

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
ZONING WORKSHOP MEETING
MAY 5, 2016

The Board of Supervisors of Upper Merion Township met for a Zoning Workshop meeting on Thursday, May 5, 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 Philips, Greg Waks, Erika Spott (arrived late) and Carole Kenney. Also present were: Dave Kraynik, Township Manager; John Walko, Solicitor's Office; Rob Loeper, Township Planner; Kyle Brown, Associate Planner. Supervisor Jenaway was absent.

DISCUSSIONS:

FLOODPLAIN OVERLAY (MODIFICATIONS REQUIRED BY FEMA)

Mr. Rob Loeper, Township Planner, stated last week the township received notice from FEMA of some changes that need to be made to recently adopted ordinance in order to bring it completely into compliance so that property owners in the township would still be able to get flood insurance. FEMA has provided 60 days to adopt an ordinance and notify them this has been accomplished.

Mr. Kyle Brown, Associate Planner, discussed the two minor revisions: clarifying provisions for residential versus nonresidential structures in Section XI and the word "mobile" needs to be replaced with "manufactured" home on page 9. Mobile homes are prohibited outright in flood plains and will be kept prohibited with no variances for these uses.

Mr. Loeper noted "manufactured home" is the correct legal term for what most people refer to as a mobile home.

Mr. Waks asked if the revised ordinance would have to be sent to the Planning Commission. Mr. Loeper responded in the affirmative and said it would be prepared for the June business meeting.

Mr. Philips asked what development is allowed in the flood plains at this point. Mr. Loeper responded the new ordinance allows some construction in the flood plain; however, the finished floor has to be above the flood elevation and it cannot result in changes to the surrounding flood area.

Mr. Loeper pointed out the ordinance applies going forward because anyone currently in the flood plain is grandfathered.

BUSINESS AND INDUSTRIAL DISTRICT

Mr. Loeper stated a great deal of discussion has been devoted to the substance abuse and methadone clinic. Previously these uses were permitted in all of the business and industrial districts and now they are limited to the industrial district thereby providing a far smaller area where these uses can occur. The aforementioned industrial area is all at one end of the township, primarily by River Road which is the primary industrial area of the township. None of the standards were changed. 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 the specified uses; the methadone treatment facility is 500 feet from the specified uses.

Mr. Loeper reviewed the specific areas which would allow and prohibit these uses.

Mr. Waks stated there are too many areas and options should be reduced. He said language is needed to put the uses in places where they would be the least obtrusive.

A discussion followed regarding acceptable parcel sizes during which Mr. Loeper pointed out measurements are from building to building.

Mr. Waks said more work is needed on the map. He said it is necessary to go through various lot size standards. Mr. Waks commented it is a good start to narrow it down to just industrial.

Mr. Loeper stated based on the Board's comments the option for multi-family was taken out with one exception in these districts – the TOD provision in the current SM-1 which is limited to the one area of Renaissance. None of the other business districts would be allowed to have a multi-family use. Multi-family is currently allowed in the King of Prussia Mixed Use District and that would be the limit.

Mr. Loeper reviewed the overall map and the only thing not shown is whatever is decided regarding the railroad property. He also discussed some of the anomalies off of Ross Road and elsewhere.

Mr. Waks commented on an area that would like the option of potentially going back to R-1 in the future. Mr. Loeper indicated staff can look at that.

Mr. Loeper commented on an area along Church Road where changes can be made pulling some of the industrial back on Church road and making that

residential. He said it made sense to do it primarily next to the Ukrainian cemetery. These parcels would still be in a business use as would the areas along Henderson (reservoir), the water treatment facility, and Drew Court along the Church Road corridor.

Mr. Loeper mentioned there are a few property owners that would favor rezoning some of the industrial area near the rail station to residential use.

A discussion followed about some environmentally challenged sites. Mr. Loeper said it might be helpful to have a map showing all of these areas.

Mr. Loeper said staff will work on the substance abuse and methadone, and take a look at some other areas for other zoning. He said smaller maps will be provided so as to see more detail.

Mr. Waks suggested a road trip to see the various sites firsthand. Mr. Loeper said this was a practice that was previously done twice a year.

RESIDENTIAL OFFICE DISTRICT OVERLAY

Mr. Loeper stated the previous draft ordinance was based on a model ordinance prepared by Montgomery County where there were residential uses in close proximity to commercial and business uses. The draft is being rewritten.

Mr. Loeper pointed out some of the buildings along the South Gulph Road corridor are not worth saving and many are in complete disrepair. He said it is very difficult to convert a residential structure into an office or a non-residential.

Mr. Loeper explained staff took a look at the uses and put them into three different categories: residential, services and non-residential uses. They are basically the same all the way through until we get to how we looked at the non-residential. The other assignment was to look at the basic lot sizes which were changed slightly. The old ordinance prohibited building in most areas unless you had two acres. This idea was abandoned and there were questions about having to preserve these uses. The focus now is on a live/work environment. The general idea would be if you are going to build new have a ground floor, non-residential and then on subsequent floors above there could be an office and residential. Mr. Loeper stated staff looked at the building setbacks and the dimensional requirements and came up with something similar to what was done across the street from the mall. Other considerations were pushing buildings up closer to the street, parking to the back and having some design standards.

Mr. Philips said it can be torn down, start from scratch and go to retail. He asked about some of the non-residential uses for lots under 10,000 square feet.

Mr. Loeper stated he is not sure how you can put an office on a property that small with parking because it gets really tight.

Mr. Waks mentioned merging two or three properties together.

Mr. Philips asked for clarification on what is referred to as personal service. Mr. Loeper responded some examples are day care, group home, and hair salon.

Mr. Philips asked if there is a definition section. Mr. Loeper responded one has to be created.

Mr. Waks commented he does not know how much demand there would be for an apartment on top of retail.

Mr. Philips said residential is better because of ADA compliance.

A discussion followed about parking requirements, and density starting points.

Mr. Caraodemiere, a resident at 705 S. Gulph Road stated his property is 3.5 acres with another extra acre of green area. He intends to spend \$500,000 on his property and would like to have a non-residential, (probably showroom) business on the first floor and for the upper area he plans to divide one half to offices and the other half with walls separating the structure from the office area for residential. He noted there is plenty of space for parking.

Mr. Waks stated this is something the Board of Supervisors needs to work through.

Mr. Loeper pointed out residential uses would be allowed outright without the office because somebody might come in and decide or the lot might be so configured that a three-story town home actually works better.

Mr. Loeper noted one of the things that is done in Upper Merion is to measure roof heights to the top of the peak. Most codes do not measure roof heights this way.

Mr. Loeper said Kyle Brown did a quick sketch showing the curb, 5 foot landscaped area, six foot sidewalk, and four feet allowing for a higher first floor to accommodate the retail.

Mr. Loeper indicated we probably want to have a cap on how many residential units you can have and that is where staff came up with 12 lots per acre because that is similar to what is in Swedesburg and Swedeland.

Mr. Loeper said in dealing with small lots there is an incentive to consolidate. In getting up to an acre you could have 12 residential units.

Mr. Waks stated this might be one of those situations when there is a “wait and see” to see what is presented to the Board in regard to plans and renderings and work to have the zoning meet what is presented.

Mr. Waks stated Mrs. Spott arrived at this point in the meeting.

Mr. Philips commented he likes the concept only because where the apartments are on the other side of the street there is more landscaping with trees and a big buffer for the apartments.

Mr. Waks said this is one of those situations where the property owners have some ideas. Mr. Waks invited Mr. Carademiere to return to a workshop meeting with a specific picture that the supervisors can visualize.

Additional Comments from the Public:

Anh Pham, 123 Gypsy Lane, requested the Township to consider enacting a “Bed and Breakfast” ordinance.

ADJOURNMENT:

Without further comment from the Board and public, the zoning workshop adjourned at 7:09 p.m.

DAVID G. KRAYNIK
SECRETARY-TREASURER/
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered: