

Civic Engagement Committee Meeting Notes

January 10, 2019 – 7:00 p.m. - 9:00 p.m.

Board Room, Township Building

Members Present included: Ken Brier, Maryam Phillips, Teri Simon, Nancy Scarlato, Brian Hoppy, Nina Bisbee, and Melissa Gilbert. Township Staff Present included: Chris Leswing, Director, Building & Planning; Colleen Hall, Planner/GIS Technician, and Carissa Hazelton, Planner. Approximately 10 members of the public were present, including Commissioner George Manos, Commissioner Rick Churchill, Planning Commissioner Jerry Stern, and Planning Commissioner Bill Cook.

LOW/MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL ZONING

Mr. Leswing called the meeting to order at approximately 7 PM. Introductions of the Civic Engagement Committee (CEC) were made. Mr. Leswing stated that up to this point the committee has been asked to share information with the public. The next several months this committee will be reviewing the draft document in a workshop format.

The CEC meetings will precede the Building & Planning Committee’s meeting each month. Each month a different topic will be discussed. The CEC will be asked to review the sections of the Zoning Code relating to the topic and provide feedback and recommendations to the Building & Planning Committee.

Staff Presentation

Mr. Leswing provided a presentation explaining the Low Density Residential Zoning Districts, which include LDR1-4 and MDR1.

The CEC was asked to evaluate the new Zoning Code to ensure it accomplishes the following:

1. Implement the goals and recommendations of the Comprehensive Plan
2. Address modernization challenges.
3. Achieve a smaller ultimate population than under current zoning.
4. Promote the desired pattern and form.

Committee Discussion & Public Comment

Following the presentation, Mr. Leswing opened the discussion and asked if anyone had questions. A summary of the questions and answers from the CEC and the public follow:

Q. Why are the building coverage requirements removed?

A. The impervious surface still applies, which determines how much of the lot is covered. The consultants did not feel that the additional building coverage requirement was necessary.

- Q. To collapse the districts to achieve the sameness to all the homes strikes me, because Lower Merion is unique because homes do not look the same. How is that rectified with the collapsed districts?
- A. That is a great question about Form Based Codes. It's not about sameness. It's about consistency. It's about the placement of the building and the pattern of the buildings and the relationship to the street. Neighborhood Conservation Districts will be applied in neighborhoods with unique characteristics and they will have additional design standards to ensure that new development is consistent.
- Q. Years ago, a house on Levering Mill Road with a blue tile roof was constructed that was completely out of character with the neighborhood. Would that type of house still be allowed?
- A. Maybe. That house is not in a Neighborhood Conservation District. The new Code will not govern color or roofline. The new Code will ensure that the form and scale of what is built will match the existing pattern.
- Q. I tried finding the Neighborhood Conservation District on the interactive map and the outline was a similar color to other layers. It would be helpful to use a contrasting color.
- A. Thank you for the comment. We want to make it a user-friendly document. We will take a look at the colors on the map. The interactive map does also allow different backgrounds to be used and each of the zoning layers may be turned on or off.
- Q. Were the existing development patterns reviewed in comparison to the new impervious surface regulations? For example, existing Zones R4 (6,000 sq. ft. minimum lot area) and R5 (5,000 sq. ft. minimum lot area) allow for maximum impervious percentages of 39% and 45%, respectively. The proposed Zone LDR4 (7,500 sq. ft. minimum lot area) allows for maximum impervious percentage of 45%. It appears as if the new code would allow for greater impervious coverage (i.e., larger percentage of a larger lot area).
- A. Yes. Once the consultant team provided the draft Zoning Code, staff reviewed the standards against the existing neighborhood patterns to limit the number of nonconformities created by the new requirements. Using the above example, residents currently in Zone R5 are allowed a maximum impervious percentage of 45%. These residents would conform to the requirements of the proposed Zone LDR4, which allows for a maximum impervious percentage of 45%. If the current Zone R4 maximum impervious percentage of 39% were applied to proposed Zone LDR4, current Zone R5 residents would not conform to the new requirements.
- Q. If you're not in a Neighborhood Conservation District and you're applying new zoning it looks like you could end up with something vastly different from what is there based on the chart.
- A. The existing zoning doesn't necessarily match what is on the ground. The proposed code has been written to match the existing pattern.
- Q. The chart is missing the R6A district.
- A. The R6A district will be discussed at the next meeting where medium density residential zoning will be discussed.

- Q. In reviewing the lot size on the equivalency chart, it looks like there is up-zoning to the minimum lot size in the R1, R4 and R5 districts. It looks like this is creating a number of nonconforming lots. Is this an issue the Township is prepared to address?
- A. An undersized lot would not inhibit a resident from improving their property. Nonconforming setbacks would inhibit someone from reasonably using their property and modernizing home. This may limit future subdivision potential, but otherwise it will not have a negative impact on existing homeowners.

Recommendations & Comments

Mr. Leswing asked the CEC for their feedback on the policy issues outlined in the memo. A summary of the discussion is provided below. The recommendations shown below were not voted on and were not necessarily unanimous. The recommendations shown summarize the general consensus of the CEC related to the policy discussions.

Policy Discussion: Should the two additional units allowed under a Quad be required to be affordable?

- A resident expressed concern that it feels like there is some classism by allowing increased density in MDR1 and requiring larger lots and less density for single-family detached homes.
- Ms. Phillips cautioned against thinking that just because there are denser units that they will be affordable.
- The CEC discussed examples of developments that include Quads, including the recent development on Montgomery Avenue near Woodside Road and the development with quads facing the street along Old Lancaster Road & South Merion Avenue. The following discussion ensued:
 - Removing the Quad as a permitted form would be a mistake. Codifying that the additional two units be affordable would be extremely beneficial.
 - There needs to be a more specific definition for Affordable Housing. The metric to determine what is affordable should be included in the definition.
 - The metric should use a local index as opposed to HUD's federal guidelines.
 - There was a general consensus that the idea of allowing gentle density and allowing a quad in exchange for affordable housing is a good one.
- The new Code does not include the incentives previously provided for affordable housing. What is DPZ's strategy for providing affordable housing?
 - They make the assumption that a smaller unit will be more affordable than a larger unit. The Zoning Code includes smaller units and Accessory Dwelling Units.
 - They attempt to address the missing middle type housing between the single-family detached homes and the multifamily homes, which is addressed by providing for a variety of smaller housing types.
- **Recommendation: Codify that the two additional units allowed under a Quad be affordable and revise the definition for Affordable Housing to include local metrics.**

Policy Discussion: Should the use of Accessory Dwelling Units be expanded to all residential properties in the Township?

- Accessory Dwelling Units are currently allowed by Conditional Use as an incentive for listing a property on the Historic Resource Inventory. Should the concept of Accessory Dwelling Units be permitted by-right in all residential zoning districts as opposed to being an incentive for historic properties?
 - Don't think it's too much of a burden on the neighborhood.
 - Don't see why it's limited to Class 1 and Class 2 structures.
 - It provides supplemental income for existing residents.
 - It provides diversity of housing types.
- Restrictions should be included:
 - Off-street parking and owner occupancy are key.
 - Proposed one space/unit may not be enough parking.
 - Consider requiring more open space as a trade-off for providing an accessory unit.
- Concerns:
 - The Accessory Dwelling Units may be used for student housing.
 - Student housing is regulated by size, distance and definition for Family. Having a single student may not create a nuisance.
 - Accessory buildings on older lots may be too close to each other at the property line.
 - Accessory buildings should still present as an accessory building.
- The CEC discussed the relationship between affordable housing and infrastructure/facility needs, including public schools. The CEC discussed the possibility that families may live in the accessory dwelling units and result in more children in the public schools.
 - Consider limiting the size of the Accessory Dwelling Units.
- **Recommendation: Allow Accessory Dwelling Units in all residential districts but include standards for adequate off-street parking and require owner-occupancy.**

Policy Discussion: Estate development – Should a bonus be allowed for providing age-targeted housing?

- Think it would be beneficial for the community and would not result in as many school children.
- It would be an option for developers to consider. There would be a density incentive for providing age-targeted housing.
- On an existing estate with a 12,000 square foot house, would they be allowed to divide the house into three or four units?
 - It's in the Code now and is allowed in the new Code moving forward.
- **Recommendation: Include a bonus for providing age-targeted housing on estate lots.**

Additional Comments:

- Lower Merion has old infrastructure and doesn't have ability to finance these infrastructure repairs for new development. That doesn't appear to be addressed in the new Code.
- The Delaware Valley Regional Planning Commission (DVRPC) came out with their 2045 Regional Plan interactive map and it shows all of Lower Merion as a development area. Staff were requested to review and send comments to DVRPC.

- The Zoning Hearing Board Solicitor advised that Zoning Hearing Board members that they should not be making policy statements as members of the CEC, because they'll be adjudicating the Zoning Code, but they can ask questions.

Closing Remarks and Next Steps

- Staff will provide a summary of meeting notes and recommendations to the CEC. A summary of the recommendations will be presented to the B&P on **January 23rd**.
- The Wynnewood Civic Association will hold their annual meeting on **January 24th at 7 PM** at All Saints Church (Montgomery and Gypsy). The meeting will include a panel discussion on the draft Zoning Code featuring Jason Duckworth and Todd Sinai.
- The next CEC meeting will be held on Thursday, **February 7th at 7 PM.**

The meeting ended at approximately 9:05 PM. Notes recorded by Carissa Hazelton