

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
ZONING WORKSHOP MEETING
December 11, 2014

The Board of Supervisors of Upper Merion Township met for a Zoning Workshop Meeting on Thursday, December 11, 2014 in the Township Building. The meeting was called to order at 5:12 p.m., followed by a pledge of allegiance.

ROLL CALL:

Supervisors present were: Greg Philips, Erika Spott (arrived late), Greg Waks, Bill Jenaway and Carole Kenney. Also present were: David G. Kraynik, Township Manager; John Walko, Solicitor's Office; Rob Loeper, Township Planner; Scott Greenly, Associate Planner.

CHAIRPERSON'S COMMENTS:

Chairperson Waks stated an Executive Session was not held prior to this meeting.

DISCUSSIONS:

CONTINUED DISCUSSION OF CO DISTRICT

Mr. Rob Loeper, Township Planner, stated since the last meeting staff has been working on the remaining issues with the CO District. Additional input was obtained at last night's planning commission meeting as well as from Hector Viñas and his team concerning his proposals for the specific properties. Mr. Loeper provided an overview of the latest revised ordinance.

Mr. Loeper indicated two new uses were added, one is a permitted use for jewelry stores. At the last meeting pawn shops were discussed and while the consensus is not to permit them here it was also mentioned these shops should be permitted somewhere else. Mr. Loeper said he will be speaking with Mr. McGrory and John Walko about this in moving forward.

Radio and television studios were changed to permitted uses. With regard to Distributed Antenna Systems (DAS), it was decided it should not be in this district, but should be in a separate new wireless communication ordinance.

Mr. Loeper indicated most changes were made on health and social care and were mostly cosmetic in nature. Changes were made in definitions to assure consistency in terminology across the board. A medical clinic which would include an ambulatory surgical facility as a permitted use and "ambulatory" was

changed to “medical.” Nursing care and rehabilitation were changed to nursing home because of definition; the nursing home does allow for rehabilitation.

Mr. Philips questioned if a nursing home is really needed on US 202.

Mr. Loeper indicated urgent care has been added as a permitted use and a definition has been provided as a category of walk-in clinic focused on the delivery of ambulatory care and a dedicated medical facility outside of a traditional emergency room. Urgent care centers primarily treat injuries or illnesses requiring immediate care, but not serious enough to require an emergency room visit. Child care center was changed to a special exception and the reason that was done is the existing ordinance currently allows a child care center in all zoning districts as a special exception. That was done for consistency.

Mr. Philips commented he does not envision a day care center on US 202. Mr. Loeper agreed.

Mr. Philips asked to refer back to medical and dental laboratories and asked about the vision for laboratories. Mr. Loeper responded the definition for laboratory is a place that would do testing for such things as blood samples, preparing and making dentures, crowns, etc.

Mr. Loeper discussed the next category for an accommodation of food service. He indicated there was a fair amount of discussion regarding this category at the planning commission. He noted at the last zoning workshop the consensus was to change it to a permitted use. The planning commission felt they are not sure it should be allowed as a permitted use in that area. Referring to Mr. Jenaway’s comment at the previous zoning workshop about the need for at least an acre for a drive-thru, Mr. Loeper was not sure if any of the properties [in that area of US 202] could accommodate an acre within this district.

Under personal services, Mr. Loeper indicated the planning commission wanted to add tailor or dressmaker. He said he is not sure how many of these still exist since they are more as an accessory to a dry cleaners.

Places of worship were added back as a permitted use and multi-family was taken out after discussion with the planning commission.

Mr. Greenly created a visual of various buildings using different building setbacks based on the discussion at the last zoning workshop. He explained the process wherein he looked at the proposed ordinance with a minimum setback of 10 feet and 15 feet from US 202 and a maximum of 25 feet. The 15 foot setback accommodates a verge, 6 foot sidewalk and planting area. The 25 foot maximum provides more of a green space opportunity, but the result is it pushes the building farther back from US 202.

A discussion followed during which the following points were made:

- Mr. Philips: With the 25 foot maximum there is no area for parking.
- Mr. Waks and Mr. Philips: Preferred 15 feet maximum.
- Mr. Loeper: 15 feet works well.
- Mr. Loeper: in his conversations with Hector Viñas, with regard to the old McDonald's property, because of the way the lot lines are drawn, the applicant asked if consideration could be given in certain cases to increase the maximum to 35 on a corner lot.

With regard to the 35 foot maximum, Mr. John Diemer, Wilkinson & Associates, engineer for the applicant, referred to the site they call the "Gino" site. He said from the curb to the property line it is only about 20-25 feet consequently their building will be right up on the property line. From the curb to the front of the building is actually about 30 feet. On the corner lot with a maximum of 35 feet it would help the applicant on this site and help with the sight distance at the intersection instead of having the building up closer to the property line.

Mr. Kenney said in effect they are all corner properties. Mr. Loeper commented this would allow for an additional setback, but it does not mean they have to do the additional setback.

Mr. Philips did not favor that approach. With regard to the sight line argument, he pointed out there is a signalized intersection at that location.

Mr. Waks noted it places the property closer to the residents.

Mr. Loeper commented the issue is in order to get to 25 feet the building would have to be right up on the property line.

Mr. Philips asked for more details about what is happening up the street. He recalled the discussion at the last meeting about the inconsistency of the right of way (because of various PennDOT improvements) and in some cases is even with the curb line. Mr. Loeper said that is correct, but in this particular case the right of way is a distance from the curb and in a lot of other places the right of way is up at the curb.

Utilizing the aerial, Mr. Loeper pointed out the actual right of way being discussed, and a discussion followed about right of way anomalies associated with the property at the signalized intersection when PennDOT acquired the additional right of way at the intersection and the scenario that might develop if PennDOT wanted to put in a right turn lane.

Mr. Loeper stated the other dimensional item staff reviewed concerned building coverage, impervious and green area. In looking at the other districts and the existing CO district it was decided it makes sense to keep the green area at 25% as opposed to increasing to 30%. On smaller lots the additional 5% can be problematic. In all these cases there will be more green space than currently exists since all are now non-conforming with regard to green space and in some cases are 80% impervious. The end result is there will be more green area.

Mrs. Kenney asked if the residential buffer has changed. Mr. Loeper responded the residential buffer was not changed since it was felt more critical to keep the residential buffer as is.

Mr. Waks asked that the record reflect that Mrs. Spott joined the meeting at this point in the discussion.

Mrs. Kenney asked for clarification about the verge. Mr. Loeper responded the verge is allowed to be either landscaped or hardscaped. He explained in some cases it makes sense to have the verge landscaped and in other cases more sense to be a hardscaped or combination of both.

Mr. Loeper recommended moving refuse collection facilities to the SALDO.

The final changes included taking out the residential use and adding definitions for verge, urgent care, continuing care retirement community and pawn shop. Continuing care is a retirement community that has the full range of independent assisted living to nursing.

Also discussed at the planning commission last night were examples about design elements. The basic conclusion reached by the planning commission was no one wants to see ugly mechanical equipment on top of a roof and if, for example, a pitched roof is required, it makes it more difficult to do. It was recommended having provisions in the code to require masking all roof top mechanicals as was provided for the King of Prussia Mixed Use District.

With regard to windows, Mr. Loeper commented many codes regulate windows, for example, requiring a certain type of window on each floor area. He did not think this would be the way to go. In looking at the King of Prussia Mixed Use District there are regulations for vertical and horizontal articulation, roof guidelines, and windows. It was the consensus of the planning commission to take the design elements for the King of Prussia Mixed Use District and make these universal and not have a separate set of design guidelines for every different district.

Mr. Philips commented the CO District on US 202 ought to have the same design elements such as windows, but it should not necessarily apply in the

office district. He explained one reason is transparent glass, especially if there is a store front or retail you want people to be able to see in, but not necessarily for a law firm.

Mr. Loeper said one of the other issues discussed at last night's planning commission was street furniture and it was suggested this could be encouraged when appropriate during the land development process.

A discussion followed about appropriate and inappropriate areas for street furniture during which Mr. Philips noted an ordinance is not needed for this. Mr. Loeper said he would rather have it in SALDO, not zoning, so that it would be waivable. The group was in general agreement that it should not be mandated but considered on a development by development basis.

With regard to outside dining, Mr. Loeper noted Hector Viñas is not proposing any restaurants at this time. Mr. Loeper said he found some good standards on outside dining which include such things as type of tables as well as appropriate barriers to keep the outside dining area separate from a pedestrian area. While he was not sure these would be appropriate along this stretch of US 202, it will be kept in mind in moving into the other commercial districts.

Mr. Loeper discussed ways to improve the street view of parking lots located on side streets. He noted one community came up with a provision for what they call a "street wall" that would line the parking lot. There could be a verge, sidewalk, green area and then a relatively low wall that might be as high as 30 inches. It could be brick masonry or another material and would provide some separation and buffer from the parking lot. If this is done it is another matter to put in SALDO because it is waivable and it might be appropriate in some other locations.

Mr. Waks asked Mr. Loeper to provide some photos for further discussion.

Mr. Loeper stated if the Board agrees he will work with the Solicitor's office to draft a formal ordinance for another look at the January 8th workshop meeting after which it could proceed to the Montgomery County Planning Commission and Upper Merion Planning Commission and possibly for adoption at the business meeting in February. In January the planning staff will move into the rest of the commercial districts.

Referring back to passenger accommodations, Mrs. Kenney asked for clarification about the bus shelters. Mr. Loeper responded bus shelters are done by Clear Channel. Mrs. Kenney asked if any of this would affect any of the bus shelters along US 202. Mr. Loeper responded staff would have to go out and look at the shelters to see what implications, if any, this would have with adoption of this ordinance.

ADJOURNMENT:

Without further comment from the Board and public, it was moved by Mr. Philips, seconded by Mr. Jenaway to adjourn the zoning workshop at 6:03 p.m. None opposed. Motion approved 5-0.

DAVID G. KRAYNIK
SECRETARY-TREASURER/
TOWNSHIP MANAGER

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Minutes Approved:

Minutes Entered: