

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
JUNE 15, 2017

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, June 15, 2017, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:45 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Greg Waks, Greg Philips, Bill Jenaway, and Carole Kenney. Also present were: David Kraynik, Township Manager; Sally Slook, Assistant Township Manager; Joe McGrory, Township Solicitor; Rob Loeper, Township Planner; Tom Beach, Township Engineer.; and Angela Caramenico, Assistant to Township Manager. Supervisor Spott was absent.

MEETING MINUTES:

It was moved by Mrs. Kenney, seconded by Mr. Philips, all voting "Aye" to approve the April 27, 2017 Joint Meeting Minutes, the May 4, 2017 Workshop Meeting Minutes and May 11, 2017 Joint Meeting Minutes as submitted. None opposed. Motion approved 4-0.

CHAIRMAN'S COMMENTS:

Chairman Jenaway stated an Executive Session was held prior to this meeting to discuss personnel matters.

NEW BUSINESS

PROCLAMATION RE: EAGLE SCOUT – JOSEPH BAILEY CALLAHAN, JR.

Mr. Philips stated he was honored to be able to attend the Eagle Scout Court of Honor for Joseph Bailey Callahan, Jr. hosted by Paoli Troop 1 on June 10th. The Eagle Court of Honor was especially meaningful since it coincided with the 106th anniversary of Paoli Troop 1.

On behalf of the Board of Supervisors, Mr. Philips read and presented a proclamation to Eagle Scout Joseph Bailey Callahan, Jr. recognizing him for his Eagle Scout service project which consisted of restoring the church doors and performing work on the grounds of Old Swedes Church in Upper Merion Township. The rank of Eagle Scout is the highest honor to be attained by a Boy Scout.

PROCLAMATION RE: MICHAEL'S DELI – 36 YEARS OF SERVING UPPER MERION TOWNSHIP

Mr. Jenaway stated earlier this month Michael's Deli; one of Upper Merion's beloved institutions closed its doors and recognized Michael and Eileen Centrella for their service to Upper Merion Township. It was noted Michael's Deli has traditionally been a great place to eat and meet and was known for their good service, good food and great memories.

Mrs. Kenney offered her personal remembrances of all the happy times spent at Michael's Deli with family, friends and colleagues over the years.

On behalf of the Board of Supervisors, Mrs. Kenney read and presented a proclamation to Michael and Eileen Centrella in recognition of the special place Michael's Deli will have in our hearts and how much they will be missed.

CONSENT AGENDA RE:

1. Approve Extension Letter for GSK Building 40 Development Plan, 893 Schuylkill River Road
2. Bid Recommendation re: 2017-2020 HVAC Service Contract to High Tec, Inc. in the amount of \$49,886.61
3. Motion to Ratify the Designation of \$2,000,000 in the Revenue Stabilization Fund as committed fund balance in the 2016 Upper Merion Township Financial Statements - *This is a routine annual movement of funds for reserve purposes.*

Board Action:

It was moved by Mr. Waks, seconded by Mr. Philips, all voting "Aye" to approve the Consent Agenda as submitted. None opposed. Motion approved 4-0.

PUBLIC HEARING: DOUBLETREE HOTEL, 301 W. DEKALB PIKE. REZONE 7.74 ACRES FROM THE HR HIGH RISE DISTRICT TO THE GC GENERAL COMMERCIAL DISTRICT

Mr. Joseph McGrory, Township Solicitor, opened the hearing and stated this is an ordinance to rezone a portion of land in front of the DoubleTree Hotel. He introduced into the record Board Exhibit #1, a petition to rezone parcel 58-00-06322-001 to General Commercial District; Board Exhibit #2, the ordinance under consideration for adoption; Board Exhibit #3, the legal notice of this hearing; Board Exhibit #4, Proof of Publication in the *Times Herald* dated June 2, 2017 and June 8, 2017; Board Exhibit #5, the submission to the Montgomery County Law Library dated June 13, 2017; Board Exhibit #6, the submission to the Montgomery County Planning Commission dated April 11, 2017; Board Exhibit #7, the recommendation of approval of the ordinance by the Upper Merion Planning Commission on March 22, 2017 and Board Exhibit #8, the affidavit of posting on June 7, 2017.

Mr. Rob Loeper, Township Planner, provided a brief overview of the rationale behind this petition to rezone. He stated the subject property is approximately 7.7 acres and described the current zoning as something of an anomaly.

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. Currently there is one High Rise district and the current DoubleTree Hotel is a non-conforming use which is in a High Rise district which does not permit a hotel.

Last year at several workshop meetings representatives of the DoubleTree Hotel explored the feasibility of land development in front of the property along DeKalb Pike. The hotel is surrounded by General Commercial, Shopping Center, or other commercial zones. Mr. Loeper pointed out some of the zoning anomalies in the area.

Mr. Loeper stated the question is whether to allow this property to continue to the extent that it is an existing non-conforming use or change the zoning. It was noted both planning commissions recommended approval of rezoning from the High Rise District (HR) to General Commercial (GC).

Mr. Jenaway asked what real value would be realized for the Upper Merion community in changing the zoning. Ms. Denise Yarnoff, on behalf of the applicant, responded the DoubleTree Hotel is zoned HR and is surrounded by either General Commercial or Shopping Center. She said it would seem to make

sense to rezone the property to a district that is consistent with what is along the US 202 corridor and also a district that would allow the hotel as a permitted use rather than non-permitted use. Ms. Yarnoff indicated there would be value in having the proper zoning which would allow the property to continue to be used in a way that the property can be improved, particularly along the frontage of the property. She said this would be an opportunity to put a zoning district in place that is consistent with the properties along the same corridor and allow for buildings to be closer to the road rather than what is there today.

Mr. William Connor, Principal and Vice President, Project Management, Avison Young, stated from the ownership standpoint there are a few reasons they would be interested in changing the zoning. Under the current zoning they are pretty much prohibited from doing anything along the US 202 frontage and having the ability to develop that property along the frontage would allow for some linkage between the properties along the street. Any development that would occur would have some pedestrian walkways along the roadway. The other aspect would be to put in complementary uses to the existing hotel, ideally some sort of restaurant use that would work with the existing hotel. Mr. Connor believes there would be adequate parking to support that use and the current multi-family apartments.

Mrs. Kenney asked for the background on the hotel as a non-permitted use in the High Rise District. Mr. Loeper responded there were two high rise districts. One of the districts allowed for hotels and the other did not. At some point after this hotel was built the High Rise 1 District was eliminated and everything went into the High Rise District which specifically does not permit the hotel use.

Mrs. Kenney referred to Ms. Yarnoff's comments regarding buildings closer to the road along the US 202 corridor. Mrs. Kenney commented there are redeveloped properties along this corridor where the developer removed and replaced an older house or building. She said this is not the same case and made the point there is a difference between redevelopment and this empty ground and has no problem with the trees and grass along the frontage.

Mrs. Kenney referenced Mr. Connor's comments about having complementary uses such as a restaurant for a hotel and mentioned the hotel already has a one or more restaurants inside. Mr. Connor responded he believes there are two restaurants. He said he believes there is sufficient demand for a restaurant use both with the existing apartments and the overflow from the hotel. Mr. Connor stated any development would preserve the specimen trees.

Mrs. Kenney asked if there are many patrons who come to the hotel restaurant from the apartments. Mr. Connor responded he did not have such data.

Mr. Waks stated he agrees with Mr. Jenaway's comments and also with Mrs. Kenney's distinction of the 202 frontage in this situation as opposed to the 202 frontage of other redeveloped properties. Mr. Waks questioned whether this matter is ripe for consideration and whether there should be further fleshing out at additional workshop meetings with more specifics of what the applicant would like to do.

Mr. Philips asked for clarification of the 7.74 acres on the map. Mr. Loeper pointed out the area on the aerial.

Mr. Philips asked if hotel is allowed in the General Commercial District. Mr. Loeper responded in the affirmative.

Mr. Philips asked if there a height limit on the hotel in the GC district. Mr. Loeper responded the General Commercial District has a basic height limitation

of 50 feet however it does allow for additional height with other provisions for a new development.

Mr. Philips asked if rezoning would preclude development from being at the current height. He said while it would be a grandfathered situation the question is would the change create a non-conforming situation. Ms. Yarnoff responded it is already non-conforming but it is possible that there could be other non-conformities. She said this has not been studied directly but whatever new development there might be would have to comply with all ordinances.

Mr. Philips stated each time discussions were held regarding the feasibility of land development in this location restaurants were mentioned. He pointed out the number of new restaurants that have opened in a very short period of time and expressed concern about a restaurant "bubble." Mr. Philips pointed out there are a lot of other things that could happen in the GC District and asked if any thought was given to options other than a restaurant. Mr. Connor responded he does not believe the owner is set on a restaurant, but it needs to be a use that is economically viable. He said it is possible another retail use would be appropriate for the site and complementary with the apartments and the hotel.

Mr. Philips pointed out there are a lot of uses that are permitted in the GC District and once the zoning is changed it will open the door to a whole host of options that may not be complementary to the hotel which is why it is important to know exactly what the owners will be doing there. Mr. Connor responded while the owner does not know exactly what would be done given the valuation of properties along the 202 corridor it would not be a use like a gas station but would be an economically viable use.

Mr. Philips stated these are the kinds of things to think about. He pointed out the 7.74 acres includes the hotel and there would be a small footprint of developable land of about 2 acres. Ms. Yarnoff commented what is developable would be less than that because of the road and driveway.

Mr. Philips asked Ms. Yarnoff what she thinks is going to go there if it is less than an acre or about an acre. Ms. Yarnoff followed up on the suggestion to come back to a workshop with more definitive information on potential uses and show the Board of Supervisors what it might look like. It was mentioned there are very nice trees the township would like preserved.

Mr. Jenaway commented if a commercial analysis was done looking at the competitive nature of the vacancies that exist in the two shopping centers across the street it would probably direct the ownership into some types of uses or occupancies that may or may not be viable.

Hearing and seeing no further comments from the Board of Supervisors and public Mr. McGrory adjourned the hearing and reconvened into the public meeting portion of the agenda.

Mr. McGrory stated this ordinance is in a position for consideration. He pointed out there is no requirement to approve or disapprove at this meeting. Mr. McGrory commented if the Board of Supervisors were to engage in dialog at further discussions about exactly what would go there could be a covenant indicating what could not go there.

Mr. Jenaway concluded the applicant would conduct further analysis and return with additional ideas.

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to approve the Accounts Payable for invoices processed from May 10, 2017 to June 7, 2017 in the amount of \$1,499,563.90 and the Payroll for May 19, 2017 and June 2, 2017 in the amount of \$1,545,070.96 for a total of \$3,044,634.86. None opposed. Motion passed 4-0.

ADDITIONAL BUSINESS:

EL MWOOD PARK ZOO – UPPER MERION WEEKEND

Mr. Waks stated at the last business meeting the Upper Merion Board of Community Assistance (BCA) announced that Elmwood Park Zoo would be receiving a BCA grant. As part of the grant arrangement there will be an Upper Merion weekend on July 8th and July 9th at the Elmwood Park Zoo. Admission to the zoo on both days is free for Upper Merion residents upon presentation of proof of residency.

REMARKS ON VIRGINIA SHOOTING

Mr. Philips stated our thoughts and prayers are with the Congressman and staffers who were injured in Alexandria, Virginia yesterday. He reflected about the importance of civility in our nation's politics.

RETIREMENT OF NORA KNIGHT FROM UPPER MERION AREA SCHOOL DISTRICT

Mr. Philips recognized Nora Knight upon her retirement from the Upper Merion Area School District after 37 years of loving and dedicated service to the children in the extended day care program. She will be greatly missed as she enters the retirement phase of her life.

FREE PASSES AVAILABLE AT UPPER MERTION TOWNSHIP LIBRARY

As Board Liaison to the Library, Mrs. Kenney made everyone aware the Library offers free passes to numerous organizations and institutions. She also mentioned the Park and Recreation Department offers discounted tickets for movie theatres and a variety of events.

FARMERS MARKET

Mrs. Kenney reminded everyone of the Farmers Market on Saturday.

UPPER MERION TOWNSHIP POOL IS OPEN

Mr. Jenaway invited everyone to check out the new amenities at the Upper Merion Township pool and consider a membership.

FOURTH OF JULY SAFETY

Mr. Jenaway cautioned residents about fireworks safety for the Fourth of July as it is a challenging time for many individuals who are improperly using fireworks.

FOURTH OF JULY EVENTS

Mr. Dan Russell, Director, Park and Recreation Department, stated the annual 4th of July celebration will be held at Heuser Park. The kickoff carnival will begin at 3 p.m. sponsored by Tons of Fun Entertainment followed by the concert

at 5 p.m. featuring the Mango Men and fireworks start at dusk. This year's celebration will include a beer garden sponsored by Rock Bottom Brewery. It was noted the Rock Bottom Brewery will first make an appearance on Sunday, June 25th as part of the Concerts Under the Stars series.

MORE INFO ON BEER GARDEN

Mr. Russell stated the beer garden will be totally run by the Rock Bottom Brewery. It is not part of the township and will not be staffed by the township. The beer garden is scheduled every Sunday as part of the concert series starting at 5 p.m. The concerts will begin at 6 p.m. It was noted patrons of the beer garden must be 21 or over and all alcohol must be consumed within the confines of the beer garden.

Mr. Jenaway pointed out beer gardens are commonplace and have worked successfully in other communities.

Mr. Waks received an inquiry from a resident and asked for confirmation that bringing your own alcohol is not permitted. Mr. Russell responded BYOB is not permitted. He pointed out alcohol is still not permitted in the parks and is only permitted as part of the sponsored Beer Garden event.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mr. Waks, seconded by Mr. Philips, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 4-0. Adjournment occurred at 8:37 p.m.

DAVID G. KRAYNIK
SECRETARY-TREASURER
TOWNSHIP MANAGER

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Minutes Entered
Minutes Approved: