

UPPER MERION TOWNSHIP PLANNING COMMISSION
March 22, 2017

The Upper Merion Township Planning Commission met for their regularly-scheduled meeting on March 22, 2017 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; Vivian Peikin, Secretary; Jaque Camp, Member; Todd Brown, Member; Robert Loeper, Township Planner; Kyle Brown, Associate Township Planner; Maudy Hedlund, Recording Secretary.

Absent: Dr. William Jenaway, Liaison to the Board of Supervisors.

Matt Popek opened the meeting with a pledge of allegiance to the flag followed by self-introductions.

Meeting Minutes: March 8, 2017

Todd Brown made a motion to approve the Minutes of March 8, 2017. Jaque Camp seconded. A 4-0 vote, in favor, carried. Mr. McKee arrived shortly afterwards.

Plan:

DP 2017-05: King of Prussia Associates/Eddie V's, KP Mall, 8,000 sq. ft. pad restaurant, 127 acres, SC Shopping Center, Plan expiration 6/6/17.

Present: Denise R. Yarnoff, Esq., Riley Riper Collin & Colagreco, Exton, PA.
Keith J. Marshall, PE, Nave Newell, Wayne, PA.
Jack DeGagne, Director, Darden – Eddie V's, Media, PA.

Eddie V's, a high-end dinner restaurant that specializes in seafood, is proposed for the location between the Container Store and the Wells Fargo Bank. The restaurant can seat 250 and will employ 90 to 100 people. A liquor license has been applied for.

Trash area:

The trash area will be enclosed from street view and locked.

Deliveries:

Deliveries will be made during off-hours utilizing the proposed drive aisle which have adequate turning radius for the delivery vehicles.

Parking:

Site changes will reduce the total number of parking spaces by 50 parking stalls. The Mall provides 12,594 parking spaces, 87 more than are required.

Sidewalk:

A connection to the sidewalk along Route 202 is proposed.

Request for street trees:

Existing overhead electric lines may negate the request.

Impervious:

A slight increase is proposed.

Stormwater features:

The Ordinance's stormwater requirements will be met by an underground basin, water-quality structures within the inlets, and by landscaping features.

Motion:

Vivian Peikin made a motion to recommend approval of the plan to the Board of Supervisors. Jaque Camp seconded. A 5-0 vote, in favor, carried.

Zoning Amendments:

Z 2017-02: 301 West DeKalb Pike / Doubletree Hotel, an ordinance to rezone the property located at 301 West DeKalb Pike (Tax Number 58-00-06322-00-1) from the HR High Rise District to the GC General Commercial District.

Present: Denise R. Yarnoff, Esq., Riley Riper Collin & Colagreco, Exton, PA.
Bill Connor, Avison Young,

From Mr. Loeper's overview:

- The property consists of two parcels (aka pads).
- The new owners want to rezone the hotel's portion from the HR District, which does not permit hotels, to the General Commercial District.
- The applicant requests the Planning Commission to consider the requested rezoning.

The proposal involves relocating a significant storm/sanitary sewer, evaluating how access can be provided without installing additional driveways onto 202, and reserving a major portion of the site's mature specimen trees.

From Ms. Yarnoff's presentation:

The applicant is proposing to:

- Rezone the area fronting Route 202 to GC for a retail-restaurant type of use.
- Retain the structured parking garage.
- Make use of the existing access and add a deceleration lane.
- The zoning change will reduce the current 150-foot setback to a 15-foot minimum and 25-foot maximum.

Members commented on the following:

Access:

- Due to a problematic grade difference the only access should come from the existing signalized intersection.
- Minimize curb cuts on 202. Don't add any more.
- Matt Popek asked if the applicant had spoken with property owners to the south. Ms. Yarnoff replied that they haven't, yet, but consider it a good suggestion.

Trees:

- Retain the group of mature, specimen trees by the apartment's entrance.

The structured parking garage:

- Given its higher elevation, Mark McKee suggested enhancing the under-utilized parking garage. The suggestion is under consideration.
- Mark McKee also suggested installing another building in front of it and adding additional retail uses in the setback. Ms. Yarnoff offered to look into his suggestion for additional retail uses.

Easement:

- The driveway is an easement for the hotel that divides the less than four-acre parcel into two potential pads. Whether they'll be separate parcels is not known.

Creating a pedestrian zone:

- Quoting Jaque Camp: "This is a good modification to the use of the property, and consistent with the surrounding uses. If we are going to make improvements to a

property this size, it would have to include paying attention to this high traffic road that you're on and having a well-designed pedestrian zone in front of these uses. We need to step up the quality of the experience in our pedestrian infrastructure." Mr. Loeper agreed that better landscaping and design standards are needed.

Zoning change:

- Todd Brown saw no reason to oppose the zoning change.
- Jaque Camp stated that what is being proposed makes sense and is a good use in this location.

Land development:

- Jaque Camp stated that we should evaluate this on the merits of whether or not it is an appropriate use of this piece of land within our zoning code and not require a preview of land development.

Motion:

Matt Popek asked if there was a motion to recommend Zoning Amendment 2017-02. Vivian Peikin made a motion to recommend approval of Zoning Amendment 2017-02 to the Board of Supervisors. Todd Brown seconded. Mark McKee abstained. A 4-0 vote, in favor, carried.

Z 2017-01: Henderson King of Prussia, LLC, an ordinance to amend the dimension requirement of GC General Commercial District by eliminating the maximum front yard setback and reducing the minimum residential buffer.

Present: Denise R. Yarnoff, Esq., Riley Riper Collin & Colagreco, Exton, PA.
Bill Roundtree, PE, Director of Development, Wright Partners, Media, PA.
Brad Midgette, Henderson KOP, LLC.

From Denise Yarnoff's presentation:

Denise Yarnoff provided an overview of the property at 243 S. Henderson. The application was proposed for development many years ago. Denise Yarnoff, who represented WaWa, obtained approvals. Extremely expensive road improvements may have been a major factor in WaWa's decision to not move forward.

Site:

Nothing much has happened on the site in the last ten years. Severe grade changes on the property will require significant grading and retaining walls.

Applicant:

The applicant, is a development company specializing in redevelopment of difficult sites, has an opportunity with two of the tenants that they represent to develop this property.

Road improvements:

PADOT has indicated that the development of the site will require significant road improvements

Relief:

In order to develop the site, the applicant sought zoning relief from two provisions of the code. The first had to do with the maximum front yard setback; the second pertained to the landscape buffer being more than the side setback.

The Zoning Hearing Board denied the application. The application is under appeal.

Change in zoning:

Jaque Camp questioned why this was being approached as a change to the zoning rather than a variance for this one property and added that changing this would change it for every property with this zoning classification in the township. Denise Yarnoff conveyed the Zoning Hearing Board's interest changing the requirements in order to develop the site.

Highlights of the group's conversation:

Denise Yarnoff asked if there's a way to create some flexibility in the ordinance that allows the Board of Supervisors and the Planning Commission to grant that kind of modification rather than go to the Zoning Hearing Board.

Mark McKee, who is against changing the whole district, recommended making a text amendment to the GC district and submitting a conditional use which the Board of Supervisors could waive, thereby taking it out of the Zoning Hearing Board, and allowing the Supervisors to say that the maximum 25-foot setback doesn't work.

Jaque Camp considered this a perfect, reasonable variance for this site, but not for every site. The Zoning Hearing Board is asking the group to change this zoning requirement for every GC property in the township in order to fix the problem for one property with a circulation issue.

Minimum landscape buffer:

Denise Yarnoff noted that the Board of Supervisors thought it made sense to have the buffer be less than the side yard setback.

Mr. Loeper stated that the minimum landscape buffer, per the Landscape Code, is intended to provide a visual break from a parking or drive aisle to a residential use, as was applicable at the Mall. Mr. Loeper said that to change the code would reduce the buffer to 10 feet.

Mark McKee commented that changing the GC Ordinance to 10 feet allows a by-right residential use that permits an 80-foot tall LEED building.

Redistricting the property:

Denise Yarnoff asked if the property could be redistricted.

Saulen Boulevard Interchange:

Matt Popek asked the applicant if he was familiar with the Turnpike Corridor Re-investment Study and the plan for the interchange at Saulen Boulevard, which is coming right through here. Bill Roundtree noted that the Turnpike Commission has no immediate plans for that interchange.

From Mr. Roundtree's presentation:

The applicant's plan is for an 8-bay NTB store and a fast-food restaurant with a drive-thru. The estimated cost for signalization, road construction/destruction, widening both sides of Henderson Road and installing sidewalks through the applicant's site is 660,000.

Denise Yarnoff asked if there is some way with language that would alleviate the concerns members have and provide some flexibility in situations like this.

Mr. Loeper thanked the applicant. Denise Yarnoff thanked the members.

There being no additional business, Vivian Peikin motioned and Matt Popek seconded to adjourn the meeting at 8:50 pm.

Sincerely yours,

VIVIAN PEIKIN, SECRETARY