

DPZ Presentation to Lower Merion Civic Associations

2nd Floor Board Room, 75 E Lancaster Ave, Ardmore, PA

6:00 PM – 9:00 PM

Those present included: Marina Khoury (DPZ), Mike Weich (DPZ), Jennifer Hurley (Hurley-Franks Associates), and Philip Franks (Hurley-Franks Associates), Chris Leswing, Building & Planning Department Director (Lower Merion Township), Colleen Hall (Lower Merion Township), Carissa Hazelton (Lower Merion Township), Commissioner Scott Zelov (Ward 10), Commissioner George Manos (Ward 9) and approximately 25 residents.

Mr. Leswing provided a brief introduction and explained that DPZ would provide an update on the Zoning Update and explain how it relates to the Comprehensive Plan. A Q&A session will follow the presentation.

Ms. Khoury provided a synopsis on the rezoning to date as follows:

- **Team** – DPZ national leader in Form Based Codes is working is Hurley-Franks Associates (local expertise), Norman Garrick (transportation), Bob Gibbs (retail), Joanna Lombard (institutions).
- **Background** – The Comprehensive Plan has guided the work from the beginning. The analysis for the zoning update included the following steps:
 - DPZ assessed the disconnect between the Zoning Code, other planning documents, including a White Paper on the Zoning, and the Comprehensive Plan to identify what needs to be updated.
 - After the analysis of the planning documents, the consultant team spoke with stakeholders and summarized what they heard.
 - Synoptic Survey/Existing Conditions
 - The Synoptic Survey involved a windshield survey of the community. The purpose of the survey was to evaluate how the existing pattern compares to the zoning requirements. The synoptic survey revealed that many of the residential districts looked virtually the same, and could result in the consolidation of some of the zoning districts. The survey also revealed that the form of many of the commercial areas could be improved.
 - The Lower Merion is unbalanced when it comes to jobs and schools. Roughly 35,000 commute into the Township, and 25,000 commute out of the Township, while only 2,900 live and work in the community. By providing housing in the community some of the issues, such as congestion could be alleviated.

- Key Analysis Take-Aways:
 - Consolidate residential districts and align zoning to better reflect existing conditions
 - Revise commercial districts to better reflect character (similar to Bryn Mawr Village)
 - Address split zoning, transitions between uses and buffers
 - Present options for institutions
 - Review design development regulations for preservation and development
 - Address how to incentivize historic preservation
- Recommendation to the Board: Create a new Code that maintains some of the existing language that works, use a new framework, reorganize the code, and consolidate the language.
 - Adopt FBCs where form matters the most
- **Project Status**
 - Code Timing and Process
 - Provide full draft to the Board of Commissioners for review in September 2018
 - Will track changes in a way that is easy for people to follow
 - General Code Structure
 - Will consolidate the existing 30 articles of the Zoning Code into 12.
- **Proposed Institutional Framework**
 - Institutional zoning options
 - Overlay district – supplements requirements of base district
 - Institutional district – standalone district, requires submittal of master plan
 - Development agreements – required master plan, regulating plan
 - Hybrid – intermediate zoning districts
 - Recommendation - Establish Institutional District
 - Define institutional uses (primary & accessory)
 - Define boundaries to establish spatial predictability
 - Map districts
 - Regulate accessory uses and events
 - Distinguish (<5 acre) and (5+ acre) requirements
 - Clarify process of approvals (Master Plan)
 - Proposed Institutional Zoning District Goals – predictable process and results
 - Integrate goals of Comprehensive Plan and existing code’s best practices
 - Establish standards for Institutions’ growth in place
 - Improve management of impacts on residential neighborhoods

- **Proposed Residential Framework**
 - Consolidate the zoning districts
 - Main idea is to match what is on the ground
 - Provided an overview of the direct translation maps and explained that the maps will be refined further in the coming months. The proposed districts roughly follow the boundaries of the zoning districts and are consolidated as follows:
 - Low Density Residential only permits single-family, detached homes.
 - LDR1 = RAA
 - LDR2 = RA, R1
 - LDR3 = R2, R3
 - LDR4 = R4, R5
 - Medium Density Residential introduces additional housing types
 - MDR1 = R6 (twins, quads)
 - MDR2 = R6A, R7 (townhouses, apartments)
 - Permitted Uses will be refined
 - Address nonconforming uses
 - Use tables provide for permitted uses
- Historic Resource Overlay District
 - Applies to all historic resources in the Township
 - Maintain the elements that worked well
 - Reviewed and refined the use incentives (i.e. accessory dwelling units, museums), and the form standards (i.e. increase to allowable building area)
- Parking Standards have been prepared
- Neighborhood Conservation Districts – Includes areas of historic significance with an established pattern. Additional architectural controls may be applied
- Development Approval Process
 - Principles:
 - Incentivize what you want
 - Economy of Effort
 - Allow the fewest steps in the process to achieve desired outcome
 - Identify the right decision maker for each decision
 - Recommendation Overview:
 - Increase the number of proposals that can be administratively approved
 - Fewer steps overall
 - Process Objectives:
 - Fewest steps to achieve the quality the community wants

- Facilitate public engagement
- Efficient public staff and board time – This can be a win-win. For those who conform to the standards, the process should be easier.

Q&A Session

Marleen Klein, North Ardmore, expressed concern that there is no moratorium on new development. All the properties between the LMHS and Woodside Road are being developed.

Ms. Khoury stated that Lower Merion Township is a desirable place. The new Zoning Code will not change that. If development happens it has to be of a higher quality and caliber than has happened in the past. We'll sculpt the form of the building. Development will continue to happen. The community wants to manage how that growth happens. The Township will evaluate the community facilities as new development comes in to determine when a new fire or police station is required.

Ms. Klein stated that one problem is that there's no place to add tunnels under or over railroad.

Ms. Khoury responded that the roads are not at capacity yet, plus there is transit. The best way to handle congestion is to encourage people to take the train.

Jeff Doukin, Bala Cynwyd, stated that there's not good public transit near him around me. It can take him 20 minutes to get to the Bala Cynwyd Shopping Center and he lives six blocks away. The traffic studies don't reflect that. The multifamily development and apartment houses are taking over the streets with vehicles and taking over the schools. Is there any remedy that can limit this?

Mr. Leswing stated that the Comprehensive Plan build-out analysis concluded that under the existing zoning it would result in 1/3 more residents in the Township with a build-out of 90,000.

Ms. Khoury stated that there are many areas where the density will be less than it currently is. The commercial areas where you allow density now should allow density. The Township could consider downzoning heights, but that is often challenged and difficult and moves development somewhere else. Lower Merion Township is so desirable development pressure will continue. The new Code will allow for a better form, but may not necessarily decrease the density.

A North Ardmore Resident stated that the developer of the property at Glen Road and Montgomery Avenue does not care. No developer does a traffic study to look forward. The Bijou Bridal could be developed with over 100 units, and recent development includes over 100 units.

Ms. Khoury stated that in Comprehensive Plan, the community decided where to accommodate new growth. The Zoning Code says how new development could look better. Lower Merion Township is desirable and that is not changing.

Teri Simon, Wynnewood Civic Association, stated that a big question for civic associations and residents is if there is anything that can be done in the new Zoning Code that could address the externalities of the existing development. Have you mitigated effects of old or existing development with other codes?

Ms. Khoury responded that every community that has a new Zoning Code sees a rush of new development coming forward. It will be hard to come back to retroactively tell a developer what to change.

Ms. Simon asked if it would help if there was political pressure to repeal ordinances that brought unwanted development and growth, such as MUST and ROHO.

Ms. Khoury responded that one project can affect how residents view development, such as the project in Ardmore where there is a tall building next to single-family homes (Dranoff). Ms. Khoury stated that the new Code will provide for better transitions and should help alleviate concerns over development. Political support can always help.

Anne Mezey, North Ardmore, stated that it's extremely difficult to drive in Ardmore and suggested that the consultants rethink what they say about traffic not being an issue.

Ms. Khoury responded that Norman Garrick, the transportation planner, obtained data that there are less cars travelling down Lancaster Avenue now than there were a few years ago. The Zoning Code will not fix traffic problems. People will continue to move here. The Main Line and has tremendous potential. Ms. Khoury stated that there will be more traffic, so you have to make other options, such as public transportation, as attractive as possible. Improving access to transit stations, and providing sidewalks and bike lanes will help. The transportation consultant is making recommendations to improve sidewalks and make adjustments to streets to accommodate bicycles. Ms. Khoury stated that she hopes to get Norman back before the end of the year to present his information. He is an engineer and transportation planner.

Chris Madden, Villanova, stated that the illustrations were confusing, particularly the corner lots. Ms. Madden asked if the corner lot will have two frontages. Ms. Madden expressed concern that the illustrations could be a cause for ambiguity.

Ms. Khoury responded that they illustrations will be refined.

Joe Sgro, Gladwyne, asked if all the units proposed are multifamily and how many units total have been approved.

Mr. Leswing responded that few single-family units have been proposed in the past five years.

Mr. Sgro asked about the balance of housing types in Lower Merion. Mr. Sgro asked if the Township can start cutting down on the different types of housing now that different types have been developed.

Ms. Khoury responded that the proposed zoning has not expanded where multifamily is allowed. We're coding to what the Comprehensive Plan said we needed. Where multifamily is allowed now, we're allowing it. Where it's not allowed now, we won't.

Mr. Sgro stated that he understands that the Township may be subject to a lawsuit if property is downzoned, but the Township has provided a range of housing.

Ms. Khoury stated that zoning must allow for a reasonable use of property. No one is entitled to more. If we take a 5-story zone and take it down to 3-stories, some may say it's an infringement of property rights.

Mr. Sgro asked if all new units involve redevelopment.

Mr. Leswing responded that most of the new multifamily units involve redevelopment. The proposed code will rectify past mistakes. The capacity issues of schools and traffic are the results of decisions made 50 years ago. The vast majority of homes are single-family homes and are only accessible by automobile. A lot of the traffic comes from previous decisions. This code limits the number of new single-family homes that can be built. The Code limits lot width, which is a de facto downzoning. Nearly 15 percent of land in the Township is occupied by an institution and it could be converted to a residential use. By creating an Institutional District will limit future subdivision. Future growth is primarily directed to the commercial areas that look terrible now. The question is what this will look like in the future.

Karla Moras, Merion asked for a point of clarification on the number of proposed units.

Mr. Leswing responded that he does not have the exact numbers, but will clarify when he has a chance to confirm the number of proposed units.

David Rosenbaum, Neighborhood Club of Bala Cynwyd President, asked what the proposed MDR areas will look like. Will they have single-family homes or are they multifamily?

Ms. Khoury responded that they are primarily single-family homes with twins and quads.

Mr. Rosenbaum asked if there could be a street in the MDR area where there may only be single-family homes now.

Ms. Khoury responded that when the Board of Commissioners reviews the zoning and what is on the ground, they will help to assign the appropriate category. That level of exercise has not been done yet.

Mr. Rosenbaum asked if there may be variations from street to street.

Ms. Khoury stated that she envisions that it will be similar to what you have now, but it will also manage where parking occurs. We will require that new development match the predominant setback. The intention is to match what is on the ground. If an MDR area has mostly single-

family homes, we will revise the designation or the code standards to reflect what is on the ground. We know that townhouses have created a problem, and are very cautious about how townhouse development is approached.

Louie Asher, Merion, stated that there was a slide showing that reflective glass would be regulated. Where is that regulated and why?

Ms. Khoury responded that Bob Gibbs, the commercial consultant recommended that be regulated in commercial retail areas. Reflective glass that does not allow you to look in also does not entice someone to enter into the store. It is deadly to retail. The standard is also in institutional districts, because they have an excellent character to them.

Carl Watson, Shortridge Civic Association, stated that the proposed window to wall ratio would severely restrict things that are on the books now.

Alex McDonnell, President, Federation of Civic Associations, stated that residents are feeling beseeched by traffic, particularly in Ardmore and Bala Cynwyd. He expressed concern about institutions expanding out versus up and asked if the boundaries could be redefined.

Ms. Khoury responded that they plan to create an Institutional District based on existing institutions' locations. The institution may expand internally if they provide a Master Plan. The Master Plan will have public engagement process. If buildings are proposed that are within the boundary of the Institutional District and in the Master Plan they may have an expedited process. If an institution wants to purchase property and expand beyond the Institutional District, it will require a rezoning process, which is a new process that is not included in the process now. The Zoning Code will provide the revised framework.

Ms. Mezey asked if there would be lighting in the design standards.

Ms. Khoury responded that there are lighting standards.

Mr. Leswing stated that the Township is taking a look at updating the lighting standards, and new standards will be prepared. It will be in the 2019 budget.

Ms. Simon stated that Kohelet acquired two additional residential properties to expand. Under the proposed Zoning Code, would that have required a zoning change from the Board of Commissioners?

Ms. Khoury responded that is correct. It's a public process and there's no guarantee it would be approved.

Ms. Madden asked if an institution will have stricter impervious surface standards if it is greater than 5-acres.

Ms. Khoury responded that the impervious surface varies from zone to zone. The new provisions will allow up to X% more than the most restrictive zone around an institution.

Jeff Doukin asked who said that the community wanted to allow an additional 30 percent growth.

Ms. Khoury responded that the community will continue to grow. It may grow too fast for some and too slow for others. It is important to have younger people in the room too because they may be excited about it. We look to the Comprehensive Plan for guidance on where to allow growth.

Mr. Doukin stated that all those people in five-story apartments have cars. He stated that 40 years ago he moved into a house that someone moved out of and he doesn't want to see five-story apartment houses and that kind of growth, but that is what he's seeing in Bala Cynwyd.

Ms. Khoury stated that she understands where he's coming from, but she doesn't want to promise that the Zoning Code will do something that we're not able to do.

Marie Kramer, Ardmore asked what is being put in place for residents with regards to what they see as desirable development.

Ms. Khoury responded that the process should be streamlined to make the development process easier, but there will still be ample opportunity for public involvement.

Ms. Hurley stated that some things should be administratively approved. For example, anytime two willing property owners want to move a lot line they have to go to three public hearings, including the Planning Commission, B&P Committee, and the Board of Commissioners. There shouldn't be a need to have to go to the Board of Commissioners approval of everything, because development should be regulated by clear standards.

Ms. Khoury stated that Lower Merion has more public hearings than any other community she has ever seen. Ms. Khoury stated that those things that are not noxious or controversial should be reviewed administratively. There are roughly six things that may be reviewed administratively. The new code regulates form that will add a level of predictability. There has been much less public opposition to developments in communities they've worked in after the adoption of a form based code.

Ms. Kramer stated that traffic and parking are a big problem in Ardmore. Ardmore has a lot of commercial uses and reducing parking standards will be good for commercial uses, but it will bring more density to Ardmore.

Ms. Khoury stated that they could keep parking standards as they are now, and that will allow for and bring more cars to the area, or we could provide a parking reduction, especially near train stations to encourage the use of other means of transportation.

Ms. Kramer asked if the new code will still allow developers to pay a fee instead of providing a recreational amenity.

Ms. Khoury responded that it is not being done with the Zoning Code. The recreation fee requirements are in a different section of the Township Code.

Ms. Kramer asked if the consultants will reconsider MUST.

Ms. Khoury responded that they are reviewing and revising MUST. They propose to remove the overlay.

Ms. Kramer that some multifamily development will be five-stories in Ardmore and suggested that the consultants consider reducing the height to 3-4 stories.

Ms. Khoury responded that the Board of Commissioners will determine whether to reduce height in commercial areas.

Ms. Kramer stated that there are areas with commercial next to residential and asked how those areas will be changed.

Ms. Khoury responded that if a commercial use wants to intrude into a residential district, it will require a zoning change and that is the current process and it will not change.

Ms. Simon stated that the Dranoff Project is front-loaded. Through the new Zoning Code will you be able to prohibit that? It disturbs the curb cuts, disturbs the pedestrian pattern and is dangerous.

Anne Mezey stated that she walked to this meeting from Woodside Road down Lancaster Avenue and thought of how much it would make a difference if the awnings were all the same length and provided shade.

Ms. Khoury responded that PennDOT has an issue with awnings in right-of-way, but they will look to improve the standards.

Leigh Anne Smith, Bryn Mawr, stated that she had been reviewing the parking standards and they are much less for institutions in the new code. The requirement for guest parking has been removed and the parking requirements are reduced overall.

Mr. Weich stated that they worked through the institutional district and it will likely require a parking study with the Master Plan process.

Ms. Khoury stated that instead of requiring a standard we can right-size the parking through the Master Plan study.

Ms. Smith stated that it is a little scary for residents, especially seeing the parking standards so dramatically reduced.

Mo Gillen, Haverford, stated that reducing the size of parking lots in her neighborhood would be great because that is all the residents are looking at.

Ms. Khoury stated that the more cities study parking the more they realize they need to address it based on current need.

Karla Moras, Merion, stated that a lot of properties have been assembled by institutions. We also have NCAA games, including double-headers and there is not enough parking and everyone parks in the neighborhood. This is crucially important so our neighborhoods are not parked out like the Wynnefield and Overbrook neighborhoods. Some institutions have taken the position that the streets are open to the public and allow students to park on them instead of providing the necessary parking on-site. Parking studies completed by the schools will not be valid.

Ms. Khoury responded that there is a need to verify the results of the parking studies. One single standard does not make sense for many institutions. We're trying to tailor the standards more to the use that is there.

A resident asked how split zoning will be addressed.

Ms. Khoury responded that they recommend doing away with split zoning. We are looking to improve the transitions and make it place specific. During the mapping exercise they will isolate all of the split zoned parcels and look at what appropriate zoning should be.

Mr. Watson stated that he lives near the Wynnewood Shopping Center and the neighbors want it to stay split-zoned.

Ms. Khoury responded that if the property is rezoned commercial they'd look to provide a better transition. Right now it's a parking lot. How is it an appropriate transition to a single-family residential neighborhood? We're not saying that split zoning should be zoned for a commercial use, we are saying that the standards should include better transitions.

A resident asked what will be done about the height requirements in the MUST.

Ms. Khoury responded that they're in the process of reviewing that now.

Hugh Gordon, North Ardmore, stated that stormwater management of commercial areas needs to be improved.

Ms. Khoury responded that every property owner is required to maintain stormwater on-site. The stormwater will be managed, but we haven't looked at those requirements yet. That is coming.

Mr. Gordon stated that MUST was created within a distance of the Ardmore Train Station to theoretically encourage transit-oriented development, but it was inadvertently placed over the Ardmore Historic District. It has contradictory goals. Furthermore, the Township is not willing to invest in infrastructure to support development and that is a problem. For example, the Township had an opportunity to widen the Church Road bridge and they didn't and now it's a pinch point.

Mr. Leswing responded that there's only so much the Zoning Code can do. There also needs to be planning. The growth in the Township will occur in the commercial areas. The single-family homes areas will remain as-is. The commercial areas need plans, because we can't continue to rely solely on regulations. You need a plan in some of these areas to show where the new block structure and public improvements should go. Those public improvements must complement the zoning.

Ms. Khoury stated that a Master Plan for the commercial areas may show where the roads, open space, bicycle lanes, and public improvements should go. There is a need to align growth with public improvements.

A resident asked what will be done with the MUST circle.

Ms. Khoury responded that it is an idea, but we will be removing that. The circles are useful planning tools. It could provide guidance for where to reduce parking near public transit or provide pedestrian amenities to encourage the use of other transportation modes.

A resident stated that car dealers also park in the neighborhood and sends shuttles back and forth to residential streets. Years ago the township discussed providing a parking structure with the car dealers.

Ms. Khoury responded that they will be looking at transportation demand management (TDM) strategies, which may include providing shuttles to employees. Norman Garrick will provide guidance on strategies to use.

A resident stated that many churches are starting to lease parking to commercial uses. What is the status of the non-profit status versus the commercial use of the parking?

Ms. Khoury responded that zoning will not affect a non-profit's status. The zoning will encourage shared parking, where appropriate.

Mr. Rosenbaum stated that the Comprehensive Plan talks about preserving residential neighborhoods. There was a residential street in Bala Cynwyd where a developer knocked houses down for future redevelopment. If an institution expands into a residential district could we write into the Code that they can't demolish a residential building before expanding the use because that has effectively already changed the character.

Ms. Khoury responded that she doesn't know about the legality of that. Institutions should be treated differently than commercial uses. She has understood that in Pennsylvania zoning must treat property owners the same.

Mr. Rosenbaum asked how allowing small museums in historic resources fits into the idea that we're preserving residential neighborhoods.

Ms. Khoury responded that it is currently a permitted use for Class 1 Resources. We were considering expanding that use into Class 2 Resources. The standards are very limiting. Would you want to allow that in residential neighborhoods if that meant preserving a historic resource?

Mr. Rosenbaum stated that it may vary from street to street. In my neighborhood, people would go bananas with a museum use. He expressed concern with the idea of a “museum” being a permitted use for Class II historic resources.

Michael Seiden, Merion, asked if the use could be bound by a district for institutions.

Ms. Khoury responded that they’re proposing to map institutions, create a new district, and require that an expansion into a residential district trigger a rezoning. It is the most difficult process in the community.

Ms. Moras stated that the Comprehensive Plan includes a recommendation that Institutions should be able to have commercial uses, such as incubators, for their sustainability. It concerns me that there will not be such a separation of institutions and also relates to parking.

Ms. Khoury responded that when she said commercial properties should be treated differently than institutional she was referring to a proposed Master Plan process for institutional expansions and if the institution grows beyond its borders, it will also have to go through a rezoning process. We want institutions to be better neighbors. A benefit to a Master Plan is that if institutions can show us how they want to grow in next 10 years, it adds predictability and allows for a streamlined review process, which is something we heard both institutions and their neighbors want.

Ms. Gillen stated that in Haverford she can think of a good example of a townhouse development on Buck Lane and Old Lancaster Road. Ms. Gillen stated that she lives in the Haverford historic district, and she thinks there should be more flexibility for improvement and growth of existing properties without burdening property owners. She feels that she’s not an equal property owner now under the existing Zoning Code, and feels like she’s held hostage to the HARB.

David Cremer, Ardmore, asked if the new code will match the existing historic districts and if a HARB review will still be required.

Ms. Khoury responded the historic districts will remain and a HARB review will be required.

Mr. Cremer asked what it means to change the height requirement to stories as opposed to using a measured height limit.

Ms. Khoury responded that most people don’t know what a 65 feet building looks like, but we do understand the number of stories. In Article III there will be a maximum height permitted per story to limit the overall height. All of those standards are being written in.

A resident asked if the home occupation will be the same as it used to be.

Ms. Khoury responded that it will remain. By law people are allowed to work from home. The Township can't prevent it, but they can place limitations on the parking and signage. That exists in the Code now and it will remain. The one thing that will change is the separation requirements. We will do away with it. The Certificate of Occupancy requirement will remain as it is a way for the Township to monitor it.

Ms. Kramer asked if retail will continue to be required a grade level.

Ms. Khoury responded that the intent of the MUST will remain, but the standards will be revised to be what they need to be.

Ms. Kramer asked if it is too late to provide input on the draft Zoning Code.

Mr. Leswing responded it is not too late, and if there are things that need to be done in the process to help the community understand it, we can provide additional workshops and have sessions to make sure that we get it right.

Mr. Rosenbaum stated that he sees value in reducing what the Board of Commissioners needs to review, but the current process can make projects better than they would've been.

Ms. Khoury stated that she understands that the current process allows for conditions to be placed on a project, but the new standards should result in better development.

Mr. Rosenbaum asked what the appeal process will be if something is approved administratively.

Ms. Khoury responded that staff will verify the appeal process with the Township Solicitor.

Mr. Watson stated that in Narberth they adopted a form based code and realized it was destroying what was in place. It might be helpful to interact with Narberth staff to learn what they did or didn't do right. Maybe we can learn from Narberth's mistakes.

Ms. Kramer stated that one thing that would help is a side by side comparison with what the zoning is now and what is proposed.

Ms. Khoury responded that an Equivalency Chart has been prepared and is available online.

Ms. Moras asked how the Neighborhood Conservation Districts were determined.

Mr. Leswing responded that during the comprehensive planning process we heard a concern that new development did not match the existing Zoning Code.

Ms. Hazelton responded that the 1990 PHPC Study identified areas, and provided a basis for the Traditional Neighborhood Development areas identified with the Comprehensive Plan. It has been refined to include additional neighborhoods identified by the Historic Preservation Planner and the consultants developing the design guidelines.

Ms. Moras asked why the northern side of Highland Avenue was shown as institutional across from SJU?

Ms. Hall responded that it is not intended to be rezoned institutional. The maps are illustrative.

A resident asked how to provide comments.

Mr. Leswing responded that they could email him, Colleen, or Carissa. Mr. Leswing asked for any additional comments/questions and seeing none thanked everyone for participating and drew the meeting to a close at approximately 9:00 PM.