

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
WORKSHOP MEETING
JULY 10, 2014

The Board of Supervisors of Upper Merion Township met for a Workshop Meeting on Thursday, July 10, 2014, in the Township Building. The meeting was called to order at 8:39 p.m., followed by a pledge of allegiance.

ROLL CALL:

Supervisors present were: Greg Philips, Erika Spott, Greg Waks, Bill Jenaway and Carole Kenney. Also present were: David Kraynik, Township Manager; Sally Slook, Assistant Township Manager; Andrew Olen, Solicitor's Office, Rob Loeper, Township Planner; Joseph (Skip) Brion, Esq.; Michael Gill; and Angela Caramenico, Assistant to the Township Manager.

CHAIRPERSON'S COMMENTS:

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

PRESENTATION OF PLANS FOR COMMERCIAL/RETAIL DEVELOPMENT AT THE VILLAGE AT VALLEY FORGE

Mr. Waks stated it is important to note that the commercial and ultimately the residential development at the Village at Valley Forge operates separately from the normal approval procedures since it is the result of two settlement agreements.

Mr. Rob Loeper, Township Planner discussed the commercial/retail development proposed at the Village at Valley Forge. Utilizing the aerial, he pointed out the downtown and commercial area which will be located between the existing Wegmans and the Bozzuto development, the first of the residential buildings, which will start construction within the next few weeks.

The development plan proposes 21 buildings for a total of 249,000 square feet in retail, restaurant and entertainment uses. The overall master plan approved several years ago includes the overall infrastructure program for the site including the stormwater management. Everything will be tied in with the road network and the infrastructure. The Township Engineer issued the first review letter which contains mostly cleanup issues as well as plan notations which are typical on a major plan.

Mr. Loeper pointed out within the settlement agreement there are references to the Upper Merion Zoning Code, in particular, under commercial uses, all commercial uses in the C1, C2, and C3 districts are permitted uses at the retail center with the exception of a drive-thru restaurant. The applicant is working with Starbucks regarding a proposal for a drive-thru which would be internal to the parking lot as far as circulation and the entrance and would not interfere with Swedesford Road or any of the internal roads. Several months ago discussions were held with the Zoning Officer and Township Solicitor's office to determine if this is considered a restaurant or not. Upon researching various codes in other municipalities throughout New York, Pennsylvania and Maryland, they all came back referring to Starbucks as a restaurant.

Since the settlement agreement indicates "no drive-thru" restaurant, Mr. Loeper suggested some possibilities. He found a code in California where they specifically refer to places selling food for consumption outside as retail sales, specifically a bakery. Most of the codes researched referred to establishments selling food and beverage as a restaurant. Mr. Loeper suggested the possibility of a code amendment since Starbucks sells food to create a coffee house bar that also sells some food. He said his understanding is the food is not really prepared on the premises although it may be heated, but comes ready to go. For code reasons it would not be counted as a restaurant which would clear the issue. The applicant would prefer movement in that direction.

Joseph (Skip) Brion, counsel for the applicant, stated Starbucks wants a drive-thru for their coffee shop. He said most of the time under a zoning ordinance Starbucks falls under restaurant use; however, they do not prepare food on the premises. Offerings include such things as ready-made sandwiches, possibly microwaveable snacks. Mr. Brion also noted Starbucks is also a retail shop since items such as coffee mugs and bagged coffee are sold on the premises. It would not be a fast food restaurant, but rather a coffee shop with a drive-thru.

While there are other local drive-thru establishments selling coffee and donuts, Mr. Loeper explained when the design manual was written there was a specific restriction that excluded drive-thru restaurants at this particular site. All other commercial uses are allowed on the site except the drive-thru restaurant and this was part of the settlement agreement.

A discussion followed as to whether Starbucks falls in the restaurant category or after consultation with the Solicitor more appropriately under a use other than restaurant. It is possible the difference might be the difference between beverage and food and whether the food is prepared on the premises or brought in. Mr. Brion suggested an option might be to amend the ordinance to define coffee shop and permit a coffee shop with drive-thru.

Mr. Philips stated his only issue with a drive-thru in general is the pedestrian/car intersection is usually never looked at properly. Mr. Brion noted the common problem associated with a drive thru is that the queuing sometimes extends out into a road and disrupts traffic or intersects a sidewalk. He said the proposed Starbucks has a lot of internal space.

Mr. Waks asked if the residents in attendance at this meeting had any questions or comments specifically related to the Starbucks drive-thru issue.

James Rapine expressed reservations about the implications of the Starbucks drive-thru issue.

Fran Decker asked if there is anything in the agreement providing the rationale for the drive-thru restriction, and she was informed the rationale was not provided and most likely was the sentiment of the previous Board of Supervisors at the time.

Tom Sebastian, JBG Rosenfeld, followed up on his presentation at the October 10, 2013 workshop meeting regarding his firm's vision for the pedestrian-oriented Town Center at the Village at Valley Forge. He indicated in the case of Starbucks it fits perfectly in keeping with the quality center envisioned and will be an amenity for people who will live in this environment. He said the usual queuing issues encountered with any drive-thru use would not exist on this site since there would be plenty of space to deal with queuing and pedestrian access.

Aside from the drive-thru issue with this plan, Mrs. Spott asked hypothetically if a drive-thru pharmacy could go there. Mr. Sebastian responded in the affirmative. He indicated "any drive-thru retailer other than a restaurant."

Mr. Brion stated he has worked in a lot of townships in Chester County and in the last 25 years there has been a change in fast food restaurants and discussing uses today is not the same as discussing uses "in the old days" when fast food restaurants were defined. He suggested the possibility of having a "coffee house" definition and not necessarily calling it a restaurant since there is no food preparation involved.

Mr. Waks stated this Board has taken concern with public safety extremely seriously with implementation of sidewalks, trails and bike lanes, and he was pleased to see this proposal has a heavy focus on pedestrian movement. He indicated the Solicitor would be in touch with the applicant about a particular matter which would be very helpful for the township.

Mr. Sebastian indicated a few refinements were made to the plan previously discussed at the October workshop meeting. A second gathering

space with a lot of patio seating was added to the previously discussed park in the center of Main Street. Other changes include full service restaurants feeding off the energy of these parks, parking structure, and various other building “tweaks.” Leasing negotiations are underway and a footprint of spaces has been fine-tuned to meet the considerable requirements of specific tenants. There will be a mix of national and local retailers.

Mr. Sebastian indicated a fully designed land development plan was filed with the township in early June and the applicant would like to come back before the Board of Supervisors in August. In the meantime, the applicant will continue to work with staff to move the land development plan forward.

Mr. Waks asked for clarification on the type of restaurants planned for the site. Mr. Sebastian responded there is an opportunity for an upscale, pedestrian-friendly lifestyle shopping center that is an alternative to the Mall. While there will be some national chains, the applicant has purposefully tried to stay away from the national chains found in most retail shopping centers. Leases are currently being negotiated with at least three full service restaurants that are not large national chains. There will be a significant number of restaurants that will not be found anywhere else in the Philadelphia metro area.

Utilizing the aerial, Mr. Sebastian pointed out some of the architectural features of some of the proposed buildings and park areas.

Mr. Waks stated it is important to note that once a clean engineering letter is issued the Board of Supervisors is under obligation to approve this plan.

Mr. Jenaway recalled there were 19 buildings cited during a previous discussion and asked for clarification about the number of buildings. A discussion followed about the actual number of buildings. Mr. Loeper commented the application reflects 21 buildings. Mr. Sebastian pointed out a small police station and another building was reconfigured into two buildings and everything else is consistent with what was presented at the last meeting.

Mr. Jenaway asked about the construction time table. Mr. Sebastian responded his firm has only been involved for three years and is working with the master builder, Realen Properties. He noted at the present time, there is a lot of equipment moving dirt and the master developer will be installing the roads including Bryce Lane, Village Drive and all the roads surrounding the 20-acre site. At the end of this year/early January 2015 Mr. Sebastian’s firm and their team will take over from there, do the fine grading and begin building. The timetable calls for having the retails open mid-2016 for business and they will all be delivered at approximately the same time.

Ms. Patti Emerson asked about the parking and if it would be similar to Wegmans. Mr. Sebastian responded there will be more parking than what is required. The parking will be separate and not shared with Wegmans.

Mr. Tom Kohler, Signal Hill Rd., observed the original plan was proposed at a much higher density of retail and is now more scaled back. He referenced Mr. Sebastian's comment indicating there is more parking than required. Mr. Kohler asked if Mr. Sebastian foresees a situation where the site is built and leased out later requiring more buildings or structured parking. Mr. Sebastian responded there are no such current plans.

Ms. Fran Decker asked if there are any plans for additional trees along the roads in addition to the park areas. Mr. Sebastian responded in the affirmative and said there will be an abundance of trees along the streets and around the project.

An unidentified resident asked about handicapped accessible areas. Mr. Sebastian responded there are certain code requirements for parking, handicapped accessible ramps, and crosswalks. The resident followed up asking for clarification about handicapped parking for restaurants. Mr. Sebastian responded for those who do not wish to park in handicapped parking spaces a valet service will be available.

Mrs. Kenney asked for more information about the "pond" or "lake" that is there. Mr. Sebastian responded this is part of the overall stormwater management and will be surrounded by landscaping. Mr. Loeper commented it is a retention pond which will hold water as opposed to detention pond which drains.

TRANSIT ORIENTED DEVELOPMENT – TOD ZONING DISTRICT

Mr. Loeper stated at the last zoning workshop, Mr. Brian O'Neill, O'Neill Properties, requested the Board of Supervisors to consider moving forward on some particular zoning issues relating to his properties in Renaissance Park. At that time there was some discussion as to whether to move forward with this particular request or incorporate it into the overall code currently undergoing revision. Mr. O'Neill has been meeting with residents regarding additional uses such as multi-family residential, nursing home, skilled nursing and continuing care retirement communities. As part of the discussion, the Township Solicitor suggested looking at some type of Transit Oriented Development because the Norristown High Speed Line/ SEPTA Route 100 is in the vicinity of the site.

The ordinance is intended to apply only to SM-1 parcels. Utilizing the aerial, Mr. Loeper reviewed a color-coded map reflecting the location of the SM-1 parcels as well as the location of the station for the Norristown High Speed Line. He noted the original ordinance called for the TOD to be located within a radius

of 2,500 feet of a transit station. Mr. Loeper mentioned he and Ed Campbell discussed some issues with this [radius] since it extends across Henderson Road and includes the properties in that location. It also extends across the Church Road properties along the Pennsylvania Turnpike and some properties all the way down Crooked Lane that are actually accessed from Horizon Drive. For this reason, staff looked at reducing the footprint to 1,250 to bring the TOD closer in so that the provisions would apply only to those properties which abut at that point.

Mr. Loeper distributed version #4 of the ordinance which takes the radius down from 2,500 feet to 1,250 feet. Use categories remain the same as the previous draft.

Mr. Loeper indicated staff would like to proceed and start a formal review process by going to the Planning Commission for comment and review. He outlined other actions that would be necessary such as notification of property owners.

Mr. Waks recognized many residents of Hughes Park in attendance at this meeting and indicated there has been excellent communication between the residents and O'Neill Properties.

Mr. Edmund J. Campbell, Esq., Campbell Rocco Law, LLC, highlighted the changes made in the draft ordinance since the last meeting. He indicated at that time the Township Solicitor pointed out a lot of the additional uses being discussed did not have a "TOD feel" since there were other commercial uses. The other commercial uses were since removed. There was also a discussion about narrowing the application of this concept so that it would not be applicable in other SM-1 districts. The 2,500 square foot radius was cut in half to a 1,250 square foot radius. In this way it narrows the application of this ordinance to development in the SM-1 District in the immediate area of an existing train station in the township. In addition, conditions were imposed requiring parking shall be available to the public for access to the train station. The other concept was that it had to have meaningful pedestrian access from the site to the train station. Mr. Campbell said the TOD ordinance is now much narrower in focus and geography.

Mr. Waks indicated he attended a meeting with the Hughes Park residents during which complaints and concerns were voiced about the inadequate sidewalks in the area and lack of parking at the SEPTA station. He commented this [proposed ordinance] would provide for public safety improvements.

Mr. Philips indicated currently the maximum height allowed in the SM District is 50 feet, but with some credits it could go to 65 feet with additional setbacks. Mr. Philips recalled the mitigation issues with the property and that Mr. Campbell previously discussed the concept of placing the building on a pedestal

so that the first floor is open for air circulation.

A discussion ensued about the actual height of the proposed building and if it would look out of place with the surrounding buildings.

Mrs. Spott commented the proposed ordinance indicates parking shall be made available to the public for access to the train station. She asked for more details. Mr. Campbell responded when they develop in that area they could set aside some of the parking for that purpose or there might be some synergy developed with SEPTA to include more parking.

Mrs. Spott commented there does not seem to be a lot of space there. Mr. Campbell responded the more likely alternative would be to designate parking on the O'Neill site for the public to park and walk to the train station which is consistent with TOD. If the apartment building is located next to the train station the parking lot is empty when the commuters are going to work and then when they come home the reverse happens.

Mr. O'Neill said they spent a lot of time meeting with the neighbors and there are two things the residents absolutely do not want: (1) opening up traffic from the O'Neill parking lot onto the street and (2) opening Renaissance Boulevard. O'Neill Properties agreed to comply with these requests.

Mr. O'Neill stated the train station parking would be close to the train station. The plan is being adjusted, in consultation with the Township Planner, to skew their buildings a little farther back to make room for more parking. Mr. O'Neill stated they do it all the time in Conshohocken where it works very well.

Mr. O'Neill indicated grant money is now available for transportation and suggested having his grant people work with the Township Planner and file for a grant for some train station approvals for such things as timing of lights and reconstruction of the SEPTA parking lot.

Mrs. Kenney asked for more details about pedestrian connections to the train station. Utilizing the aerial, Mr. O'Neill responded they do not have a sidewalk on the road and pointed out the location of the current trail and where more sidewalks would be added on the street [Renaissance side]. Mr. Campbell commented although there are no sidewalks on the Renaissance complex side there is an existing sidewalk on the other side.

In response to a question from a member of the audience, Mr. O'Neill pointed out on the aerial where connections with the trail will be made. He said they have trails running throughout the park which would be expanded. Mr. O'Neill pointed out the trail has nothing to do with train access. Mr. Campbell noted this would all come through the planning and development process. Mr. O'Neill indicated as plans are further developed additional meetings will be held

with the residents.

A discussion followed about the next steps in the process and obtaining more input from the Planning Commission.

Mrs. Kenney asked if the building height in this version is at 85 feet or 75 feet. An unidentified member of the group responded, "75 feet." Mr. O'Neill commented they will take additional measurements on the front and whatever it is will be restricted on the front to that level. Changes will be circulated to all the supervisors along with a diagram. Mr. O'Neill reiterated because of the train station they will pull the building back to add more parking.

Mr. Waks emphasized the importance of remaining in constant contact with residents of Hughes Park.

ADJOURNMENT:

It was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to adjourn the workshop meeting at 10:10 p.m. None opposed. Motion approved 5-0.

DAVID G. KRAYNIK
SECRETARY-TREASURER/
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered: