

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
JOINT MEETING WITH CITIZEN BOARD CHAIRS
JUNE 5, 2014

The Board of Supervisors of Upper Merion Township met for a Joint Meeting of the Citizen Board Chairs on Thursday, June 5, 2014, in the Board Room, in the Township Building in King of Prussia. The meeting was called to order at 7:36 a.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Greg Philips, Greg Waks, Bill Jenaway, and Carole Kenney. Also present were: Dave Kraynik, Township Manager; Sally Slook, Assistant Township Manager; Rob Loeper, Township Planner; Chris Kaasmann, Chairperson, Environmental Advisory Council; H. David Rassbach, Chairperson, Media Communications Advisory Board; Ann Marchino, Chairperson, Shade Tree and Beautification Commission; Michael Santillo, Chairman, Upper Merion Transportation Authority; Jacquelin Camp, Chairperson, Planning Commission. Supervisor Erika Spott was absent.

CHAIRPERSON'S COMMENTS:

Chairman Waks stated the main topic at this meeting will be an overview of the proposed changes to the Zoning Code.

DISCUSSION OF PROPOSED CHANGES TO THE ZONING CODE

Mr. Robert Loeper, Township Planner, stated for the past year planning staff has been working with attorneys from the Township Solicitor's office and others to draft proposed changes to the current Zoning Code which is outdated, lacks adequate definitions and regulations to promote a vibrant community, is difficult to read and understand, and is often wasteful of land in the natural environment.

Mr. Loeper provided a brief history of the current code which last had a major revision in 1962. There were numerous revisions over time, but not any full scale revisions of the entire code.

Mr. Jenaway commented one of the challenges in moving forward with the proposed changes to the zoning code will be a communication plan so that longtime residents will better understand the transition to new zoning concepts in today's environment.

Mr. Loeper provided an overview of the four major categories: (1) Recreation, Park and Open Space (2) Residential, (3) Non-Residential (which

includes the Business/Office Industrial), and (4) some special districts and overlays. The R-2 Residential District comprises the largest land area in Upper Merion Township.

Mr. Waks pointed out that 21% of the township is dedicated to open space.

Recreation, Park and Open Space (RPO District)

Mr. Loeper stated the Board of Supervisors has not yet had an opportunity to review the draft for the RPO District. This district is intended to encourage preservation of passive and active recreation as well as create standards for performance for the use of these properties. The RPO District would replace the existing AG Agricultural District which includes such things as historic properties, natural areas, recreation facilities. The development standards are intended to deal with the facilities that would go along with uses such as recreation in these areas and is intended to keep the impact at a minimum.

Utilizing the map, Mr. Loeper pointed out all the green areas representing open space, many of which are township-owned.

Single Family Residential Districts (R-1A, R-1 and R-2A District)

Mr. Loeper indicated some changes to these districts have already been made. A category is being created for an Independent Adult Community which would be permitted in almost any district in the township. While the current code has a separate zoning district for this type of use, there are only a few parcels that could possibly apply to this category. For this reason it was decided rather than have a separate district it would be allowed in other districts.

Mrs. Kenney commented she has been to some of the zoning hearings during which there was discussion about in-law suites that are not currently permitted. She indicated with an aging population that is something that should be further discussed. Mr. Loeper responded historically there have been concerns about potential issues with that type of housing, but he agreed that it is something that needs additional review.

Mr. Loeper said one thing that was already done in the Single Family Districts that was never done before is that there is a maximum impervious coverage on the books. Until recently the previous code did not have a limit on how much could be paved on a property.

Single Family Detached Districts (R-3, R-3A and R-3B Districts)

Mr. Loeper stated his personal preference would be to try to combine these districts, however, in combining some of these care must be given so as

not to create non-conforming uses and properties that could create legal issues down the road. There are not many R-3A and R-3B Districts which are the town house districts and from a hybrid standpoint, the R-3B (which only includes Deer Creek town homes and single family homes).

