

UPPER MERION TOWNSHIP PLANNING COMMISSION
April 11, 2018

The Upper Merion Township Planning Commission met for their regularly-scheduled meeting on April 11, 2018 at 7:00 p.m. in the Township Building, 175 W. Valley Forge Rd., King of Prussia, PA.

Present: Matthew Popek, Chair; Mark McKee, Vice-Chair; Todd Brown, Secretary; Vivian Peikin, Member; Dr. William Jenaway, Liaison to the Board of Supervisors; Robert Loeper, Township Planner; and Maudy Hedlund, Recording Secretary.

Absent: Jaque Camp, Member; Kyle Brown, Associate Township Planner.

Pledge of Allegiance:

Approval of the Minutes: March 28, 2018.

Mr. McKee offered a clarification to the section on disturbance of steep slopes. Mr. Popek made a motion to approve the Minutes with Mr. McKee's amendment. Mr. McKee seconded. Ms. Peikin and Mr. Brown, who did not attend the March 28 meeting, abstained. A 2-0 vote, in favor, carried.

Plan:

DP 2018-05: Wright Partners, 243 S. Henderson Rd. Construction of a 6,783 SF auto service building with 8 bays and a 2,572 SF fast-food drive-thru restaurant w/associated parking, access roads, lighting, landscaping, utilities and stormwater management. 1.96 acres, GC General Commercial. Expires 6/12/18.

Present:

Bill Rountree, P.E., Director of Development, Wright Partners, Media, PA.
Matt Chartrand, PE, LEED GA, Bohler Engineering, Bethlehem, PA.
Debra A. Shulski, Esq., Riley Riper Hollin & Colagreco, Exton, PA.

From Mr. Loeper's overview:

The plan for the site on South Henderson Road is to construct a 6700 SF auto service building with eight bays and a 2500 SF fast food restaurant with a drive-thru.

Set-backs:

The property's configuration made it very difficult for the applicant to meet the maximum setback.

Wooded lot:

The back, wooded property was dedicated to the Township and is zoned residential. The intent is to keep it as a wooded, green area.

Variance:

The applicant's request for a variance was denied by the Zoning Hearing Board. It is currently in litigation.

The Board of Supervisors' preference:

At its April 5, 2018 meeting, the Board of Supervisors indicated a preference for the applicant's prior plan over the current plan.

The applicant's prior, by-right plan consists of:

- Two separate buildings.
- A right turn-in with full access.
- Circulation around the building for the drive-thru that doesn't interfere with the drive aisles.

The current, zoning-compliant plan:

- Complies with the setbacks by moving the buildings up to the front of the property.
- Meets a major requirement by lining up with Saulin Boulevard.
- Places the exit of the drive-thru at the entrance.

The applicant has spoken with the two tenants, Wendy's and NTB. Both tenants accepted the plan. The applicant would like to keep this plan moving.

Mr. Rountree felt that there were some benefits to this plan but considers the original a better-functioning plan.

Letters:

The Township is awaiting letters from the Engineer, the County and PADOT.

Mr. Loeper turned the meeting over to the applicant and his representatives.

Highlights from Mr. Rountree's and his representatives' presentations:

Buffering:

- The applicant's lot is surrounded by residential zoning that includes a large apartment building. On the left side is PECO's right-of-way.
- Meetings with the apartment owner's designated representative identified that buffering as the owner's only concern.
- On the original plan the applicant was asking for some relief on the width of the 30-foot buffer, instead of a 15-foot side yard.
- The property owner approves and supports the applicant's offer to construct a buffer in a green area by their driveway's edge.
- The applicant plans to maintain a landscape buffer for either of the two proposed plans.

By-right drive-thru:

- The proposed drive-thru is not the ideal situation but it is practical and in place in many applications.
- The drive-thru has a controlled stop at the pick-up window, a stop sign and a stop bar before motorists enter the drive aisle.
- A significant shoulder provides room for cars should someone try to get out while others are backed up.
- An analysis based on trip generation indicates that the drive-thru functions adequately.

Non-conforming buildings:

Ms. Shulski stated that the existing buildings are non-conforming. The applicant is actually improving a non-conforming situation.

Applicant's goal:

Mr. Rountree stated that his goal was to get a compliant plan and one that the tenants could accept.

The tenants:

- Wendy's.
- The NTB store, with its eight bays, is considered the lesser use on this property. Larger NTB stores may serve thirty cars per day.

Henderson Road:

- The restriping of Henderson Road several years ago eliminated the gore that was located in front of the apartment owner's driveway.
- Henderson Road, from Route 202 to South Gulph Road is, for the most part, five lanes. It hour-glasses in front of the applicant's site to four lanes.

Front-yard setback:

The front yard setback is a 15-foot minimum and a 25-foot maximum.

PADOT:

PADOT made it clear that the addition of one car warrants over \$700,000 in off-side roadway improvements.

Proposed improvements for the roadway:

- Part of that \$700,000 would provide a dedicated, signalized left-turn lane to clear onsite traffic.
- The project would also result in significant road improvements, such as buffering, stormwater management, curbing, and sidewalks.
- The project will provide a turning lane for the apartment's tenants to pull into prior to making a two-stage left turn to exit the property.

Highlights from Mr. Chartrand's presentation:

Parking:

- Fifty six parking spaces are proposed for the whole site.

Deliveries:

- Deliveries to Wendy's would occur during off-hours.
- Deliveries to NTB would occur once or twice a week.

Standard and recycled trash enclosures:

- NTB will have one standard enclosure and one enclosure for used tires.

Requested waivers for land development:

- A waiver from grading within five feet from the property line.
- A waiver to allow an outlet control structure's orifice less than four inches wide to slowly release water from the site's large underground basin.
- A waiver to provide two street trees in lieu of four.

Requested partial waiver for the width of stormwater pipes:

- A partial waiver to allow stormwater pipes less than fifteen inches wide.
- The stormwater can tie into the drainage on Henderson Rd.

Zoning Hearing Board denial:

Debra Shulski, Esq., commented on the Zoning Hearing Board denial:

- At the Zoning Hearing Board meeting no residents opposed the application. One business owner felt it would benefit his property.
- The applicant has been in communication with the Township and the Zoning Hearing Board in an attempt to reach a settlement.
- Depending on the resolution, the applicant is agreeable to resolve it and return to the first plan.
- Given the uncertainty of the timing of the Zoning Hearing Board resolution, the applicant has to proceed with this alternative plan.
- The Zoning Hearing Board filed an Argument Praecipe. The Applicant and the Zoning Hearing Board filed their briefs. The Court is expected to schedule an argument date soon.

The applicant's concerns:

Mr. Rountree stated that the contract has been extended so many times that the applicant might be forced to close on the property. He added that real action is needed; that he can't afford to wait.

Questions and answers:

Mr. McKee inquired about the effect the Turnpike's future plan for an interchange at this location would have on this property.

- Mr. Rountree commented that the Turnpike's future plan -- if it happens -- would involve taking this property in that they would need the signalized intersection.
- Mr. Popek stated that, all things considered, and for the Turnpike's purposes only, the way Wendy's is positioned on the current plan is somewhat better for future access.

Mr. McKee inquired about SEPTA's plan for a Norristown High-Speed Line close to the applicant's site.

- Mr. Rountree commented that an elevated SEPTA train on PECO's site would not interfere with any of their operations.

Mr. Popek expressed an interest in having a walking trail in this area.

- Dr. Jenaway felt that there was enough space on the plan to facilitate one.

Ms. Shulski asked if the members would consider a preliminary and coming back for a final.

- Mr. McKee explained that the Planning Commission normally takes two meetings.

Matt Popek commended the applicant for what appears to be a yeomen's effort to squeeze two things into a property that is just not willing to give up too easily. Ms. Peikin agreed.

In closing:

Mr. Popek recommended that the applicant should come in one more time, once the engineering and planning letters are in, in order to make a full recommendation to the Board of Supervisors.

Mr. Popek was not interested in postponing any calendar that the applicant was on with the Board of Supervisors and wanted members' full participation.

Mr. Loeper informed the applicant of two more Planning Commission meetings prior to the Boards May 25th meeting.

Meeting adjournment:

There being no additional business, Mr. Popek's motion to adjourn the meeting was seconded. The meeting adjourned at 8:15 p.m.

Sincerely yours,

TODD BROWN, SECRETARY