

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
ZONING WORKSHOP MEETING  
FEBRUARY 11, 2016

The Board of Supervisors of Upper Merion Township met for a Zoning Workshop meeting on Thursday, February 11, 2016 in the Township Building. The meeting was called to order at 6 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; John Walko, Township Solicitor's Office, Rob Loeper, Township Planner; Kyle Brown, Associate Planner. Supervisor Philips and Supervisor Spott were absent.

DISCUSSIONS:

COMMERCIAL DISTRICT UPDATE

Mr. Rob Loeper, Township Planner, discussed a few modifications that are needed for the Commercial District ordinance which was adopted last year. Reference was made to the land development plan for a two-story building at 611 W. DeKalb Pike (former Gino's site) that was recently approved by the Board of Supervisors. Mr. Loeper stated a furniture store is technically not a permitted use while similar uses are permitted. He noted on the handout the items in "yellow": home center, building supplies and materials, nursery and garden center, furniture and home furnishing, household appliances, supermarkets and grocery stores are now shown as a P<sup>3</sup> use. The P<sup>3</sup> use would be a permitted use with a footnote that they would be limited to 20,000 square feet within that zoning district.

Mrs. Kenney asked for clarification on the use for the site. John Diemer, engineer for the applicant, responded the land development plan originally called for a restaurant for part of the first floor and furniture for the rest of the first floor and second floor. Now it is all furniture.

Mrs. Kenney asked if the restaurant use is gone. Mr. Diemer responded in the affirmative and said it is now all one user. He said the building size will remain the same (18,000 square feet) for a Bassett Furniture store. The parking will not change and will be over parked for a furniture use.

Mr. Loeper referred to another change on Table CD.2 with regard to dimensional requirements for Commercial Districts. He noted the ordinance

should reflect a minimum rear setback. He said these changes would be incorporated in a revised ordinance.

Mrs. Kenney mentioned repair services are specifically excluded.

## BUSINESS AND INDUSTRIAL DISTRICTS

Mr. Loeper stated a great deal of time has been devoted to substance abuse, methadone clinic and recreation facilities uses. The substance abuse treatment facility allows an out-patient component and out-patient would only be permitted as part of in-patient. It was noted substance abuse and methadone treatment facilities are conditional use. The substance abuse facility shall not be established or operated within 200 feet of residential housing, existing school, playground/park, child care facility, church/meeting house/ place of worship that is established prior to the proposed facility. The methadone treatment facility shall not be established or operated within 500 feet of the aforementioned properties. The applicant would also have to demonstrate that both facilities have all applicable licenses as required by the Department of Health.

Mr. Waks asked for clarification on the Piazza tract. Mr. Loeper responded currently it is in the SM and SM-1 District. He mentioned it could be placed in the Office or Commercial Industrial and this will be determined in the final tweaking of the map.

Mr. Waks asked if the map would be available for the next zoning workshop. Mr. Loeper responded in the affirmative.

With regard to the indoor/outdoor recreation facility, Mr. Loeper indicated the impacts are the same. The conditional use requires the traffic impact study, noise study and illumination study. While a lot of that is primarily geared toward an outdoor use as opposed to an indoor use, it was decided they were similar.

Mr. Loeper said there are many new definitions and more will be added as necessary. It was noted other than the final mapping this ordinance is 95% complete.

Mr. Loeper mentioned the larger issues to consider from a mapping standpoint are such things as what to do with the railroad property along the river and multi-family housing which is only permitted in conjunction with a transit type facility which is different than what was done for the Mixed Use District.

Mrs. Kenney asked about the difference for the multi-family in the mixed use versus the TOD. Mr. Loeper responded the Mixed Use district can be anywhere and is not as restrictive and the TOD multi-family is only permitted when it is 1,250 feet from a transit facility which has been defined as a facility located at selected points along a fixed rail transportation service, a location that

provides access to two or more bus line services, or the ability to change between transportation modes. The fact that it is on a bus line would not necessarily meet the qualification.

Mrs. Kenney mentioned walking, and Mr. Loeper said walking and auto are not qualifiers in the definition for transportation mode.

Mr. Waks raised the issue of reaching out to residents in certain areas of the township that would be supportive of getting rid of some industrial and whether or not they would be interested in additional zoning options.

Mr. Loeper pointed out the double definition for "Public Transportation Station" and asked if there is a preference for one or the other.

Mr. Kraynik commented he likes the definition making reference to bus line services. Mr. Loeper agreed and said he could tweak that definition.

A question was raised if there is still a need for a definition for "Commercial Recreation." Mr. Loeper responded he felt there was no need.

A discussion followed during which various supervisors provided examples of various kinds of recreation facilities in the township.

#### RESIDENTIAL OFFICE DISTRICT OVERLAY

Mr. Loeper reviewed the properties along the portion of the South Gulph Road corridor where variances have been obtained over the years to convert to business type uses. He provided some historical background on some of the issues associated with the evolution of this general area over the years.

Mr. Loeper indicated the draft ordinance was based on a model ordinance prepared by Montgomery County and the uses are geared to the actual size of the property. Lots greater than 7,500 have a very limited number of uses for conversion. Lots between 14,000 and 40,000 have slightly more and for lots greater than 40,000 the use options increase.

As requested at the last zoning workshop, Mr. Loeper provided an analysis of the proposed Residential Office District utilizing color-coded maps.

Mr. Loeper mentioned the Township Solicitor discussed doing this as an overlay instead of creating a new zoning district.

A discussion followed during which the supervisors offered their observations about some of the businesses along South Gulph Road adjacent to or near homes.

Mr. Loeper discussed the Bed and Breakfast ordinance that was drafted in 2013 and sent to the planning commission but never received final approval.

Mrs. Kenney recalled some of the issues associated with the bed and breakfast that were brought up previously at the Zoning Hearing Board.

Mrs. Kenney mentioned some of the historical houses in the township and the possibility of someone buying such a property, restoring it and building a bed and breakfast on a main road. She also said a bed and breakfast would be more desirable than a group home and would provide some protection with this option.

Mr. Jenaway stated the Township Solicitor recommended the Board of Supervisors move something forward on the bed and breakfast so that a provision is secured in zoning. Mr. Loeper said he can provide additional information that would identify applicable properties.

Mr. Jenaway said after Mr. Loeper identifies some properties the Board can review and proceed with the next step.

#### SINGLE FAMILY ATTACHED & MULTI-FAMILY DISTRICTS

Mr. Loeper stated the Single Family Attached Residential Districts are built out unless someone comes in and decides to demolish and redevelop. He said there is not a lot of vacant property left and it is unlikely someone would come in and ask for a zoning designation. Mr. Loeper indicated there are three Single Family Attached Districts, the R-3 which is the most common (most of Swedeland and Swedesburg) which allows 12 units per acre and a mix of homes, single, twin, row, and multi-family, the R-3A which is 6 units per acre, and R-3B of which there is only one (Deer Creek). He pointed out the R-3B is a very unique zoning district in that if it abuts single family there has to be at least single family along the abutting property line which is why Deer Creek was built with one street of single family and then townhomes. Mr. Loeper said he does not believe much has to be done with this district and the only thing to review is some of the impervious coverage standards and whether they have to be tweaked. He said he would like to get this in a format that is consistent with all the other codes.

With regard to stormwater, Mr. Jenaway asked if the new stormwater requirements would suggest an additional review. Mr. Loeper responded he would go back and look at the coverages and see how they differ from what is currently allowed.

#### GARDEN AND HIGH RISE DISTRICT

Mr. Loeper discussed the Garden and High Rise District. He said the High Rise District is limited to The Towers, The Lafayette, Gulph Mills Village, 251 DeKalb (formerly Marquis) and Hilton. He said at one point in time the High Rise District allowed hotel, but it is no longer permitted.

With regard to the Garden District, because it is very restrictive he does not think anyone would build that style and type of apartment today.

Mr. Loeper stated he does not see a great urgency to do anything with either of these districts because of the lack of remaining land. He said these could be dealt with on a case by case basis if necessary.

Mr. Loeper said he will look at the stormwater issues and make some tweaks which will conclude the zoning rewrite for now.

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 7:22 p.m.. None opposed. Motion approved 3-0

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DAVID G. KRAYNIK  
SECRETARY-TREASURER/  
TOWNSHIP MANAGER

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Minutes Approved:  
Minutes Entered: