

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
ZONING CODE WORKSHOP MEETING
JANUARY 9, 2014

The Board of Supervisors of Upper Merion Township met for a Zoning Code Workshop Meeting on Thursday, January 9, 2014, in the Township Building. The meeting was called to order at 5:13 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; John J. Iannozzi, Township Solicitor.

CHAIRPERSON'S COMMENTS:

Chairman Waks reported there was no Executive Session held prior to this meeting.

DISCUSSIONS:

BUSINESS/OFFICE AND INDUSTRIAL DISTRICTS

Mr. Rob Loeper, Township Planner, stated Eric Goldstein, King of Prussia Business Improvement District and Peter Simone, President, Simone Collins, met with Robert Bound, Industrial Investments, who raised some legitimate issues about the Mixed Use District in the Business Park at a previous workshop meeting and how it would impact his company. Mr. Loeper indicated consideration has been given to the extensive comments Mr. Bound provided about the various districts currently being discussed.

Mr. Simone characterized the major changes proposed since the last meeting. He said originally it was suggested to make some of the existing uses in what is going to be the Mixed Use District as conditional uses. However, it was determined to leave the existing industrial uses in the ordinance because it was felt the market would dictate change. Rather than put someone into a pre-existing, non-conforming use situation, staff thought it was workable with a few "tweaks" to keep those existing uses.

Mr. Bound commented he believes they made good progress and he is pleased that the existing uses will be protected.

In response to Mrs. Kenney's question for more specifics about the impact on the township. Highlights of Mr. Simone's response follow:

- The point that was raised about distribution of durable or non-durable goods covering the Fed Ex question was handled by creating a new definition for general warehousing and storage.
- Fine art gallery and sales were added, but excluded auctions because they are very different uses. (There could be an art auction per se which is something, but a big auction house would be excluded)
- Carpet, floor and counter top storing were included.
- Child care center and adult care center were included since they are similar uses for a different age group and would have some relevance to what might happen in this district.
- Another change which may impact the township would be density because residential uses are now being allowed.

Mrs. Kenney expressed concern about the 120 foot building height. Mr. Loeper pointed out the 120 foot height applies only to the Business Park and in the other districts where additional uses are being incorporated height limitations have been maintained for the most part. It would not be 120 feet across the board.

Mrs. Kenney asked for clarification about the other building heights. Mr. Loeper responded other heights reflected in the current code generally start at 50 feet with a maximum of 65 feet.

A discussion followed with regard to various heights of existing buildings that were built under previous zoning codes as well as what is envisioned for the Business Park.

Mr. Waks asked for a discussion about the waiver of setback requirements after which the discussion turned to the subject of what is permitted, what is conditional and what is permitted with various exceptions and conditions.

Mr. Waks asked for the rationale in not having a nursery or garden center. Mr. Simone responded it is not the type of use they want to encourage in this type of district. A discussion followed about the merits of having a garden component to a hardware store during which it was pointed out that a definition is needed for garden center or nursery.

Mr. Simone commented in moving forward with the Mixed Use District there will be other things the Board would want to include and adjustments will be made.

The discussion returned to various uses permitted and not permitted.

Mr. Jenaway asked why a Health Care District could not be established so that medical facilities would be the focal point of that district within a campus-like setting. He pointed out current medical and dental facilities are scattered in various locations throughout the township. Mr. Jenaway also mentioned the need for a 24-hour veterinary hospital.

A discussion followed about the possibility of being open to the amenity of a pet day care.

Referring back to Mr. Jenaway's comment about a medical complex a discussion ensued about this idea.

Mr. Waks brought up a hypothetical example of a movie tavern that might want to locate into the Business Park. He noted under the proposed code there is no specificity as to permitting or not permitting that type of establishment. Mr. Loeper commented typically that type of use would be in the Commercial District.

Mr. Philips asked for clarification about indoor sports and recreation which is a carryover from the existing code. Mr. Loeper responded that requires more staff work. Mr. Waks commented more specificity is required.

A discussion ensued about the current code listing a theater as a separate use in the Commercial, but not in the Office District.

With regard to the zoning map for the Mixed Use District, various scenarios were discussed in setting a vision for 20 years from now.

Mrs. Kenney indicated conceptually she had a question about the maximum height of 120 feet and asked if everyone was comfortable with that figure. Mr. Philips and Mr. Waks responded they are okay with that height. Mr. Jenaway had some mixed feelings; however, he understood the reason for it and as long as there is a 6-acre requirement it would be acceptable.

Mrs. Kenney followed up on the height issue and asked about the additional number of people that would be brought in and what impact that would have on the infrastructure, sewers, schools and emergency services. Mr. Loeper responded one of the most important statistics about demographics in Upper Merion is that of the people who are employed here only about 5,000 actually live here.

Mr. Philips commented something to keep in mind is the difficulty certain companies have had in recruiting and attracting young professionals into this area with the kind of "cool" amenities they were seeking.

Referring to Mrs. Kenney's question, Mr. Jenaway said from a public safety standpoint crime, fire and medical incidents are all driven by population ratios and densities. His biggest concern was with the sewer plants and if there is enough capacity to handle the additional load.

Mr. Philips had some questions about the Industrial District, and Mr. Loeper responded there will be more work done on the maps in moving forward, especially with some of the special areas currently zoned industrial.

There was a discussion about the viability of cleaning up and utilizing some areas along the river for potential parks and recreation or development uses keeping in mind access and safety issues.

Referring back to Mrs. Kenney's previous question, Mr. Simone commented the Residential Multi-family ordinance indicates one or two bedrooms should have minimal impact on schools.

Mr. Bound had some questions about the Mixed Use Zone with regard to some language in the notes about setbacks and a pedestrian pathway along First Avenue and Moore Road. Mr. Simone clarified the issues raised by Mr. Bound. He also commented on the vision for the First Avenue corridor and stated the intent is to provide for a future walkway on both sides of First Avenue that would be nicely landscaped and might be able to serve as a trail as opposed to a walkway.

Mr. Waks stated it is his assumption that the BID is looking for expedited approval on this matter as opposed to waiting for the whole Zoning update. Mr. Simone responded in the affirmative.

Mr. Waks asked how the Board felt about approving the changes to the Business Park before approving the entire Zoning Code this coming summer.

Mr. Philips stated he would be okay with having the changes made to the Districts one at a time and then prepared for approval.

Mr. Jenaway stated he does not have a problem with this procedure, but he would like to see the revisions sufficiently ahead of the next meeting so as to save discussion time. Mr. Loeper responded he should be able to get the revisions back to the Board for review on a timely basis.

Mr. Loeper pointed out he anticipates the Commercial Districts to be discussed at the next zoning workshop.

A discussion followed about the scheduling of the Mixed Use zoning update at an upcoming Business Meeting after additional coordination with the BID, Planning Commission and the Solicitor's office.

ADJOURNMENT:

With no further comments or business to come before the Board, it was moved by Philips , seconded by Mr. Jenaway, all voting “Aye” to adjourn the workshop meeting at 6:53 p.m. None opposed. Motion approved

DAVID G. KRAYNIK
SECRETARY-TREASURER/
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered: