

Upper Merion Township Planning Commission
Regular Meeting on March 13, 2024

The Upper Merion Township Planning Commission met for its regular meeting on March 13th, 2024, 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 7:04 PM followed by the Pledge of Allegiance.

IN ATTENDANCE:

Matt Popek
Mark McKee
Jaquelin Camp
Kenneth Brown
Martin Trumpler
Jarrett Lash, Township Planner

ABSENT:

APPROVAL OF MEETING MINUTES:

Meeting minutes were previously passed out for the following:

- 02/14/2024

With no other comments regarding them, Mr. Brown made a motion to approve all meeting minutes, with Ms. Camp seconding. All were in favor.

NETFLIX HOUSE CONDITIONAL USE APPLICATION:

Mr. Lash provided an introduction for the Netflix House Conditional Use Application. The proposal is for a new tenant in the former Lord & Taylor building at the King of Prussia Mall. The Conditional Use is tied to the proposed Performing Arts/Theater use in the Regional Shopping Center Zoning District.

Amee Farrell, the representing attorney, introduced the two attending Netflix representatives, Sean Noble and Brent Nikolin.

The two Netflix representatives shared a presentation that outlined the operation and purpose of Netflix House. An introduction video was played outlining how Netflix House will expand upon the successful pop-up events that tie to their most popular shows. They explained that Netflix House is the company's expansion into permanent brick and mortar locations.

The location will include a restaurant, retail, and flexible black box stages that could be used for immersive theater, a family playground, an escape room, an arcade, mixed

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reality, live event/concert, sports activity experiences, classes, screenings. The Conditional Use application is specifically for immersive theater, live event/concert and screenings, as the other uses are permitted by right in the Regional Shopping Center Zoning District.

Mr. Noble and Mr. Nikolin provided an overview of the operation as it relates to the proposed interior fit-out of the building and parking.

The Planning Commission had some questions and comments regarding the interior fit-out and the operation of the enterprise, but did not have any specific questions as it related to the proposed use.

Mr. Lash shared that the plan is to bring the Conditional Use application in front of the Board of Supervisors at the April 11th meeting for their vote.

Mr. McKee made a motion to recommend the approval of the Conditional Use application for the outlined uses in the application and presentation. It was seconded by Ms. Camp. All were in favor.

MURAL ORDINANCE:

Mr. Lash introduced the mural ordinance which would amend the zoning code, Chapter 165 to permit murals in the Regional Shopping Center Zoning District for the Performing Arts/Theater usage by way of conditional use. Mr. Lash outlined the two conversations with the Board of Supervisors that have preceded the Planning Commission discussion as well as provided specifics on the placement, size, and content proposed to be permitted.

Ms. Camp asked if there was any concern for using a mural to circumvent signage and would permit large advertisements. Mr. Lash explained that the Board of Supervisors decided to remove the language that discusses commercial content and instead have decided to not permit "written word".

Mr. Popek asked why there wasn't an interest to just rewrite the signage section of the zoning code to permit murals. Mr. Lash did note that signs, as defined by Chapter 165, are allowed to be painted directly to the façade. However, Mr. Lash noted that the direction of a specific mural ordinance would create better controls over where murals are permitted.

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Mr. Popek noted that this ordinance seemed to be written for a specific application in mind. Mr. Lash shared that the drafted ordinance was written to meet the current goals of the Board of Supervisors but with the intention to allow it in other zoning districts and/or uses in the future. Mr. Popek brought up that the section that says murals “are to be encouraged” to reflect historical elements of the Township will likely not be achieved as it is solely a recommended stance and not required.

Mr. Brown asked if the mural ordinance for the City of Philadelphia was researched for this. Mr. Lash informed the Planning Commission that it was not, but the mural ordinance for the Borough of Jenkintown was.

The recommendation of the Planning Commission was for the Board of Supervisors to identify one other zoning district or use where murals could be permitted. This is towards the broader goal of crafting ordinance changes that are for more than one specific project. No formal vote was taken on the ordinance as presented.

ELECTRIC VEHICLE CHARGING STATION ORDINANCE:

This is the second time the Planning Commission has reviewed the Electric Vehicle Charging Station (EVCS) Ordinance. Mr. Lash opened by introducing Fire Chief James Johnson and Fire Marshal Bill Daywalt.

Mr. Lash explained the latest revisions as prepared by the Planning Division, Codes Department, and Public Safety Department. This included defining Level 1 EVCS, Level 2 EVCS, Level 3 EVCS, surface parking, and structured parking, allowing Level 2 EVCS in structured parking, and creating scaled requirements for distance from EVCS and potential hazardous materials.

Chief Johnson explained that EV car fires are not currently electronically recorded and classified as such nationally, so we do not yet know the full extent of how many communities are having EV fires. Chief Johnson explained how an EV fire differs from gasoline car fires or other fires they face as fire professionals.

Ms. Camp added that gasoline car fires are much more common than EV car fires compared to how many are on the road. She explained that as battery technology evolves, the risk of electric vehicle fires will dramatically go down.

Ms. Camp also shared her disappointment that an ordinance that opens with stating the importance of the electrification of our transportation failed to encourage EV adoption. Mr. Popek concurred. Mr. Lash shared that the Codes Department has been drafting an

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Electric Vehicle Charging Station permit to replace the need for an applicant to separately apply for a building, electrical, and fire safety permit.

Mr. Popek added a technical edit of a sentence missing a period. Mr. McKee requested a clarification on the below-grade access definition of structured parking. Mr. Lash provided the clarification. Mr. McKee also asked the Public Safety representatives to clarify their meaning of "Distribution Infrastructure deemed to Pose a Potential Public Safety Hazard." Fire Marshal Daywalt provided the clarification.

The Planning Commission and Public Safety representatives discussed emerging fire suppression technology that could improve their ability to combat EV car fires. They labeled this as a means to potentially amend this ordinance in the future.

Ms. Camp raised her support by stating that she was pleased with the evolution of the ordinance and recommended approval of EVCS Ordinance with the minor revisions discussed. This motion was seconded by Mr. Trumpler. All were in favor.

ADJOURNMENT:

Mr. Popek requested to know any future business for the Planning Commission. Mr. Lash shared that at the next meeting, the Planning Commission will be hearing a Conditional Use Applicant for 550 American Ave for the conversion of an office space into 20-residential units.

With no other business to discuss, Ms. Camp moved to adjourn the meeting, with Mr. Popek seconding. All were in favor and the meeting adjourned at 9:35 PM.