



Memorandum

To: Upper Merion Township Zoning Hearing Board

From: Lisa L. Thomas, RLA, AICP, LEED AP

Date: November 11, 2020

Re: 520-540 Shoemaker Road
Use Variance

Glackin Thomas Panzak (GTP) has been asked to review and evaluate from a planning perspective, the requirements for a use variance to develop an existing vacant historic building (Subject Building) as an adaptive reuse for five apartments located at 520-540 Shoemaker Road (Subject Property), King of Prussia, PA. The Subject Property, located in Upper Merion Township, is currently zoned LI – Limited Industrial. This district does not allow residential uses with the exception of dwelling quarters for watchmen or caretakers associated with manufacturing or industrial establishments.

In evaluating the planning implications of the use variance request, I visited the Subject Property and surrounding area on October 5, 2020, reviewed the current and prior versions of the Upper Merion Township Zoning Ordinance, the Upper Merion 2040 Comprehensive Plan, and various publications from the King of Prussia Historical Society.

Background

A. The Subject Property: Zoning and Prior Use

The Subject Property is 1.33 acres and located on the east side of Shoemaker Road with Gulph Road to the south and Henderson Road to the northeast. It contains a vacant historic building (Subject Building) and a commercial building developed in 2012 that today includes a restaurant, a self-service laundromat, and office space on the second floor along with associated parking and landscaping. The Subject Building was considered for an office use in 2012. At this time, the Subject Property was zoned C-2 Commercial which permitted an office.

The Subject Property is located in an area along Shoemaker Road that contains a wide mix of uses including the Fairmont Athletic Club, FB Fraser Company/Electric Contractors, a small older flex/office building, various small professional offices located in existing historic buildings, the Village Mart Shopping Center housed in a historic barn complex, Kingswood Apartments, and Gulph Mills Village Apartments. (See Exhibit A)

The Subject Property is currently zoned LI - Limited Industrial and is located at the southern edge of this district along Shoemaker Road. Close to the Subject Property is CN – Commercial Neighborhood Zoning to the south and G – Residential (multifamily) Zoning to the west. (See Exhibit B) The prior Existing Zoning Map (Map 15), last dated 2005, shows the Subject Property as being zoned C-2 Commercial. (See Exhibit C) In 2018, the zoning designation of the Subject Property was changed to Limited Industrial. The existing uses present on the site do not conform with the uses permitted in the LI – Limited Industrial District.

The Subject Building (See Exhibit D), previously Marrone's Restaurant and earlier the Yankee Doodle Restaurant has been vacant for approximately 15 years. While the Subject Building was approved for an office use by Upper Merion Township in 2012, it was never redeveloped for office use.

B. Upper Merion Township's Comprehensive Plan: Adaptive Reuse

The Upper Merion 2040 Comprehensive Plan, adopted in August 2019 recommends the following for the Housing component:

- *Encourage Adaptive Reuse – Upper Merion should adopt zoning standards that make it attractive for developers to reuse abandoned but architecturally significant churches, schools, or other institutional or historic buildings, and use them for housing.*

This general area, along Shoemaker Road between Gulph Road and Henderson Road contains a number of historic buildings related to the Henderson Family and their marble quarry. These buildings have been repurposed or adaptively reused for various uses. The Gulph Mills Village Apartment complex includes a Henderson home built in approximately 1812, now an office for the complex, a barn that currently houses the maintenance department, and a spring house located at the entrance from Shoemaker Road. The Samuel Henderson Mansion located at 583 Shoemaker Road, built in c.1799 was repurposed as an office building in 1964. Directly across the street at 580 Shoemaker Road is a former

barn built by Samuel Henderson in c.1799 currently a small shopping center. Lastly, the Subject Building, located north of the former barn housed quarry workers. The adjacent quarries were in operation for over 100 years and closed in 1889. (See Exhibit E)

The combination of the preserved repurposed historic buildings in this general area along with their scale, building materials, and local history add a significant aesthetic and humanizing element to the Shoemaker Road corridor.

Criteria for Granting a Use Variance

For the Zoning Hearing Board to grant a variance, criteria must be met under §165-251 (2) (a) [1] – [5]., where relevant. Each criteria is discussed as follows as they relate to a use variance:

[1] That there are unique physical conditions or circumstances, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the conditions or circumstances generally created by the provisions of this chapter or the district in which the property is located.

- The Subject Property contains a small vacant historic building that the owner would like to preserve by adaptively reusing it as a 5 unit apartment building. The physical condition that is, the presence of a small vacant building that warrants preservation and adaptive reuse for a viable purpose so it can be included among the previously described important buildings, presents a hardship that is unique to this particular property.

[2] That, because of such physical conditions or circumstances, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is necessary to enable the reasonable use of the property.

- The Subject Property is a small site of 1.33 acres containing existing commercial uses that are non-conforming to the uses permitted in the LI - Limited Industrial District.
- The permitted uses in the LI - Limited Industrial District are not feasible or practical for this existing vacant building. (Exhibit F) From a planning perspective, none of the permitted uses are appropriate or make sense for the Subject Building. However, the Subject Building lends itself well to

conversion into a small apartment building. The granting of a use variance will enable reasonable use of this property.

- Due to the small size and configuration of the Subject Building and the desire to retain and preserve this unique site feature, a variance allowing the adaptive reuse of this building as a 5 unit apartment building is both justified and appropriate.

[3] *That such unnecessary hardship has not been created by the applicant.*

- The Subject Building is an existing condition.

[4] *That the variance, if authorized, shall not alter the essential character of the district or neighborhood in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.*

- The granting of the necessary variance will be a benefit to the surrounding area.
- The Subject Building originally used as housing for quarry workers will be further preserved and adaptively repurposed from an abandoned restaurant back to a multifamily use thereby preserving an otherwise vacant historic building.
- Any of the uses permitted in the LI - Limited Industrial District would require a new and appropriately designed building and most likely would not be able to adaptively reuse the Subject Building.
- The Subject Building is one of 4 existing historic buildings along the Shoemaker Road corridor that contribute to the character and village scale of this area.
- Multifamily apartment uses are present immediately across the street from the Subject Building.
- This use variance will not permanently impair the appropriate use or development of the adjacent property to the north or be detrimental to the public welfare. The proposed use variance for multifamily residential use will minimize traffic and noise on the site and maintain the character of the general area.

[5] *That the variance, if authorized, shall represent the minimum variance that will afford relief and will represent the least modification possible of the regulation at issue.*

- A variance permitting multifamily residential use of the Subject Building for 5 apartments is the least modification that will enable preservation of the Subject Building for a viable use.

Opinion

Based on the foregoing information, it is my opinion as a professional land planner, that the requested use variance for multifamily residential use meets the relevant criteria for a use variance as outlined in §165-251 (2) (a) [1] – [5] or the Upper Merion Township Zoning Ordinance.