

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
ZONING WORKSHOP MEETING  
November 13, 2014

The Board of Supervisors of Upper Merion Township met for a Zoning Workshop Meeting on Thursday, November 13, 2014 in the Township Building. The meeting was called to order at 5:05 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; Sally Slook, Assistant Township Manager; Joseph McGrory, Township Solicitor; John Walko, Solicitor's Office; Rob Loeper, Township Planner; Scott Greenly, Associate Planner. Supervisor Spott was absent.

CHAIRPERSON'S COMMENTS:

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

DISCUSSIONS:

CO DISTRICT

Mr. Rob Loeper, Township Planner, reviewed the changes made regarding the CO District since the last zoning workshop meeting. Highlights as follows:

- Convenience stores have been removed as a permitted use in the CO District.
- Interior design studio was added.
- Mail services were added. This use is defined as a commercial business which conducts the retail of stationery and packaging products, provides facilities for the drop off and pick up of mail and packages and copying and printing services.
- Regarding sound recording studio, while some members of the group felt it should be permitted, others thought it was an unlikely use for the CO District. It was mentioned that studio is no different than an office and the consensus was to list it as a permitted use.
- After consideration discussion regarding Distributed Antenna Systems (DAS) the consensus was to list this as not permitted and revisit the issue if necessary.

- Under educational services technical and trade schools were changed to a non-permitted use.
- With regard to health care a discussion was held regarding urgent care facilities and the consensus was to list it as a permitted use. Mr. McGrory indicated it would be necessary to define that use.
- Under the arts, entertainment and recreation facilities listed as not permitted.
- Hotels and motels in the CO District would not be appropriate nor would banquet facilities. Both tend to be much larger facilities requiring a fair amount of parking.
- During a discussion regarding drive-thrus it was suggested permitting drive-thrus on lots of a certain size. Mr. Jenaway pointed out the queuing requirements would be the driver on this question.

With regard to the issue of bakeries brought up at the last zoning workshop, Mr. Loeper stated staff found a good definition for retail bakery which would be an establishment primarily engaged in the retail sale of baked products for consumption off site. Products may be prepared either on or off site and may include incidental food service. This would be considered more of a general retail use as opposed to wholesale bakery, i.e., baked goods that are delivered to other places.

Mr. McGrory asked for clarification if the baked goods would not be consumed on site. Mr. Loeper responded the bakery items would not generally be consumed, but could be consumed on site. He said the definition indicated primarily off site, but it could be both.

Mr. Jenaway asked about the parking requirements for this use [bakery]. Mr. Loeper responded much the same as retail.

A discussion followed wherein points were made that specialty shops such as bakeries would be welcome in the township and it was suggested that the possibility remain open as a permitted use option.

#### Additional highlights:

- Repair and maintenance services are listed as not permitted.
- During a discussion about repair and maintenance services a discussion occurred during which the following points were made
  - Mrs. Kenney: With regard to watch/clock repair, allow it if someone wants to be there.
  - Mr. Philips: One of the reasons repair service was taken off the table, especially furniture and upholstery, is generally these places are not well kept.
  - Mrs. Kenney: a watch repair and jewelry store is much smaller and different than furniture, upholstery and appliances.

- Mr. Jenaway: His concern was if watch, clock and jewelry were allowed they would wind up with some small electronics and it would end up with some kind of appliance repair. His point was he would like to keep all the repair out since it is not a repair zone, but rather a commercial zone.
  - Mrs. Kenney asked if a jewelry store wanted to have repairs as well. Mr. McGrory responded it could be an “accessories,” but it just cannot be the principal.
- Under Personal Services funeral homes were changed to not permitted.
  - A discussion occurred regarding places of worship and associated constitutional issues.

A resident expressed support for the bakery use.

A resident indicated a drive-thru would be her only issue. Mr. Waks responded the Township Planner will obtain some examples of acreage/square footage and this will be discussed again.

With regard to pawn shops, McGrory stated it should be listed as not permitted. All agreed. Mr. McGrory noted we have to make sure it is permitted somewhere else. Mr. Loeper responded staff will make sure it is added in elsewhere.

A discussion followed about “buy gold” shops and what to call these establishments.

Mr. Loeper asked that the map of US 202 which includes Hector Venas’ properties be placed on the aerial for discussion about front yard dimensional requirements and the problems that exist because the right of way is not consistent. Utilizing the aerial, Mr. Loeper pointed out the location of areas where the right of way is much deeper into the lot than in other places and a lot of areas where the right of way is consistent with the curb line which makes the front yard setback much more difficult to determine. Mr. Loeper said this anomaly occurred over the years because of various PennDOT improvements. Setback research for a retail area showed setbacks ranging from zero right up to the building line to approximately 15 to 20 feet. This makes sense if there is a unified streetscape where the right of way is known. This consistency does not exist with the properties under discussion.

Moving father north/east on the map it starts to becoming more regular. Mr. Loeper noted the front setback is measured from the right of way line not from the road. Staff has been trying to figure out what makes a decent setback and how to address the unique issues of these properties.

A discussion ensued during which it was suggested the setback should go back 15 feet, 10 feet, or 5 feet.

Mr. Waks suggested the best course of action would be an on-site visit to the properties and have a firsthand visual evaluation of the setback issues.

Mr. Loeper stated one of the other questions is the appropriate width for a sidewalk on US 202 and if a grass area is desired.

Mr. Waks expressed his preference as curb, a little grass area, sidewalk and setback. Mr. Loeper responded here along US 202 a minimum would be 4 foot grass area and a 6 foot wide sidewalk minimum.

Mr. McGrory stated if the existing curb line was used with 4 feet of grass, 6 foot sidewalk and 6 feet for planting, it would be 16 feet from the existing curb line which in some cases would be 5 feet from the legal right of way and in other cases would be 16 feet from the legal right of way.

A discussion followed about standpipes, fire apparatus and code department requirements.

Mr. McGrory asked if the consensus is to go 4/6 and 6 for plantings. Mr. Loeper indicated that would be fine. Mrs. Kenney suggested 4/6 and 5. Mr. Loeper said that could also be done.

Mr. Loeper stated staff did not spend any additional time looking at side and rear yards. They looked at those at 10 feet and 25 feet based on the last meeting and went back and looked at building coverage, impervious, and green area. Building coverage was placed at 30% (currently in the CO District it is 25%) and 70% for maximum impervious which provides an increase in green area to 30% (current green area minimum is 25%). Building height was kept at 35 feet and a residential buffer of 15 feet.

Mr. McGrory asked if a maximum front yard is desired some thought should be given to this and again it would have to be measured from the curb line.

Mr. Loeper asked if an extra 10 feet would be too much. Mr. McGrory responded it would have to be at least 10 feet.

In looking at the plan, Mr. Philips reacted to the 70% impervious and said it looks almost like 90% maxed out with all the parking. Mr. John Diemer, Wilkinson & Associates, engineer for the applicant, asked if using porous paving is an option. Mr. Loeper responded in talking with the Township Engineer it is going to depend on what the porous paving is and how it is calculated.

Mr. Waks asked what types of roofs are planned and if they could be green roofs. Mr. Diemer responded the applicant has not decided. Mr. Waks noted that is another option.

Returning to the issue of maximum front yard, Mr. McGrory stated with a 4/6 and 5, it would be 15 feet from the curb line and you could say no more than 25 feet from the curb line.

Mr. Waks commented maximum building height is 35 feet and that does not seem unreasonable to him. Mr. Loeper commented the problem in looking at height is they probably have a parapet that extends partially above the roof line, and the wall is probably higher than the actual height of the building.

Mr. Loeper said he would get together with the codes staff and take a look at the building plans with regard to the actual roof height or parapet height and have it available for reference. Mr. McGrory pointed out as part of this process architectural reviews are being done before passing the ordinance.

Mr. McGrory said with certain computer programs you can take elevations and do a computer markup of minimum and maximum setbacks with the actual dimensions of the façade. Mr. Loeper responded there is software and staff can do some basic things right now without too much difficulty.

Mr. Loeper discussed some pedestrian issues and standards for sidewalks. Highlights as follows:

- There would be a standard for providing a connection from the street to the building.
- A 5 foot sidewalk along the length of the building where there is a façade featuring a customer entrance.
- A building where doors open up onto parking lots would have a sidewalk for someone coming out of a building into a parking field.
- As in the King of Prussia Mixed Use District pedestrian crosswalks in these areas would have a different surface.
- standards for refuse collection facilities would include a brick or masonry enclosure that could be gated.

Mr. Loeper said if it is desired these standards can be moved to the SALDO. Mr. McGrory indicated these types of provisions could apply for all of them [districts]. Mr. Loeper said that would be done.

With regard to residential uses, Mr. Loeper noted it was not clear last month if it was desired to allow residential in this district or not. He said it is still shown as a permitted use. Mr. McGrory pointed out if residential is included in this district then all the other adjacent property owners become subject to the setback for a residential district, and the CO is not a residential district. He also

commented the value of the property does not lend itself to residential use.

Mr. Loeper indicated residential will be taken out.

With regard to possible changes to the SALDO, staff looked at some building design and landscaping standards. Current screening buffer requirements are at the highest level of screening in that there is a requirement for a softening, filtering and screening buffer requirement. The current code has about four different options for screening buffer; however, in reviewing these staff decided some of these did not make sense. The language was revised in terms of the type of tree and tree count that would have to be done and an alternative was created which would allow for a six foot high wall or fence or a four foot high berm along with a lesser amount of landscaping. In a SALDO it is something that is waivable by the Board of Supervisors.

Mr. Loeper stated under SALDO there are some basic building design standards which were taken from a model code Montgomery County prepared for commercial districts. It covers, for example, facades shall be of finished quality and shall be of color and materials that are similar to the front façade and blend with structures within the development and structures in the surrounding area. Any property with more than one building on the site shall have common or coherent architectural theme throughout the development. Mr. Loeper noted while that makes sense on one hand in looking at what was just approved for another development it was made clear all the buildings are going to be different with different facades and different elements. Mr. Loeper said it comes down to personal taste and in his view it is one of the biggest issues with architectural review since taste can be very subjective.

Mr. Loeper indicated staff could look at what was approved for the Mixed Use District. In going with architectural review and standards for all non-residential districts the question remains is a common theme desired.

Mr. Philips commented what was done for the Mixed Use District does not necessarily have to be done for all the districts. While there is value to consistency there is also value to other options.

Mr. Loeper stated to prevent winding up with a bunch of "shoe boxes," it would be well to encourage articulation with such things as awnings, porches, canapés, towers, clearly visible entry treatments and, in some cases pitched roofs that conceal HVAC units.

Mr. Loeper made reference to the last meeting's discussion on how to apply some of these standards to this section of the corridor. He said he found some good design guidelines for regulating outdoor dining if the Board would want to proceed. The challenge would be where it would apply. Some standards might apply on Towne Center Road, but not necessarily on US 202. Having

standards in the SALDO provides more flexibility.

Mr. Waks stated the next zoning workshop will be held on December 11<sup>th</sup>.

ADJOURNMENT:

Without further comment from the Board and public, it was moved by Mrs. Kenney, seconded by Mr. Jenaway to adjourn the zoning workshop at 6:53 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: