions by Ardmore Infiniti did help to create the conditions that currently exist.

Impact On Township Finances:

There is no impact on Township finances.

V. Staff Recommendation:

Staff recommends the Board authorize a public hearing in July to obtain public comment on the proposed amendments. The public comment received at the hearing will help determine whether the ordinance should be considered for adoption.