

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
ZONING WORKSHOP MEETING
April 6, 2017

The Board of Supervisors of Upper Merion Township met for a Zoning Workshop meeting on Thursday, April 6, 2017 in the Township Building. The meeting was called to order at 6:15 p.m., followed by a pledge of allegiance.

ROLL CALL:

Supervisors present were: Greg Philips, Greg Waks, and Carole Kenney. Also present were: Sally Slook, Assistant Township Manager; Joe McGrory, Township Solicitor; Rob Loeper, Township Planner; Kyle Brown, Associate Planner. Chairman Jenaway and Supervisor Spott were absent.

CHAIRMAN'S COMMENTS:

Vice Chairman Philips stated an executive session was not held prior to this meeting.

DISCUSSIONS:

HENDERSON KING OF PRUSSIA, LLC – AN ORDINANCE TO AMEND THE DIMENSION REQUIREMENT OF GC GENERAL COMMERCIAL DISTRICT BY ELIMINATING THE MAXIMUM FRONT YARD SETBACK AND REDUCING THE MINIMUM RESIDENTIAL BUFFER

Denise Yarnoff, Esq., discussed the potential redevelopment of the property (adjacent to the Peco substation) on Henderson Road which Wawa had an interest in a number of years ago. Mr. Yarnoff reviewed the two issues involved on the property concerning the maximum front yard and the residential abutment.

At the suggestion of the Board of Supervisors, Ms. Yarnoff indicated her client applied for a variance before the Zoning Hearing Board. The Zoning Hearing Board denied the application and an appeal has been filed.

Ms. Yarnoff stated a zoning amendment has been filed to remove the maximum front yard from the General (GC) District and reduce the residential buffer. The planning commission favored the redevelopment of this property which will require about \$700,000 of traffic improvements and has indicated any change to that property will require certain improvements along the frontage which will ultimately be a benefit not only to this property but also the adjacent

properties. It was noted there was no adverse reaction from neighbors in the area.

Ms. Yarnoff mentioned part of the issue with Wawa were the difficult grades. She indicated grading is a factor which has made this property difficult to develop and necessitates the construction of retaining walls.

Although Ms. Yarnoff noted the favorable reaction of the planning commission she indicated they had raised a concern about changing the whole GC District to remove the maximum front yard setback and residential buffer. They were supportive of trying to settle the appeal.

Ms. Yarnoff suggested one option would be to change the zoning amendment to limit the removal of the maximum front yard setback only along Henderson Road where this requirement makes the property difficult to develop.

Ms. Yarnoff pointed out the maximum front yard setback is an existing non-conforming on the site; the existing buildings do not meet the maximum setback. The proposed buildings would be more conforming and bring the buildings closer to the road. It was noted the residential buffer would be less non-conforming from where it is today.

Mr. Philips asked about the current maximum and minimum setback. Ms. Yarnoff responded they are 25 feet and 15 feet respectively.

Mr. McGrory addressed the pros and cons of Ms. Yarnoff's proposals. He said the proper thing to do would be to have the Zoning Hearing Board issue a variance and the next proper option would be to settle a variance case on a site specific property. Mr. McGrory's least favored alternative is to except Henderson Road from the setback. He does not favor changing the ordinance for site specific property.

Mr. Philips asked about the number of GC districts. Mr. Loeper responded there are two GC properties on Henderson Road with most of the GC properties along US 202.

Mr. Loeper pointed out when Wawa was in some years ago the parcel was a lot larger. Subsequently the wooded back portion of the parcel abutting the single family homes on Monroe was dedicated to the township and provides good residential buffer. The only residential buffers coming into question are the non-conforming multi-family properties that had been converted over the years.

Mr. Waks expressed reluctance to provide any direction without a full complement of the Board of Supervisors in attendance.

Mr. Yarnoff commented since Wawa there had not been anyone expressing interest in moving forward on this property since it extremely expensive because of the road improvements and retaining wall. She said her client is willing to take on significant costs to redevelop the site which will bring the benefit of stormwater management, sidewalks, landscaping and buffering.

Mr. Mark McKee commented if the Board of Supervisors decides to change the [DoubleTree] hotel from High Rise to the General Commercial District and you want to maintain the green area along US 202 there will be the issue of trying to maintain the tree line if there is a maximum 25 foot setback.

301 WEST DEKALB PIKE/DOUBLETREE HOTEL – AN ORDINANCE TO REZONE PROPERTY LOCATED AT 301 WEST DEKALB PIKE (TAX NUMBER 58-00-06322-00-1) FROM THE HR HIGH RISE DISTRICT TO THE GC GENERAL COMMERCIAL DISTRICT

Denise Yarnoff, Esq., stated as discussed at previous meetings the current DoubleTree Hotel is a non-conforming use because it is in a High Rise district which does not permit a hotel. Rezoning to General Commercial (CG) would permit the hotel use by right and also allow some additional development along the frontage of this property.

Mr. Philips asked for clarification about the scope of the property involved. Ms. Yarnoff responded it is requested that the whole hotel parcel be rezoned to GC so that the hotel would become conforming. The piece that is proposed to be developed is in front of the hotel. If it is rezoned to GC it would have to meet GC requirements.

Mr. McGrory asked if there is adjacent GC property. Ms. Yarnoff responded in the affirmative. She said it is currently non-conforming.

Mr. Loeper commented his research into the old HR and HR-1 confirmed that zoning was changed to allow certain things to happen and at some point provisions were taken out which resulted in this situation.

Mr. Waks asked for clarification about the specific proposal. Ms. Yarnoff responded it would be retail and/or restaurant use. It is possible the development could be on both sides or one side of the driveway.

Mr. McGrory asked for a reaction on what Mr. McKee commented on earlier about the 25 foot maximum setback and what interplay it has with the physical features of the proposed property. Ms. Yarnoff responded her client has not gone into that detail in design, but it would be the next step.

Mr. Loeper commented there were discussions at the staff level with the applicant and at prior workshops. He said there are two significant tree stands

located on each side of the driveway. The applicant's basic concept plans avoided that area in order to maintain these significant trees. The green area in front of the parking garage contains shrub trees and not specimen trees.

Mr. Loeper noted the applicant is aware of some other issues including a large sewer line that would ultimately have to be replaced or relocated. Also, at the planning commission there were discussions about providing a better utilization of the driveway which primarily provides access to hotel parking and the 251 DeKalb Apartments parking.

Mr. Philips pointed out there are a lot more grading issues closer to the cemetery.

Mr. McGrory commented when this project is at the design stage it is important to be mindful of the Board's interest in sidewalks when regrading. Ms. Yarnoff responded sidewalks will definitely be part of the retail.

Mr. Loeper stated one of the planning commission members who is an architect pointed out it is time to step up the design elements when it comes to the street frontage.

Mr. McGrory suggested looking at streetscaping.

Mrs. Kenney asked how large the buildings would be or if they would be one or two stories. Ms. Yarnoff responded since there is only so much that can fit in that area it would be one or two stories for a total of 20,000 to 30,000 square feet.

Mr. McGrory asked if the GC would enable them to make their hotel larger. Mr. Loeper responded it might but does not know how practical it would be in looking at the building layout.

Mrs. Kenney asked if there would be stormwater improvements. Mr. Loeper responded that would be required as part of the land development.

Ms. Yarnoff said the next step would be to authorize the hearing at one of the upcoming business meetings.

Mr. McGrory noted there is no legal requirement to advertise the hearing.

Michael Napolitano, resident, commented on the need to preserve green space, trees and greenery.

NEIGHBORHOOD MIXED USE DISTRICT

Kyle Brown, Associate Planner reviewed some of the questions raised at the last meeting regarding the appropriateness of the maximum density of 15 dwelling units per acre for the development as well as the minimum lot size of 10,000 square feet and if it would allow for development. There was another question about including the adjacent office parcels in the rezoning.

Mr. Brown referenced Mr. McGrory's comments at the previous meeting about the inconsistency of how the height is measured. He said the method of measurement was written to be consistent with the current method (includes peaked roofs and architectural screening), and the height was increased by 5 feet to 45 feet total.

Impervious coverage was something the property owners were amenable to as well. It was reduced to 80% (from 85%) with the provision that the public sidewalk not be included in impervious measurements.

With regard to a maximum density of 15 dwelling units per acre, Mr. Brown said the median parcel in the NMU district is a half-acre, which is fairly small for multi-family development. It would be difficult to go much higher given the lot coverage requirements. It was noted 7 units on a half-acre is feasible and some of the mixed use elements allow for flexibility as well. The minimum lot size is compatible with development.

With regard to possible rezoning adjacent office parcels, Mr. Brown said it is unlikely there will be any interest in substantial redevelopment for those parcels any time soon, but they can always be added later.

Mr. Brown mentioned the question about traffic on South Gulph Road. He said this ordinance requires a minimum number of access points and the establishment of a cross-easement for vehicle traffic with new development. Multiple adjacent new developments would have to utilize the same access off of a primary street.

Mr. Waks and Mrs. Kenney indicated they are ready to move forward.

Mr. Philips commented there are parcels that will improve the values as well as part of the roadway from Henderson Road.

An unidentified woman asked a few questions about the various parcels on the color-coded zoning map, and these were clarified for her.

BUSINESS INDUSTRIAL DISTRICTS

Mr. Brown stated the purpose of the changes to these districts is to consolidate and simplify the zoning code. Six districts will be reduced to four. Overall, there are no significant changes in permitted uses.

The six districts to be consolidated include the Administrative/Research (AR), Commercial Office (CO), both Suburban Metropolitan (SM, SM-1), and Light and Heavy Industrial (LI, HI). The four districts remaining will be Administrative Office (AO), Office Industrial (OI), Commercial Industrial (CI), and Industrial (I). As a result, there is a slight increase in developability. Since many of the properties are already developed, this translates into flexibility in redevelopment to avoid the need for substantial demolition.

Mr. Philips commented one of the things in the life cycle of our community is to have flexibility encouraging people to redevelop parcels especially in the Renaissance area and along River Road.

Referring to the color-coded map Mr. Philips commented on the industrial area in Swedeland adjacent to residential. Mr. Loeper commented staff could take a look at that whole area and see if something else needs to happen there.

Mr. Philips mentioned focusing attention on the other side of Swedeland Road and what may potentially happen to the west campus of GSK.

Mr. Waks commented the areas around the King Manor Court is another area to consider. He also mentioned the area on Church Road near Radar Drive.

James Davis, Mancill Mill Road, commented about nursing homes and continuing care facilities and when this type of use is permitted it might make it easier for an operator of a residential drug, alcohol, mental illness facility to come in and request a variance. Mr. McGrory asked where these facilities are permitted. Mr. Brown responded they are permitted in industrial with the minimum lot size requirement of 10 acres. The parcels that qualify for that use are along River Road. Mr. McGrory said to avoid a challenge these facilities have to be permitted somewhere in a viable location.

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 meeting. None opposed. Motion approved 3-0. Adjournment occurred at 7:28 p.m.

DAVID G. KRAYNIK
SECRETARY-TREASURER/
TOWNSHIP MANAGER

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Minutes Approved:

Minutes Entered: