



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

B U R G I S
A S S O C I A T E S , I N C .

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MEMORANDUM

To: The Council of West Windsor Township
West Windsor Division of Land Use
From: David Novak PP, AICP
Subject: Proposed PCD Ordinance
Summary of Changes
Date: November 18, 2020
BA#: 3442.19

Introduction

The following memorandum provides an overview of the proposed zoning amendment regarding the conversion of a portion of the existing ROM-1 Industrial District to a new Planned Commercial District (PCD). Specifically, it provides an overview of:

1. The locations of the existing ROM-1 District zones throughout the Township, as well as the uses which are presently permitted and conditionally permitted in that district;
2. The 2020 Land Use Plan's recommendation for converting an existing portion of the ROM-1 District to a proposed PCD, and;
3. A summary of the proposed ordinance establishing the PCD.

Existing Zoning

The ROM-1 District is presently located within three (3) general areas of the Township. See Map 1 for a general overview of these locations.

1. US Route 1 Corridor

A significant portion of the ROM-1 District is located along the US Route 1 corridor. It generally extends from the northerly entryway of MarketFair to Alexander Road. It also encompasses a large portion of the Carnegie Center office development. See Map 2 for an overview of this area.

2. Howard Hughes Tract

Another significant portion of the ROM-1 District is located near the westerly corner of the Township, by the intersection of Route 1 and Quakerbridge Road. It encompasses what is commonly referred to as the Howard Hughes tract. See Map 3 for an overview of this area.

3. Eden Way

A smaller portion of the ROM-1 District is located near the intersection of US Route 1 and the former Eden Way right-of-way. This area is presently developed with a PSE&G substation. See Map 4 for an overview of this area.

The ROM-1 District presently permits the following permitted and conditionally permitted uses:

Permitted Uses

1. Research, testing, analytical and product development laboratories and pilot plant facilities
2. General, corporate, administrative and professional offices
3. Data processing and computer centers
4. Limited manufacturing associated with such specialty industry groupings
5. All farm and agricultural uses permitted in residential districts
6. Accessory uses and accessory buildings
7. Building structures and uses owned and operated by the Township of West Windsor
8. Mixed-use planned development
9. Veterinary clinics
10. The conversion of hotels in existence as of April 1, 2020, into assisted living facilities, provided that 15% of the beds be set aside for low- and moderate-income households.

Conditional Uses

1. Transmission lines, transmitting and receiving antennae or aerals
2. Public utilities substation, electric and gas facilities
3. Billboards

2020 Land Use Plan

The Township adopted its most recent Land Use Plan Element of the Master Plan on February 12, 2020. Section 3.3.5 of this 2020 Land Use Plan outlines the Township's proposed Planned Commercial District (PCD), which was proposed for a significant portion of the existing ROM-1 District located within the westerly portion of the Township. It encompasses what is commonly referred to as the Howard Hughes tract.

Specifically, the following is noted:

The intent of this land use category and corresponding zoning district is to support a wide variety of nonresidential uses to encourage the redevelopment of the tract, while also ensuring that any such development will be complementary to the surrounding area, protect existing environmental constraints, minimize undue strain on the Township's community facilities, and avoid any substantial impacts to the existing traffic and circulation patterns of Clarksville Road, Quakerbridge Road, and the US Route 1 corridor.

Accordingly, it is recommended that this district permit: research, testing, analytical, and product development laboratories and pilot plant facilities; general, corporate, administrative, and professional offices; data processing and computer centers; limited manufacturing; warehousing; distribution centers; conference centers; hotels; business support uses; banks with or without drive-throughs; limited retail establishments; health clubs, fitness centers, and indoor-outdoor recreation centers; veterinary offices; urgent care and out-patient surgical facilities; breweries, limited breweries, brew pubs, taverns, and wineries; and gas stations with convenience stores.

This land use category and corresponding district is also intended to promote an attractive unified design while also encouraging a high level of investment. It is recommended that warehousing and distribution uses be limited to the south of Clarksville Road. To clarify these terms, a warehouse should be defined as a building used primarily for the storage of goods and materials, while a distribution center should be defined as an establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials.

Furthermore, it is recommended that no more than 150,000 square feet of retail space be permitted on the tract. Big-box retail and strip retail developments are strongly discouraged in this district.

Finally, the development of this tract should incorporate a public roadway which will extend from Quakerbridge Road at its intersection with Avalon Way to US Route 1 at its intersection with Nassau Park Boulevard. The development of this tract should also incorporate a bicycle and pedestrian path that could be part of a connector link between Mercer County Park to the south and the D&R Canal to the north.

Summary of Proposed Changes

Pursuant to both the recommendation offered by the Township's 2020 Land Use Plan as well as the draft Settlement Agreement with Atlantic Realty, a draft ordinance has been prepared to establish a new Planned Commercial District (PCD) for a portion of the existing ROM-1 District. Specifically, the properties to be rezoned are identified by municipal tax records as the following. See Map 5 for an overview of the site.

- ❖ Block 8 Lots 1, 2, 2 (QFarm), 3, 12, 16, 20 (QFarm), 28, 32.01, 39, 40, 41, 45, 46, and 49
- ❖ Block 15.14 Lots 18, 18 (QFarm), 19, 19 (QFarm), 20, 20 (QFarm), 22 (QFarm), 26 (QFarm), and 75

The following general summary is offered:

1. Permitted Uses

The draft ordinances establishes a wide variety of research, industrial, and commercial land uses which include the following:

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| a. General, corporate, administrative, and professional offices. | p. Fast food restaurants with or without drive-through lanes. | kk. Mixed use planned developments pursuant to Section 200-209A.(8), except for the use permitted in Section 200-209A(8)(a)[6]. |
| b. Research, testing, analytic laboratories. | q. Gas stations in conjunction with a convenience store and/or vehicle wash. | ll. A community landmark sign serving as a gateway to the community and which may include an electronic sign with changeable type, which shall display information regarding municipal, civic, and community events as well as emergency messaging. It may also display on-premises and off-premises advertising. |
| c. Product development laboratories. | r. Health clubs. | mm. Any existing wastewater treatment plant or electrical substation which existed prior to the date of the adoption of this ordinance. |
| d. Pilot plant facilities. | s. Fitness centers. | nn. Any kennel which existed prior to the date of the adoption of this ordinance. |
| e. Warehousing and distribution facilities. | t. Commercial recreation facilities. | oo. Any combination of the above permitted uses in one or more principal buildings on a lot. |
| f. Finishing and assembly of products. | u. Spas. | |
| g. Limited manufacturing. | v. Performing art facilities. | |
| h. Data processing and computer centers. | w. Legitimate theaters. | |
| i. Business support uses. | x. Motion-picture theaters. | |
| j. Banks with or without drive-through lanes. | y. Cultural facility buildings or structures. | |
| k. Retail stores and shops. | z. Hotels with one hundred (100) or more guest rooms. | |
| l. Personal service establishments. | aa. Conference centers. | |
| m. Restaurants, including but not limited to establishments offering indoor dining, outdoor dining, take out, delivery, curbside pickup, and drive-through lanes. | bb. Child care centers. | |
| n. Taverns offering alcoholic beverages for sale and consumption on the premises. | cc. Senior day care centers. | |
| o. Brew pubs. | dd. Medical offices. | |
| | ee. Urgent care medical facilities | |
| | ff. Outpatient surgical facilities. | |
| | gg. Wineries. | |
| | hh. Distilleries. | |
| | ii. Veterinary clinics. | |
| | jj. Pet day care facilities. | |

2. Yard Setbacks

A variety of front, side, and rear yard setbacks are established for the PCD. These are summarized as follows.

FRONT YARD SETBACKS

The following front yard setbacks are established:

- a. Along Quakerbridge Road: 50 feet.
- b. Along Clarksville Road: 100 feet.
- c. Along US Route 1: 100 feet.
- d. Along proposed roads generally consistent with the Master Plan: 100 feet.
- e. Along other roadways: 50 feet.

REAR YARD SETBACKS

A rear setback of forty (40) feet is established.

SIDE YARD SETBACKS

Two (2) separate side yard setbacks are established:

- a. For buildings less than or equal to 40 feet in height, a side yard setback of twenty-five (25) feet is established.
- b. For buildings greater than 40 feet in height, a side yard setback of forty (40) feet is established.

YARDS ABUTTING RESIDENTIAL DISTRICTS

The PCD further establishes that the above yards be increased by twenty-five (25) feet in those instances where they abut, in whole or in part, a residential zone district or lot line.

ADDITIONAL SETBACK FOR WAREHOUSE AND DISTRIBUTION FACILITIES

In order to reduce the visual impact of warehouse and distribution facilities from the US Route 1 and Quakerbridge Road corridors, the draft ordinance establishes an additional building setback of three hundred (300) feet from those roadways for these uses.

3. Building Heights

The following building heights are established in the PCD:

FOR ALL USES EXCEPT WAREHOUSE AND DISTRIBUTION FACILITIES AND HOTELS

The draft ordinance establishes a maximum building height of three (3) stories and forty-five (45) feet for all uses except warehouse and distribution facilities as well as hotels located along US Route 1.

FOR WAREHOUSE AND DISTRIBUTION FACILITIES

The draft ordinance establishes a maximum building height of (2) stories and sixty (60) feet for warehouse and distribution facilities.

FOR HOTELS

The draft ordinance establishes a maximum building height of six (6) stories and seventy-five (75) feet for hotels along US Route 1, provided the below standards are met. Note that these standards are consistent with the existing standards within the ROM-1 District.

- a. Four (4) or more storied buildings shall be located only within a band one thousand and eight hundred (1,800) feet in width as measured from the right of way line of US Route 1.
- b. The minimum setback requirements shall be increased an additional three (3) feet of setback for one (1) foot of building height which exceeds forty-five (45) feet.

4. Maximum Retail Space

As previously noted, the 2020 Land Use Plan recommends that no more than 150,000 square feet of retail space be permitted on the tract. The 2020 Land Use Plan also strongly discouraged big-box retail and strip retail developments. Accordingly, the draft PCD ordinance establishes that the maximum size of a retail building shall be twenty-five thousand (25,000) square feet.

Furthermore, the draft ordinance establishes that the total combined retail area of the PCD shall not exceed one hundred and fifty thousand (150,000) square feet.

5. Performance Standards

The draft ordinance establishes that the performance standards set forth in Part 1, Site Plan Review shall apply to all uses permitted in the PCD. However, a number of modifications are provided to those standards. These are summarized below.

- a. The draft ordinance establishes that the provisions of Section 200-36.1 shall not apply to warehouse and distribution facilities. Those provisions will apply to all other uses, except that sidewalks in the PCD may be constructed of impervious materials. For reference, this section typically establishes that impervious surfaces be used for all drives and parking

areas except as otherwise required, and pervious surfaces be used for all other paved areas, including sidewalks, trails, courtyards, and other site amenities.

- b. The draft ordinance establishes that the provisions of Section 200-28.D(1) shall not apply. For reference, this section typically permits the collective provision of off-street parking and loading facilities by two or more buildings or uses located on adjacent lots.
- c. The draft ordinance permits parking and loading between the fronts of buildings and the street line. However, no parking is permitted within any landscaped buffer.
- d. The draft ordinance permits aisles for the movement and circulation of vehicles in all yard setback areas. However, no aisle, except those required for access into and out of the site, is permitted in a required landscaped buffer.
- e. The draft ordinance permits trailer parking spaces and loading docks within building yard setbacks for warehouse and distribution facilities.
- f. Acceleration and deceleration lanes shall not be required at warehouse and distribution facility entrances along the master plan road located between US Route 1 and Quakerbridge Road.
- g. The draft ordinance permits impervious cover, including but not limited to buildings, sidewalks, or other constructed surface, within two hundred (200) feet of the centerline of any stream, ditch, or watercourse not previously identified by the Township and Atlantic Realty. The construction of any such impervious cover is still required to be in accordance with all outside agency regulations as applicable.
- h. Existing trees may be removed in accordance with all outside agency regulations and pursuant to site plan approval.
- i. Bicycle parking shall not be required for warehouse and distribution facilities.

6. Additional Standards

In addition to the aforementioned bulk standards, the draft PCD also establishes additional standards for banks and fast-food restaurants with drive-through lanes, veterinary clinics, and pet day care facilities. These standards are consistent to those which have recently been established for B-2 District.

Additional standards for community landmark signs have also been established. These standards are consistent to those which were established for the Penns Neck Redevelopment Plan.

7. Landscape Buffers

The draft PCD ordinance establishes a variety of required landscaped buffers. These are summarized as follows:

- a. Parking lots shall maintain a twenty-five (25) foot minimum grassed or landscaped separation on each lot to an adjoining lot, except that a seven and one-half (7.5) foot minimum grass or landscaped separation on each lot may be provided in those instances where a warehouse and distribution facility abuts an adjacent warehouse and distribution facility.
- b. A landscape transition buffer of not less than twenty-five (25) feet in width shall be provided and maintained by the owner or lessee of a property between any nonresidential use and contiguous residentially zoned districts.
- c. A landscape buffer of fifty (50) feet in width shall be provided along US Route 1 and Quakerbridge Road.
- d. A landscape buffer of seventy-five (75) feet shall be provided along Clarksville Road.
- e. A landscape buffer of twenty-five (25) feet shall be provided along the master plan road located between US Route 1 and Quakerbridge Road.
- f. No parking or loading shall be permitted in a landscape buffer.
- g. Suitably landscaped and bermed stormwater basins in the PCD may be located within any yard setbacks or landscaped buffers required by this Chapter, provided that a maximum of fifty percent (50%) of the basin may be located within the buffer area.

Atlantic Realty Proposed Development

Atlantic Realty proposes to develop the tract formerly known as the Howard Hughes site with a variety of nonresidential uses. The majority of the tract is intended to be developed with a modern warehouse and distribution center. Approximately 5.5 million square feet of warehouse and distribution space is envisioned. Warehouse and distribution facilities will generally be located within the central portion of the tract, typically along Clarksville Road and a planned master plan roadway that will likely extend from the intersection of Avalon Way and Quakerbridge Road to the intersection of US Route 1 and Nassau Park Boulevard. Other commercial uses, including retail, office, and hotel uses, are proposed along the US Route 1 and Quakerbridge Road corridors.