Mr. Jenaway asked if the old cluster districts are gone. Mr. Loeper responded the cluster is an overlay which still exists. He explained if you have a cluster in an R-2 District the underlying zoning is still R-2, the cluster is an overlay that sits on top of that.

Mr. Jenaway indicated it would be well to eliminate those [clusters]. Mr. Loeper agreed they are problematic.

With regard to the in-law suite, Mr. Jenaway asked if the maximum impervious coverage and maximum height would help manage this issue. Mr. Loeper responded in the affirmative.

Multi-Family District (G Garden District, HR Highrise District)

Mr. Loeper indicated nothing has been done with these districts since the late 1950's/early 1960's. He noted the Highrise District requires a minimum of 6 stories. The code does not permit a 4-story building and staff is looking at replacing the Highrise District with two new districts, Medium Density and a Higher Density district and slightly changing some of the densities as well as providing more dimensional requirements.

Residential Office District

Mr. Loeper stated the Planning Commission has been reviewing the Residential Office District which is based on a model ordinance prepared by Montgomery County and would apply primarily to two locations, probably portions, but not all of South Gulph Road and the Ivy Lane area. The rationale for these locations is that these areas were originally developed as residential and over time morphed into uses which retained residential structures. The current process involves going through a variance in this district which would allow, based on the size of the property, additional limited primarily office-type uses. With the coordination of the Planning Commission staff came up with specific standards to maintain the character of the area yet acknowledge the fact that in all likelihood these properties are no longer appropriate for use as residential properties. The permitted uses would be for residential professional offices and some personal services, but would not include retail or food services. Discontinued residential districts that are being reviewed are the R-55, R-55A and R-55B which have never been mapped and will become uses that are permitted in other areas.

The Unit Residential District (U-R) primarily includes Sweet Briar and Rebel Hill and were built based on the R-2 and R-3 and can probably be incorporated into those districts.

Utilizing the color-coded map, Mr. Loeper pointed out the various features of the zoning districts and the areas that need the most focus and work, such as the CO District which is extremely broken. In looking at some of the commercial districts as to location and function, staff came up with four districts instead of five – a Neighborhood Commercial, Limited Commercial, General Commercial and a Shopping Center District.

Mr. Loeper explained the Neighborhood Commercial would be appropriate for an area that would provide for the needs of people in the immediate area where there are basic services that could include limited retail, some possible food and beverage, personal services such as a beauty salon, but not meant for a retail store that is going to attract people from a wide area.

The Limited Commercial would require some “tweaking” and would serve a slightly larger area and could include, for example, parts of Church Road or Henderson Road where commercial activities have spread out. Mr. Loeper noted this would not include “big users” in those areas, but would provide for business and commercial services that provide for the needs of the larger community.

The General Commercial would be smaller centers that would provide for such things as food service, automotive repair services, etc.

The Shopping Center District is designed as one unit with decentralized parking with everything under common ownership and maintenance.

A discussion followed about the King of Prussia Mall expansion.

Mr. Loeper discussed the background for the transition of the industrial park into more of a business and office park which served as the impetus for the creation of the King of Prussia Business Improvement District (BID). Property owners were having a difficult time competing with other areas to lease space in buildings and the goal is to update the park and make it more attractive.

Mr. Loeper stated the King of Prussia Mixed Use District will cover the King of Prussia district north of the turnpike, east of 422, south of Valley Forge Road over to Allendale Road and include properties on Allendale Road. The Board of Supervisors and Planning Commission have devoted a great deal of time over the last several months on the proposed Mixed Use District. It was recognized that just having an office building with nothing else does not work anymore. The opportunity must exist for people do other types of activities as part of their daily routine whether it be shopping, eating, relaxing or socializing. The district has been rewritten to incorporate additional uses including multi-

family housing and an extension of additional retail uses and other amenities. Design standards are proposed to create a friendly, walkable environment. The focus will be First Avenue and Moore Road which are the two major roads in the Business Park, and the vision is to provide incentives for developers to incorporate a linear park in this area.

The Planning Commission played a key role in adding bonus provisions which are geared on LEED sustainability standards.

Utilizing the map, Mr. Loeper pointed out the King of Prussia Mixed Use District, Commercial Industrial District, and Industrial District. He noted the Norfolk Southern property which was industrial when it was a rail use with a rail yard; however, the amount of property that is actually used for that purpose is relatively limited and the question remains is it desirable to allow that industrial use in a green, wooded area right on the river.

Mr. Loeper discussed the area on South Gulph Road where Home Depot and Carmax are located. He noted a few years ago there was a proposal to rezone. A hotel and offices were proposed and one of the issues was peak traffic generation and the proposal did not move forward. Home Depot and Carmax are permitted under industrial. Mr. Loeper indicated staff needs to review the classification.

Another question is what is going to happen with the GSK campus since GSK will be moving most of their employees out of Upper Merion. They will be maintaining a portion of the site where they have some current manufacturing and R&D, but the western portion of the campus which looks more like an office area will be vacated and presents challenges moving forward.

Mr. Loeper resumed going over the map pointing out the Commercial, General Commercial, and Limited Commercial. Mr. Loeper noted an area at the end of Renaissance that is currently zoned C-2 Commercial where there has been discussion about creating a commercial area; however, the residents would rather be zoned for office type uses.

Two places which have not been addressed are DeKalb Plaza which is zoned Residential (where the Acme is located) and the Realen development both of which are there by court stipulation. What has not been worked out as yet are what to call these two areas.

Overlay and Special Districts

Mr. Loeper indicated these are all the districts where there is a Cluster Overlay, Flood Plain Conservation District and a Steep Slope District. The Steep Slope District is primarily for certain areas of the township where there are extremely steep slopes. In these areas additional restrictions are placed on the development of properties that have certain slope characteristics. Restrictions

are placed on the amount of impervious, where certain improvements can be made as well as the amount of disturbance. Changes have been made over the years, but additional changes are not proposed at this time.

The Flood Plain Conservation District

Mr. Loeper stated these areas are covered by FEMA maps; the 2010 maps (which have been pending for some time) are scheduled for approval in June 2015. The FEMA map delay has caused considerable difficulties for residents who think they are in a flood plain, but will not be in a flood plain when the 2010 map is adopted.

Ms. Camp pointed out property owners in the township are receiving notices from their insurance companies that they need a different level of flood insurance.

Mr. Loeper stated the ordinance needs to be revised to comply with the new maps and because of lack of guidance the model prepared by Montgomery County will be prepared and sent to them for approval.

Mr. Jenaway commented he has also heard from residents about the flood plain/flood insurance issue and suggested they go to a different mortgage holder or agency.

The Cluster Overlay

Mr. Loeper stated the Cluster Overlay in principle can be very good; however, some are not. He does not anticipate many clusters being proposed since there is not a lot of land remaining for residential properties. Mr. Loeper mentioned one cluster being discussed and staff are looking at putting better rules in place for how they are done since clusters work if there is a lotted plan. Without a lotted plan it has been used to maximize development potential and to a certain extent that is what happened in parts of Upper Merion.

Mr. Jenaway indicated he was told it was done to help limit infrastructure expense on the part of the municipality since those developments have to provide their own services such as snow removal. Mr. Loeper commented some previous Boards favored clusters.

Mr. Loeper stated definitions are lacking in the current code and where they are indicated are not consistent throughout the code. Staff is working on eliminating vagueness.

Mr. Loeper indicated new design standards are being looked at for different types of age restricted uses including independent communities, personal care, and continuing care. The design standards include such elements

as size, type of amenities, building setbacks, uses and accessory uses that would be permitted. Mr. Loeper indicated most of these uses require fairly large parcels. He has heard of some developers looking at individual smaller pieces and it is another area that needs review.

Mr. Philips commented on the need for a clear definition of “age restricted.” He pointed out the Secretary of Housing and Urban Development (HUD) has a specific designation of age restricted as “55 and over” and there are developers who want to use the term “age restricted” but they are not looking at 55 and over, but rather 40 and above to get the higher end buyers. The reality of the market place is nobody wants to do age restricted because there are a lot of restrictions that come with “age restricted” including among other things community management and certification every two years. Mr. Loeper responded that was one of the things the Township Solicitor looked at and staff will assure all current regulations and restrictions are taken into consideration.

Sign Code – Mr. Loeper indicated Upper Merion has a fairly restrictive code compared with municipalities. The current code was rewritten in 2005. Currently technology is changing rapidly with such things as digital signs. Montgomery County has recently published a model code for signs. Staff will go through this to see what provisions should be further discussed.

Parking and Loading – Mr. Loeper stated this is another code that has been amended recently. In the past, codes required a lot more parking than is needed. There are now fields of parking lots that are never used and generate a lot of stormwater. Federal mandates regarding stormwater are becoming more onerous and expensive from a municipal standpoint and staff is looking at having the right amount of parking as well as encouraging such things as mixed use parking and shared parking.

Non-conforming Building Structures and Uses – Mr. Loeper indicated this has been rewritten.

Local Renewable Energy – Mr. Loeper stated a section has been written dealing with guidelines for wind, solar and geothermal. He noted this is another category that is difficult because of ever changing technologies.

Mr. Mike Trachtenberg, Chairperson, Park and Recreation Board, stated the Park and Recreation Board has been working with Dan Russell, Park and Recreation Director on the master plan. Mr. Loeper commented the Park and Recreation master plan would be an element of the comprehensive master plan. He noted the comprehensive plans used to be one document, and it is now a series of documents that may be developed over time, for example, plans that the Transportation Authority may have or the Municipal Utility Authority may have that address needs of the community.

Mrs. Kenney asked for more details about the Norfolk Southern Railroad waterfront property. Mr. Loeper responded the waterfront property along the river is zoned Heavy Industrial. One of the benefits has been the fact the property has been undeveloped because of the railroad and it remains a potential resource for the community. The drawback is it cannot be accessed. Mr. Philips noted there are some portions the township owns. Mr. Loeper mentioned the township owns the boathouse and a parcel down near the Philadelphia Inquirer plan which cannot be physically accessed without crossing the railroad.

Mrs. Kenney noted at the last planning commission meeting there was a discussion and resolution passed about having an official township map. Mr. Loeper stated there is a provision in the Municipalities Planning Code for providing for a township map. He explained it is a map in which future or desired community needs (such as a future road or park) can be noted. While it does not guarantee that things will happen as shown on the map, it does put a property owner or developer on notice and gives the community certain rights to take certain actions. Mr. Loeper said the planning commission and others have suggested that it is something that should be done and could be done without too much difficulty.

Mr. Chris Kaasman asked about the renewable energy zoning code and whether it would supercede or override the homeowner's associations (HOA). A discussion followed about whether or not the code would supersede an HOA.

Mr. Loeper said the Board will have an opportunity to review the draft before it is in final form.

ADDITIONAL BUSINESS

TARGET OPENING

Mr. Jenaway stated he was provided with an emergency services tour at the new Target which has a planned opening scheduled for the last week in July. The general contractor indicated it will be 178,000 square feet and will be the largest Target on the east coast.

TRANSPORTATION AUTHORITY UPDATE

Mr. Santillo provided an update on the ongoing construction work on the Old Betzwood Bridge ("Singing Bridge").

COMMUNITY CENTER

Mr. Waks noted a special meeting of the Board of Supervisors will be held tonight for the awarding of four construction contracts for the Upper Merion Community Center. He reported that the bids received came back hundreds of

thousands of dollars under budget.

ADJOURNMENT:

It was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to adjourn the meeting at 8:54 a.m. None opposed. Motion approved 4-0.

DAVID G. KRAYNIK
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered: