

**Minutes**  
**Regular meeting of the City of Reading Planning Commission**  
**August 12, 2008 at 7:00 pm**

**Members present:**

Ermete J. Raffaelli, Chairman  
David N. Reppert, Vice Chairman  
Michael E. Lauter, Secretary  
Wayne Jonas Bealer, Assistant Secretary  
Edmund Palka

**Staff present:**

Andrew W. Miller, Planning Office  
Michelle R. Mayfield, Department of Law  
Charles M. Jones, Department of Public Works

**Others present:**

Robert P. Stackhouse, Stackhouse Bensinger Inc.  
Douglas F. Smith, Alvernia College  
David A. Reppert, Alvernia College  
Patrick J. Dolan, Dolan Construction Inc.  
Brian Bingaman  
David A. Kostival, Reading Eagle Company

Following a 15-minute delay due to the Police Diversity Board's overrun, Chairman Raffaelli called the August 12th meeting to order, reminded presenters to sign the attendance sheet, and asked for acceptance of the agenda. Mr. Lauter moved to accept the August agenda. Mr. Palka seconded. And the Commission voted unanimously to accept the August 12th agenda.

**Subdivision and Land Development:**

Review the **preliminary** land development plan for the **South Campus Project (Alvernia College)**, four new residence halls, an athletic field, and building additions proposed for their campus on Greenway Terrace [0:00.51]

Mr. Stackhouse introduced Msrs. Smith and Reppert, and recalled the previous presentations. He reported receiving the County Planning and Public Works reviews, and believed their issues resolved. He offered to answer questions. Mr. Raffaelli asked if the erosion and sedimentation control plan had been received. Mr. Miller answered no. Mr. Stackhouse said it had been prepared, and is currently under review by the Berks County Conservation District. Mr. Miller clarified that the Ordinance requires its inclusion with the preliminary plan set. Mr. Bealer asked about the Zoning Administrator's report. Mr. Miller, still waiting on it, reported having hand delivered the request with a copy of the plan on June 26th. Mr. Stackhouse mentioned his efforts to contact the Zoning Office, without avail. He said he wasn't aware of any zoning violations in the design. Mr. Bealer thanked Alvernia for following up with answers to some of architectural questions raised at the July meeting. Turning back to the erosion and sedimentation control plan, Mr. Stackhouse said he wasn't aware the Planning Office wanted them included. He promised their delivery with the final submission. Mr. Raffaelli reminded that it is an ordinance, as opposed to a preference. Mr. Stackhouse said he had never done it that way, before. Mr. Bealer asked about the Planning Code's time limitation. Mr. Miller indicated that action was necessary by the September meeting. Mr. Lauter asked about the possibility of a preliminary/final consideration. Mr. Miller said he was still waiting for a response to his preliminary review, but said the Commission may accept a final plan submission if it chooses. Mr. Stackhouse felt the issues raised in the review letter "minor". Mr. Miller reported having compared the latest plan revisions against his latest letter and, while some revisions had been made, most had not. He expressed frustration that the review letters weren't being taken seriously. He added that the requirement for the Zoning Administrator's report does not mention a deadline. He said he used to review plans for Zoning Ordinance compliance, but had lately been told not to. Ms. Mayfield noted that the County Planners had asked Alvernia to communicate their intentions to Kenhorst Borough. Mr. Stackhouse said he hadn't, and never had in his previous work for the College, unsure why it had been requested. Ms. Mayfield asked if there would be any "municipal improvements". Mr. Jones couldn't think of any, noting that the sanitary sewer connection was at an interceptor belonging to either Kenhorst or Cumru Township. Mr. Miller thought that enough of a reason to communicate with Kenhorst.

Mr. Bealer moved to table Alvernia's preliminary plan, and require that the issues with it be satisfactorily resolved prior to any final plan submission. He suggested that the Zoning Administrator respond in-time for the September meeting, or forfeit her opportunity to do so. Mr. Palka seconded. And the Commission voted unanimously to table the South Campus Project preliminary plan.

A discussion ensued, between the Chair and the legal counsel, regarding options in the Commission's voting procedures, the consequences of those different actions, and the effect of the more-subjective standards found within the ordinances on plan reviews and approvals.

Review the **sketch** land development plan for **King Taco Land Development**, a restaurant proposed at that parcel known as 501 North 9th Street [0:26.24]

Mr. Dolan described a one-story take-out restaurant, on a small lot with room for three off-street parking spaces. He indicated the dimensions of a wide driveway which would allow access to an overhead door storage area, in addition to the parking stalls. He said the North 9th Street face would have the ordering/transaction window. He said the service would be limited to 'walk-ins'; no drive-up/drive-through service. Mr. Miller asked if they had communicated with the neighboring property owners about acquiring some of the vacant land to the north, for more "breathing room" in the design. Mr. Dolan didn't think his client was looking for anything bigger. Mr. Miller noted that the design would cover the entire lot, and without any green space. Mr. Dolan recalled the relief granted by the Zoning Hearing Board. Mr. Miller said the dimensional relief was nowhere specifically addressed in the decision. Mr. Raffaelli asked about seating in the restaurant. Mr. Dolan expected they would like about 5 to 7 seats. Mr. Miller referred to the Hearing Board's prohibition on outdoor seating, and the applicant's agreement that there wouldn't be any inside either. Mr. Dolan informed the Commission that he hadn't participated in the zoning hearing process, but expected that the client was looking for some 'sit down' provisions. Mr. Miller expected that was necessary to the operation. Mr. Raffaelli asked for architectural elevations. Mr. Dolan said they hadn't yet been prepared, but would be available with the next presentation. Mr. Bealer noted 5 empty lots on that corner, following the demolition of a duplex home within the last year-and-a-half. He remarked that the one-story design would seem out of place in the neighborhood. Asked about the screening of trash, Mr. Dolan said there were no exterior dumpsters planned, guessing that it would be stored within the building behind the overhead door. Ms. Mayfield advised they consider the health code's requirements for food services. Asked the dimensions of the building, Mr. Dolan estimated about 20 feet by 75 feet, and without setback. Mr. Miller again indicated that there was no specific ruling found within the Hearing Board's decision. He said use variances almost always present that problem, and asked about any other reports or correspondence from Zoning Office. Mr. Dolan intended to research it, for now seeking the Planning Commission's opinion of the sketch presentation. Mr. Miller asked if there was any interest in a multi-story construction, with a possible residential space above the restaurant. Ms. Mayfield suggested a full restaurant. Mr. Dolan thought not. Mr. Miller suggested finishing the curb to the alley, and forgoing the off-street parking altogether. He thought the current design may remove as much parking as it would create, and cause unnecessary turning movements on and off Green Street. Mr. Dolan asked about reserving on-street spaces. Mr. Miller noted that other City departments are involved in those decisions. He noted that the width of the driveway proposed causes another zoning violation. Mr. Bealer considered the positives and negatives; recognizing other commercial operations in the block, but also other nearby buildings that could be adapted. He noted the neighboring vacant parcels in Our City-Reading's ownership, wondering if they had their own designs on the corner. Mr. Palka asked about signage. Mr. Dolan said those details hadn't yet been considered. Mr. Miller noted the discussion of a canopy structure at the zoning hearing. Asked about the required clear-sight triangle noted in the review, Mr. Miller called it a requirement for all intersections, but its importance relative to the traffic controls present. Mr. Dolan indicated that is was an all-way stop, with travel limited to one-way north on North 9th Street. Mr. Miller opined that small food services can add to the charm of urban residential areas, but only under certain circumstances. He thought there room for improvement in the design, and requested that clarification be sought from the Hearing Board. He said the relief they had granted has expired, anyway. Mr. Bealer agreed it probably best to limit, if not eliminate the parking. Mr. Lauter wondered about the likelihood of reserved on-street spaces. Mr. Jones said they typically allow one for each business. Mr. Dolan called it an important issue for those types of businesses. Mr. Jones cautioned that such spaces can be occupied by anyone observing the time limits, whether patrons or not. Mr. Lauter asked about the provision for delivery vehicles. Mr. Dolan wasn't aware of any delivery service intended. Mr. Miller noted the mention in the Hearing Board's documentation.

Review the **parking lot** land development plan for the **Proposed Parking Lot for Gary Mengel**, 16 off-street parking spaces proposed at that parcel known as 301 Washington Street [0:52.13]

Mr. Dolan clarified that the project (reviewed at the December 11, 2007 meeting as supplementary parking for GL Public Services at 100 North 3rd Street) is this time proposed to serve the off-street parking needs of the host property and its owner, Robert Melendez. Answering follow-up questions, he insisted that Gary Mengel was no longer involved. He described the location and existing condition of the property. He recognized some zoning issues, but wanted to revisit the concept with the Planning Commission. He wasn't sure what the ultimate plans for the property are, if any. Asked his opinion as a registered architect, he noted challenges in retrofitting the building to a code-compliant condition. He said they wanted to improve the current condition of the property, in the meantime. Mr. Miller said it must be improved, and ought to be designed according to the standards of the Zoning Ordinance. Ms. Mayfield thought the owner should have some vision for the building's use, and plan for the required parking accordingly. Mr. Dolan, basing his opinion of the available square footage of the building, felt the parking would be deficient whatever the use. Mr. Miller countered that it would be more than enough, if a residential use. He said a commercial use could make arrangements in the public garage (Chiarelli Plaza) right across the street, where he confirmed space available. Mr. Dolan said he'd further discuss possible uses with the owner. Mr. Miller suggested they determine a residential or commercial preference, at least. Ms. Mayfield cautioned that the owner was not yet authorized to use it for anything. Mr. Dolan indicated his understanding. Mr. Miller asked for an update on the status of the alley bordering to the east, as its abandonment had been briefly discussed at the December presentation. Mr. Dolan said they had dropped the idea. He personally still thought it worth pursuing, given the narrow width and impractical utility of the alley. Mr. Bealer thought it an opportunity for additional screening. Mr. Dolan reported having previously discussed abandonment with the Reading Eagle Company, who owns the next parcel east. The Eagle only indicated their own need for additional parking, and had considered the possibility of leasing it from Melendez. He said if the Eagle gave up their "half interest" in the alley, the lot could be pushed a little further east, allowing the design of perpendicular spaces where they are currently shown as parallel, thereby increasing capacity. Mr. Bealer asked about the foundation depicted in the northeast corner of the property. Mr. Dolan said it was abandoned, suggesting the area next to it would be left as a yard. He said there was no plan to remove that foundation wall. Mr. Miller felt that, unless there was something usable about it, it had to be treated as another code violation. He thought it an opportunity to shift the parking lot, provide the required screening and green space, and a compliant design. He recalled the criticism from December of the hard right turn when entering from Washington Street. Mr. Dolan reported testing that move following the December meeting, and felt it workable. Mr. Bealer asked if the driveway was a Department of Transportation issue. Mr. Jones noted the need to contact them. Mr. Dolan insisted that it never been abandoned. Mr. Jones said the prior use would be considered versus the proposed. He said it may not be a problem, but that the jurisdiction was theirs. Asked about the building to the north, Mr. Dolan clarified that it is separate parcel. Mr. Lauter asked about the utility of the other alley, running east-west. Mr. Dolan called it a problem of grade difference, and not practical as an access. Mr. Palka asked if any other foundations existed within the proposed parking area. Mr. Dolan wasn't aware of anything, except rock outcroppings. Asked about stormwater planning, Mr. Dolan said "not yet".

#### **Other business:**

§513.a (Planning Code) approval reaffirmation-Barley Square - final subdivision/land development plan [1:15.09]

Mr. Miller reported that he hadn't received the record sets for signature, expected in time for the meeting. He suggested they take the vote anyway, for documentation purposes.

Mr. Bealer moved to grant reaffirmation to the Barley Square final plan, consistent with the approval of April 8th. Mr. Palka seconded. And the Commission voted unanimously to reaffirm its resolution #30-2008, approving the final subdivision/land development plan of Barley Square

**Resolution #54-2008**

Mr. Bealer noted the deteriorating condition of the existing Tannery building's stucco, which he witnessed falling on the sidewalk below. Mr. Miller offered to look into it. He suspected the developer would be moving ahead shortly, as his demolition at 525 Lancaster Avenue was nearly complete.

review the "municipal use district ordinance", a zoning amendment/map change prepared and recommended by the planning agency, per §609.c (Planning Code) [1:18.02]

- and -

review the “firing range ordinance”, a zoning amendment prepared and recommended by the planning agency, per §609.c (Planning Code) [1:18.02]

Mr. Miller said he had nothing new for the Commission’s consideration. He said that, consistent with the discussion at the July meeting, they needed to further define the new “municipal use” district before passing the firing range ordinance as a use within it. He hoped to have it neatly packaged for introduction and review at the September meeting.

review the “student housing” ordinance, a proposed zoning amendment forwarded for the planning agency’s review, per §§303.a.3 and 609.c (Planning Code) [1:19.29]

Ms. Mayfield mentioned the recent media coverage of the ordinance under consideration, and Council’s mandatory public hearing scheduled for August 20. Mr. Bealer thought the definitions of student housing should account for dormitories, and other residential arrangements. Ms. Mayfield indicated that dormitories were specifically excluded within the definition. Mr. Bealer wondered why the capacity was limited to three students, and how units with more were defined. Ms. Mayfield recalled that limit being set under the December 2005 “roommate housing ordinance” (Bill No. 69-2005). She said dormitories were covered under an existing definition. Mr. Bealer wondered how owners would annually certify the code compliance of their homes. Ms. Mayfield offered to research it. Asked about the ‘area and bulk’ standards left blank, Ms. Mayfield assumed the affected homes already in existence, otherwise, new construction would regulated by prevailing the standards applicable by housing form (i.e. single, multi, detached, attached, et cetera). Mr. Miller suggested that, if defining a new use, those numbers at least be restated. Mr. Lauter, noting that most student homes would also be classified as rentals, wondered about the requirement for local management. Ms. Mayfield confirmed that a local agent is required, where the property owner lives outside Berks County, per the July 2007 “housing and rental ordinance” (Bill No. 28-2007). She anticipated a disclosure being added to the housing permit applications. Mr. Lauter wondered if an owner could potentially declare one of the residing students as the manager. Ms. Mayfield called that a “good point”, recognizing that it had not been addressed within the housing and rental ordinance. Mr. Raffaelli questioned the regulation of those homes that are owner-occupied. Ms. Mayfield called those harder to regulate.

Mr. Bealer moved to recommend City Council’s adoption of the proposed “student housing” ordinance, with whatever changes the Law Department deems necessary following the concerns expressed by the Planning Commission. Mr. Lauter seconded. And the Commission voted unanimously to forward the recommendation to City Council.

**Resolution #55-2008**

appointments of Commission members to a “land-use ordinance amendment committee” [1:34.01]

Ms. Mayfield explained that City Council preferred a committee comprised of two of its own, two Planning Commission members, two from the Zoning Hearing Board, a local real estate professional, an attorney specializing in municipal law, and City staff in advisement. Mr. Lauter reported that Fritz Rothermel had agreed to attend the first meeting, and assess the expectations before committing to the duration. Mr. Miller questioned the “advisory” status of the staff, wondering if the other members would be voting. Ms. Mayfield said the committee would hold votes to establish consensus in direction. She said the Planning Commission would consider the end product. Mr. Miller asked if minutes were to be taken. Ms. Mayfield wasn’t aware. She estimated a commitment to one meeting, per month, for one year, the days and times yet to be scheduled. Mr. Lauter consented to the second post, with the same reservations as Fritz Rothermel.

Mr. Bealer moved to appoint Fritz Rothermel and Mike Lauter as the Planning Commission’s representatives on the “land-use ordinance amendment committee”. Mr. Palka seconded. And the Commission agreed unanimously to the committee appointments.

**Resolution #56-2008**

Mr. Bealer moved to appoint Ed Palka as an alternate member in the event of an absence. Mr. Reppert seconded. And the Commission agreed unanimously to the alternate appointment.

**Resolution #57-2008**

review the draft July 8, 2008 meeting minutes [1:41.48]

Mr. Bealer noted two typographical errors. Mr. Lauter moved to approve the July minutes, with the requested changes. Mr. Reppert seconded. And the Commission voted unanimously to approve the amended July 8th Planning Commission meeting minutes.

Resolution #58-2008

update-Blighted Property Review Committee [1:43.57]

Mr. Bealer reported that the Committee had established its initial focus areas, and recently met with City Council's Finance Committee regarding a share of the City's 2009 Community Development Block Grant entitlement to fund the Committee's operations.

§303.a.2 (Planning Code) review of the Revolutionary War monument proposed for City Park [1:49.29]

Mr. Miller reported that the Sons of the American Revolution (Governor Joseph Hiester Chapter), and the Children of the American Revolution (Conrad Weiser Society), have requested space in City Park for a granite obelisk, 10 feet in height, honoring the Revolutionary War patriots of Berks County. He suggested the Commission withhold its consideration until such time as Fritz Rothermel could opine, given his involvement in the Park's original memorial designs.

executive session-"regarding information or strategy in connection with litigation ..." [1:52.19]

enforcement action-Millmont Elementary and Science Magnet - record land development plan [2:35.48]

Mr. Bealer moved to file a complaint against the Reading School District for violations of the City's Subdivision and Land Development Ordinance and the "Millmont Elementary and Science Magnet" land development plan of record. Ms. Mayfield disclaimed responsibility for the case, if prevented from pursuing it by her supervisors. She said the Commission would need to cite specific sections of the Subdivision and Land Development Ordinance<sup>1</sup>, and authorize a representative. Mr. Bealer included the appointment of Andrew Miller as that representative, and himself available as an alternate, with his motion. Mr. Lauter seconded. And the Commission voted 4 to 1 to authorize the action against the Reading School District, Mr. Reppert casting the dissent.

Resolution #59-2008

Following some additional discussion of the last vote, Mr. Bealer moved to adjourn the August meeting. Mr. Lauter seconded. And the Commission voted unanimously to adjourn the August 12th meeting. – 9:58 pm.

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<sup>1</sup> Among other relevant sections cited, the Commission's complaint relies primarily on the Ordinance's §22-601.1, which requires construction "as shown on the record plan".