

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
ZONING WORKSHOP MEETING  
February 2, 2017

The Board of Supervisors of Upper Merion Township met for a Zoning Workshop meeting on Thursday, February 2, 2017 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 Philips, Greg Waks, Carole Kenney, and Erika Spott. Also present were: Dave Kraynik, Township Manager; Sally Slook, Assistant Township Manager; Joe McGrory, Township Solicitor; Rob Loeper, Township Planner; Kyle Brown, Associate Planner. Supervisor Jenaway was absent.

DISCUSSIONS:

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, followed up on the comments and suggestions discussed at a previous workshop meeting with regard to the large expansion of walls in the rear of the mall which could accommodate an artistic design element. She indicated one of the main points raised was about other areas in the township where some might want to do something similar. Ms. Yarnoff indicated the way the ordinance is drafted it would relate only to the original shopping center area. It was noted there was also a question about the number and size of signs and how that related to this particular property. Ms. Yarnoff mentioned the percentage of signage as it relates to the total amount of wall space at the mall except for the portions Simon does not own is 1%.

Mr. McGrory clarified he was interested in finding out the percentage of a sign in relation to the façade to show its proportion to the façade. Mr. Yarnoff responded that would make the analysis more difficult because each of the facades was of varying sizes and some examples would not reflect a percentage that makes sense. She said she could go back and look at that.

Mr. McGrory commented generally a zoning ordinance would specify that the sign be a certain percentage of the façade and looks proportionate to avoid a huge sign on a small façade.

Ms. Yarnoff mentioned she also added language regarding a graphic sign's length versus width.

A discussion followed to clarify what Ms. Yarnoff was referring to as façade length.

Mr. Philips asked if signs were considered on the front of the mall. Ms. Yarnoff responded there were previous discussions about this and the consensus was the signs should not face any major roadway.

A discussion followed regarding the parameters of the ordinance as it relates to other establishments.

Ms. Yarnoff commented her impression from Simon is that they have not seen individual department stores do something like this mainly because of the cost, expense, management and maintenance required.

Mrs. Spott expressed concern about the reaction of people at the hotel who would see the glow of signs at night.

Ms. Yarnoff mentioned the exterior graphics program is one of Simon's transformational projects intended to bring the personality of the mall to the outside. She said the graphics elements are designed for shoppers as they are approaching the mall and part of the genre of generation looking for that kind of feeling when they are going to a place to make purchases.

Mrs. Spott asked if there are any studies to substantiate this trend. Mr. Philips asked if Simon's marketing team could provide some facts and figures. Ms. Yarnoff responded in the affirmative.

Mrs. Kenney expressed concern over the precedent this would set and potentially open the door for others to do the same.

Mr. Philips commented on the nice design detail of the façade and questioned having a sign obscure this façade.

Ms. Yarnoff stated she would ask about reports or studies Simon may have done to support an economic argument. She said she would also check with Simon to see if it would be financially feasible to undertake this whole process solely for the proposed sign underneath the building [along Mall Boulevard]. Mr. McGrory questioned how that would be legislated and would have to give it more thought if that is the ultimate determination.

Mr. Philips suggested revisiting this matter at the next workshop when Mr. Jenaway is present and then Ms. Yarnoff will have a definitive direction one way or another.

## NEIGHBORHOOD MIXED USE DISTRICT

Mr. Kyle Brown, Associate Planner, provided a Neighborhood Mixed Use Zoning update for the area along South Gulph Road currently zoned single-family residential. Due to the increase in local traffic and proximity to major intersections there has been a drop in demand for single-family residential with driveway access onto South Gulph Road. The new district would allow for more flexible redevelopment of parcels and control the intensity of development and impacts.

Mr. Brown discussed additional features of the ordinance which provide a more converse traffic flow. He pointed out with large scale residential everyone leaves at the same time and with a mixed use there is more distribution of traffic throughout the day.

Mr. McGrory questioned having a maximum of 15 dwelling units per acre and how this would be achieved with this kind of construction. Mr. Brown responded staff can look at that.

Mr. McGrory noted multi-family is allowed and pointed out the lot size of 10,000 square feet and lot width of 75 feet does not work for multi-family. He suggested changing that to "tract" sizes.

Mr. Philips questioned taking the Neighborhood Mixed Use all the way down to Croton Road since it is interspersed between some large parcels and asked how the Neighborhood Mixed Use affects the AO district as it currently stands. He indicated while they would be grandfathered, he is referring to future development and if that would hinder or help the owners of those properties. Mr. Brown responded the office is still permitted use and the setbacks would be consistent with what is there now. He said he did not know that they would be non-conforming given the way the ordinance is written.

Mr. McGrory said he does not believe the triangular parcel on the other side of Croton Road will comply with anything being proposed. Mr. Loeper responded that piece has an existing office building and also includes part of a small piece across the street making it a very odd configuration.

Mr. Philips still questioned having the Neighborhood Mixed Use all the way down [to Croton Road]. Mr. John Tallman responded it would need further analysis. He said he met with one of the corporate entities for a different matter and talked about their expansion plans. Mr. Tallman indicated having the AR brought up to the road would be beneficial for their future expansion.

Mrs. Spott asked Mr. Tallman if there is any concern with businesses on the first floor with a lot of ingress and egress traffic on a busy road. Mr. Tallman

responded while that is a concern he feels strongly there will be consolidation. In his specific case his entrance is on Weadley and would hope there could be a cross easement where people could come in that drive and access over.

Mrs. Kenney asked about the total height for the NMU District. Mr. Tallman responded 40 feet but that does not include the roof peak.

Mr. McGrory stated he was concerned about how the height is measured. He said it is being measured differently than all other construction under the zoning code. Mr. Loeper responded it is measured to the top of the roof whether it is a flat roof or with a peak and this has always been an issue.

Mr. McGrory encouraged staff to make a standard for how roofs are measured and have it apply to all construction. He questioned why one small district would have height measured differently than others.

Mr. Tallman commented as much as a developer by nature wants bulk capacity because it is a residential area he does not believe it should be too high. He said the problem with saying the height is going to be X amount results in an aesthetically unpleasing product. Mr. Tallman mentioned having a nice peak would add to the product, especially in a mixed use where one would not expect to see a lot of flat roofs.

Mr. McGrory pointed out that would apply to almost any residential construction and suggested giving some thought to having this addressed globally and uniformly in the ordinance.

Mrs. Kenney asked how much height a peaked roof adds to a given building. Mr. Tallman responded it depends on the slope of the roof and the depth of the building. He said a steeper peak should not be discouraged because that is generally more pleasing.

Mr. McGrory suggested having a minimum slope and providing enough height to do some creative things. Mr. Loeper responded that could be done.

Mr. McGrory commented on the provision providing for no more than one driveway access per parcel. He pointed out if there is a combination of parcels ending up being a townhouse community more than one driveway would be needed. He pointed out the benefit of having more flexibility if two are needed.

Mr. Loeper stated PennDOT regulations are followed which would regulate low, medium and high volume driveways. On most properties if they are under a certain dimension PennDOT allows only one driveway. It was noted PennDOT will make exceptions for a very long property along the street.

Mr. McGrory questioned the no parking in front yards and asked how parking in the driveway is interpreted if it is in the front yard. After a thorough discussion, Mrs. Spott suggested language indicating no parking in a driveway that provides access to rear parking. Mr. McGrory commented that way if there is a regular house with a garage they would park in the driveway.

Mr. Waks suggested it would make sense for Mr. Tallman to talk to some of the residents on Weadley. Mr. Tallman responded he has done a fair amount to try and communicate with these neighbors in many different ways but to no avail.

Mr. Tallman mentioned the impervious was 75% at one point and he felt 85% would be important for the development of his property. He explained when a property is pushed up front with an 8 foot wide walkway in front and parking in the rear there is going to be a lot of covered area.

Mr. Waks asked about porous paving on the walkway. Mr. Tallman asked if porous paving is considered pervious or impervious. Mr. Loeper responded porous paving would be pervious but it could also be counted as green space.

Mr. Waks suggested a substitute for the additional impervious would be streetscaping, possibly a brick sidewalk or something along those lines. Mr. Tallman responded a brick walkway would be expensive.

Mr. Philips suggested a compromise on the impervious to 80%. Mr. McGrory said he is pretty sure the ordinance does not count sidewalk as impervious but this needs to be confirmed. Mr. Tallman responded if his sidewalk is not counted as impervious and the Board of Supervisors would compromise at 80% that would be more than acceptable.

Mrs. Kenney asked what the ordinance would do to the current buildings and houses that are in this proposed NMU district. Mr. Tallman responded this proposed ordinance encourages people to spend the money to redevelop the property. Mr. Brown added it does not force them to redevelop.

Mr. Philips asked staff to make some revisions to the proposed NMU District.

## BUSINESS/INDUSTRIAL DISTRICTS

Mr. Brown handed out materials on the Business/Industrial Districts for the supervisors to review.

Mr. Philips stated the Business/Industrial Districts will be discussed at the next zoning workshop.

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 7:13 p.m.

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DAVID G. KRAYNIK  
SECRETARY-TREASURER/  
TOWNSHIP MANAGER

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Minutes Approved:

Minutes Entered: