

**Upper Merion Township Planning Commission  
Regularly Scheduled Meeting for November 9th, 2022**

The Upper Merion Township Planning Commission met for its regularly scheduled meeting on November 9th, 2022, in-person in the Henderson Room, located in the Township Building, and via Zoom. The meeting information was fully advertised and a meeting agenda placed on the township website. The meeting was called to order at 7 PM followed by the Pledge of Allegiance.

**IN ATTENDANCE:**

Matt Popek, Chair  
Mark McKee, Vice-Chair  
Martin Trumpler, Secretary  
Kenneth Brown  
Jaquelin Camp  
Ashton Jones, Township Planner

**ABSENT:**

William Jenaway, Board Liaison  
Patrick Foley, on behalf of Leanna Colubriale, Township Engineer (Remington & Vernick)

**1100 First Ave. – Conditional Use**

*Proposed apartment, warehouse and office project*

Mr. Ari Christakis, the applicant's attorney from Buckley Brion, returned after a month for discussion on a conditional use application for the proposed apartment, warehouse and office project. Mr. Christakis explained that just two weeks after the planning commission meeting, they sat down with Ashton Jones, Township Planner and Mark Zadroga, Township Zoning Officer to go over plans. Mr. Christakis said they received good feedback and clarity on how to document some of the application requirements like balconies.

Mr. Christakis explained that the parking structure has moved for two reasons: the first being that the parking garage was originally proposed to be in the back of the site but they would not be able to satisfy the wrapping requirements in the ordinance due to frontage on Moore Road and Rogers Road. The second issue is if there were steep slopes in the area, they had a fear they would not be able to place a foundation of the building and were not confident that they would be able to construct it without going into the steep slopes.

Mr. Christakis stated they decided to relocate the parking structure to a point that is not within 300 feet of any roadway, so the requirement for wrapping will no longer apply. Doing that gave them the opportunity to reconfigure the apartment buildings. Mr. Christakis explained that everything on the site in the southern part of the project hasn't changed since the first meeting. The two C shaped apartment buildings were previously oriented to the east; now the two buildings are facing one another, allowing them to open up the interior space to provide a village green amenity in between them. Mr. Christakis explained this area will also help with stormwater management.

Mr. Christakis indicated that they were previously planning on reserving the top two floors of the parking structure; however, with the reconfiguration of the parking structure, the footprint got smaller which means that they no longer need the additional spaces. Mr. Christakis explained that it will be a seven-story parking structure with no reserved parking.

Mr. McKee made a comment that the prior structure had one story underground and was a 5-story tall structure, making the parking garage a total of 6 stories. Mr. Christakis confirmed that comment and explained that this new structure will be a total of 7 floors with one being subterranean parking, but the engineer needs to figure out the grading at the location to make sure the structure will still comply under the height limitation.

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Mr. Christakis explained that with the steep slopes being present, they might be able to provide an entrance to the lower level.

Mr. McKee asked if there will be the same number of parking spaces with the smaller footprint. Mr. Christakis stated that the number of parking spaces has decreased slightly to 1,386 spaces but made it clear that they haven't laid out interior drive aisles or ramps within the parking structure yet. Mr. Christakis explained that will be provided during conditional use hearings to make sure that they have an accurate final count. The number provided today is the conceptual number based on about 190 spaces per floor; the prior structure had about 226 spaces per floor. Mr. Jones asked if 1,386 parking spaces was for the whole site. Mr. Christakis answered no, that number is just for the parking structure and they are showing 245 additional surface parking spaces.

Mr. Trumpler raised a comment about the northern part of the site having a descending slope going out towards Rogers Rd., and questioned that with the grading the two-apartment buildings will then be significantly different heights. Mr. Christakis said he doesn't know the answer to that question yet; similar to the parking garage it matters where the spot elevations end up, and it also has to do with the first floor of the apartment building because you can't bury an apartment building underground like you can a parking structure. Mr. Christakis also mentioned they just don't know as they haven't had that part of the land surveyed yet.

Ms. Camp asked where the main lobby or main entry point for visitors and residents to the building is planned to be located. Mr. Christakis stated they haven't decided that yet. They are planning on including the sky bridges that were discussed before, they just want to site the building before they put them on the plan, and they haven't done the architectural design yet.

Ms. Camps asked how many units are in each building? Mr. Christakis stated that there are 171 units per building. Mr. Christakis mentioned that they are planning on using the same foundation for the office building and warehouse that is currently there, because the new square footage is the same as the existing.

Mr. Christakis talked about the KOP Business Improvement District's plans for the pedestrian path along Moore Road, and how they are planning on incorporating a path around the site with a couple of flat spaces for gathering, shade areas, a seating area, and storage areas.

Mr. Trumpler brought up the issue of the proposed King of Prussia Rail project and asks the applicant if they were able to obtain any more information or if anything has changed since the last time they were present. Mr. Trumpler mentioned that based on the rail's path it will be right next to the windows of the 7-story office building. Mr. Christakis said that the plan that is being presented is what the applicant wants to build and that if SEPTA comes, then whatever SEPTA wants to do at that time will change the plan. Mr. Christakis continued to explain that he is unsure if or when SEPTA comes in, if that would eliminate the ability to have an office building. Mr. Christakis felt that there are too many hypotheticals, but what they could do is commit to maintaining that flexibility. He further explained that SEPTA does have condemnation authority to acquire the land if they want to, and at that point they would just have to adapt. However, everything they have seen for SEPTA's plans have been primarily interested in the south part of the property, so from that perspective the buildings are servable uses, so the office building and warehouse could go away if needed.

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Mr. Trumpler asked about the distance between the south end of the office building and the street. Mr. Christakis did not know the answer to that but believed it was close to the 50 foot setback requirement.

Ms. Camp made a comment about the strip of parking that is in between the apartment buildings and Moore Road, stating she feels it is unnecessary and in the way of pedestrians.

Mr. Popek asked if it is too early to ask what type of amenities will be provided on this site. Mr. Christakis stated that it is too early to tell what specific amenities would be within that area but they will pick from the list in the zoning ordinance, whether it's a fitness center, business center or ground floor green space. Mr. Christakis mentioned that the features will be presented once they figure out what architectural features are proposed for the buildings.

Mr. McKee asked where the applicant stands with the neighboring property on the shared parking arrangement and where are the spaces located. Mr. Christakis stated that they have to provide 350 spaces to the neighboring property and that they are located on the west side of the site plan, but can be relocated pursuant to the terms of the easement. Mr. McKee mentioned the reason he is asking is because there is only one access from the property next door (top left on plan) and from there down to First Ave there is a 7-foot-high retaining wall. Mr. McKee doesn't feel that one access point that is located in front of a parking structure is sufficient to the neighbor. Mr. Christakis stated that there are multiple ways to access the shared parking space from the northwestern side and the south side.

Ms. Camp asked if the parking garage will have access control. Mr. Christakis stated that they have not decided yet, and there would be security implications to it if they want to separate the resident parking from public parking. Mr. Christakis feels that the Board of Supervisors may want to implement conditions on the structure.

Mr. McKee asked the Township if there has been a conversation with SEPTA. Mr. Jones stated that he knows that SEPTA is aware of this plan because the head of the SEPTA Project has this information. Mr. Jones followed up by saying he feels strongly that SEPTA will have a plan figured out before construction of the building starts.

Mr. Popek stated that no action will be rendered on this item.

**KPMU Ordinance**

*Ordinance to amend certain districts to permit a hospital use, amend certain aspects of the KPMU District and to amend the R-3A District.*

Mr. Popek indicated that there are five items that are currently included in the ordinance text provided: 1) permitting hospital uses in the KPMU zone, 2) permitting hospital uses in the LI zone, 3) permitting hospital uses in the HI zone, 4) correcting the footnotes denotation in the KPMU permitted uses regarding multi-family dwelling and residential units, 5) area and density regulations regarding R-3A Residential zoning under Section 165-64: area and density regulations section A.

Mr. Popek indicated that the ordinance currently states "A proposal for a development shall have a minimum tract size of five acres, excluding the existing rights-of-way of all public roads." The following sentence will be added: "This Subsection A, shall only apply to multiplex and row house dwellings."

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Mr. Jones explained that what the last section is saying currently is that if a property owner does not have five acres, they cannot put anything in R-3A. Mr. Jones explained that in other zones like R3, the Township has an identical caveat. One difference is that instead of “multiplex” it says “multi-family” meaning multiplex is a use permitted in the R-3A; multi-family in the R3 is intended as the same term. Ms. Camp asked for clarification on the difference between multiplex and multi-family. Mr. Jones explained that multiplex is a collection of buildings where multi-family is one building with multi units.

Mr. Popek stated the current allowable use regulations for R-3A: single family detached, single family semi-detached (AKA twin), row house, multiplex dwelling unit. Ms. Camp asked if multiplex has to be multiple buildings and can't be a single building. Mr. Jones stated they are defined differently: a multiplex is a group of attached single family dwelling units each with independent outside access. Units must be in a variety of configurations side by side, back to side or vertical. Multifamily is a building, not a row house, designed to be occupied exclusively by a resident or 3 or more family members, in living units independently of one another.

Ms. Camp made a motion to recommend approval with Mr. Trumpler seconding. The motion carried 4 – 1 with Mr. McKee abstaining due to the concerns of the by right hospital use in HI districts.

**ADJOURNMENT:**

With no other business to discuss, Mr. Popek moved to adjourn the meeting with Mr. Brown seconding and all in favor at 8:14 PM.

Respectfully Submitted:

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Martin Trumpler, Secretary