

UPPER MERION TOWNSHIP PLANNING COMMISSION
October 8, 2014

The Upper Merion Township Planning Commission met for their regularly-scheduled meeting on October 8, 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 (late arrival); Mark McKee, Secretary; Steve Elgart, Member; Matthew Popek, Member; William Jenaway, Liaison to the Board of Supervisors; Robert Loeper, Township Planner; Scott Greenly, Associate Planner; Maudy Hedlund, Recording Secretary.

AGENDA

Meeting Minutes: September 10, 2014

Ms. Camp announced that the September 10, 2014 Minutes would be deferred to the next meeting.

SD 2014-02
1069 Mt. Pleasant Ave.
Lot-line revision
0.67-acres, R-1A

Plan Amendment
Simon Properties- King of Prussia Mall Connection
Review of changes to parking garage & circulation

Transit-Oriented Development Ordinance/Renaissance Business Park/SM-1
District
Review and formalization PC recommendation

SD 2014-02
1069 Mt. Pleasant Ave.
Lot-line revision
0.67 acres, R-1A

Present: Jennifer Smith, 1069 Mt. Pleasant Avenue, Wayne PA.
Patrick Spellman, Yerkes Associates, 1444 Phoenixville Pike, West Chester PA.
Tanya Williford, 1059 Mt. Pleasant Avenue, Wayne, PA.

From Mr. Loeper's overview:

This lot line revision involves transferring 3900 square feet from one non-conforming property to another non-conforming property without creating new lots. The applicant received relief from the Zoning Hearing Board and proposes to demolish the existing residence and replace it with a new dwelling. There are no planning issues. Stormwater management for the proposed lot will be reviewed.

Given the nature of the plan, Mr. Loeper requested members to move this plan along. Ms. Camp had no issues with the plan and asked the members for their comments.

Mr. Elgart moved that the Planning Commission recommend adoption of the proposed lot line revision as presented. Mr. McKee seconded. A 4-0 vote, in favor, carried.

Plan Amendment
Simon Properties- King of Prussia Mall Connection
Review of changes to parking garage & circulation

Present: William G. Jackson, Vice President, Development, SIMON Property Group, Inc., 225 W. Washington St., Indianapolis, IN.
Michael F. Hartman, Senior Civil Engineer, SIMON Property Group, Inc.
Keith J. Marshall, PE, Nave Newel, Inc. 357 S. Gulph Rd., King of Prussia, PA.

From Mr. Loeper's overview:

The original land development plan for the King of Prussia Mall Connection to connect the Plaza with the Court proposed to leave a portion of what is commonly referred to as the Nieman's Parking deck intact and build onto it. A portion of the parking deck needed to be demolished because it extended over the loading docks. The amended plan proposes to demolish the entire parking deck and construct a new one. The township's concerns about the Nieman's parking deck's demolition were addressed. Demolition will begin in January of 2015 and its construction will be completed in August of 2016. Alternate parking will be provided during demolition and construction periods.

Ms. Yarnoff stated that part of the reason for this expensive project was to make the parking deck and parking experience as great an improvement as what is happening at the Mall.

Mr. Marshall explained how the amended ramp system will improve circulation and create a better-utilized deck. Motorists entering from Mall Boulevard can select the outer ring road to head towards J.C. Penney's and Sears or select the second lane for a quick and easy access into the structured garage. Ramps located on the back side of the deck will lead to the fourth floor. An enclosed escalator system on the top deck will transport customers to lower levels. Three elevators designated for emergency egress will be installed at various locations. One of the garage's two "down" ramps will head toward Mall Boulevard; the other will circulate internal to the site. Electronic way-finding signage will also help motorists find available parking spaces within garage.

Members expressed their appreciation of the deck's sleek design and the electronic signage.

The applicant's representatives answered questions regarding the required number of parking spaces, the increase in leasable space, traffic flow within the deck, the clearance required clearance by fire department ladder apparatus, and the reduction in impervious surface.

Ms. Camp asked if the Commission would see information about building, the treatments for the side of the building that will face the Crown Plaza, and the depth of the roadway that flanks the connection. Mr. Jackson offered to return with a PowerPoint presentation on elevations and way-finding signage.

Ms. Yarnoff indicated the applicant's interest in receiving a recommendation.

Mr. Elgart said that the Planning Commission wishes to inform the Board of Supervisors that it is the sense of the Planning Commission that the proposed changes to the parking garage plan and circulation represent a significant improvement to the plan, which was already approved. We recommend approval of these changes. Mr. Garzillo seconded. A 5-0 vote, in favor, carried.

Plan:

**Transit-Oriented Development Ordinance/Renaissance Business Park/SM-1
District
Review and formalization PC recommendation**

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.

Mr. Loeper thanked members for submitting their comments. He announced that the Transit-Oriented Development Ordinance has been advertised for adoption by the Board of Supervisors next week. It is the intention of the Board of Supervisors to act on the Ordinance; however the Board would like to hear comments from the Planning Commission.

At the request of the Board of Supervisors, O'Neill Properties has agreed to put a covenant overlay which would guarantee that at least some of the development is deed restricted for nursing or skilled, or one of those components.

Mr. Campbell commented that he received a draft covenant from the Solicitor's office which requested parcel numbers. It guarantees that a minimum of one half of a development (about 300 units) must be age-restricted.

Mr. Loeper asked the Planning Commission to make one of three recommendations -- to approve as is; to deny the whole thing; or to make recommendations on things the Planning Commission thinks should be included either specifically with this ordinance or for consideration in the future.

Mr. Loeper offered to go through the comments he received from the Planning Commission.

- Should the TOD be an overlay district that could be located at more train stations than just Hughes Park and within more zoning districts?

Ms. Camp asked if the Commission's discussion of whether that should actually be an overlay rather than a revision to a particular district is something that could be picked up in the future. Mr. Jenaway noted that there are opportunities for this in other places in the township as time moves on, or as opportunities arise. He added that we may not have them now but may, in the future.

Ms. Camp asked if it is the plan, as each of those opportunities arises, that a separate zoning ordinance would be written to each of the specific projects. Using the high speed line as an example Mr. Jenaway replied that such an opportunity may or may not arise.

Mr. Elgart questioned why we didn't just amend the SM-1 to permit multi-family. Mr. Loeper stated that we are talking about changing the SM-1.

- Should other stations be included that are outside of Upper Merion Township?

Mr. Loeper noted that this would refer to the Bridgeport station, which is within the confines of Bridgeport but includes area in Upper Merion and, possibly, the Matsonford station, which is on the other side of the township line and includes parts of Upper Merion.

- Stronger definitions for "Transportation" are needed to make this ordinance specific to Rail Stations/High-Speed Stations and not bus stops etc.

Ed Campbell noted that the language "transit facility" was changed to "train station." Mr. Loeper confirmed the language to be "train station." Mr. McKee commented that, ideally, we should be looking at what should be a multi-modal transit-oriented development hub.

- Stronger definition for “Mental Health Facilities” is needed to distinguish between continuing care and dementia facilities.

Mr. Garzillo questioned the inadvertent interpretation of the definition. Ed Campbell offered to change the phrasing to “psychiatric” and “primary.”

- The current transit station distance is 1,250 feet, is this too restrictive of a distance?

Mr. Loeper stated that the current transit station’s distance of 1,250 feet is considered too restrictive.

Ms. Camp was not too concerned about the 1,250 foot distance because this is specific to this train station. She added that there might be other places where, because of better pedestrian facilities available nearby, we might want to expand that radius. Ms. Camp was fine with the distance, as it applies here, and looking at it more globally for other places.

- **Should other uses be permitted in the TOD outside of residential/continuing care?**

Ms. Camp replied that her answer would be “yes” in a global situation; however, if this is specifically to get this project getting moving, then it’s irrelevant because that’s what the applicant is looking to build.

Ed Campbell felt that there are other factors about this specific development other than “We want it.” He added that this isn’t the place where you want the traditional kind of commercial enterprises that you might often see in a TOD.

Ms. Camp replied, “This is going into our Zoning Code as the way we are going to approach TOD’s but it has things in it that are very specific to this site that we are not applying anyplace else. It’s difficult for the Commission to recommend that because it is a short-sighted way to approach zoning.”

- In regards to building height, from dwelling, or from property line? As written this could create a condition where the setback requirement could inadvertently limit the buildable area for future development on an adjacent property.

Ms. Camp stated that the ordinance we were looking at says “dwelling.” Members expressed at length that the wording needed to be amended. Mr. Loeper considered the Commission’s opinion it a good point.

Mr. McKee stated that the existing SM District allows a height increase from fifty to sixty-five feet but it provides that for every foot over fifty feet there is an additional two-foot setback in each yard's dimension. Mr. Loeper agreed that it could be written better. Ed Campbell expressed the desire in this situation to keep whatever is built as far away from existing residential by moving the building closer to the center of the site.

Ms. Camp reiterated that this is a zoning ordinance, not a land development plan for this specific site, adding that you could set in motion someone else wanting to build a very tall building in a place that, as this is written, would mean an adjacent property that was a residential-zoned property would then be precluded from building within that because there wasn't already an existing dwelling that close. Mr. Campbell replied that it would not preclude an existing dwelling. Mr. Loeper noted that it would not apply to the residential property. Ms. Camp replied that it would allow construction of a very tall building in a place that would have a negative impact on the desirability of putting a two-story dwelling unit on an adjoining residential property. This was a point Ms. Camp said needs to be looked at if this is a zoning ordinance that could then be applied in other places of the township. Ms. Camp recommended using wording such as "residential use" and "residential property line." Mr. Elgart agreed.

- Should standards for guest parking be included?

Mr. Loeper commented that, generally, guest parking is included and that the parking requirement is a minimum of 1.2 spaces per unit.

Mr. McKee did not have an issue with the 1.2 spaces allocated for age-restricted but considered the 1.2 per spaces insufficient for two-bedroom units in a six- or seven-story multi-family building. Mr. Elgart commented that, in addition to having 30 units per acre, there should be an average of 2 bedrooms per unit. Mr. Loeper added that 80 percent of the multi-family units should have one or two bedrooms. Mr. Garzillo felt that today's younger couple has two cars. Ms. Camp noted that the whole idea of a TOD is for a young couple to have one car and that one of the two people relies on the train for transportation.

Ed Campbell stated that O'Neill's parking studies came up with the 1.2 driver. He added that when this development occurs two residential developments would flank an existing office building with several hundred parking spaces. In response to members' comments, Ed Campbell offered a solution to develop complimentary parking for both uses.

Ms. Camp stated that part of the idea of doing a TOD is finding ways to have less acres of pavement all over the township and is in favor of keeping the parking to what the applicant believes he is going to really need within what's allowed in our parking ordinance.

Mr. McKee wanted to make sure that residents clear the parking lots by 8 a.m. It was noted that a cross-easement exists on the parking lot.

Ms. Camp stated that, in essence, this is a zoning ordinance for this piece of property. For that reason, she did not think that we have to be as concerned.

Members of the Hughes Park audience voiced their concerns about the low parking ratio and about overflow traffic coming into their neighborhood.

- Is 65% too high of a percentage for building coverage? Should green space be a higher number?

Mr. Loeper noted that what is being proposed is that the building coverage would go from fifty (50) to sixty five (65) percent. The green space would be a minimum of fifteen (15) percent.

Mr. McKee respectfully suggested that it (minimum green space) should be spelled out right here because the difficulty is the repealer clause that specifies that “all ordinances or parts of ordinances, inconsistent herewith or in conflict with any of the specific terms enacted hereby to the extent of said inconsistencies are hereby specifically repealed.”

Mr. McKee felt that going to 65 percent building coverage would increase parking, resulting in a request for a variance for reduced green space. He referred to the Business Park where under the new KP Mixed Use District the required green space for an 80-foot building is 45 percent.

Mr. Loeper asked members for a recommendation for the Board of Supervisors to decide.

Mr. Garzillo said that this project-specific construct has the potential of becoming a prototype for other TODs in the area and asked why we are even calling it that. Mr. Loeper replied that it was the request of our solicitor.

Mr. McKee stated that the proper way to approach a TOD is comprehensively. He respectfully suggests that a TOD should be a multi-modal transportation station.

Ms. Camp asked if the wording of the ordinance that’s going before the Board of Supervisors is exactly the same as when the Commission last saw the ordinance. Mr. Loeper confirmed that it is.

Ms. Camp stated that some specific concerns have been raised, that are still specific concerns. She wondered if the Commission wanted to try to condense our remaining concerns into a concise-enough list that it can be submitted as a recommendation.

Ms. Camp asked the public for comments.

Mr. Ken Foreman, former member of the Planning Commission and representing the 840 families of the Gulph Mills Civic Association, provided the following:

Under the ITE Manual the completed park would generate 24,420 trips per day, of which ten thousand (10,000) commuters would benefit from Renaissance Boulevard being extended over to Crooked Lane. Motorists would get off at the west-bound “on/off” ramp

of the Expressway, come up Shoemaker and into Renaissance Boulevard, avoiding Hughes Park. The traffic study done in 1998 by the Traffic Planning Design Commission concluded that the completion of Renaissance Boulevard would serve the interests of all concerned. In 2001 a traffic study done by O'Neill Properties came to the same conclusion. In 2010 the Upper Merion Township's Traffic consultant Pennoni Associates performed an expanded study, both with and without the completion of Renaissance Boulevard. The analysis showed that with the long-planned connection the daily PM peak-hour network delays would be reduced by 16 percent or 268 cars per hour. The Gulph Mills Civic Association would be in favor of this development only if Renaissance Boulevard is completed and connected to Crooked Lane as designed in 1983. The park is supposed to have four egresses. It only has two and has a major negative impact on our community.

Mr. Forman requested that the wording include the extension of Renaissance Boulevard.

Mr. Rob Erickson, a resident of Hughes Park, disagreed that putting the road would not impact Hughes Park because the road is aimed at the intersection of Yerkes Road, Crooked Lane and Holstein Roads that are already backed up.

Mr. Erickson asked what the justification was for increasing the building coverage from 50 to 65 percent. Mr. Loeper noted that it's a zoning policy question. Mr. McKee suggested keeping the same setbacks as are in the SM.

Mr. Loeper asked members if they were ready to make a motion.

Mr. Elgart made the following motion: The Planning Commission is not comfortable with the TOD as it is currently drafted. The PC favors the uses in the proposed TOD within the SM-1 District, as well as other districts. The PC believes that before adopting a TOD ordinance that the BOS carefully examine how that ordinance might be applied throughout the township in the future. The Planning Commission has noted the following defects to the proposed TOD ordinance. 1: Setbacks for additional height should be defined to require additional setbacks from the adjacent residential property line in addition to the underlying setback; 2: The maximum building coverage that is proposed is greater than the existing building coverage and is not consistent with the language or intent of the recently adopted KP Mixed Use District; 3: The term mental health facility should be reworded to read "primarily psychiatric facility"; 4: The TOD should require connection for a property to be within a reasonable proximity, perhaps 700 feet, to an arterial road.

In addition, the PC believes that future TODs should consider other uses and other non-residential districts, in addition to the SM1 district, in an overlay that includes transit centers

that are not limited to rail. As a result, the PC is unable to recommend the proposed TOD ordinance be adopted. The PC supports the creation of a TOD ordinance and would like to see the proposed uses in the areas affected by this ordinance.

Ms. Camp reiterated the Commission's appreciation of Mr. Elgart's list and asked members were for a second on Mr. Elgart's motion. Mr. Garzillo seconded. A 5-0 vote in favor carried.

Mr. Garzillo recommended a separate motion. That while the PC has made certain recommendations to this site and parcel specific proposal to facilitate a development, and while the PC encourages the Board in moving forward with the development of a broader TOD for the rest of the township, the PC recommends that this proposed TOD not be used as a template for any future TOD ordinance. Mr. McKee seconded. A 5-0 vote, in favor, carried.

Ms. Camp noted that we are in support of TODs in general, where appropriate, and in support of this project. It is the particulars of the Code that we object to.

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

Sincerely yours,

MARK MCKEE, SECRETARY

**UPPER MERION TOWNSHIP PLANNING COMMISSION
OCTOBER 08, 2014**

**TO: UPPER MERION TOWNSHIP BOARD OF
 SUPERVISORS**

**FM: UPPER MERION TOWNSHIP PLANNING
 COMMISSION**

**REF: SD 2014-02
 1069 MT. PLEASANT AVENUE
 LOT-LINE REVISION
 0.67-ACRES, R-1A**

PRESENT: Chairperson Camp; Vice-Chairperson Garzillo; Secretary McKee; Members Elgart and Popek; Liaison to the Board of Supervisors Jenaway; Township Planner Loeper; Associate Planner Greenly; Recording Secretary Hedlund.

The members of the Commission reviewed the above referenced plan.

Mr. Elgart moved that the Planning Commission recommend adoption of the proposed lot line revision as presented. Mr. McKee seconded. A 4-0 vote, in favor, carried.

Sincerely yours,

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OCTOBER 08, 2014**

**TO: UPPER MERION TOWNSHIP BOARD OF
 SUPERVISORS**

**FM: UPPER MERION TOWNSHIP PLANNING
 COMMISSION**

**REF: PLAN AMENDMENT
 SIMON PROPERTIES – KING OF PRUSSIA MALL
 CONNECTION
 REVIEW OF CHANGES TO PARKING GARAGE &
 CIRCULATION**

PRESENT: Chairperson Camp; Vice-Chairperson Garzillo; Secretary McKee; Members Elgart and Popek, Liaison to the Board of Supervisors Jenaway; Township Planner Loeper; Associate Planner Greenly; Recording Secretary Hedlund.

The members of the Commission reviewed the above referenced plan.

Mr. Elgart said that the Planning Commission wishes to inform the Board of Supervisors that it is the sense of the Planning Commission that the proposed changes to the parking garage plan and circulation represent a significant improvement to the plan, which was already approved. We recommend approval of these changes. Mr. Garzillo seconded. A 5-0 vote, in favor, carried.

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**UPPER MERION TOWNSHIP PLANNING COMMISSION
OCTOBER 08, 2014**

TO: UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
FM: UPPER MERION TOWNSHIP PLANNING COMMISSION
REF: Transit-Oriented Development Ordinance/Renaissance Business Park/SM-1 District
Review and formalization PC recommendation

PRESENT: Chairperson Camp ; Vice-Chairperson Garzillo ; Mark McKee, Secretary McKee; Members Elgart and Popek, Liaison to the Board of Supervisors Jenaway; Township Planner Loeper; Associate Planner Greenly; Recording Secretary Hedlund.

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Sincerely yours,

MARK MCKEE, SECRETARY

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October 8, 2014

The amended minutes were approved on December 10, 2014.

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