

**Upper Merion Township Planning Commission
Regularly Scheduled Meeting for September 13, 2023**

The Upper Merion Township Planning Commission met for its regularly scheduled meeting on September 13, 2023, 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 6:59 PM followed by the Pledge of Allegiance.

IN ATTENDANCE:

Matt Popek, Chair
Mark McKee, Vice-Chair
Martin Trumpler, Secretary
Jauelin Camp
Kenneth Brown
William Jenaway, Board Liaison
Patrick Foley, on behalf of Leanna Colubriale, Township Engineer (Remington & Vernick)
Anthony Hamaday, Township Manager

ABSENT:

APPROVAL OF MEETING MINUTES:

There are no meeting minutes for adoption tonight.

Lazy Dog Restaurants, LLC., 160 N. Gulph Road – Land Development
Proposed 7,942 Sq. Ft. restaurant

Mr. Hamaday gave a brief project overview explaining this is a proposed demolition of the former Fox and Hound restaurant and construction of a new, larger restaurant with a basement standing at 7,942 sq. ft. with some outdoor seating.

Matt Kearse with Bohler Engineering and Jared Taylor with Golden Property Development provided a project overview explaining that they are planning on staying relatively close to the existing footprint, increasing by approximately 300 sq. ft. Mr. Kearse explained that the biggest change will be the 7 parking stalls in the front of the building will be removed and they plan on shifting the building slightly to provide more green space in the rear of the building but maintaining the same operations as far as loading and parking stalls.

Mr. Taylor explains that this will be a full-service sit-down restaurant with a full bar. Mr. Taylor describes the architecture inside and out as inspired by Jackson Hole, Wyoming and that it will have an American scene with a diverse menu. Mr. Taylor states that there are 48 different Lazy Dog locations throughout the country. Mr. Taylor explains that they will allow customers' dogs in the outdoor patio area; no dogs will be allowed into the restaurant unless they are service dogs. There will be an outdoor waiting area for customers who bring their dogs.

Mr. Kearse shows a presentation on what the visual exterior aesthetics will be when the construction is complete, explaining there will be a Rocky Mountain vibe with stone and dark colors. Mr. Kearse explains the landscape is going to be an important factor when it come to the look they are trying to create and will talk more about that in the waivers they request.

Mr. Hamaday brought up the concern about outdoor TV screens being visible from the road and interfering with traffic. Mr. Hamaday explains that has been a big issue with some of the other restaurants in the township and they will have to address this concern with the board of supervisors.

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Mr. McKee asked for clarification on the square footage because on the plans its listed at 11,201 sq. ft. Mr. Kearse explained that the 11,201 amount is the footprint including the patio and canopy area and that the building itself is 7,942 sq. ft. Mr. McKee asked if there will be customer seating and service in the patio and canopy, Mr. Kearse replied yes. Mr. McKee asked if their parking requirements are based on the customer seating and employee count. Mr. Kearse replied yes, they based their parking requirements on 11,201 sq. ft.

Mr. Popek mentioned the importance of the township tracking down a full and complete accounting of parking at the mall. Mr. Popek mentioned that the county review letters stated that this parking lot is not exclusive to this building, and pedestrian activity between this site and the remainder of the mall is a possibility. The feasibility of a crosswalk at the entrance to this site's parking lot was discussed. Mr. Popek mentioned that the new construction is a good opportunity to promote improved walkability and commutability.

Mr. Taylor mentions that they can reach out to the property owner and see if that's something they are willing to take on. Mr. Taylor states they do not have authorization to redo the sidewalks and crosswalks nor do they have a budget to do that. Mr. Hamaday states that he believes he will see a representative for the mall soon to talk about the former JC-Penney building and that he will mention something to them about possibly adding a raised sidewalk from Lazy Dog to the main parking lot.

Mr. Taylor states that they are proposing to have five take-out parking stalls. Mr. Hamaday mentions that it would be a good idea to some parking signs that say "designated parking" for the take-out stalls. Ms. Camp brought up the idea of have electric vehicle charging available in the Lazy Dog parking lot. Ms. Camp states that people who are looking to charge their car can go into the restaurant to grab a meal while they are waiting. Mr. Taylor states that is something Lazy Dog has been open to and that they offer it at another location based in California. Mr. Taylor mentions that at that location they partnered with Tesla for them to have their own service and transformers. Mr. Taylor suggest that Tesla should have their own lease with Simon because they do not want to have that power come off of the Lazy Dog building due to the huge costs.

Mr. Popek asked if Lazy Dog had any plans or thoughts on providing additional striping on the existing parking lot to indicate clear pedestrian paths. Mr. Popek expressed concern that access to the building from the parking lot required crossing the entry drive aisle. Mr. Popek asked if there was anything they could do to clarify where people should be walking and crossing the main drive aisle on the site.

Mr. Kearse stated that they do not want to say no to Mr. Popek's questions but it's something they are going to need to evaluate when they get back to the office. Mr. Foley stated that in one of the review letters they talked about the first few parking stalls being in the way of through traffic. Mr. Kearse said that is another thing they will evaluate.

Mr. McKee asked if the applicant would show where they are planning on adding the underground stormwater basin and rain garden. Mr. Kearse explained they are planning on removing the rain garden and adding a second underground basin.

Mr. Taylor explained that Lazy Dog will maintain the landscaping they are proposing. Mr. Taylor explained the landscaping is very important to the design concept of the "Jason Hole experience". Mr. Taylor shared pictures of the proposed landscape. Mr. Popek mentioned that the Shade Tree Commission had some comments about the types and percentages of species to provide. Mr. Taylor states that one of the waivers requested is for the number of shade trees but Lazy Dog plans on having a multi layered landscape experience and doesn't want to entirely hide the building.

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Ms. Camp asks for clarification on the outdoor patio and if its really considered an outdoor patio if the openings are all infilled with plastic windows. Mr. Taylor explains that the openings will have a pull-down screen and above the firepit there will be a huge hole in the roof. Mr. Taylor explains that they will have electric space heaters inside and no central heating air. Mr. Popek asked the applicant to go through the waiver list.

Mr. Kearse lists the wavers that were stated on the 7th page of RVE's review letter:

- 1) from providing a stormwater analysis of the entire site.
- 2) from providing a one-foot freeboard.
- 3) from providing basin fencing. (Mr. Kearse mentioned this one will be removed.)
- 4) from providing underground basin access.
- 5) to allow stormwater storage within the frost line.
- 6) from providing the required storm manhole cover lettering. (Mr. Kearse said this will be removed.)
- 7) to submit for preliminary land development approval simultaneously with final land development plan approval.
- 8) to provide a smaller than required parking stall size.
- 9) to permit planting fewer than the required number of replacement trees.
- 10) to permit planting fewer than the required number of street trees.
- 11) to permit planting fewer than the required number of building trees.
- 12) to permit a greater percentage of one tree species than permitted. Mr. Taylor read the review letter from Chris Marshall on the Shade tree commission. Mr. McKee mentioned the applicant should consider a fee in lieu and work something out with the township since they are requesting waivers for the landscape.
- 13) from providing existing and proposed property lines and other features.
- 14) from providing a traffic impact study.
- 15) from providing existing or proposed deed restrictions or protective covenants.
- 16) from providing parkland.

Mr. McKee asked if the dogs that are permitted on the property will be allowed to use the landscape area for emergencies. Mr. Taylor explained they will have a dog waste stand with bags provided. Mr. Taylor states they do not want to promote the area as a dog park but they will have somewhere to go.

Mr. Foley asked if the applicant had a chance to look over the variances. Mr. Kearse stated yes and asked what road was the first variance referring to "A pedestrian way shall begin at the curb line and consist of a verge strip measuring a minimum of three feet in width and a public walkway with a minimum unobstructed width of five feet". Mr. Foley stated they were referring to the public right of way.

Mr. Kearse stated there is no pedestrian access at all so they should be existing non-conforming rather than a zoning relief. Mr. Foley said that since they are redeveloping the site it's a fresh start and look at the code. Mr. Hamaday stated the township would confirm with the township solicitor. Mr. McKee asked if people who are getting take-out need to park in the designated area and walk into the building to get their food. Mr. Taylor said the customers will need to walk in and get their orders themselves.

Both the applicant and the planning commission agreed to reassess the plans and the application will come back to the planning commission next month and seek approval.

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ADJOURNMENT:

With no other business to discuss, Mr. Trumpler moved to adjourn the meeting with Mr. Brown seconding. All were in favor and the meeting was adjourned at 8:24PM.

Respectfully Submitted:

Martin Trumpler, Secretary