

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
ZONING WORKSHOP MEETING
JULY 9, 2015

The Board of Supervisors of Upper Merion Township met for a Zoning Workshop meeting on Thursday, July 9, 2015 in the Township Building. The meeting was called to order at 6:00 p.m., followed by a pledge of allegiance.

ROLL CALL:

Supervisors present were: Greg Waks, Bill Jenaway and Carole Kenney. Also present were: Dave Kraynik, Township Manager; Sally Slook, Assistant Township Manager; Joseph McGrory, Township Solicitor, Rob Loeper, Township Planner; Scott Greenly, Associate Planner. Chairperson Spott and Supervisor Philips were absent.

DISCUSSIONS:

PARKING TEXT AMENDMENT

Mr. Rob Loeper, Township Planner, stated the applicant (Bentley Homes, 751 Vandenburg Road) will come before the Board of Supervisors next week for a conditional use hearing. The applicant has also submitted a parking text amendment for multi-family.

Mr. Loeper reviewed a chart outlining the township's parking code which he views as an excessive amount of required parking spaces. He indicated the applicant is proposing one space per bedroom and elimination of the need for actual visitor parking. This would provide 490 spaces which is 1.58 per unit. The applicant's traffic study looked at national as well as regional standards and one space per bedroom was recommended.

Mr. Loeper proposed rather than having different standards in the Mixed Use District and other districts to have one parking standard for Multi-Family in the township with one space per bedroom. He said Mr. Della Porta pointed out at the Planning Commission last night that in terms of parking close to 50% of these units are occupied by one person.

Mr. McGrory commented in his experience with apartment complexes on behalf of applicants one space per bedroom is the right number.

Mr. Jenaway stated he fully understands one space per bedroom where there is some orientation to mass transit and asked about an area where there is no or minimal access to mass transit such as this property [Vandenburg] or in

some of the others that might be in the Multi-Use District. Mr. Della Porta responded he has built many communities that are completely suburban, not walkable and much farther out than where they are in King of Prussia with no access to any public transit. As part of the parking study, actual physical counts were done at the highest peak parking times over multiple weeks. It was determined the maximum number ratio of cars per unit at four of his suburban communities was 1.3 to 1.4. Those communities were more of a mix of larger two bedroom units. Mr. Della Porta pointed out his experience as an apartment owner has been there are always 5-10% vacancies in suburban communities as well as 5-10% of people who have no car. He said 1.6 parking requirement is more than is needed in a suburban community.

Mr. Waks asked about the size of the parking spaces. While Mr. Della Porta did not have this information readily available, Mr. Loeper indicated the current code requirement is 9 ½ feet.

Mrs. Kenney asked about the applicant's plans for the additional land that is not used for parking. Mr. Della Porta responded the additional land that is not used for parking allows more green space, less stormwater runoff, and less asphalt.

Mr. Jenaway asked about the experience with pickup trucks which can take up additional parking spaces. Mr. Della Porta responded in all the communities he develops the construction is usually at the higher end of the market as Vandenburg will be and there are very few people with any kind of truck.

Mrs. Kenney asked for clarification about what is currently in the Mixed Use areas. Mr. Loeper made reference to the chart handout. According to the numbers on the chart this particular development would be required to have 652 parking spaces.

Mr. Jenaway commented he knows from his experience with the fire company there are few apartment buildings that use all their parking spots and he would have no problem modifying the requirements.

Mr. Loeper mentioned townhomes tend to have a lot of problems because there is a one car garage with a one car driveway and if the garage is not used it causes issues.

Mr. Jenaway asked if Vandenburg is all open field parking. Mr. Della Porta responded one of the four buildings has under building enclosed garage parking and there are four structures that are detached garages that are buildings that have groups of eight enclosed garage spaces.

Mr. McGrory stated because of timing a motion is needed at this meeting to advertise an ordinance for one space per unit.

Board Action:

It was moved by Mr. Waks, seconded by Mrs. Kenney, all voting "Aye" to advertise an ordinance for one space per bedroom. None opposed. Motion approved 3-0.

751 VANDENBURG ROAD – DISCUSSION OF FEES

Mr. McGrory asked George Broseman, applicant's attorney, if he would like to discuss the park and recreation issue because whatever conclusion is arrived at he wants to make it as a condition of the conditional use.

Mr. Broseman stated there is a township practice not necessarily an ordinance that charges a certain amount per unit which the applicant feels is excessive for this development. The purpose of the fee is to offset expenses for recreation that would not be provided on a property that might burden the township's land.

Mr. Della Porta indicated the whole central courtyard area has about an acre of open space which the applicant intends to make into an active and passive open space recreation area.

Utilizing the aerial, Mr. Della Porta pointed out the first floor of the building which will be the leasing and management center. He described the indoor and outdoor amenities in detail which amounts to about \$1.6 million on recreation amenities. He said in addition to that the applicant wants to offer the township a fee of \$1,000 a unit which in this case would amount to \$310,000 plus an additional contribution of \$100,000 toward the proposed off-site trail system. The applicant is proposing everything they are doing on the site as a fair offer toward the open space and recreation fee.

Mr. Jenaway asked for clarification about the proposed \$100,000 fee and whether it would be for the connection from the property to the trail or for the [off-site] trail. Mr. Della Porta responded it could be used in any way the township deems appropriate since it is not known exactly what the township will be doing.

Mr. Jenaway asked how the \$100,000 figure was determined. Mr. Della Porta responded it was just a rough estimate.

Mr. Waks asked about the length of the trail connection. Mr. Della Porta responded his recollection is that it is a few hundred feet.

Mr. Waks suggested the trail issue is something to be coordinated with Dan Russell, Director of Park and Recreation.

Mr. McGrory stated before the Board of Supervisors votes he wants to add a conditional use reflecting whatever is done here.

A discussion followed about fees and the cost of amenities provided by the applicant.

Mr. McGrory stated the Board of Supervisors has to decide how much of a credit will be provided for on-site recreation and come up with a fair and reasonable fee. He said because of the nuances of the ordinance or lack thereof that should be handled as a conditional use hearing and made an agreed upon condition for approval.

Mr. Jenaway stated one of the takeaways from this meeting is to involve Dan Russell in this discussion and find out about the actual trail and where it is going to be built.

Mr. Kraynik commented the couple hundred feet [for the trail connection] seems very short and stated he believes it is a longer distance. He indicated staff will check with Dan Russell and provide some feedback for next week.

Mr. Scott Greenly, Associate Planner, stated at the last Park and Recreation Master Plan meeting a more in depth conceptual plan for Heuser was presented and there might be a car connection at Vandenburg that might work in the applicant's favor to connect the trail from there.

Mr. McGrory commented he wanted to deal with the trail in terms of dollars which is more measurable.

STATUS OF ZONING CODES UPDATE

Mr. Loeper stated the draft of the general provisions is already done. Definitions and word usage are being added on a continuous basis. Additional highlights as follows:

- one district that has not been reviewed as yet is the Agricultural and Recreational District. There is a Recreation, Park and Open Space District already drafted, but it has not yet been brought forward for review.
- Single family detached districts were adopted in 2012.
- The two remaining multi-family districts, G and HR, are in draft and in a queue waiting to go through the process for adoption.

- Townhouse districts are the R-3's and are in draft. It was noted the only R-3B in the township is at Deer Creek and it could be handled in different ways if the R-3B is not retained. This is a hybrid district allowing a townhouse district next to a single family district with certain buffering requirements.
- A new district is Residential Office District which has been drafted. This was primarily intended as an overlay district for portions of South Gulph Road primarily between Brooks and Henderson where so many of the properties have already received variances for non-residential uses. The new district would eliminate the need for most people to go through a variance every time they wanted to do something and it would encourage them to maintain the existing structure. If the lots were consolidated then there would be more uses, but not retail. It is primarily designed for small businesses as currently exist.

Mrs. Kenney asked if it is correct that it would not have to be a residence. Mr. Loeper responded it would not have to be a residence. It could also be office or a combination.

- Cluster Overlay District is somewhat problematic. It will not be used in the future because there is not a lot of land left for this type of development. Options are to rewrite the district based on the county model code or leave it as is moving forward.
- Unit Residential (UR) District exists in two places -- Rebel Hill and Sweetbriar. It has gone back and forth in terms of what should be done. It can be kept as is or eliminated. It was noted that Sweetbriar is developed as an R-2 and Rebel Hill is developed as an R-3. Sweetbriar has 8-9,000 foot lots as opposed to 10,000 which would be required under R-2. *Mr. Loeper commented from a map standpoint it would be easy to make these districts something else.*
- R-55 A and B does not exist anywhere. *Mr. McGrory stated these districts need to be repealed right away.*
- With regard to 55 and over developments, *Mr. McGrory stated this can be placed in any residential district. In order to encourage 55 and over developments a density bonus is generally added to an underlying district to make it age restricted.*
- The two AR districts could possibly be ready for adoption in October.
- C Districts were completed this year along with the new Mixed Use District.

- Major rewrite of signs was done in 2005. There is currently a draft for digital signs based on some of the PennDOT requirements. It is not just billboards. The sign does not have to be a printed image, but it could be like a flat screen that changes – an electronic picture as opposed to a printed one.
- Last major adoption of off-street parking was done in 2011. Wholesale changes are not needed.
- Green area standards will be incorporated into the dimensional standards of each district.
- Rewrite of non-conforming building structures and uses is drafted and ready to proceed through the adoption process. *Mr. McGrory asked that this be pushed along.*

Mr. Loeper indicated there are many general regulations although not big ordinances for the most part. For example, public utility corporations exempt public utilities from certain aspects of the code. Mr. McGrory said “public utility” needs to be defined.

Mr. Loeper stated projections into required yards (for example, allowing a porch overhang or dormer), are either in draft or not in need of any real changes. Mr. Loeper said it was always his intention that this would be one whole section of the ordinance that would go at the end of the process.

- Update is needed for screening. For example, the Mixed Use District updates screening for roof equipment and screening for roof mounted mechanicals.
- Drive-thru ordinance has been adopted.
- Bed and Breakfast ordinance is on hold because of litigation.
- Two new sections that require more attention than the rest of the general regulations are the wireless telecommunication facility (Media Advisory Board meeting on this coming up) and local renewable energy.

Mr. McGrory asked if there are any private power plants anywhere with a principal use such as a gas fired turbine. Mr. Loeper said he will coordinate with Mr. McGrory’s office on this.

Mr. McGrory asked if there is a mobile home park. Mr. Loeper responded in the negative.

- With regard to the flood plain ordinance, adoption of the 2010 maps has been pushed back and is now scheduled for 2016. Once the ordinance is in final form it will be sent to the county for review.
- Nothing needs to be done on steep slopes as the ordinance is in good shape. Mr. McGrory asked if there are any steep slope issues. Mr. Loeper responded there are some in the southern part of the township. He said there are two provisions in the code. One provision requires if there is an average slope above a certain area the lot size is increased and there are restrictions on disturbance.
- Last group of ordinances awaiting adoption are the Administration, Zoning Hearing Board and Enforcement and amendments.
- Nothing further has to be done with Sexually Oriented Businesses and Obscenity and Sexual Materials.
- Mr. Loeper indicated there is a provision for Personal Care Facilities which could be moved to General Regulations as a conditional use for Personal Care Facility.

Mr. Loeper concluded by saying most of the major ordinances are well underway or finished.

ADJOURNMENT:

Without further comment from the Board and public, it was moved by Mr. Waks, seconded by Mrs. Kenney, all voting "Aye" to adjourn the zoning workshop meeting at 7:01 p.m.. None opposed. Motion approved 3-0

DAVID G. KRAYNIK
SECRETARY-TREASURER/
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered: