

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

The Board of Supervisors of Upper Merion Township met for a Zoning Workshop Meeting on Thursday, March 13, 2014 in the Township Building. The meeting was called to order at 7:49 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; Joseph McGrory, Township Solicitor; Andrew M. Olen, Solicitor's Office; Rob Loeper, Township Planner, Scott Greenly, Associate Planner.

CHAIRPERSON'S COMMENTS:

Chairperson Waks reported an Executive Session was held prior to this meeting to discuss legal matters.

CONTINUE DISCUSSIONS – UPDATE OF ZONING CODE

King of Prussia Mixed Use District

Mr. Rob Loeper, Township Planner, stated the discussion will be focused on finishing the King of Prussia Mixed Use District. The memo from Peter Simone, President, Simone Collins, was distributed with information about yield studies discussed at the last meeting and also a draft of the SALDO changes for the King of Prussia Mixed Use District. Mr. Loeper reported the planning staff met with the Planning Commission last night to update them on the draft ordinance and a method was established for obtaining and responding to their comments and questions. After further comments from the Board, the draft ordinance is ready to be transmitted to the County.

Mr. McGrory asked if it would be for a preliminary review or 30-day review. Mr. Simone responded he has received indications from the County that it could be an official review unless there were major changes.

A discussion followed about the best course of action for proceeding with the logistics to further ordinance review and advertising.

Mr. Simone provided the results of the five yield studies that were done for different size lots. Highlights as follows:

- In looking at residential densities, a medium density for a 6.67 acre lot indicated a building at 75 feet (5 stories) and a density of 30 units per acre with all surface parking.
- On the second yield the same lot was used assuming they receive all the building incentives for sustainable building standards it went to the full height of 120 feet. There were 396 units and they were able to get 59 units per acre (assuming almost total structured parking and surface parking). There was still a high percentage of green area on the site (49%) since setbacks have to be increased as the building goes higher. Based on these figures it was felt they could go as high as 60 feet in terms of attaining that yield. It was noted this would be a very expensive development based on the cost of structured parking and the cost of steel for a building height of 120 feet.
- the second site reviewed was a medium density 4.95 acre site with a three-story building height resulted in 23 units an acre (35% green area). Utilizing the same 4.95 acres at a 75 foot height there were 53 units per acre with totally structured parking and a green area of 39%.
- the green area is going to affect one of the changes suggested in the ordinance. Currently in the SM district there is a 20% green area requirement. In some of the other residential districts there is a green area of 35%. It was noted with a higher density and height there is more green area.
- The last site reviewed was a 2 acre site resulting in 54 units for approximately 27 units per acre and 104 surface parking spaces for a three-story building with a 25% green area. The obvious constraint for a smaller site is it would not have the efficiencies that could be obtained on a larger site.

Mr. McGrory stated the reason why he asked suggested a yield plan was to make sure the dimensional criteria is doable, not necessarily density, but the dimensional criteria such as building coverage, impervious, setbacks, etc. Mr. Simone responded they did not have any problems meeting those requirements.

Mr. McGrory asked about non-residential. Mr. Simone responded they did not look at non-residential. Mr. McGrory said he wanted to make sure it works mathematically. Mr. McGrory emphasized he was not concerned about density, but about coverage issues. Mr. Simone stated the setbacks whether it is an office or a multi-family building as it goes higher the same setbacks would apply and they do not change from a residential use to a high rise office use.

Mr. McGrory asked if Mr. Simone was saying for the average parcel in this district it would be able to achieve the dimensional criteria in the ordinance. Mr. Simone responded in the affirmative. Mr. Simone said what they were doing did not affect building coverage since they were nowhere near the building coverage that is allowed with these uses. Referring to the zoning ordinance and the chart on page 9, he indicated with Tier 1 and Tier 2 incentives you can go higher. He suggested rather than increasing the building coverage what they are saying as a required green area for the new SM District they are going to require 35%. The existing SM District is only 20% green area and it was their thinking that was a better way to create incentives for more green area.

Mr. McGrory asked if they have impervious coverage standards with the ordinance. Mr. Simone responded they only have minimum green areas.

Mr. Simone stated going from the SM District to the new Mixed Use District they are going to have at least a 5% increase in green area and probably more. He said the green area works well because no matter what the coverage there are still stormwater regulations to be met. The project engineer will still have to look at each of these projects and manage the stormwater.

Mr. McGrory stated he is looking to incentivize porous paving. Mr. Simone commented it is already incentivized as one of the building incentives. He said more people are going to do it anyway because the stormwater regulations are just going to get stricter.

Mrs. Kenney asked for clarification about density and different yields and what is best in terms of how many more people and demands will be made on township services, traffic generation, etc. Mr. Simone responded using the example of a 120 foot building with all structured parking would be very high in cost and it is his best guess that the township would not get inundated with that level of density or development.

A general discussion followed about density, recent project examples, transportation in the area, and the School District demographic study.

Mr. McGrory asked if there are any tools that measure impact on police, fire, school district, etc. Mr. Loeper responded he does not currently have software programs that can do that.

Mr. Simone mentioned there is a large number of very viable industrial uses in this district and all indications are they have no intention of pulling up roots and leaving any time soon. He said the answer to many questions will result as an evolution of development.

Mr. Simone pointed out another change in the dimensional requirements. He said there is a minimum and maximum set back or side yard for an abutting street to make sure the buildings are not too far back from the road. Previously there was only a minimum and maximum for the front yard. Yield studies revealed they did not have a minimum and maximum of the abutting streets.

Mr. Simone stated for lots over 6 acres there were a couple alternate clauses if a project was going to be phased. Mr. Simone indicated the phrasing he is suggesting is that the developer would need to submit a sketch plan for the entire tract of the phasing for approval by the Board of Supervisors.

Mrs. Kenney asked if there is there anything about underground utilities in this area for new development. Mr. Simone responded it could certainly be added and commented that it is expensive. Someone in the group pointed out that the Business Park already has underground utilities.

Mr. Waks commented it is a lot more feasible and cost effective to do before construction or redevelopment as opposed to subsequent to it. From an aesthetic standpoint it looks much better to have utilities buried. Mr. Simone agreed and would be pleased to do that and commented it may lead to a higher level of development.

Mr. McGrory explained his reasoning for not favoring the terms “sketch plan” or “phasing plan,” and a discussion followed wherein alternative wording was discussed for a fully engineered “unified development plan.”

Referring back to the discussion on underground utilities, Mr. Loeper quoted a portion of the current SALDO and he pointed out in looking at subdivisions and developments most are fed with underground utilities, but what is still above ground are roads such as US Route 23, Henderson Road, DeKalb Pike, etc. What is happening on the outside is still above ground, but everything inside the development is coming in underground.

Mr. Simone concluded by indicating some clarifying language was added with regard to sustainable building standards. He indicated the Planning Commission would probably have a few comments after which a few more “tweaks” will be made to the language.

Mr. Jenaway stated the changes with regard to the green-related issues make sense.

With regard to porous paving, Mr. McGrory indicated there is a difference between impervious coverage and porous paving. The engineers will provide a half a credit for that and he said it should be memorialized in the ordinance somewhere.

Mr. McGrory asked to have the changes incorporated in ordinance format so that he could review one last time before sending it to the County.

Mr. Simone discussed the proposed changes to the SALDO. He indicated it involves design standards that intensify the aesthetic character of the site and architecture. As a SALDO it can be waived or modified by the township during the approval process and if an applicant has a better idea they can suggest different styles of buildings. While not too descriptive, there will be some standards set and are not intended to be too onerous in terms of the first stage. The applicant could provide photographs of the types of buildings they would like to build at the first review so they can get a reaction from the Planning Commission and/or Board before they go to detailed renderings. There is some flexibility on how they would go through that approval process with the township.

Mr. McGrory stated it will not take long to work on the SALDO. He said ideally the zoning and SALDO would be passed on the same day and he recommended the logistics to make that happen.

In review the SALDO, Mrs. Kenney asked if there is anything Mr. Simone would want to point out is a big change and something the Board should take note of as they review. Mr. Simone responded he is probably too close to this to point out anything he believes is of special importance. He said the whole idea is to have a higher aesthetic standard with both buildings and sites and provide guidance without being too prescriptive.

Mr. Simone stated it is a big step proceeding with the Planning Commission and it seems like everyone wants to move as quickly as is possible.

A discussion followed about the Board of Supervisions meeting schedule so that the motion to advertise can be placed on the agenda in time for a June hearing.

Mr. Loeper stated the Business/Office and Industrial Districts would not be discussed at this meeting since more changes have to be made; however, it should be ready for the next workshop.

ADJOURNMENT:

Without further comment from the Board and public, it was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to adjourn the workshop meeting at 8:49 p.m.. None opposed. Motion approved 5-0.

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DAVID G. KRAYNIK  
SECRETARY-TREASURER/  
TOWNSHIP MANAGER

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Minutes Approved:  
Minutes Entered: