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Workshop considers City Ave. amendments

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At times Monday night, the ongoing debate over City Avenue rezoning seemed to be moving in circles like traffic around a block at rush hour.

There was some progress at the latest public workshop in Lower Merion, though, at least to the extent that the differences among the parties may have narrowed a bit.

After more than 18 months of public discussion, the Lower Merion Township Board of Commissioners adopted an ordinance Dec. 21, 2011, creating two new zoning districts in the City Avenue corridor, a Regional Center District and Bala Cynwyd Retail District.

It did so, however, delaying the effective date until April 30 with the intent to create a planning tool known as an Official Map, marking out preferred locations for some public amenities. An initial public workshop to begin drafting the map was held Jan. 28 (see related story).

At the same time, however, because the primary civic association for the area had objected to the ordinance in its current form, the township is continuing workshop meetings to consider some additional amendments proposed by the Neighborhood Club of Bala Cynwyd. Monday night was the occasion for the first of those discussions.

In the three-hour session, attended by about 30 people, the focus was on two primary areas of concern: provisions under rezoning for a group of uses, including indoor entertainment facilities, family entertainment centers and indoor recreational facilities.

Bala Cynwyd neighbors of the new districts have wanted the township to be careful in the definition of these uses and to establish a separation between them and any nearby homes.

In the amendments under consideration this week, the separation requirement would apply not only to nearby residential zones but to residential properties in commercial districts existing when the ordinance takes effect. That had been a significant concern for residents of condominiums at 191 Presidential Boulevard and the Corinthian building.

The definition of an indoor family entertainment center had also been revised to specify that it would be a facility primarily for children under 15 years of age who are accompanied by adults for activities such as birthday parties, and that alcoholic beverages would not be served. In other words, something like a Chuck E. Cheese would be permitted; a Dave & Buster's would not.

The effect of the separation requirement, according to a map, would be that most of these entertainment or recreational facilities would be restricted to a relatively

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small area, closest to City Avenue and from about the 401 Building east.

Hearing that, Commissioner Cheryl Gelber worried that the township would be defeating its purpose of trying to transform the area into a live-work-play environment. "It seems like everything has been eliminated," she said. "We should identify what the fear [for neighbors] is. I think fear has pushed us too far in the other direction."

In discussion, it was agreed that the availability of alcohol seemed to be the common denominator. Building and Planning Director Bob Duncan said that, for the next workshop, staff would look at writing provisions that based the separation requirement on that factor.

Common ground was harder to find on components of the ordinance that deal with what has been the Neighborhood Club's and many other residents' overwhelming concern: how the increase in traffic from more intense development can be handled on roads that are already congested and at intersections that are already failing.

Although a separate process to create a Transportation Services Area for City Avenue, enabling the township to charge a transportation-impact fee on new development, is a partial answer, the Neighborhood Club has insisted that it cannot support rezoning without greater provisions for traffic improvements.

The ordinance, as adopted, includes some conditions that would trigger re-evaluation of traffic impact, but the civic group has wanted to go farther. Not only has it suggested that developers could provide or contribute to a fund for off-site traffic improvements in the corridor, but, under a proposed amendment, a developer would have to pay a fee or provide such traffic improvements as a prerequisite to get any of half a dozen other density bonuses.

The ordinance already makes provision of public gathering

spaces a prerequisite for density incentives.

Neighborhood Club representatives have said they are concerned that funds for road projects identified in a Traffic Capital Improvement Program for the corridor will be hard to come by; the developer contributions would be a source to fund the projects sooner.

Terry Foley, executive director of the City Avenue Special Services District, said he had a "very, very serious concern about putting in a mandate with no incentive." He was frankly worried it would stifle revitalization. Property owners and potential developers "are going to look at us and say it's too expensive," he told the group.

Others in the audience pointed out, however, with adoption of rezoning, property owners have been given much greater potential for development.

The problem may be with the structure of incentives, it was suggested. Larger developments on many City Avenue properties will need to include such features as structured, wrapped or underground parking, while the township also wants to encourage mixed-use development including new residential units and transit-facility improvements.

Providing just a few of these, a project could quickly reach or exceed the maximum floor-area ratio, a measure of density, permitted by the ordinance, so that there will be little flexibility to include some of the public benefits the township is seeking.

"Our concern is the impact on the residential neighborhoods of this development," responded David Haas of the Neighborhood Club.

"We think we've reached a balance" with provisions for more traffic improvements, he added. But, hearing suggestions to take another look at the whole set of density bonuses, "I don't have a problem going back to the club to discuss changing those incentives," he said.

Duncan said planning staff will work on new language for some of the amendments for a follow-up meeting.

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