

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
ZONING WORKSHOP MEETING
JUNE 12, 2014

The Board of Supervisors of Upper Merion Township met for a Zoning Workshop Meeting on Thursday, June 12, 2014 in the Township Building. The meeting was called to order at 7:31 p.m., followed by a pledge of allegiance.

ROLL CALL:

Supervisors present were: Greg Philips, Greg Waks, Bill Jenaway and Carole Kenney. Also present were: David G. Kraynik, Township Manager; Joseph McGrory, Township Solicitor; Rob Loeper, Township Planner; Scott Greenly, Associate Planner. Supervisor Spott was absent.

CHAIRPERSON'S COMMENTS:

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

KING OF PRUSSIA MIXED USE DISTRICT – DISCUSSION OF SALDO
CREATING DESIGN STANDARDS FOR KPMU DISTRICT

Mr. Loeper referred to the packet document titled, "Design Standards for the MU District" and indicated initially these elements were in the [proposed] zoning ordinance. At the request of the Solicitor these design requirements have been taken out and placed more appropriately in the Subdivision and Land Development Ordinance (SALDO). These will apply only to the King of Prussia Mixed Use District.

Mr. Loeper reported on some of the comments and questions asked about the design requirements at last night's planning commission meeting. He indicated Peter Simone, Simone Collins, is already working on making some revisions to clarify how the process would work.

Mr. Philips asked for clarification if it is within the purview of Board of Supervisors to make certain design decisions. Mr. McGrory provided a recent example of a request that was made for an architectural review to be placed in zoning and it was decided to place it in SALDO. He also pointed out some scenarios where having it in zoning could be counterproductive to a project whereas in SALDO it could be waivable and there would be an opportunity to discuss.

Mrs. Kenney asked for an explanation of the difference between putting the design standards in a SALDO with an option for a waiver by the Board of Supervisors versus a Zoning Code variance by the Zoning Hearing Board. Mr. McGrory responded any standard that is in the Zoning Ordinance is outside the control of the Board of Supervisors and strictly within the jurisdiction of the Zoning Hearing Board. In order for the Zoning Hearing Board to grant a variance it would be necessary to have proof that strict adherence to the Zoning Code would present an unreasonable hardship upon the land and prevent the reasonable development of the property. It is an extremely difficult standard to prove and it would be possible to end up with a development that is different than the Board of Supervisors wanted. In the SALDO it is waivable and the standard for a waiver in SALDO is reasonableness. With regard to architectural review of architectural elements, Mr. McGrory indicated he does not like these features in zoning ordinances because his preference is for zoning to regulate use and the SALDO to regulate development. He said architectural review in any form is more development related than use related.

Mr. Loeper discussed the wording of such design standards as vertical articulation and horizontal articulation and mentioned he has asked Mr. Simone to provide some graphic examples of such standards in addition to the wording.

A discussion followed about the pros and cons of using graphics to help explain some of the design standards.

Mr. Loeper stated the Business Improvement District (BID) is trying to come up with some minimal standards that are not overbearing or onerous in order to achieve better looking buildings. While some architectural elements would be considered common, such as the articulation and requirement for windows as opposed to blank walls, openings for street level facades, lighting fixtures, every building would not have the same color scheme necessarily or same building materials. Other ways of creating commonality would be for pedestrian walks, streetscape amenities and landscaping.

Mr. McGrory commented a \$10,000 lighting fixture may or may not be practical depending on the size of the parcel. Mr. Loeper indicated he would raise this issue with Mr. Goldstein.

Mr. Philips asked if the BID would be responsible for replacing the light bulbs and benches as necessary. Mr. Kraynik responded in the affirmative.

Mr. McGrory pointed out regardless of what is passed it is impossible to capture future development in an ordinance. Certain items will be waived and certain items will be added and it must be recognized this is an evolving document.

Mr. Waks asked Mr. Mark McKee if he had any comments on last night's planning commission meeting during which they looked at the Mixed Use SALDO. Mr. McKee responded there was a lot of discussion and input. Peter Simone made some notes and agreed to some changes. He said they wanted to make it clear that these are design standards that are in addition to the existing Subdivision Land Development rules and where these are more restrictive they will apply to the Mixed Use District only and where it is not specified it will fall back on the Subdivision and Land Development regulations in the general code. Mr. McKee indicated it is something the BID suggested as part of the Mixed Use because the BID itself wants to have some control on the architectural design and the welcome community they are trying to create.

Mr. Jenaway commented last night's planning commission discussion could be characterized as more discussion about the walkable community and how this will interface with some of the existing properties and some of the current challenges of being able to walk through the industrial park. He pointed out that was not what has been discussed here tonight on the SALDO.

Mr. McKee said the planning commission discussed pedestrian sidewalks and one of the changes Mr. Simone was going to make concerned the application of the SALDO to any crosswalk anywhere in the park.

A discussion followed regarding the need for Mr. Simone to return for more discussion on the Mixed Use District. Mrs. Kenney asked that he bring some graphics.

Mr. McGrory referred to a township that obtained street lights through municipal grants, not necessarily developers. He noted an ordinance was passed in another municipality similar to this where street lights were waived because of the expense.

Mr. Brian O'Neill, O'Neill Properties Group, commented he favors design criteria and agrees in doing a master development like a park the standards must be as well described as possible to avoid wild interpretations and result in a more cohesive development. He said guidance is always good from a developer's point of view.

BUSINESS/OFFICE & INDUSTRIAL DISTRICTS (ADMINISTRATIVE OFFICE, OFFICE INDUSTRIAL, COMMERCIAL INDUSTRIAL & INDUSTRIAL)

Mr. Loeper stated staff switched to use tables so that in looking across the similar types of zoning districts in this case the Business and Industrial Districts it is easy to see, for example, a use such as a manufacturing and medical and scientific equipment which would be a permitted use in the office industrial, the commercial industrial and the industrial district, but not in the administrative office district. He explained some of the "tweaking" done on the use table, for example,

health care and social services. He explained with the adoption of a code change last year for the commercial districts specific definitions were spelled out for certain health care uses including a medical office, medical clinic, medical office building, and nursing home.

Utilizing the map, Mr. Loeper pointed out all of the areas in the Business/Office and Industrial Districts, some of the uses and historical background of the current districts, and areas that need some discussion.

Mr. Loeper called attention to an undeveloped portion of Renaissance where the possibility exists for some multi-family. He noted the O'Neill proposal which would be a development within 2,500 feet of a train station or other public transportation facility. Some years ago the Board made a provision left of the C-3 District that would allow for some higher density residential in proximity to the Route 100 stations (up by King Manor) and that development will get underway shortly. One of the issues planning staff discussed was how to distinguish a train facility from a transportation facility from a definitional standpoint and what kind of interconnection might be required. A parking ratio of 1.2 per unit is being proposed which is the same as what is in the King of Prussia Mixed Use District; however, the King of Prussia Mixed Use District also has a limitation of 80% of the units have to be 1 or 2 bedroom units. The idea is to go with smaller units and not the type of place that people with children would choose to live.

Other uses here have to do with a list of medical uses that require some discussion and adequate definition.

Mr. Waks asked for the current locations of the SM-1 districts in the township. Mr. Loeper responded Renaissance is a big one and there is a small patch of SM-1 by the Towers including the sewer plant, but it does not include all of the Piazza property. Piazza is a combination of SM and SM-1. He pointed out an anomaly with the Crowne Plaza which, for some reason is SM-1.

Mr. Waks asked if the text amendment would apply to the Piazza tract. Mr. Loeper responded the text amendment would not necessarily be applicable; however, the map amendment would and this is why there needs to be a discussion about which categories should apply to some of these areas.

Mr. Philips pointed out if the text amendment were adopted it would affect the Crowne Plaza. Mr. Loeper said that would not happen until a map amendment is done. He indicated the creation of the King of Prussia Mixed Use District does not apply anywhere until a map amendment is done.

Mr. Philips pointed out this is about amending the SM-1 district; therefore, it would affect the Crowne Plaza. Mr. Loeper agreed it would affect the Crowne Plaza if it is looked at as a stand-alone. Mr. Kraynik noted it would affect a part of the Piazza property too. Mr. Loeper agreed.

A member of the group commented on a Transit-Oriented District (TOD), and Mr. Loeper indicated the definition needs to be tightened up. A discussion followed about the application and viability of the TOD designation in certain areas of the township.

Mr. Loeper stated the planning mission was to update the existing code and they were not planning or necessarily anticipating they would receive very specific requests for individual properties, but rather move the whole code forward. Mr. Loeper said that is a decision the Board needs to make of how to proceed with moving forward on individual amendments and then figure out how to incorporate that into the overall review.

Mr. McGrory commented the TOD is a good planning tool since it promotes pedestrian access to mass transit.

Mr. Philips pointed out a veterinary office or clinic is allowed in the Office Industrial District, but a kennel is not. He questioned why kennels would not be allowed next to a veterinary practice in an Office Industrial District. Mr. Loeper commented it would be an easy change to make.

Mrs. Kenney asked how services for the elderly and disabled are different from the other things listed under health care and social services. Mr. Loeper agreed that is something that needs to be defined. Mr. McGrory said he is not sure how that would be defined.

A discussion followed about appropriate districts for child day care/adult day care and services for the elderly.

For future zoning workshops, Mr. Waks asked to have some close-ups of what the current zoning districts are and close-ups of what the proposed districts as it would be helpful in going over the charts.

Mr. Jenaway asked how much township-owned property is along the river. Mr. Loeper responded the parcels as shown on the map are owned by Norfolk Southern and township properties (two parks and boathouse area) are not shown.

Mr. Jenaway referred to the document listing various uses indicating building height shall be 85 feet and maximum building coverage 65%. He asked how that compares with what has been discussed in the Mixed Use District. Mr. Loeper responded it matches some of King of Prussia Mixed Use District. It does not match with what is being discussed at this meeting with other districts because he does not have those heights. The districts being looked at during this meeting are building heights of 50 feet; however, there is a provision that would allow 65 feet which is consistent with the existing zone for most of these

areas. The current highest limit is 80 feet in the current Heavy Industrial District which is a throwback to older industrial uses that had very high span buildings.

Mr. Jenaway commented previously there were 6 plus acre parcels, with certain setbacks, that were identified allowing for greater than a 65 foot height. He said these parcels were already determined to be appropriate for those types and sizes. Mr. Loeper responded he believes those previously discussed parcels were allowed at 120 feet height, but would have to check it out.

Mr. McGrory indicated there are all sorts of elements associated with the conversion to a TOD ordinance.

Mr. Loeper stated people have raised the question about the impact of residential units from a traffic standpoint. After computations were done, it was determined in some cases the Office District is actually generating a lot more congestion than residential. In introducing multi-family into what has traditionally been an Office District the question must be asked, "what does that do." One of the other questions is "what is an appropriate density in some of these other areas. Is it the same as provided in the King of Prussia Mixed Use District or is it a number somewhat lower."

Mr. O'Neill stated when you put residential next to office you decrease the traffic in both because there is a large number of employees who live in the residential and are not driving to work. He has found in placing residential next to a train station many people may not even own a car. Mr. O'Neill provided additional demographics supporting more multi-housing.

Mrs. Kenney asked Mr. O'Neill about the prospects for continuing care in King of Prussia. Mr. O'Neill responded that is what is proposed [by O'Neill Properties] on one of two sites. He indicated he has been meeting with residents of Hughes Park over the last month and the plan on one of the sites is to do assisting living and continuing care, including an Alzheimer's unit as well as a physical rehabilitation unit for the elderly. Typically these are 100-bed facilities and he has had three management companies come to his office and recommended 250 beds because King of Prussia continuing care is highly underserved.

Roseanne Skully, a resident, said a lot of people who would be working in continuing care facilities would commute. She indicated the Hughes Park train station is underdeveloped in relationship to some of the other ones. Ms. Skully said SEPTA needs to play a role in terms of parking facilities and asked if there are any means of supporting that need. Mr. O'Neill responded they work with SEPTA all the time, but have not worked with them as yet on the Hughes Park train station and will give it some thought. He said they would definitely look into sidewalks and those types of amenities.

Mr. Philips noted he has received emails about the congestion on that road (near the train station) and with the Church Road Bridge rehab there will be much more traffic going that way. He pointed out there is some leverage with PennDOT to restudy and look at some of these issues because it is a state road.

An unidentified long-time resident of Hughes Park expressed concern over any road opening from Renaissance.

An unidentified woman indicated residents had an opportunity to meet with Mr. O'Neill a couple of times about the proposed development and they will follow closely to make sure it does not have a huge impact on their neighborhood. She expressed concern that with this new ordinance there would be some requirement for the Renaissance Boulevard road opening. Mr. McGrory indicated it is a completely separate issue.

Another unidentified resident expressed opposition to any road opening at Renaissance Boulevard.

Rob Erickson, Hughes Park Civic Association, commented about the Hughes Park train stop and the need for sidewalks and lighting for people walking to the station.

A few other unidentified residents expressed concern over the road opening issue.

Mrs. Kenney suggested some type of partnership with SEPTA, the Transportation Authority and possibly Mr. O'Neill to work on installing sidewalks and lighting to make it safer for whoever is using the station.

A discussion resumed about having the TOD concept in the master ordinance if it is not done individually. During the discussion Mr. McGrory pointed out there is a certain way to plan development that is concentrated toward a transportation hub that is going to have nuances and planning tools different than the rest of the districts such as setback, height, density.

Mr. Waks asked if there are sidewalks throughout the Renaissance Boulevard Park. Mr. O'Neill responded sidewalks are on the O'Neill property, but not on all the properties. He clarified the location of the sidewalks and trail.

Mrs. Kenney asked if the pedestrian walkways are lit. Mr. O'Neill responded the parking lot is lit adjacent to the trail and the rest of the lighting is directly on the trail itself. He said they also plan to have lighting to the left and right of their properties.

Mr. McGrory commented every TOD is a small area and it has to be walking distance to the train station. Mr. Philips asked if it is necessary to make it more than just O'Neill's property. Mr. McGrory responded in the affirmative. He said it is a new planning concept and it does not have to be limited to this parcel and it could be anything that makes sense. He indicated he raised the TOD issue so the Township Planner would look into a good geographic area with the most logical uses and appropriate densities and heights.

An unidentified member of the group asked for clarification about the TOD and if it would apply to anything within a radius of 2,500 feet around a train station or if it would be directed solely to the parcel Mr. O'Neill is seeking to rezone. McGrory responded certain parcels can be identified as the TOD and it is not necessary to have it within a certain radius of a train station. He said it can be drawn any way that is logical. It would not be challenged as a spot zone because it is related to a train station.

Mr. Kraynik stated the term is "Transit-Oriented Development."

ADDITIONAL BUSINESS

MARQUIS APARTMENTS

Mr. Jenaway reported on his meeting with the new representatives of the Marquis Apartments complex at 251 W. DeKalb Pike. He said there were some significant discussions regarding the next generation of that site. Following further coordination with the Chief of Operations for Lafayette Ambulance as well as the King of Prussia Fire Company, both he and Jim Gallagher went to the Marquis last Friday with a "laundry list" of changes that had to be made. Mr. Jenaway stated when he and the Deputy Fire Marshal went back to the Marquis this afternoon and met with the owner everything was fixed, changed and incorporated into the plan as requested such as accessibility and public safety issues. The issue regarding one of the residents was also resolved.

Mrs. Kenney asked about the road that was discussed at the previous workshop. Mr. Jenaway responded they have carved out a road. It is not substantial enough yet, but it will go around from C building all the way back around A building. Until the road is ready there is still access from the front, if necessary.

ADJOURNMENT:

Without further comment from the Board and public, it was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to adjourn the zoning workshop meeting at 9:30 p.m.. None opposed. Motion approved 4-0.

DAVID G. KRAYNIK
SECRETARY-TREASURER/
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered: