

Civic Engagement Committee Meeting Notes

April 4, 2019 – 7:00 p.m. - 9:00 p.m.

Board Room, Township Building

Members Present included: Ken Briar, Terry Foley, Bruce Reed, Nancy Scarlato, Maryam Phillips, Nina Bisbee, Teri Simon and Ben Driscoll (LMSD Representative). Township Staff Present included: Chris Leswing, Director, Building & Planning; Colleen Hall, Planner/GIS Technician, and Carissa Hazelton, Planner. Approximately 22 members of the public were present, including Commissioner Daniel Bernheim, Commissioner Rick Churchbill, Commissioner Scott Zelov, Commissioner Todd Sinai, and Commissioner Anthony Stevenson. Planning Commissioners Bill Cook, George Ross, Jerry Stern and Scott France.

INSTITUTIONAL ZONING

Mr. Leswing called the meeting to order at approximately 7 PM. Mr. Leswing stated that this committee has been set up to review the Zoning Code in a workshop format. The committee reviews topics before they get to the Building & Planning Committee. Institutions are the topic at hand and it is still a fluid document. Tonight, we want to make sure that we are hitting the right points. The Civic Engagement Committee (CEC) members were introduced.

Staff Presentation

Mr. Leswing provided a verbal overview of the proposed Institutional Zoning District. One of the needs faced by institutions was a need to modernize over time. Currently, institutions are allowed by special exception in all residential zoning districts and they are required to adhere to residential zoning standards. An unintended consequence is that institutions have purchased adjacent residential properties, consolidated the lots, and demolished the homes to meet their impervious surface requirements.

Mr. Leswing stated that the new Zoning Code creates an Institutional Zoning District. The Institutional District includes four categories: Natural Preserve, Civic, Educational, and Housing. The draft Zoning Code recognizes that the needs of the institutions differ from the needs of single-family homes. The base level requirements are proposed to be slightly higher than those of the surrounding residential neighborhood.

Mr. Leswing stated that the proposed standards allow for modest expansion and modernization of institutions in the Institutional District. Additional development beyond the thresholds will require Campus Plan approval to achieve additional development. Approval of a Campus Plan will require a public review process. There will be a cap on the maximum amount of development permitted. Mr. Leswing asked CEC members if they had any questions about the proposed Institutional District.

Questions & Answers

1. Why should there be a cap placed on the institutions' right to expand?

Staff responded that an impervious surface cap would be appropriate for institutions, especially where they are located in residential neighborhoods. It would require that some part of the campus remain green.

2. What category do the hospitals fall under?

Staff responded that the existing hospital districts will remain in place. The draft Zoning Code has them listed as SD-1 Medical Center District (MC) and SD-2 Bryn Mawr Medical District (BMMD). The existing standards have been fully incorporated into the draft Zoning Code.

3. What is the maximum impervious surface that is allowed in the hospital districts? It seems that understanding their impervious surface needs could help guide the new standards for other institutions.

Staff responded that the impervious surface in the Medical Center District (MC) is 40% with some additional incentives built in. The maximum impervious surface in the Bryn Mawr Medical District (BMMD) is 80-85%.

4. Understand the boundaries of the district and understand the theory. What prevents an institution from doing an end-run around the zoning ordinance and violating the spirit of the institutional zone? For example, SJU recently purchased a residential home outside the institutional zone. SJU presented their campus plan to the Merion Civic Association and they stated that they may use it as the President's house. How does the zoning prevent SJU from using the house as an accessory use as opposed to maintaining the home as a private residence?

Staff responded that the first piece is determining where the institutional boundary is located. North Latches Lane makes the most sense as a logical boundary. The home north of North Latches Lane is in a residential zoning district and would be required to maintain a residential use. Changing the use would result in a violation to the Zoning Code and would require enforcement.

5. The consultants had recommended reducing the parking requirements, but staff is not recommending that. Can you explain the two schools of thought?

Staff responded that the draft code provides less required parking than the existing code, because the consultants wanted to make sure that the Township was not over parked. They were encouraging the Township to become more walkable. During this process staff has realized that we're not there yet. This is still a suburban community and cars need to be provided for.

6. Some institutions are very much a part of the residential neighborhood, such as Bryn Mawr College, and you can't differentiate between the campus and the residential use, which is a benefit for the community. Keeping the institution away from the edge may not always be a benefit.

Staff responded that the goal is to keep the externalities away from the residential neighborhoods.

7. The Campus Plan includes some indication of the programming that is to occur. Can you expand on that?

The CEC Discussed the Campus Plan requirements.

Ms. Bisbee stated that she is hearing concerns from colleagues that the Campus Plan requirements are too specific. They want to better understand what will be required.

Mr. Leswing stated that institutions have told staff that the entire Campus Plan is too onerous. However, SJU has completed a Campus Plan and they've bought into it.

Ms. Bisbee stated that SJU invested in that plan to determine how much they wanted and needed to grow. To require it of institutions who may not need to grow is onerous. The trick is to make sure the requirements and approval process works and that institutions are able to modernize and stay vital.

Mr. Leswing stated that the goal of the Campus Plan is to have a sense of predictability. Does the Campus Plan have to be fully articulated with architectural renderings or can it be more of a bubble diagram?

Mr. France stated that in reviewing the Campus Plan requirements it seems to go a bit far with requiring information on the architectural design.

8. Can you share the benefits and the downside of the Special Exception process?

Staff responded that residents and institutions had both said that the process takes too long. There are certain quantitative elements that can be hit, such as the width of the buffer. There are also qualitative elements that are more difficult to demonstrate. The applicants typically hire experts to testify and the neighbors feel that they also must hire experts. It becomes a long, adversarial process. As a benefit it is a non-political process.

9. What is the benefit and downside of the proposed land development approval process?

Mr. Leswing responded that it is also a public approval process where issues are identified, but it can be streamlined with the land development process. The Campus Plan process also requires a public dialogue.

The CEC discussed ways to even the playing field between institutions and their neighbors during the land development process. Mr. Briar suggested that perhaps the Township Engineer could review the traffic impact studies instead of the neighbors having to hire their own experts. Mr. Leswing responded that the Township Engineer already does review land development applications and all supporting documents during the land development process.

Ms. Simon stated that the Special Exception process is difficult because the applicant has to prove that they meet the underlying zoning requirements and then the burden of proof shifts to residents and the burden of proof is much higher than proving that you meet the underlying requirements.

10. With the Institutional District, could an institution purchase a property beyond the boundary? For example, SJU purchased the Merion Apartments on E Wynnewood Road several years ago.

Staff responded that a zoning change would need to be approved by the governing body. The applicant would have to provide a solid rational basis for the zoning change. It would involve a public process and would be difficult to achieve.

11. With respect to Institutional Districts, there are different types of institutions. Should we have a different zoning district for the largest educational institution we have (SJU)?

Staff responded that the draft Zoning Code addresses the type and intensity of the use rather than the size of the institution.

12. Was there a discussion of having different requirements within each of the Institutional Districts?

Staff responded that the Institutional District includes four categories. The strategy is to identify the commonalities. If the standards and process works for all institutions then a separate district is not necessary. The regulations will be tied to the context of the residential neighborhood where they live. The impervious will be tied to the most restrictive abutting residential zoning district.

13. Have staff and the Township Solicitor discussed the spot zoning issue on parcels under 5-acres?

Staff responded that updating the Zoning Code opens the Township up to legal challenges. However, the draft Zoning Code is solidly based on the Comprehensive Plan. The standards apply Township-wide to the entire district, so the Township Solicitor has approved the proposed mapping.

14. Will a rezoning be required to go from an IE to an IH district?

Staff responded that there is a list of permitted uses with some overlap. A change of the primary use would require a Campus Plan.

15. Are the rules that the Planning Commission recently reviewed for a zoning amendment to the Public School requirements incorporated into this district?

Staff responded that the recently adopted impervious surface limits will be reviewed to ensure that the new standards align.

16. Will allowing additional impervious surface by-right deter institutions from taking advantage of the impervious surface incentives in the Historic Resource Overlay District? Could it have an unintended consequence of enabling institutions to demolish existing historic resources to develop new buildings?

Staff responded that allowing additional impervious surface is intended to allow institutions the ability to modernize within the institutional district. The incentives for historic resources may be changing, but it is a goal to preserve historic buildings.

17. How were the building height limits established for institutions? Some Planning Commissioner Members are advocating for higher, more intense buildings to keep more open space available.

Staff responded that the height is a fluid number and something that we need to look at.

18. The Lower Merion School District (LMSD) does not want to be in this district. They want to have their own standards. The concept that they are limited to a campus does not work for them. Unlike private institutions, they have to develop within Lower Merion.

Staff responded that they agree that long-range planning of community facilities need to be planned together and must be planned differently.

19. A lot of the conversation has been around development within the boundaries and not wanting institutions to expand beyond their boundaries. What is allowed with regards to additional uses that will be allowed in the institutions? How does the new Code determine what is allowable and what is not allowable? If it's intrinsic to the use of the property it should be allowed.

Staff responded that any existing accessory uses would be allowed to continue.

20. Do think the discussion is being driven around the thorny issues that have impacted community? Most institutions work to maintain good relationships with their neighbors and we should make sure that those negative things don't drive every decision. We could end up harming other institutions if decisions are driven by those issues. Think we're on the right track but we have a way to go.

Public Comment

Tanya Shriber, Penn Wynne, stated that it sounds straightforward to allow institutions to grow. She stated that she knows of two schools that are at or above the existing impervious surface limit and that the proposed standards would allow for a significant increase in impervious surface. She stated that partnerships with the public are necessary to keep an open dialogue.

Mr. Leswing stated that the Township is working with the LMSD.

Dan Rossenelle, Bala Cynwyd, stated that he found the comments and suggestions insightful. He asked if a new institution can form in the Township or if the idea is that one institution has to leave for another to come. He expressed concern that there may be some institutions we do not know of now that would benefit the community in the future.

Mr. Leswing responded that close to 15% of the land area in the Township is comprised of institutions. On one hand we're trying to keep that because the Township doesn't have the capacity to absorb the additional residential development that would be allowed onsite.

Mr. Rossenelle stated that there should be more incentives for sustainability in the Code and mentioned that he didn't see libraries listed anywhere.

Mr. Leswing agreed with the sustainability incentives and stated that it is something the BOC is considering. The public libraries are Township properties and they are not impacted by zoning.

Ronny Colby, St. Mary's Church in Ardmore, stated that Table 5.2 needs a definition in the key for "S". He also suggested considering the donation of a façade easement as an additional incentive under 4.4.13.d.

Barbara Sylke, Merion, stated that the definitions for fences and basements should be clear. If a basement is used for classrooms or cafeterias it should be included in the total square feet calculations for buildings. Ms. Sylke read the conditions of approval from a SJU special exception application and asked what happens to the conditions of approval under the new Code?

Mr. Leswing responded that under Section 4.4.4.e. of the draft Code conditions imposed by the Zoning Hearing Board on the approval of Institutional uses shall remain in force but may be modified by conditional use.

Mo Gillen, Haverford, stated that the "Special Districts" should be moved into the area of the Zoning Code where they make sense. For example, the MC and BMMD Districts should be moved into the Article containing the institutional districts. Ms. Gillen stated that there should also be space in the Institutional District for public school requirements.

Karla Moras, Merion, stated that she wanted to follow up on the comment about the Conditions of Approval. She heard that someone can ask them to go away.

Mr. Leswing responded that the conditions will stand. It's just that now the request to change those conditions goes to the Zoning Hearing Board and in the future the request will go to the Board of Commissioners.

Ms. Moras stated that SJU has presented a new Campus Plan to the neighbors. The presenter said that higher education has become an industry. One of their objectives is to change their use to maximize new revenue streams relating to commercial uses.

Carl Watson, Shortridge, stated that the three irritants with regards to institutions are noise, lighting and parking. The noise is addressed with the recently updated Noise Ordinance. The Lighting Ordinance needs to be updated, but that is a separate issue. The parking is really a problem for the Zoning Code. Mr. Watson said that he heard Mr. Leswing say that the parking requirements will not be reduced, but he thinks that the parking standards should be more restrictive than they are now.

Closing Remarks

Mr. Leswing thanked everyone for coming. Mr. Leswing said that if anyone on the committee has specific comments to send them to staff. He drew the meeting to a close at approximately 9:30 PM.

Meeting notes recorded by Carissa Hazelton, Planner