

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
ZONING WORKSHOP MEETING  
FEBRUARY 20, 2014

The Board of Supervisors of Upper Merion Township met for a Zoning Workshop Meeting on Thursday, February 20, 2014 in the Township Building. The meeting was called to order at 5:02 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.

CONTINUE DISCUSSIONS – UPDATE OF ZONING CODE

Mr. Rob Loeper, Township Planner, stated the discussion will be focused on finishing the King of Prussia Mixed Use District. Peter Simone, President, Simone Collins was present to discuss the issues related to overall density, building heights and building mass. Brian O'Neil, O'Neill Properties Group, addressed what is happening in both the Business Park and the Renaissance areas.

Mr. Simone reviewed the changes in the latest draft of the King of Prussia Mixed Use District some of which were formatting and other minor changes. Highlights as follows:

- The overall chart for the ordinance will indicate "not permitted" instead of leaving blank
- With regard to drive-thru operations, there was a discussion about setbacks and guards against trends of certain retailers
- Footnote added regarding extended stay hotels to prevent them from becoming "de facto" apartments

Mr. Philips asked if apartments would be allowed in this district at all. Mr. Loeper responded it is proposed to allow apartments. Mr. Jenaway commented apartments would be permitted; however, it is not desired to have extended stay converted to apartments. Mr. Waks noted he does not view it as being inconsistent since there is a concern about the quality of the apartments that would be converted from extended stay to actual rentals. For reference purposes and avoiding definitional problems, Mr. McGrory emphasized the importance of defining the term "extended stay" as it is used in this particular ordinance.

- Planning staff has proposed 50 units per acre density cap for multi-family buildings.

Mr. Waks asked for clarification about a “developable acre.”

Mr. Loeper responded excluded from a developable acre are such things as right-of-ways, wetlands, steep slopes.

Mrs. Kenney asked if it includes or excludes flood plains. Mr. Loeper responded the current definition excludes flood plains from developable acre.

Mr. McGrory asked if planning staff had a chance to do any maximum yield plans. Mr. Loeper indicated Mr. Greenly has been able to do some conceptual research with 3D modeling and while they do not have actual yield in terms of square footage he has been able to take the topography of the Business Park showing the buildings as they currently exist and populate additional buildings with building polygons and jump the buildings up to the maximum height as shown in the ordinance.

Mr. McGrory asked if setbacks were “plugged in.” Mr. Loeper responded in the negative and stated staff will take a closer look, pick representative building sites and figure that out.

Mr. McGrory asked if the Board would want to see possibly two representative parcels one with structured parking and one without with the yield plans to see what intensity there is for reassurance that the numbers and dimensions within this ordinance work. Mr. Loeper indicated that could be done for the next meeting. Mr. Simone commented they did some preliminary yields several months ago, and Mr. McGrory asked for an update.

Based on a previous meeting discussion, Mr. Simone stated a footnote was added relating to hardware stores so as to distinguish a hardware store from a Home Depot. Wording was added that a hardware store should not exceed 30,000 square feet.

Mr. Loeper stated one thing the Board has not seen as yet are the SALDO requirements which deal with some design issues. He said it would be a good idea if some of these concepts and ideas, for example, sustainable building incentives, where practical would apply not only to the Business Park but to other businesses and office districts as well.

Mr. Waks stated it would be helpful to see what 50 dwelling units per acre would wind up looking like.

Mr. Brian O’Neill commented about some of his successful projects and provided information on what is trending in residential buildings, apartments and

lifestyles such as desire for courtyards, walkability and urban environments. He indicated, in his view, the number of units per acre should not be a drawback or concern.

With regard to density, Mr. O'Neill commented he found that the most successful markets were the ones that had buildings closer on the site and denser. It also frees up other land for other purposes such as in Conshohocken with a 100 foot park along the river. He also pointed out that many of their buildings are in a flood plain and built 9 feet above ground. Mr. O'Neill said his management staff would be willing to provide a tour of their buildings or provide building plans to demonstrate how the structures work.

Mr. Waks commented this Board of Supervisors has been working hard to improve and enhance the walkability of Upper Merion Township which previous boards failed to address for decades. With regard to traffic issues, Mr. Waks noted [in January 2011] he joined his fellow supervisors, Mrs. Spott and Mr. Jenaway, in support of a resolution encouraging the exploration of the SEPTA Norristown High Speed Line Extension with a direct connection into the heart of King of Prussia. Mr. Waks also emphasized the importance of keeping the public informed on developmental issues and getting their feedback.

Mr. Jenaway asked Mr. O'Neill if his research with regard to other cities and communities revealed if there is a driver when retail is needed to support a certain number of 85-foot apartments or buildings with such conveniences such as cleaners, grocery store, drug store, etc. Mr. O'Neill responded the level of restaurants has increased 400% in Conshohocken in the last 15 years or so. He said it does not involve need and in his view it evolves naturally and it is the same with other conveniences as well.

A discussion followed with regard to the role of liquor license availability to enable a merchant to open up a restaurant.

Mr. Simone stated staff can finish up the ordinance and work on yield plans and come back with an ordinance that is close if not at approval stage in order to move forward with advertising.

Mr. McGrory stated SALDO needs to be focused on and passed hand in hand with zoning otherwise it defeats our purpose. Mr. Loeper responded planning staff can come back at the next meeting with what they have on SALDO and agreed the two efforts should be paired together.

Mr. McGrory asked Mr. Robert Bound, Industrial Investments, if his issues have been addressed. Mr. Bound responded in the affirmative and indicated he is pleased with the outcome.

Mr. O'Neill discussed the project located at 750 Moore Road on the corner of 8<sup>th</sup> and Moore. This project has been approved for an extended stay building and permission is being requested to convert to residential. The dimensions are the same and they would still probably have 50% of the building with furnished suites. It is a densely populated area surrounded by offices and fully land developed. No changes are being requested to the building itself. Mr. O'Neill referred to a paragraph in their land development approval indicating permission would have to be requested to convert to residential. He indicated when the new zoning goes through they would have that permission by default, but because of lender issues they would like to start sooner.

Mr. Loeper stated this land development was actually approved twice and the applicant came back for an amended approval. He said first it was an office, then a similar building and then the building was revised and the conditions were changed for an extended stay building. Units could be apartments with a mix of one and two bedrooms. Mr. O'Neill indicated 65% are one bedroom and 35% are two bedrooms and no three bedrooms.

Mr. Waks asked about the proposed rents. Mr. O'Neill responded they are targeting \$1.85 per foot per month. For example a one bedroom is 700 square feet and would be about \$1,250 for one bedroom and two bedrooms would be about \$1,800 and it could move \$200 in either direction. For the extended stay apartments they target rates between \$130 and \$149 per night and all the services of a hotel are provided.

Mr. Loeper indicated parking would be another issue. Parking for pure residential is 2 per unit. Mr. O'Neill indicated they could provide 1.2 per unit. He indicated with 65% in one bedroom and 35% in two bedrooms it works out to roughly one car per bedroom.

Mr. Waks asked for the size of the parking spaces there now. Mr. Loeper responded 9 ½ x 19 feet and this complies with the current code.

A discussion followed about the zoning options of obtaining a variance or using a text amendment and the timeline for getting everything ready for the consideration of the Board of Supervisors.

Mr. Waks asked about sidewalks, and Mr. O'Neill responded the sidewalks are wrapped around the entire site.

Mr. O'Neill stated currently the concept is approved as empty extended stays and is split 65/35 one bedroom to two bedrooms, and he is asking for approval to make them 100% apartments. During the discussion it was pointed out several times that they would still have to clear the zoning hurdle and the parking ratio needs to be addressed.

Mr. McGrory asked if Mr. O'Neill was okay with a covenant. Mr. Neill responded in the affirmative. Mr. McGrory stated if they do a covenant making sure the project is subject to the text amendment and subsequent changes as they may or may not apply it would be a viable option. Mr. Loeper indicated he would draft the language forward it to Mr. McGrory for review and then send it to both planning commissions.

Mr. Waks stated he does not believe a major development should be on the Consent Agenda and Mr. O'Neill should be prepared to present the design plans, show what the exterior will look like, and be prepared to answer questions from the public and Board of Supervisors when this matter comes before the Board for consideration.

Mr. O'Neill discussed two properties adjoining their headquarters in the Renaissance area for which he is proposing a change of use. One is residential and the other is a specialty medical center (not for emergencies) for which there is an enormous demand and market.

Mr. O'Neill indicated he would be willing to have a meeting with the Gulph Mills and Hughes Park Civic Associations to provide more information on his proposed developments and receive their feedback.

#### ADJOURNMENT:

It was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to adjourn the workshop meeting at 9:48 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: