

<p>IN RE: APPEAL OF BERKSHIRE II REAL ESTATE, LLC, RELATIVE TO A PROPERTY LOCATED AT 101 NORTH FIFTH STREET (A/K/A 501 WASHINGTON STREET), CITY OF READING, BERKS COUNTY, PENNSYLVANIA</p>	<p>: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2020-18 : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION</p>
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**DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING**

AND NOW, this 18th day of November, 2020, a hearing having been held on October 14, 2020, upon the application of Berkshire II Real Estate, LLC, notice of such hearing having been first sent and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the Zoning Hearing Board of the City of Reading (hereinafter referred to as the “Zoning Board”) renders the following decision:

FINDINGS OF FACT

The Zoning Board finds the following facts:

1. Applicant is Berkshire II Real Estate, LLC, a New Jersey limited liability company, with a principal address of 911 E. County Line Road, Lakewood, New Jersey 08701 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of the real property located 101 North Fifth Street (a/k/a 501 Washington Street), City of Reading Berks County, Pennsylvania (hereinafter referred to as “Subject Property”).
3. The Subject Property located in the Commercial Core (C-C) Zoning District and Callowhill Historic District as those terms and districts are defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the “Zoning Ordinance”).
4. Applicant was represented by Joan E. London, Esquire, of Kozloff Stoudt.
5. The Subject Property is located on a parcel of land containing 21,022 +/- cumulative square feet that includes an existing eight (8) story building known as the Berkshire Building that was

previously occupied by commercial and professional office uses and is now vacant.

6. Applicant is seeking to convert the existing building from commercial and professional office uses to a mixed use concept that may include commercial use(s) on the lower floors and fifty-six (56) residential apartment units on the upper floors of the building.

7. Applicant stated Alvernia University will utilize the building as part of the “College Towne” Project.

8. Specifically, Applicant seeks relief from Sections 600-807.B.(4)(e) and 600-1202.A. of the Zoning Ordinance.

9. Applicant testified students would not have automobiles.

10. Applicant testified students would use University transportation or public transportation.

11. Applicant testified there would be a maximum of seventy (70) students residing at the Subject Property.

12. Applicant has satisfied all of the special exception requirements.

13. The Board finds the requested relief will not be a detriment to the health, safety and welfare of the neighborhood and will enhance the Zoning Districts.

DISCUSSION

Applicant is seeking to convert the existing building from commercial and professional office uses to a mixed use concept that may include commercial use(s) on the lower floors and fifty-six (56) residential apartment units on the upper floors of the building. The proposed use will not be a detriment to the health, safety and welfare of the neighborhood and is in keeping with the spirit and intent of the Ordinance. The proposed adaptive reuse is granted.

CONCLUSIONS OF LAW

1. Applicant is Berkshire II Real Estate, LLC.

2. The Subject Property is located at 101 North Fifth Street (a/k/a 501 Washington Street), Reading, Berks County, Pennsylvania 19601.

3. The Subject Property is located in the Commercial Core (C-C) Zoning District and the

Callowhill Historic District.

4. The specific sections of the Zoning Ordinance appealed are Sections 600-807.B.(4), 600-1202.A., and 600-1202-A.(3).

5. The Zoning Board is permitted to provide interpretation and grant applications for variances, special exceptions and adaptive reuse as set forth in the relevant sections of the Zoning Ordinance.

6. In order to grant the requested relief, Applicant must show it has satisfied the relevant sections of the Zoning Ordinance.

7. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following Decision:

a. Applicant is granted relief from all relevant sections of the Zoning Ordinance subject to the following conditions:

(1) A Final Land Development Plan shall be prepared on behalf of the Applicant in order to be approved by the City of Reading and recorded with the Berks County Recorder of Deeds.

(2) All sanitary sewage disposal issues shall be resolved to the satisfaction of the City of Reading, including the reservation, permitting, installation and connection of the required sanitary sewage disposal improvements.

(3) All water supply issues shall be resolved to the satisfaction of the City of Reading, including the reservation, permitting, installation and connection of the required water supply improvements.

(4) A Stormwater Management Plan shall be prepared and submitted as part of the Land Development Plan.

(5) A Traffic Impact Study and Circulation Plan shall be prepared and submitted as part of the Land Development Plan in order to consider the transportation and circulation impacts from a potential increase in traffic, parking, and loading.

(6) Satellite or off-site parking opportunities shall be considered in order to accommodate the students, residential tenants, visitors, and the patrons during peak hours of operation.

(7) All requirements for exterior lighting, landscaping, solid waste, curbing, sidewalks, parking, loading and driveways shall be resolved as part of the Land Development Plan.

(8) The HARB should review the proposed plans to determine if they are acceptable considering the provisions established for the Callowhill Historic District. A Certificate of Appropriateness (COA) should be issued by the HARB prior to the building renovations.

(9) All proposed residential apartment units and common areas shall be designed in order to comply with the provisions specified for site accessibility, habitable area, and common facilities, as further prescribed by the City of Reading.

(10) Applicant shall provide the City of Reading with a complete list of all existing and proposed tenants occupying the non-residential spaces within the building.

(11) Applicant shall provide the City of Reading with a construction schedule for all proposed building renovations. The construction schedule shall account for the time period that the existing tenants will be displaced or required to vacate the building.

(12) The appropriate building and zoning permits shall be prepared and submitted to address all building code requirements for the proposed commercial, retail, and residential uses.

(13) The building shall comply with all fire, safety and accessibility requirements specified by the City of Reading prior to occupancy.

(14) All proposed signs shall be located, designed, permitted, and installed in accordance with the provisions specified by the City of Reading.

(15) Applicant shall comply with all relevant building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board.

(16) Applicant may not use, expand, alter or otherwise use the Subject Property inconsistently with the contents of this Decision without making application requesting further

relief from the Zoning Board.

b. Failure to comply with any of these above-referenced conditions shall mean the immediate revocation of the relief granted herein.

The decision of this Board is by a vote of 4 to 0.

**ZONING HEARING BOARD OF THE CITY
OF READING**

/s/ Philip Rabena

PHILIP RABENA, CHAIRMAN

/s/ Thomas Fox

THOMAS FOX

/s/ Jeffrey Gattone

JEFFREY GATTONE

/s/ William Harst

WILLIAM HARST