

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
WORKSHOP MEETING  
SEPTEMBER 26, 2013

The Board of Supervisors of Upper Merion Township met for a Workshop Meeting on Thursday, September 26, 2013, in the Township Building. The meeting was called to order at 7:30 p.m., followed by a pledge of allegiance.

ROLL CALL:

Supervisors present were: Greg Philips, Erika Spott, Greg Waks, and Carole Kenney. Also present were: David Kraynik, Township Manager; Joseph McGrory, Township Solicitor; Andrew M. Olen, Solicitor's Office; Rob Loeper, Township Planner, Scott Greenly, Associate Planner; Judith A. Vicchio, Assistant Township Manager; Angela Caramenico, Assistant to Township Manager. Supervisor Bill Jenaway was absent.

CHAIRPERSON'S COMMENTS:

Chairman Waks reported an Executive Session was not held prior to this meeting.

DISCUSSIONS:

CONTINUED REVIEW OF DRAFT NEW ZONING CODE

Mr. Rob Loeper, Township Planner, continued the review of the Zoning Code and a PowerPoint was shown. The discussion focused on non-residential districts, and in particular Business and Industrial Districts including the proposed Administrative Office District, Office Industrial District, Commercial Industrial District, Industrial District and the King of Prussia Mixed Use District which are proposed to replace the existing AR, AR-1, SM, SM-1, LI and HI.

The King of Prussia Business Improvement District (BID) is working with the township to produce additional use and design regulations for the King of Prussia Industrial Park which would in essence upgrade and rebrand that area.

Mr. Loeper called attention to the color-coded township map prepared by planning staff which everyone agreed was a useful resource.

Mr. Philips commented on the zoning tables and would prefer a more user friendly document. Referring to the King of Prussia District, he also questioned the setback in note 2 (page 5) and the notation in note 3 indicating the use must be totally contained within the building. Mr. Eric Goldstein, King of Prussia Business Improvement District, responded those notes refer to the less aesthetic

uses which are mostly manufacturing and processing. It is not intended to exclude them from the district; some of these uses exist already today. If there were new uses proposed in the district they are not desired up front since the identity of the district is moving toward a higher standard of use.

Mr. Philips referred to Page 2 of the handout and pointed out some uses listed under Wholesale Trade and Retail Trade which need more clarification.

Mr. Waks stated in a mixed use community with high value housing he is pleased with the list of what can be permitted as these are amenities most people who live in high value neighborhoods may want in their neighborhood.

Mr. Goldstein stated this is a very big district with a lot of different things happening and they are trying to be as inclusive as possible in some of the less valued uses.

Mr. Waks stated there are issues in this township with old antiquated office space and there is a demand for higher quality housing. The Business Improvement concept is to simultaneously or over time develop an entire area of higher quality, attractive office space as well as high quality living space with local amenities and conveniences to allow people who might live in those homes to also work within the District.

Mr. Goldstein stated the concept is to create a true mixed use district where people can live, work, eat and shop and will allow the future of the business park to thrive and grow and provide the kind of tax base it should be providing. He said the reason why this is such a high priority for the BID is that not only is it a huge portion of the township's tax base (40%) with 20,000 employees, it is one of the oldest business parks in the Suburban Philadelphia Region and the zoning has not been updated in 40 or 50 years. Mr. Goldstein pointed out the property owners there are not commanding the types of rents they should be able to get and they are losing a lot of business to neighboring municipalities. He said the best use of the Business Park would be to do what so many other municipalities are doing which is getting away from single use zoning and getting away from a sprawling commercial look and moving to something that is a lot more dynamic and stimulating which will attract a corporation that is looking to bring in newer, higher educated, higher income-type professionals who want to be in walkable communities.

During the discussion it was noted that the Business Improvement District is looking for a new section of the Zoning Code that would be advanced to address the business district.

From the Public:

Mr. Robert Bound stated he is with Industrial Investments, Inc., which owns several properties in Upper Merion Township, one of which is in the business park on the corner of First Avenue. They have been in the township for over 25 years and have five properties. He cautioned not to move too fast on a zoning change since, in his view, it would hurt some of the businesses in the upper end of the business park. While he is not against the overall emphasis to upgrade the business park, he does not want to be zoned out of existence.

Mr. Waks asked for more details about this building. Mr. Bound responded it is a light industrial, 54,000 square foot building at 711 First Avenue which they have owned for 20 years.

A discussion followed during which Mr. McGrory pointed out this proposed district will provide a lot of other uses that are not there now and would enhance the value of the property and ability to attract businesses.

Mr. Goldstein commented he views this zoning as being more permissive to owners like Industrial Investments since it would provide more opportunity to capture value in their property. He pointed out currently they are very limited to what they can put into the building. In the future, with the additional uses they will be able to do more with the property and the potential for realizing that value.

Mrs. Spott asked what is envisioned for parking and if it would be mixed parking or structured parking. Mr. Goldstein responded they have not worked out the details of the parking solutions, and noted a mixed use development by nature is the best type of parking environment and provides parking options not possible in single use zoning.

Mrs. Spott asked if a roundabout has been considered at Moore Road and First Avenue. Mr. Goldstein commented they have not gotten into that as yet; however, he read that PennDOT requires a roundabout study before putting in a light.

Mr. Philips questioned structured parking as a conditional use. Mr. Goldstein responded with a conditional use there are design guidelines. He said some solicitors would argue a conditional use is a permitted use. Mr. Philips commented it is, but the criteria have to be met. Mr. McGrory commented it does provide an opportunity to have some say over design.

Mr. Philips mentioned at Capital City along the waterfront, parking garages are part of every condo high rise and are integrated into the architecture so they are not stand alone structures. Mr. McGrory stated parking is something that will be reviewed during the land development phases – not only the number of spaces, but the layout of the parking.

Mr. Loeper commented as in many suburban communities there are many areas of the township that are over parked in terms of availability of parking. In going forward shared parking and standards of groups like the Urban Land Institute will be looked at to make sure there is adequate parking in the mixed use areas.

A discussion followed with regard to various permitted uses with a more in depth discussion with regard to retail versus distribution post offices. It was also questioned what is meant by linen supplies and why it was not included. Mr. Loeper indicated he would have to take a closer look at that.

A discussion ensued during which the supervisors commented on Mr. Bound's concerns and offered various possible options. Mr. McGrory commented on the certain rights associated with non-conforming use status. Mr. Goldstein suggested working with the Township Planner and the BID's consultant to come up with language that could work and at the same time create opportunity for those who are currently in the business park.

Mrs. Kenney indicated it would be helpful to have a list of all the uses that currently exist in the business park. Mr. Loeper commented the planning staff has been compiling that as they work on the mapping. Mr. McGrory stated he would like to see this list since it will be helpful in defining uses.

Mrs. Kenney asked about the vacancy rate and if it is highest for the office buildings, distribution, or warehouse buildings. Mr. Goldstein responded it is highest for office buildings approaching 20%.

Mrs. Kenney asked if the vacancy rate is higher or lower than it has been in the past five years. Mr. Goldstein responded it is higher now and is coupled with lower rental rates.

Mrs. Spott observed the buildings that have been invested in are the ones that have value, are commanding higher rents and are booked, but the ones without investment and maintenance are weak.

Mr. Philips asked about the districts that would be eliminated. Mr. Loeper responded the King of Prussia Mixed Use District would be created and an associated map amendment would be prepared. Most of the business park is currently in the SM District and the amount in the SM would be reduced.

Mr. Philips asked for additional clarification about the mapping. Mr. McGrory asked if there would be any left in the SM District. Mr. Loeper responded there would still be some in the SM District, but it would not be nearly as much, and with the comprehensive code the SM eventually goes away and would be replaced by the other districts.

A discussion followed about Commercial Industrial. Mr. Philips questioned the manufacturing of raw materials producing odor, dust, smoke, gas, vibrations or noise and asked how that is defined. Mr. Loeper responded that language was pulled from the existing code.

Mr. Philips raised some issues with regard to durable/nondurable goods. Mr. Loeper said staff needs to take a look at Wholesale Trade and distribution. He noted what is in there now is vague and staff needs to “get a better handle” on those uses and see if there is a better definition.

Mr. Philips pointed out additional conflicts with chemical (organic and inorganic) which is part of the manufacturing process with raw materials that produce smoke or gas. He said someone could come in producing nitrates and would argue that is permitted and someone else would argue that it should be a special exception.

Referring to mining, quarrying and processing of stone and similar building materials, Mrs. Kenney asked if that is the only kind of mining that is permitted. Mr. Loeper responded he would go back and check on that.

With regard to the map, Mr. Waks pointed out the Industrial District looks almost identical to the current zoning. Mr. Loeper commented the map is the least defined element of this package at this time. He pointed out in the South Gulph Road corridor in the area of the Home Depot all these properties were zoned industrial. Staff has been trying to determine what happens with these properties and if keeping them in an industrial classification is an appropriate category. Some have moved almost exclusively to Office through the Zoning Hearing Board. Mr. Loeper stated these are some of the issues that have to be worked out. He outlined other areas in the township that need a closer look to make sure the classifications are accurate. Mr. Loeper indicated what he was attempting to do is provide an overall picture of current zoning and the direction in which this is moving.

Mr. Waks stated he believes certain areas currently zoned industrial and adjacent to a residential neighborhood where there are currently no industrial uses should be changed.

Mr. Loeper noted additional discussions are needed in some areas where part is zoned residential and part is currently zoned industrial.

Mr. Philips asked about the old JPI development across from the quarry where an overlay district was done. Mr. Loeper responded he believes it is zoned R3A now, but he will have to go back and pull the documents.

Mr. Philips stated he does not favor overlay districts because in this case you could put "55 and over housing" on part of the site and the other part could be a chemical plant.

Mr. Loeper pointed out some strange anomalies in the area along Crooked Lane and Church Road where there are several residential properties that are still used as residences, but are currently zoned industrial.

Mr. Philips asked about the riverfront property that is currently zoned industrial. Referring to the map, Mr. Loeper pointed out most of that is Norfolk Southern property and historically has been zoned industrial. It is another area where discussions are needed to determine an appropriate zone.

Mr. Philips stated it would be good to open up the riverfront for recreational use. Mr. Loeper agreed. Mr. Philips asked about the size of the riverfront property. Mr. Loeper responded it is approximately 6.8 acres. Mr. Philips asked what is being done with this property. Mr. Loeper responded currently it is just open space. Mr. Philips asked about access to the property. Mr. Loeper responded he does not know if the property can be accessed.

A discussion followed about possible options to gain access to the property. Mr. McGrory asked if anyone has approached Norfolk Southern about the crossing. Mr. Loeper responded he is not aware that anyone has done that. Mr. McGrory asked how long the township has owned this property. Mr. Loeper indicated it was an Open Space transfer in 1998, and he will pull the deed for the property. Mr. Waks stated as part of the transaction, the township may already have an easement.

Mr. Loeper stated staff will take each of these districts and provide the Board with better information about the ownership, the acreages, and what the uses are so that better decisions can be made about the map.

Mr. Philips asked how the Administrative Office and Office Industrial will be powered without substations. He pointed out with redevelopment there is going to be a much higher power use because the way we live now versus development in the 1950's and there has to be a substation someplace. Mr. Loeper indicated there is a utility substation at First and American Avenues. Mr. Philips indicated he was referring to sewage treatment facilities.

Mr. Loeper requested the supervisors to mark up the Zoning Table so that staff can research and come back with better answers.

Mr. Kraynik indicated there are approximately 10 pump stations for the sewer system and these can be mapped very easily. Mr. McGrory noted he does not believe you need to zone for sewer pump stations since it is not independent principal uses.

Mr. Philips stated in going to mixed density districts it will increase the flow to the sewage plants. He noted Trout Run has substantial capacity, but with the additional development in the next 10 years this will have to be discussed with the Upper Merion Municipal Utility Authority. Mr. Loeper stated this will be monitored through the planning modules that are filed with DEP with all development.

Mr. McGrory stated the 537 Plan should also have planned build-out for the Township, but as zoning is changed the Land Use Assumption for the Quarterly 537 Plan might have to be changed.

ADJOURNMENT:

It was moved by Mr. Philips, seconded by Mrs. Spott, all voting "Aye" to adjourn the workshop meeting at 9:29 p.m.. None opposed. Motion approved 4-0.

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DAVID G. KRAYNIK  
SECRETARY-TREASURER/  
TOWNSHIP MANAGER

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Minutes Approved:  
Minutes Entered: