

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
ZONING WORKSHOP MEETING
DECEMBER 1, 2016

The Board of Supervisors of Upper Merion Township met for a Zoning Workshop meeting on Thursday, December 1, 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, Erika Spott and Carole Kenney (arrived late). Also present were: Dave Kraynik, Township Manager; Joe McGrory, Township Solicitor; Rob Loeper, Township Planner; Kyle Brown, Associate Planner. Supervisor Philips was absent.

DISCUSSIONS:

DISCUSSION OF REQUIRED SETBACKS AND BUFFERS IN THE COMMERCIAL DISTRICTS

Denise Yarnoff, Esq., stated her client is looking at developing a property adjacent to the Peco substation on Henderson Road. The site was formerly approved for a Wawa several years ago but never went forward and nothing has happened since. Her client is interested in putting two uses on the property, but the ordinance in this commercial district requires a minimum and maximum front yard setback. While they can meet the minimum, the maximum makes the property very difficult to develop and hinders circulation around the building. Ms. Yarnoff noted under the current zoning review the supervisors are looking at a number of different ordinance amendments one of which is the removal of the maximum requirement.

Ms. Yarnoff noted in that same district there is a 15 foot side yard setback and a 30 foot buffer setback which also makes it very difficult to develop on this long narrow property.

Mrs. Spott asked if there a visual of this proposed development. Ms. Yarnoff responded she has the current site with the existing buildings which do not meet the maximum setback. The proposed buildings would be located in similar locations and would be more conforming. The driveway would generally remain in the same place.

A discussion took place to orient everyone to the current buildings and surroundings during which Ms. Yarnoff indicated the grading is another factor

which has made this property difficult to develop and necessitates the construction of retaining walls.

Mr. Loeper provided background about the property and mentioned the township acquired the back piece of wooded property as part of the Wawa plan.

A discussion followed about other businesses in the area.

Mr. McGrory stated he is not sure the build out of the township would lend itself well to the maximum setback concept. He noted if the maximum setback concept would be removed it would be necessary to reevaluate the minimum setback because complaints about some of the newer buildings have been they are too close [to the road].

Mr. Waks asked if both buildings would be one story. Ms. Yarnoff responded in the affirmative.

Mrs. Kenney asked how the buildings would be situated. Ms. Yarnoff responded the buildings would be longways, not connected and would not go all the way back.

Mr. Jenaway asked if any thought has been given as yet to access in and out of the development considering the traffic signal at the intersection of S. Henderson Road and Saulin Boulevard. He recalled this was a major discussion with the Wawa plan. Ms. Yarnoff responded there would also be a right in and a right out. It is her understanding there may be some other improvements PennDOT would require along the frontage. These would be improvements with the road in general such as a left turn lane.

Mrs. Kenney asked how all this factors into the future plans of the county, PennDOT and turnpike in the immediate area. Ms. Yarnoff responded there have been discussions with all of them about those various issues to make sure everything is coordinated.

Mr. McGrory asked Mr. Loeper if there are other districts with maximum setbacks or if this is the only one. Mr. Loeper responded it would just be the commercial districts.

Mr. McGrory emphasized the importance of treating this amendment globally and applying to the entire district.

Mrs. Kenney asked about the current zoning. Mr. Loeper responded it is in the General Commercial. He noted most of US 202 is General Commercial.

Planning staff was directed to work on a draft and return for a staff meeting.

SIMON – AMENDMENT TO SIGN CODE FOR REGIONAL SHOPPING CENTER TO PERMIT LARGE ARCHITECTURAL BANNER SIGNS ON BUILDING FAÇADE

Denise Yarnoff, Esq., representing Simon Property Group, stated at previous workshop meetings there were discussions with regard to the large expansions of walls in the rear of the mall which could accommodate the great wall banners. She said she had an opportunity to show Mr. Waks and Mr. Philips the same exact product which is located internally. Ms. Yarnoff said Mr. Chip Harding will follow up on some of the issues raised at the workshop meeting earlier this year.

Joe McGrory, Township Solicitor, asked if the proposed banners advertise anything off site. Mr. Harding responded the banners would either be for a tenant or brands that are sold on site. Mr. McGrory emphasized he wanted to make sure the signage is all on site and not off site and asked if the applicant would accept a condition to that effect. Mr. Harding responded in the affirmative.

Chip Harding, Senior Vice President, Simon Property Group, provided additional descriptive details about the graphics and identified the five proposed locations on the back side of the project for the graphic elements which will be no greater than 30 feet. He said the exterior graphics program is one of Simon's transformational projects intended to bring the personality of the mall to the outside. It was noted enhancing the visual experience is of key importance to the millennial shopper and the audience they are looking to capture.

Ms. Yarnoff indicated changes were made to the ordinance amendment based on various discussions and as a result there is a limitation on size, height, and number. Signage would not be visible from any of the nearby roadways. The goal is to make them visible for shoppers as they reach the last 100 feet on their way to make purchase decisions.

Following up on a request made at the previous workshop meeting, Ms. Yarnoff indicated there was some concern about the timing of the lighting to make sure they were not on during the night. A provision was added that the illumination is turned on an hour before the mall opens and turned off an hour after the mall is closed. The lighting behind the graphic would be displayed at 500 nits that would shine through the vinyl in a subdued manner with a touch of illumination. Ms. Yarnoff indicated the graphics would not be moving or animated and would be changed seasonally.

Mr. McGrory asked if the maximum of 500 nits is for daytime and nighttime. Mr. Harding responded in the affirmative.

Mr. McGrory commented he does not necessarily prefer nits in measuring brightness because there can be a brighter light than what will emit nits and depends on the pixels. Mr. Harding responded these do not have pixels. It is a white LED light behind a printed piece of vinyl.

Mr. McGrory asked how often the sign would change. Mr. Harding responded there is a limitation of 15 times per year.

After Mr. McGrory noted the 30 foot square [for at least one of the signs], a discussion followed about the rationale behind the dimensions arrived at relative to the square footage of the building façade.

Following up on a request made at the previous workshop meeting about the safety issues raised about the proposed sign under the building along Mall Boulevard, Ms. Yarnoff indicated she spoke with traffic safety and they did not have an issue.

Mr. Waks questioned whether or not the advertisements will be perceived by some as gauche because of how large they are. He said that is the reason why the proposed sign underneath the building is more acceptable to him because it is more out of sight.

Mrs. Kenney said Simon has done a beautiful job with the connector addition and likes the way the mall looks now.

In response to Mrs. Spott's question, Ms. Yarnoff provided the background for early conversations about not seeing the signage from the roadways.

Mr. Jenaway expressed concern over the lights for one of the mall's other tenants which has been the source of many complaints. He asked how they compare to this proposal. Mr. Harding responded the lighting receiving complaints is a 3,000 nit sign.

Mr. Jenaway wondered about the reaction of people at the 300-room hotel who would see the glow of the signs at night. Mr. McGrory pointed out 500 nits at night can easily be seen at a distance. Mr. Harding responded the lighting would not be any brighter than what is already out there.

Mr. Jenaway commented the signage underneath was the only one he was concerned about and does not have a problem with the other four.

Mr. Waks expressed concern over people who might take offense at a word or phrase that might have a questionable connotation. Mr. Harding responded Simon is very focused and concerned about the content and image of every piece of artwork.

Mr. Jenaway asked how long it would take to remove signage if a problematic situation arose requiring such action. Mr. Harding responded it would take 24-36 hours and require a truck with a bucket lift and two workers.

Mr. McGrory reiterated the ordinance would specify no off site advertising as defined in the ordinance. He said it would also prohibit electronic messaging; the sign must be static. Mr. McGrory stated there should be a maximum percentage of wall façade with a not to exceed square footage and also categorize the shape of the sign. He said there needs to be proportional lengths and widths.

Mr. McGrory asked if everyone is okay with aforementioned conditions.

Mrs. Kenney commented she is not satisfied with the concept.

Mrs. Spott commented she does not mind the signage underneath or around the corner but does not like the other ones. She also questioned why the lights could not be turned on and off to coincide with the mall's opening and closing rather than one hour before opening and one hour after closing.

A discussion ensued about the timing of the lights.

An additional discussion followed about the potential implications of the ordinance in the surrounding area.

Mr. McGrory inquired about Mr. Philips views. Ms. Yarnoff responded when he toured the mall with her he seemed okay with the concept.

Mrs. Spott commented she is okay with the concept inside as well. She said she does not have a problem with the signage underneath the building and at the corner, but ones that are truly on a façade could be problematic.

A discussion followed during which suggestions were made for ordinance language to accommodate Simon's proposal.

Ms. Yarnoff said the ordinance currently has separate signage for regional shopping centers and this proposal wants to add to what already exists as separate requirements for regional shopping center.

A discussion followed about the implications of three buildings at the mall that are under separate ownership.

Mr. Jenaway provided the direction to have the ordinance redrafted and obtain Mr. Philips views since he may have some comments based on his experience.

BUSINESS/INDUSTRIAL DISTRICTS AND NEIGHBORHOOD MIXED USE DISTRICT

Kyle Brown, Associate Planner, stated the business/industrial and neighborhood mixed use districts are the furthest along and are ready for a resolution as soon as possible.

ADJOURNMENT:

Without further comment from the Board and public, it was moved by Mr. Waks, seconded by Mrs. Spott, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 4-0. Adjournment occurred at 7:26 p.m.

DAVID G. KRAYNIK
SECRETARY-TREASURER/
TOWNSHIP MANAGER

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Minutes Approved:

Minutes Entered: