

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
ZONING WORKSHOP MEETING  
AUGUST 4, 2016

The Board of Supervisors of Upper Merion Township met for a Zoning Workshop meeting on Thursday, August 4, 2016 in the Township Building. The meeting was called to order at 4:30 p.m., followed by a pledge of allegiance.

ROLL CALL:

Supervisors present were: Greg Philips, Greg Waks, Bill Jenaway and Carole Kenney. Also present were: Dave Kraynik, Township Manager; Joe McGrory, Township Solicitor; Rob Loeper, Township Planner; Kyle Brown, Associate Planner. Supervisor Spott was absent.

DISCUSSIONS:

BUSINESS DISTRICTS

Mr. Kyle Brown, Associate Planner, reviewed changes to the ordinance as discussed at the last zoning workshop meeting. The issue regarding substance abuse and methadone was resolved by restricting the minimum lot size for these uses to 10 acres. It was noted all the other uses remain in the same form as presented at the last zoning workshop.

Mr. Rob Loeper, Township Planner, went over the map pointing out the locations of the Office Industrial, Administrative Office, Commercial Industrial and Industrial districts. It was noted the major change was moving all the industrial along the river that is not active industrial into a new district Mr. Loeper will discuss later.

Mr. Waks asked if it is correct that no housing is permitted in Office Industrial. Mr. Loeper responded in the affirmative. He said multi-family was taken out of everything except where it is permitted as a conditional use.

Mr. McGrory asked if hotels are permitted in Office Industrial. Mr. Loeper responded in the affirmative. Mr. Philips pointed out extended stay hotels and restaurants are also permitted in Office Industrial. Mr. McGrory asked if there is language in the township code at this point preventing hotels from becoming apartments. Mr. Loeper responded he would need the solicitor's help in writing this language.

Mr. McGrory asked if there is language in the township code indicating that extended stay hotels cannot be converted to apartment units. Mr. Loeper

responded he would have to discuss with John Walko about how the mechanics of that would work so that language could be inserted. Mr. McGrory said he would assign a priority to that.

Mr. Philips asked about the location of John Middleton. Mr. Loeper pointed it out on the map and said currently there is a Limited Industrial district across the back of the property which will be taken out and moved into the residential district as discussed at a previous zoning workshop.

Mr. Waks asked about parcels which are large enough for a methadone clinic and a discussion followed about some of these areas.

Mr. McGrory asked if the ordinance has all the MPC requirements on methadone. Mr. Loeper responded in the affirmative and said it was taken right out of the MPC. He noted there is similar but different language for the substance abuse.

On an unrelated note, Mr. McGrory asked if the temporary sign ordinance has been updated in view of the recent U.S. Supreme Court case. Mr. Loeper responded in the negative. Mr. McGrory said Joe Catuzzi in his office would be able to assist with this.

Mr. McGrory asked about the acreage of the small AO parcel near the bottom of the map. Mr. Brown responded it is approximately 5 ¼ acres. Mr. Loeper noted the address is 700 South Henderson Road and the property abuts single family residential. A discussion followed about some options to consider for this area.

Mr. Waks asked about the Warehousing section for the Office Industrial in the Table of Permitted Uses since there is a significant amount of resident housing in that area.

Mr. McGrory asked if all four of those warehousing uses are provided elsewhere. Mr. Loeper responded there is plenty of coverage in the other industrial districts.

Mr. Loeper asked if Mr. Waks would like to have all four of those warehousing uses out of the Office Industrial. Mr. Waks responded in the affirmative.

Mr. Waks suggested going forward a good process would be to go through the map one by one for the various districts.

Mr. Jenaway asked about hospitals. Mr. Loeper responded hospitals are shown in the commercial districts. It was noted many communities have a hospital district.

Mr. McGrory asked if a differentiation was made for drug and alcohol facilities from a hospital. Mr. Loeper responded in the affirmative.

Mr. McGrory asked if there is a definition for continuing care retirement community. Mr. Loeper responded in the affirmative.

Mr. McGrory asked if there is some other term for senior housing or independent senior living. Mr. Loeper responded in the negative.

Mr. McGrory pointed out senior housing has different development standards and less impact on the community with less traffic and parking demands. He asked if the Board would want to encourage senior living with density bonuses and parking standards.

A discussion followed about potential suitable areas for senior living housing.

Mr. McGrory said currently all of the conventional standards for the Upper Merion community impact is measured on market rate unit and that is not the case in senior housing.

Mr. Loeper stated one of the reasons why staff did not get into writing a lot of standards [for senior housing] is they were not sure where or if it was going to happen. He said if someone came in with a parcel for such a use it would be figured out at that time.

Mr. McGrory pointed out many times developers look for parcels in a certain geographic area and they may not even be in touch with the planning staff if they see it is not permitted in their area of interest.

The discussion returned to the subject of the need for language restricting extended stay housing from converting to apartments. Mr. Loeper noted there are definitions for hotel, apartment, and extended stay. There will be additional coordination with the solicitor's office on this issue.

#### NEIGHBORHOOD MIXED-USE DISTRICT

Mr. Brown reviewed the changes for the Neighborhood Mixed-Use District which were discussed at the last zoning workshop. It was noted grocery stores were removed and a restriction was placed on square footage for hardware stores.

Mr. McGrory questioned the differentiation made for convenience stores with gasoline sales. He pointed out gasoline is only a retail item as he has successfully argued in the past. Mr. Brown asked the best way to remove gas

sales. Mr. McGrory responded he would eliminate convenience stores categorically.

A discussion followed about what the elimination of convenience stores would do to the smaller grocer selling milk and bread during which Mr. Loeper mentioned it could be placed under specialty food store. Mr. Jenaway suggested convenience store with a maximum 2,000 square foot lot.

Mr. Brown discussed changes for additional uses as follows:

- home health care services have been designated as not permitted per Mrs. Spott's request.
- veterinary would be permitted but not kennel. It was noted the veterinary office definition permits boarding but only that which is incidental to the care of the animal, not long term.
- a beverage shop with drive through is restricted.

Mr. Loeper noted the maximum impervious was also reduced. He indicated it is still high, but it would be very difficult to reduce it much more because of the size of the parcels and parking requirements.

Mr. Brown pointed out any stormwater would have to comply with the township's stormwater requirements.

Mr. Loeper commented having property owners work with planning staff helped determine what may or may not work and they are in agreement with these regulations and how they would work.

Mr. McGrory asked for clarification about the police, fire and EMS. After a brief discussion, it was suggested it should say police, fire and EMS authorized by municipality. Mr. Loeper commented private transport carries through quite a few of the districts.

#### SF ATTACHED & MF DISTRICTS

Mr. Loeper provided background on the old High Rise district which encompassed High Rise 1 and High Rise 2. One district allowed hotels and the other did not. It was noted the current Double Tree Hotel is a non-conforming use which is in a High Rise district which does not permit a hotel. The question is to let it go or consider moving it into a district that would allow a hotel.

Mr. Jenaway asked what would happen if they wanted to turn that into apartments. Mr. Loeper responded currently that would be a permitted use.

Mr. McGrory asked if a use comes in and it is not specific if there is a catchall provision that it goes in HI. Mr. Loeper responded generally that is the

case or for similar uses there is a special exception and similar uses are not enumerated.

Mr. McGrory stated you have to watch similar uses language. He said if it is not specifically enumerated it goes into HI. Mr. Loeper indicated that is probably a fair way to do it.

Mr. Waks asked what happens if someone comes through with a proposal for a combination hotel/apartment as are seen in more urbanized areas.

Mr. Jenaway commented it could happen soon near the casino if a developer wanted to do retail first floor, hotel second floor.

A discussion followed about residential with a hotel component or apartment/quasi hotel.

Mr. McGrory stated it is something to encourage because people work at a corporation for a month on a special project and they want to have more comfortable accommodations and it would support the township's corporate environment. He suggested putting it somewhere and defining it as a use.

Mr. Waks indicated if someone was really serious they are not necessarily going to look at a zoning map of Upper Merion Township. They would be knowledgeable enough to hire an attorney and ask for a meeting with the Board of Supervisors. Mr. Waks said it might not be necessary to do anything specific.

Mr. McGrory stated it is a use that will become more popular.

Mr. McGrory asked if Airbnb's were acknowledged in the ordinance. Mr. Loeper responded in the negative.

Mr. McGrory said if the owner is present he does not believe that is a separate use since they just have a guest/boarder. Providing a house without the owner present is a different situation.

Mr. Loeper suggested utilizing the planning advisory service of the American Planning Association. The American Planning Association collects research on emerging new ordinances and will provide a packet including ordinances other communities have adopted as well as research.

Mr. McGrory said he worked on an ordinance in other township and it is very simple. Mr. Loeper asked how it works. Mr. McGrory responded limit it to a number of days, for example, not more than 15 days. If the owner is present it is not an Airbnb. Mr. Loeper asked for a copy of the ordinance.

Mr. Waks asked if there is a hotel tax/room tax in the township. Mr. Kraynik said he would check with the Finance Director.

With regard to the suggested time restrictions for Airbnb's, Mrs. Kenney asked how that would affect someone who owns a house and wants to rent it for a month, six months or a year. Mr. McGrory responded it is a single family use whether that family lives in it or some other family. The transient nature of the Airbnb is what makes it a little different. Mr. McGrory said there is no magic formula.

Mr. Jenaway asked if Mr. McGrory would get together with staff on Airbnb. Mr. McGrory responded what he has drafted previously is extremely simple.

ADJOURNMENT:

Without further comment from the Board and public, it was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 4-0. Adjournment occurred at 5:36 p.m.

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DAVID G. KRAYNIK  
SECRETARY-TREASURER/  
TOWNSHIP MANAGER

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Minutes Approved:  
Minutes Entered: