

UPPER MERION TOWNSHIP PLANNING COMMISSION
September 10, 2014

The Upper Merion Township Planning Commission met for their regularly-scheduled meeting on September 10, 2014 at 7:00 p.m. in the Township Building, 175 W. Valley Forge Rd., King of Prussia, PA.

Present: Jaquelin Camp, Chairperson; M. Jonathan Garzillo, Vice-Chairperson; Mark McKee, Secretary; Steve Elgart, Member; Matthew Popek, Member; Scott Greenly, Associate Planner; Maudy Hedlund, Recording Secretary.

Absent: Robert Loeper, Township Planner; William Jenaway, Liaison to the Board of Supervisors.

Agenda:

Meeting Minutes: August 27, 2014

Mr. Elgart motioned for approval of the August 27, 2014 Minutes, as amended. Mr. McKee seconded. Mr. Garzillo, who did not attend the previous meeting, abstained. A 4-0-1 vote in favor carried.

Plan:

DP 2014-11

Valley Forge Shopping Center /Town Center Road

Demolition and reconstruction of a portion of the existing center resulting in a 14,160 SF Pet Center

24.36 Acres/SC Shopping Center (Area of disturbance less than 1 acre)

Present: Craig R. Lewis, Esq., Kaplin Stewart, Blue Bell, PA 19422.
Cornelius Brown, PE, Bohler Engineering, 1515 Market Street,
Philadelphia, PA 19102.
Adam M.S. Heine, Camden Securities Co., White Plains, NY 10604
Courtney Snow, Manager, PetSmart, Devon, PA.
John A. Paciello, II, area resident.

From Mr. Greenly's overview:

The Valley Forge Shopping Center proposes to demolish the portion of the building on Town Center Road currently utilized by six tenants to create a 14,160 sq. ft. retail space for a PetSmart store. Demolition and construction is expected to take five to six months and will not negatively impact internal circulation, parking or green space.

The applicant is requesting a waiver of the land development portion which was submitted as a preliminary/final land development.

Rob Lewis introduced the applicant and his representatives, then described the proposed land development plan that more closely resembles a building permit submission.

Demolition and reconstruction of the building would be confined to the curb lines with no change in square footage or impervious. The PetSmart store's primary entrance will be located on Town Center Road. The intersection will be fully stop sign-controlled and ADA compliant sidewalks will be installed.

The members were advised that the plan met township's parking requirements. PetSmart will encourage employees to use a designated parking area.

The Engineer's review letter will be addressed by Bohler Engineering.

Mr. Brown described the designated routes for delivery trucks accessing and leaving the site prior to the store opens for business. Accessing from Route 202 onto Town Center Road trucks will head towards a parking field using a drive aisle and back into an on-grade docking area designed for maximum flexibility in circulation. Upon leaving, the trucks pull straight out and head for westbound Route 202.

Mr. Heine commented that current tenants of the building can make arrangements to relocate to a space in the shopping center made available by the phase two redevelopment.

Mr. Garzillo inquired about sufficient parking. Rob Lewis referred to the shopping center's recent redevelopment which calculated parking and signage for the site. He assured members that the plan complies with the Ordinance. Rob Lewis pointed to a parking field located near the entrance of the PetSmart front door that will be utilized.

Ms. Camp prompted questions and comments from the audience. Stating that Peppers' utilizes half of the parking lot on a Thursday poker night Mr. Paciello, an area resident, respectfully expressed his disagreement with this project. Mr. Paciello also expressed a concern about pedestrian access to the stores along 202 during construction. Rob Lewis assured the Planning Commission that a safe, alternate pedestrian route to all adjoining open businesses would be in place during construction.

Mr. Elgart made a motion that the Planning Commission recommends a waiver of the dual application process for a single application and recommends that the Board of Supervisors approve the demolition and reconstruction portion of the Valley Forge Shopping Center as a new single tenant space. Mr. Garzillo seconded. A 5-0 vote, in favor, carried.

The applicant will meet with the Board of Supervisors on September 11, 2014.

Plan:

**Transit-Oriented Development Ordinance
Renaissance Business Park/SM-1 District**

Present: Ed Campbell, Esq., Campbell Rocco Law, LLC, representing O’Neill Properties, King of Prussia, PA.
Richard Heany, O’Neill Properties, King of Prussia, PA.
Richard Dougert, Gulph Mills Civic Association.
Tim Rapine, area resident.
Patti Erickson, area resident.

From Mr. Greenly’s overview:

The purpose of this ordinance is to amend the existing SM-1 District to allow multi-family residential, nursing homes, skilled care residential facilities /continuing care retirement communities within 1,250 feet of a transportation rail station. The district would incorporate new design features such as building height, building coverage and buffers.

Group discussion on applicable distances and pedestrian access began. Ms. Camp stated that the intent of a Transportation Oriented Development (TOD) is to get a mix of uses within walking distance of the train station to maximize the effectiveness of the train station as a transportation option. Ms. Camp stated that a TOD, as a practical matter, reduces the reliance on vehicles.

Mr. Greenly showed a map with Area SM-1 parcels in pink, and a blue circle showing a 1,250 foot radius from the Hughes Park station for the TOD area. It was recognized that, as drawn, it would only permit a TOD on the three applicant-owned SM-1 parcels, while just narrowly excluding another SM-1 parcel on Henderson Road, directly across from the existing multi-family Gulph Mills Village Apartments.

Mr. Elgart recommended that the ordinance should require safe pedestrian access from the SM-1 to the train station, and that it needs to have some real teeth. Commission members agreed.

Mr. Elgart noted that the draft ordinance’s provision that at least one boundary of the proposed TOD property be within 1,250 feet was ambiguous. He suggested that each residential unit shall have an access to a building entrance that is a maximum of 1,250 feet from the train platform entrance. Mr. McKee commented that if only one property line needs to be within 1,250 feet, and any lots are consolidated, it could arguably extend the TOD structures to much of Renaissance, well beyond the walkable distance.

Mr. Garzillo asked if a plan was the impetus for changing the rules. Mr. Greenly commented that the idea is to bring mixed uses to the Renaissance Business Park. Ms. Camp commented that this is a revision that needs to be made to the zoning code because we need

to be making room in the township for transit development; it is a positive move, one that needs to be done correctly, and one that can't be shaped to the needs of a single project.

Ms. Camp asked for clarity on the goal of tonight's meeting, as this marks the Commission's first look at the ordinance. Mr. Greenly was willing to accept the Commission's decision.

Group discussion on building height in Section 3.a.ii provided the following recommendations:

- Ms. Camp recommended clarifying the section's intent and wording.
- Change "*a minimum*" to "*an additional*" 10 feet.

Members discussed whether the 10 foot setback should be from an existing residential "dwelling" or from an existing residential "property line."

Ed Campbell, counsel for the applicant, provided an explanation for the exclusion of the recommended ten-foot setback. Meetings held with the Hughes Park Civic Association and Workshops with the Board of Supervisors indicated an interest in pushing the buildings back and away from the Hughes Park and residential and to move them as close as possible, next to the Gulph Mills Golf Course.

Group discussion continued on the 75-foot building height and the 65-percent building coverage permitted in the draft ordinance. Mr. Greenly was asked to confirm the SM-1 maximum height and building coverage permitted. He confirmed that the by-right permitted height is 50 feet, with a maximum of 65 feet with an additional two feet added to each yard requirement for every foot in excess of 50 feet. Mr. Greenly read that the permitted maximum building coverage is 33-1/3 percent. Group discussion noted that the proposed draft ordinance gives the applicant here significant by-right increased height and building coverages versus those for all the other stakeholders in Renaissance Park.

Mr. Elgart noted that most communities that adopt increased density TOD ordinances require structured parking and direct access to an arterial highway, recognizing that while some may use public transit, many more will still own and drive cars. Mr. Garzillo noted that people are still going to drive, and agrees that a nearby arterial be required.

Mr. Elgart referenced the 2006 Planning Commission motion for the final approval of 2501 and 2901 Renaissance Boulevard included the applicant's agreement that the road connection to Crooked Lane be made upon final land development approval, and noted funds were escrowed for that purpose. He noted that the only parcels affected by this proposed TOD are the same. Mr. McKee questioned that if this text amendment permits a new plan without requiring a direct access to nearby arterial highways, when the need for the road connection is recognized, on whose dime will it fall? He suggested that good planning for the proposed uses should include a fully-functioning nearby access to the highways as a requirement. McKee also noted that while we have been discussing the concept of a nursing home, under the proposed draft ordinance, a 75-foot tall building with multi-family apartments could be constructed by right on both parcels. Mr. Campbell agreed.

Ms. Camp found the terminology of Section 4.c., “that parking shall be made available to the public for access to the train station” confusing and recommended that it be moved because a TOD should not be required to provide parking for a train station. She considered it an amenity that should be provided by SEPTA.

Ms. Camp asked if we were trying to do TOD “light” in order to get this project underway, with the intention of later going back and doing a thoroughly-thought-out and well-implemented TOD that encompasses more than SM-1 districts. She added, “We have to take care to make sure that we’re getting what we intend.”

Group discussion addressed structured, surface and parking provided below a building. Ms. Camp found issue with the wording that requires the applicant to provide additional parking, and stated that we often pave up more of the township than is needed and end up with inadequately-used parking lots. Mr. McKee is in favor of structured parking. Ed Campbell favored surface parking with an elevated building.

Without dismissing the validity of the project or the necessity of it Mr. Garzillo stated that the purpose of this kind of rewriting of the zoning should be to serve the needs of the community both small and large, not the needs of a single project.

Ed Campbell commented that the applicant did not originally propose providing additional parking for the public to use this site. The applicant acceded to the suggestion that it might reduce traffic on a global scale if additional parking was made available.

During group discussion Mr. Popek commented that, in general, when places in the country adopt a TOD ordinance they treat the entire zone, not just a particular slice or section.

Ms. Camp asked for questions and comments from the audience.

Mr. Tim Rapine, area resident, considers the existing station inadequate and voiced his concern about pedestrian safety.

Ms. Camp replied that one of the major elements of transit-oriented development is working hard to create a walkable community and making sure that improvements to these properties include looking at the walkability from these properties to the train station and throughout the neighborhood.

Regarding the proposed developer providing parking, Mr. McKee noted that, as part of the 2006 Final Plan approval, the buildings were pushed toward the trolley line, and O’Neill Properties, as a concession to the Hughes neighbors, in order to foreclose the possibility of a WAWA or other convenience market on his commercially-zoned parcel, built the existing parking lot that would now be available for train parking. He wondered how residents from Hughes Park who didn’t walk so well would get to this nearby parking. “They would have to go around” was a response from the audience. “So the train station parking would be there, just a few feet off Crooked Lane, but not accessible to the handicapped residents,”

asked Mr. McKee. “They would have to drive around to Swedeland Road or Church Road” was the response from the audience.

Mr. Elgart mused that the owners of the SM-1 parcel on Henderson Road may find that they do, in fact, fit within the proposed TOD radius with a survey or future adjacent acquisition.

Richard Heaney of O’Neill Properties stated that many tenants in their building and other offices utilize the train station. He favors bringing in a residential component that is off-peak to what everyone else is doing.

Ms. Patti Erickson, resident of Hughes Park, considers the addition of residential and senior housing a better fit for her walkable community.

Mr. Elgart commented that the Hughes Road station needs some work and suggested placing the burden of providing parking on the developer. Ms. Camp replied that it is one of the kinds of specifics to a project that belongs in the land development plan and agreement for that project, but probably does not belong in the zoning ordinance. Mr. Garzillo agreed that this has to be written as an ordinance so that anything in the area is going to work.

Members acknowledged Mr. Rob Erickson’s statement that SEPTA’s extension of the Route 100 line may also impact other SM-1 districts.

Mr. Campbell inquired about the escrowed funds for putting the road through. Patti Erickson said she feels the road will destroy their community. Mr. McKee respectfully disagreed, stating that the approved alignment for the connection would make the Hughes Park neighborhood much more walkable and safer. The applicant’s own TP&D traffic engineers, along with the Township’s Traffic Consultant, concluded that the connection as proposed is a positive for all the vested interests in the existing 1,500,000 square feet of Renaissance, every employer, employee, as well as the Hughes Park residents. “You will get less traffic according to the studies by the traffic experts (no right turn out onto Crooked, and no left turns in from Crooked Lane, are permitted), and potentially turn Crooked Lane into a local road, without the quarry trucks blowing through as they do now.”

There was a brief discussion regarding the bridge on Crooked Lane that was completely rebuilt about 1991. Mr. McKee reminded everyone that Church Road will be closed for approximately two years for reconstruction of the 100-year-plus bridge over the Route 100 line, and asked everyone to consider the route all the traffic bound for Henderson will take. He fears for the safety of all the Hughes Park residents between Church and Yerkes Roads, if the Renaissance Boulevard connection is not completed before Church Road is closed. The connection duty and cost is now on the applicant, under his Development Agreement.

Mr. Rich Dougert, President of the Gulph Mills Civic Association, said the Association supports the proposed uses, provided that the long-planned entrance and exit at Crooked / Yerkes is incorporated into any future development. He mentioned that Renaissance was originally planned with as many as five exits, but now has only two. He maintained that the Renaissance Boulevard connection was critical to the continued viability of the Park, which

currently has many vacancies. He feared that the pending closure of Church Road between Crooked and Henderson will lead to a gridlock, and will be detrimental to the corporate center, the township, and its residents. The Renaissance Corporate Park is a valuable asset to the township, and the greatly improved access directly to the Interstate highway system via the now-completed Henderson Ramps via this long overdue connection is a critical element to its continued viability.

Mr. Elgart commented that the developer has proposed this ordinance as a way of facilitating it. He has to recognize that we have to look at it as an ordinance.

Ed Campbell stated that this amendment has been before the Board of Supervisors; that it would be advertised and that the applicant was anticipating a recommendation.

Ed Campbell requested that the Board of Supervisors consider broadening the scope; provides the “teeth” the Planning Commission requested for pedestrian access; and makes recommendations for what it wants in the ordinance.

Ed Campbell stated an acute need for nursing care and multi-family residential.

Ms. Camp asked whether this amendment has been through the legal vetting process for a change to an ordinance. Mr. Greenly replied that it had been submitted to our solicitor.

Ms. Camp commented on the need to get some of the issues and language clarified, in particular with respect to the lot coverage and building height portion.

Ms. Camp commented that we need to sort out which of the things listed in here are actually land development concerns that have to do with the project in question, as opposed to the zoning ordinance.

Ms. Camp stated that the overall issue that needs to be decided on is passing an ordinance specific to one zoning classification for a type of development that is likely to also be relevant to other zoning classifications. She requested that her question, “Is that the logical way to approach this?” be submitted to the Board.

Ms. Camp considered this an ideal property for a TOD project, adding that we want to be careful that we do it in a way that works from a zoning perspective.

Mr. McKee stated that “the uses are fine and that the alternate traffic peaks are a plus, but you don’t eliminate the existing needs of the one and a half million square feet of office that are there, plus the needs of the tenants that you are going to put in there, nor the multi-family units and the nursing or continuing care folks, and cut them off from the arterial roads that are now improved. The loser (if the long-planned connection is not made) is going to be the residential neighborhood that you think you are trying to protect.”

A discussion concerning a road connection to Crooked Lane was deemed by Ms. Camp as matter for a separate discussion and not relevant to the TOD itself.

Mr. Greenly recommended attending the Board of Supervisors meeting tomorrow night.

Other Business:

Ms. Camp mentioned the upcoming Joint Meeting and Mr. Garzillo offered to attend it.

There being no additional business, the meeting adjourned at 9:07 p.m.

Sincerely yours,

MARK MCKEE, SECRETARY

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**UPPER MERION TOWNSHIP PLANNING COMMISSION
SEPTEMBER 10, 2014**

TO: UPPER MERION TOWNSHIP BOARD OF SUPERVISORS

FM: UPPER MERION TOWNSHIP PLANNING COMMISSION

**REF: DP 2014-11
Valley Forge Shopping Center /Town Center Road
Demolition and reconstruction of a portion of the
existing center resulting in a 14,160 SF Pet Center
24.36 Acres/SC Shopping Center (Area of disturbance
less than 1 acre)**

**PRESENT: Chairman Camp; Vice-Chairman Garzillo; Secretary;
McKee; Members Elgart and Popek; Associate
Planner Greenly and Recording Secretary Hedlund.**

The members of the Commission reviewed the above-referenced plan.

Mr. Elgart made a motion that the Planning Commission recommends a waiver of the dual application process for a single application and recommends that the Board of Supervisors approve the demolition and reconstruction portion of the Valley Forge Shopping Center as a new single tenant space. Mr. Garzillo seconded. A 5-0 vote, in favor, carried.

I do believe the opinions expressed herein, do properly define the position of the Commission.

Sincerely yours,

MARK MCKEE, SECRETARY

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