

Minutes
Regular meeting of the City of Reading Planning Commission
May 22, 2012 at 7:00 pm

Members present:

Ermete J. Raffaelli, Chairman
Brian J. Burket, Vice Chairman
Michael E. Lauter, Secretary

Staff present:

Andrew W. Miller, Planning Office
Timothy J. Krall, Department of Public Works
Vaughn D. Spencer, Mayor

Others present:

Scott T. Miller, Stackhouse Bensinger Inc.
Scott W. Weber, Olsen Design Group Architects Inc.
Kenneth L. Pick, Berks County Community Development Office
Victoria E. Krall

Chairman Raffaelli called the May meeting to order. Mr. Lauter moved to accept the May 22nd agenda. Mr. Burket seconded. And the Commission voted unanimously to accept the May agenda.

Subdivision and Land Development:

9th & Green Streets Apartments (Berks County Redevelopment Authority) – final subdivision and land development plan [0:00.52]

Scott Miller recalled his presentation at the November 2011 meeting, and again described a two-story, six-unit low-rise apartment building, that would also consolidate five existing parcels. He said adequate parking, lighting and landscaping are included. He felt they'd addressed most of the review items, but recognized they still require highway-occupancy permits for the driveway and utility connections. He said they'd be seeking an exemption from the sewer-planning module requirements, based on the prior loads of the demolished houses. He preferred to forego the requested street tree, noting spacing and sight-line issues. Andrew Miller replied that the City Engineer and Shade Tree Administrator each approved the suggested placement. Scott Miller reported the Conservation District's approval, and mentioned some architectural changes since the November plan. Asked about revisions to the stormwater plan, based on the City Engineer's comments, he said it hadn't changed; that the discharge was still proposed through a trench drain in the driveway, and that he was waiting on a follow-up review. He resisted the idea of adding a junction box, in order to connect the detention basin to the storm sewer directly, believing the trench drain sufficient to handle the volume discharged. He intended to double-check the spot elevations and contours around the retaining wall on the east side of the site, and a potential need for stormwater piping there. Asked about the bus stop being removed, he said they planned to consult the Berks Area Regional Transportation Authority. Andrew Miller suggested a 'right-turn only' sign at the driveway's exit to North 9th Street, and asked that the sprinkler lateral be included on the utility plan. Scott Miller mentioned that they had discussed using a single water line for the domestic and fire-suppression needs.

Mr. Raffaelli, while commending the organization and design professionals involved and their efforts to find alternate sites, felt the proposal to be incompatible with the neighborhood and characterized it as "spot planning". Mr. Lauter agreed generally, but wondered about an appropriate course of action for the Planning Commission. Mr. Raffaelli preferred the Reading Redevelopment Authority control, assemble, and market such properties to potential developers, and always sensitive to the surrounding neighborhood. He said they have legal and financing abilities that the City government does not. Mr. Lauter countered that the Authority gets stuck with those properties that don't attract any interest, and they become a maintenance burden. He clarified that his issue with the current proposal is the specific fit of the infill; for instance, facing the building's architectural side toward the street front. Andrew Miller cautioned that the plan is 'zoning compliant', without need of variances. He felt that insisting on 20-foot-wide townhouses as the only appropriate infill was unrealistic, and wasn't happening in any other similar situations. He alluded to the reasons that the alternate site didn't work.

Mr. Weber explained the floor plans and the façade details, specifically those modified from the November presentation: 'hips' removed from the roof line for standard gable ends, changes to the window styles and dimensions, faux dormers added to the roof, cement-board siding in place of the brick that had been proposed on certain sides, et cetera. He compared the current elevations to those from the first presentation. He said cost and maintenance considerations motivated the revisions.

Andrew Miller advised tabling the plan, until some of the outstanding review issues were resolved. Scott Miller suggested they be included as conditions of an approval. Andrew Miller, noting the 'final plan' status, disagreed.

Mr. Burket moved to table the final subdivision and land development plan, pending the highway-occupancy permitting and the review of the City Engineer. Mr. Lauter seconded. And the Commission voted unanimously to table the "9th & Green Streets Apartments" final plan.

Asked who'd own and manage the apartments, Mr. Pick said the Berks County Redevelopment Authority initially, and possibly an as-yet-to-be-identified non-profit later. Mayor Spencer doubted the situation with the alternate site would change, but offered to "reach out".

Other business:

§609.c review-proposed floodplain ordinance (amending the Zoning Ordinance's Part 18) [0:39.01]

Mr. Krall introduced himself as an employee of the Public Works Department, since he had last addressed the Commission in the employ of SSM Group Inc. He introduced the draft ordinance as one requiring a quick passage, for the City's continued participation in the National Flood Insurance Program (NFIP) administered by the Federal Emergency Management Agency (FEMA). He said there wasn't much change from the existing ordinance. Among the changes made, he specified the digital rate maps (dFIRMs) available for the City's mapping database. He explained that the regulations function as a zoning ordinance, and said all municipalities across the country are undertaking a similar effort. He named the Pennsylvania Department of Community and Economic Development (DCED) as overseeing the process in the Commonwealth. He explained that the effective date on the revised rate maps is July 3rd, so the new ordinance must be enacted by then. He said one major issue was the expanded floodplain shown on the draft maps, which has since been pulled back and more in-line with the former boundaries. That draft would have involved about a thousand additional properties, because some large storm sewers were initially assumed to be open waterways. He said DCED's comments on the existing ordinance were so extensive, they preferred to start anew with their "model ordinance". The new draft ordinance was formally introduced to City Council on May 15th, and reviewed by City Council's Public Works Committee May 21st. The County Planning Commission is preparing its review, and a public hearing is scheduled for June 4th. Notices have been mailed to owners of newly affected properties. And improved mapping technologies make for more precise judgments of location.

Andrew Miller said he had yet to see the latest maps. Mr. Krall answered that they'd been added to the City's website, and mentioned that the new Zoning Administrator is familiar with floodplain regulation from his previous employment in Harrisburg. Andrew Miller asked why the Zoning and Planning offices were excluded from work and meetings on the ordinance. Mr. Krall referred to a (February 24, 2011) meeting that both Andrew Miller and Deborah Hoag (of Public Works) attended. Andrew Miller clarified that he was only informed of that meeting by the Berks County Conservation District, which hosted it, and that Public Works never communicated anything until the draft was complete. Mr. Krall acknowledged that the Zoning and Planning offices are primarily responsible for the ordinance's implementation. He said the work wasn't being done, and that the City didn't then have a zoning administrator. Andrew Miller concluded that the deadlines faced would seem to preclude any opportunity for substantive edits. Mr. Krall agreed, allowing for minor edits that don't change the "context and functionality". Asked who represented DCED, he named Leslie Korn, and referred to a November 2011 review of the current ordinance.

Mr. Krall stressed that the floodplain districts function as 'overlays' to the base zoning classifications. He recited a disclaimer from the beginning of the draft ordinance. Andrew Miller cautioned that several other sections seem to commit the Zoning Administrator to providing exhaustive details to applicants. Mr. Krall continued with explanations of the 'floodplain administrator' and actions requiring permits. Andrew Miller noted that some of the text included definitions that could be relocated to its glossary. Mr. Krall said that was "how the model ordinance reads". He described the four subdistricts covering current and potential new areas: 1) the Floodway, 2) a Flood Zone AE, without Floodway, 3) a Flood Zone A, and 4) a Shallow Flooding District. Andrew Miller suggested the last could be low-lying areas where 'distances landward' from a water body can't necessarily be measured, as defined. Mr. Krall again referred to the model ordinance, not wanting to confront DCED. Andrew Miller cautioned that where an ordinance conflicts with itself, the landowner gets the benefit of that conflict or ambiguity, suggesting it would be open to interpretation. He noted references to code officials and building codes that he felt should clarify the individuals and codes intended, including local amendments, and advised using consistent terms throughout the ordinance. He said the same of references to hydrologic studies and design professionals. Mr. Krall again referred to the model ordinance, and some ideas taken from an ordinance in Delaware. Andrew Miller discouraged including 'special exception' uses where not allowed in the underlying districts, implying they are

allowed because of the overlay, and permitting guidelines for uses that aren't otherwise considered by the Zoning Office, such as bridges. Mr. Krall cited the model ordinance. Andrew Miller noted the several references to activities impacting the flood levels *at all*, by *one foot* or by *one-and-a-half feet*, and wondered if they were, in some cases, conflicting. Mr. Krall said they are sufficiently differentiated based on the subdistricts. He mentioned those, and a number of other definitions related to the flood zones specifically or with contextual meanings, and therefore isolated from the rest of the Zoning Ordinance. Asked if the City's Law Department reviewed the draft, Mr. Krall said the Zoning Administrator was arranging that. Andrew Miller preferred a written opinion. He felt the form of the ordinance made it longer than was necessary, and more difficult to interpret. He mentioned the City's several zoning administrators in recent years, and the importance of clarity. He suggested referring to the Subdivision and Land Development Ordinance for the basic plan requirements, as opposed to a separate and possibly inconsistent list. Mr. Krall suggested that the regulators preferred "a long, complicated ordinance", and resisted submitting big changes for another DCED review. Andrew Miller noted references to the Planning Commission, advising they identify it as the 'City' Planning Commission anywhere it has not been, and clarify if the full board, in session, or its staff is intended in certain roles. He questioned the section on 'jurisdictional boundary changes', that didn't explain the transition from the prevailing regulations in the original municipality or the notification responsibilities of the taking municipality. Mr. Krall referred to the model language, and didn't want to alter it. Andrew Miller wondered if references to the 'lowest floor elevation' would preclude the elevated building style of some of the more-recent Reading Area Community College projects, where lobby spaces and guard desks occupy the ground levels. He noted their growing ownership interest in the most flood-prone area of the City. Mr. Krall referred to FEMA's website for clarification. Andrew Miller turned toward the 'historic structures' section that refers to its definition; there the term is simply defined, while the regulations are found under the 'substantial improvement' definition. He felt that regulations should not be within the definitions, and visa versa. Regarding the use of fill, he noted two consecutive sections that seemed to, first forbid its use, then regulate its use in certain circumstances. Mr. Krall agreed that the use of structural fill, as opposed to disposal, could be clarified. Andrew Miller suggested the section on 'drainage facilities' cite the City's stormwater management ordinance. He referred to two different sections that seem to conflict on the minimum elevation of new road construction. Mr. Krall again voiced concern in making changes that would be seen as anything but 'edits'. Andrew Miller suggested a possible follow-up ordinance. He questioned other sections, including those regulating utility installations, renovations and updates to lawfully existing structures, and 'special requirements' for large subdivisions that he felt were misleading if already required for lesser developments. Mr. Krall again referred to DCED's model ordinance, and their authority provided by Pennsylvania's Act 166. Andrew Miller suggested the 'variance procedures' relieve the Zoning Administrator of the notification and posting burdens, and instead make the applicant responsible. He thought a copy of the permit itself could serve as the 'placard'. He recommended the ordinance be adopted to meet whatever required deadline, but felt a more locally-oriented amendment should follow. Mr. Krall expected push-back from DCED. Andrew Miller questioned the range of penalties and fines, wondering how they were established. Mr. Krall assumed the model ordinance. He mentioned that Cumru Township had just adopted the model, without any changes other than replacing with its name anywhere it read 'municipality'. Andrew Miller felt it, and a couple other sections should reference the guidelines already established in the Pennsylvania Municipalities Planning Code.

Mr. Lauter moved to recommend City Council's adoption of the draft ordinance as necessary to satisfy the deadlines imposed by the Federal Emergency Management Agency and the Pennsylvania Department of Community and Economic Development, and further recommended that the City undertake an amending process toward a more-customized ordinance, compatible with state planning law and local land-use ordinances and building codes. Mr. Burket seconded. And the Commission voted unanimously to recommend Council's adoption, with the recommendation for further revision.

Resolution #18-2012

§508.3 agreement to extension-Acevedo Downing St. Subdivision [2:37.44]

Mr. Raffaelli remarked on the number of extensions for the Acevedo plan. Andrew Miller then read the letter, from the owner's surveyor, requesting an extension "until such time as written notice to proceed is given..."

Mr. Burket moved to accept the indefinite extension, as requested in the May 21st letter. Mr. Lauter seconded. And the Commission voted unanimously to suspend the Pennsylvania Municipalities Planning Code's time limits (§508.3) for plan review for the "Acevedo Downing St. Subdivision" plan.

Resolution #19-2012

review the draft April 24, 2012 meeting minutes [2:38.53]

Hearing no requests for edits, Mr. Burket moved to accept the April meeting minutes. Mr. Lauter seconded. And the Commission voted unanimously to accept the April 24th meeting minutes.

Resolution #20-2012

Mr. Lauter moved to adjourn. Mr. Burket seconded. And the Commission voted unanimously to adjourn the May 22nd meeting. -9:43p