Minutes
Regular meeting of the City of Reading Planning Commission
December 28, 2010 at 7:00 pm

Members present:

Ermete J. Raffaelli, Chairman
Brian Bingaman, Vice Chairman
Wayne Jonas Bealer, Assistant Secretary
Brian J. Burket

Staff present:

Andrew W. Miller, Planning Office
Michelle R. Mayfield, Department of Law

Others present:

Robert B. Ludgate, Sr., Ludgate Engineering Corporation
Brandon R. Graham, RBS Development, LLC
Billy Zion, McKay, Zorn & Associates, PA

Chairman Raffaelli called the December meeting to order, and asked for acceptance of the agenda. Mr. Bingaman moved to accept the December 28th agenda. Mr. Bealer seconded. And the Commission voted unanimously to accept the December agenda.

Subdivision and Land Development:

Lancaster Avenue Super Market – final subdivision and land development plan [0:00.39]

Mr. Ludgate explained a change from the November presentation; a "right in-right out" limitation on the main driveway, per the direction of the Pennsylvania Department of Transportation (PennDOT). Asked for the Commission's options, Mr. Miller advised waiting until PennDOT's and some other approvals are in-hand. Mr. Graham hoped those issues would be resolved in time for an approval at the Commission's January meeting, and as well the municipal improvements agreement. He said they wanted to give the Commission an update on the driveway change and revisions to the architectural details and signage. Ms. Mayfield offered to forward a copy of the City's formal agreement template. Mr. Graham wasn't certain the PennDOT permit would be issued by the January meeting; they had asked for an "expedited review", and received some preliminary feedback concurring with the City's recommendation on turn restrictions.

Mr. Zion briefed the façade changes; sconce lighting, additional window elements on the Lancaster Avenue elevation, and signage added to the rear elevation facing southbound Lancaster Avenue traffic. Mr. Miller reminded that it must be permitted by the Zoning Office, even if later. Mr. Graham noted his recent meeting with the "One Stop Shop" code officials, and his intent to submit architectural plans. He said they'll finalize the signage program once the architectural plans are approved. Mr. Raffaelli suggested some signage for the Lancaster Avenue façade as well, appreciating the discretion in their design.

Mr. Bealer moved to table the final plan. Mr. Bingaman seconded. And the Commission voted unanimously to table Bottom Dollar Foods' "Lancaster Avenue Super Market" plan.

Blighted Property Review Committee, recommendations for reuse:

217 North 2nd Street (Octavio R. Lopez-Ventura) – recommendation for reuse [0:13.14]

Mr. Bealer reported that the Review Committee's hearings went smoothly. He said this building lies across from Lauer's Park Elementary School, and has been 'boarded up' for about ten years. He said the current owner resides in New York, and purchased it thinking he'd later retire in Reading and fix it up. Burglaries have been a problem, and renovation is unlikely. He expected the City would have to take the property by eminent domain. Asked about the property owner intentions, he said no such communication has been made. He mentioned that he discussed the situation with Lauer's Park's Principal, Gordon Hoodak, who preferred it be demolished and may be interested in acquiring it.

Mr. Bingaman moved to recommend the demolition of 217 North 2nd Street, and reuse as a qualifying principal or accessory use under the Residential 3 zoning district. Mr. Burket seconded. And the Commission voted unanimously to forward that recommendation to the Blighted Property Review Committee.

Resolution #55-2010

243 North 4th Street (Lobos Four, LLC, Ben Epstein) – recommendation for reuse [0:21.38]

Mr. Bealer described the former location of the City's garage. He suggested demolition, because a local representative of the property claimed the required environmental remediation makes rehabilitation unaffordable, especially for the residential uses allowed by its zoning. Discussion followed on the extents of the property considered "243", vis-à-vis neighboring properties that together made up the conveyance from a 2005 City-property auction. Mr. Burket wondered if the City verified the environmental hurdles represented by the owner, or took his word for it. Mr. Bealer said they're giving the benefit of their doubt, considering the age and former uses of the property. Mr. Raffaelli mentioned that Penske owned it before the City. Asked about the owner's intent, Mr. Bealer said they had wanted to develop it for retail, and though they haven't marketed it consistently, no interested parties have been found. He said they now hope to demolish it, with help from a federal funding program. Mr. Miller wondered if they'd be a part of that process, and if that federal program requires local government site control. Ms. Mayfield recalled a conditional-use application, several years ago, denied by City Council. Mr. Miller asked if the Review Committee ever communicated with the owner, directly. Mr. Bealer said only through their local manager. Mr. Bingaman preferred to see the building saved, even if ultimately given away for a bona fide adaptive reuse. Mr. Miller said the City has been pursuing this case even before the Review Committee's process took effect.

Mr. Bingaman moved to recommend reusing 243 North 4th Street as a qualifying principal or accessory use under the Residential 3 zoning district, subject to environmental constraints. Mr. Bealer seconded. And the Commission voted unanimously to forward that recommendation to the Blighted Property Review Committee.

Resolution #56-2010

517 North 4th Street (Olga Sovgrya) – recommendation for reuse [0:38.48]

While reviewing some photographs that seemed to confirm a blighted condition, Mr. Bealer reported significant progress, including all new windows and doors, and expected it would soon be ready for occupancy. He said that, almost as soon as the warning letter was sent, work began in earnest. The neighbor at 515 North 4th, also boarded up, said he'd fix his property if he saw action on 517.

Mr. Bingaman moved to recognize the progress made and recommend the reuse of 517 North 4th Street as a single-family dwelling. Mr. Burket seconded. And the Commission voted unanimously to forward that recommendation to the Blighted Property Review Committee.

Resolution #57-2010

1237 Buttonwood Street (Harry Stouffer) – recommendation for reuse [0:41.17]

Ms. Mayfield noted that the building was formally a bar. Mr. Bealer displayed a file bulging with copies of violation notices, and said the owner resists all direction from the City, taking every violation notice to appeal. He suggested demolition of the building, including its several unpermitted and unsafe additions. He indicated $10 thousand in outstanding water bills. Mr. Miller wondered how such amounts come to be, and asked about liens. He thought numbers that large begin to flirt with the total valuation of the property.

Mr. Bingaman moved to recommend the demolition of 1237 Buttonwood Street, and reuse as a qualifying principal or accessory use under the Residential 3 zoning district. Mr. Burket seconded. And the Commission voted unanimously to forward that recommendation to the Blighted Property Review Committee.

Resolution #58-2010

161 Clymer Street (J&B Investments, Jill & Robert Savory) – recommendation for reuse [0:50.45]

Mr. Bealer described the mansion on the corner of Clymer Street and Perkiomen Avenue destroyed in an August 2008 fire, now scheduled for demolition. Mr. Bingaman suggested a role for the Centre Park Historic District's Artifacts Bank. Mr. Bealer expected that the demolition contractor would have the salvage opportunity. He said an "accessory" carriage house continues to be rented, and that the owners intend to demolish the mansion, per a court order related to their divorce, and 'grass over' its footprint. Mr. Miller wondered why, if the demolition had already been arranged by a private contract, the property remains on the 'blight list'. Ms. Mayfield answered that those arrangements weren't made until after the Review Committee's certification hearing. Asked if the matter should be tabled, Ms. Mayfield suggested recommending the demolition planned. She said the City is already holding some money in escrow.

Mr. Bingaman moved to recommend the demolition of that fire-damaged part of 161 Clymer Street, site-stabilization, and the continued residential use of the remaining improvements. Mr. Burket seconded. And the

Commission voted unanimously to forward that recommendation to the Blighted Property Review Committee.

Resolution #59-2010

146 Elm Street (Samuel Sanchez) – recommendation for reuse [0:56.02]

Mr. Bealer noted recent efforts made, but slowly and without a "rehab agreement" with the City. He suggested the standard recommendation language for a single-family residence. He said the outside has been stabilized, and new drywall hung inside.

Mr. Bingaman moved to recognize the progress made and recommend the reuse of 146 Elm Street as a single-family dwelling, following its rehabilitation and inspection. Mr. Bealer seconded. And the Commission voted 3 to 0 to forward that recommendation to the Blighted Property Review Committee, Mr. Burket abstaining.

Resolution #60-2010

153 Elm Street (Carl Pearson) – recommendation for reuse [0:59.39]

Mr. Bealer reported that no one showed for the certification hearing, nor made any communication since. He suggested a City taking and resale. He said the property carries some liens. Asked who in City government will be responsible for marketing the property, he said normally the Redevelopment Authority, but more-likely the Community Development Department.

Mr. Bingaman moved to recommend the acquisition of 153 Elm Street by the Reading Redevelopment Authority, and resale as a single-family dwelling. Mr. Burket seconded. And the Commission voted unanimously to forward that recommendation to the Blighted Property Review Committee.

Resolution #61-2010

305 Locust Street (Mireya Pagan) – recommendation for reuse [1:02.08]

Mr. Bealer said the property is bound for demolition; in an "advanced" state of deterioration and filled with trash and rodents.

Mr. Bingaman moved to recognize the structural deficiencies, recommend the demolition of 305 Locust Street, and reuse as a qualifying principal or accessory use under the Residential 3 zoning district. Mr. Burket seconded. And the Commission voted unanimously to forward that recommendation to the Blighted Property Review Committee.

Resolution #62-2010

Other business:

§609.c review-"clarifications, corrections and additions" to the 2010 Zoning Ordinance [1:13.09]

Mr. Miller, acknowledging that the Commission members hadn't received a copy of the proposed amendment let alone read it, represented the ordinance as "house-keeping" items, and new rules for the Residential 1 (R1) districts setting minimum house sizes at just over the width limit for shipping modular homes on trailer beds, and restricting the placement of septic-system sand mounds from building setback yards. Ms. Mayfield mentioned some additional regulation of day-care operations. Mr. Miller explained that implementation of the recently-adopted Ordinance has been hampered by errors and conflicts since found. He apologized for the summary explanation in place of a hard copy. Discussing the recent pleas of the Riverdale residents, he said the amendment would still seem to allow much of what is causing the controversy there.

Mr. Bealer moved to recommend City Council's approval of the follow-up Zoning Ordinance amendment. Mr. Bingaman seconded. And the Commission voted unanimously to recommend City Council's adoption of the amendment.

Resolution #63-2010

§603.c.2 conditional use review-245 South 4th Street (conversion) [1:24.05]

Mr. Miller referred to the written reviews, distributed to the Commission members, comparing the application to the Zoning Ordinance's requirements. Ms. Mayfield mentioned the hearing held December 21st, and a record held open for the Commission's comment. She added that the applicant did not attend that hearing, and that there was no history of housing permits. Mr. Miller said there were license fees paid from 2008. Ms. Mayfield clarified that those fees covered only one unit. Mr. Bealer asked about the "commercial" classification noted. Mr. Miller alluded to a previous use on the first floor, a space the owner had apparently sought to turn back to residential. He felt that a big part of the uncertainty in the records stemmed from the way zoning permits have been

written; sometimes narrowly permitting the space and use applied for, and without reference to the property as a whole. Mr. Bealer recalled the neighboring uses, historically and presently, and preferred the application be denied because of the size of the intended units, and the lack of off-street parking. Amid further discussion of zoning minimums and omissions from the application itself, Mr. Miller questioned the applicability of the square-footage minimums and off-street parking standards to existing conditions. He said the first question is one of history, and evidence of multiple uses on one property. He referred to the mention of a former dry-cleaning business, though the whole story wasn't clear from the file. He said the owner claims it exists as two separated spaces. Mr. Bealer felt the time since the last permitted commercial use, and the lack of fees paid for multiple units were reason enough for denial.

Mr. Bealer moved to recommend City Council's denial of the conditional-use application. Mr. Bingaman seconded. And the Commission voted unanimously to recommend denial of the 245 South 4th Street conversion.

Resolution #64-2010

<u>§603.c.2 conditional use review-1051 Chestnut Street (conversion)</u> [1:47.40]

Ms. Mayfield said that the applicant attended the hearing. She said the record showed housing permits paid on two units back to 2001. Mr. Miller interjected that his source says: 1994. Ms. Mayfield said inspections noting two units date back to 1989. She said a previous zoning permit allowed an addition to a 'single-family dwelling', which the current Zoning Administrator explained was narrowly written for the unit to be expanded. Mr. Miller felt that permit 'style' to be indicative of a more-fundamental record-keeping problem. He wondered why this property was classified as a 'conditional use' at all. Ms. Mayfield explained that the City no longer offered an expedited review process. Recalling the mood at the hearing, Mr. Miller suggested that City Council seemed open to approving the application, if only on the condition of the owner installing additional off-street parking. He explained that they may require the owner to appeal to the Zoning Hearing Board for the dimensional variances necessary, which would result in the impervious cover of the entire yard. He questioned the notion of directing people to seek variances, citing the added expense and the *fait accompli* it communicates to that appellate board. He suggested there may be liability to the City if stormwater or erosion impacts to neighboring properties result. Ms. Mayfield suggested the recommendation include that concern.

Mr. Bealer moved to recommend City Council's approval of the conversion as an 'existing condition', and without requiring added parking. Mr. Bingaman seconded. And the Commission voted unanimously to recommend approval of the 1051 Chestnut Street application as an existing condition, and without additional parking requirements.

Resolution #65-2010

<u>§603.c.2 conditional use review-143 South 12th Street (conversion)</u> [1:55.19]

Ms. Mayfield wasn't familiar with the application, scheduled to be heard by City Council January 25th. Mr. Miller said he was still researching the case. He referred to a property maintenance inspection report noting two units, but reminded that those reports are based on what's *observed*, but not necessarily *permitted*. He said the application didn't include any plans or dimensions, nor was there much of a record in the City's database. Mr. Bealer noted the proximity to Perkiomen Avenue, and the neighborhood parking difficulties. Mr. Miller reported that trash, recycling and rental housing bills all say 'two-unit', but are all from 2010, like the inspection report.

Mr. Bingaman moved to recommend City Council's denial of the conditional use application, unless a history as a two-unit dwelling is further established, and local parking issues are addressed. Mr. Bealer seconded. And the Commission voted unanimously to recommend denial of the 143 South 12th Street conversion.

Resolution #66-2010

<u>§603.c.2 conditional use review-1207 North 10th Street (conversion)</u> [2:08.54]

The Commission members discussed the Planning Office's written review, the distance to the leased off-street parking, and evidence of a two-unit configuration back to 1998. Mr. Bealer noted one on-site parking space visible in an aerial photograph. Discussion followed on the changing rules for rental properties, the diligence reasonably due from buyers of such properties, and inconsistent communications from City officials. Mr. Miller suggested that for every application denied, thousands of dollars in de-conversion remodeling is required. He said many owners will rationalize that expense, and walk away, leaving vacancies the City will likely review again later, and then as "blighted". He questioned denying such properties, where City inspectors previously visited and identified multiple units. He suggested that if, instead of citing those additional units as violations, they ordered updates and repairs, they've at least implied a consent to the legitimacy of what's found. He said consideration of

off-street parking standards, like the square-footage minimums, is subordinate to the question of 'existing condition'.

Mr. Bingaman moved to recommend City Council's approval of the application, based on the historical evidence of two units since 1998. Mr. Bealer seconded. And the Commission voted unanimously to recommend approval of the 1207 North 10th Street conversion.

Resolution #67-2010

§513.a approval reaffirmation-Oley Street Retail Center [2:28.28]

Ms. Mayfield said that the building inspectors refused permits until the municipal improvements agreement was in-place. She said she wasn't aware of the plan recording issue. Mr. Bealer recalled work beginning much earlier. Ms. Mayfield said that prompted a stop-work order from the Department of Public Works.

Mr. Bealer moved to reaffirm the final land development plan of the "Oley Street Retail Center". Mr. Bingaman seconded. And the Commission voted unanimously to reaffirm their April 27th approval (Resolution No. 19-2010) of the Oley Street Retail Center.

Resolution #68-2010

review the draft November 23, 2010 meeting minutes [2:31.23]

Mr. Miller, having only distributed the November minutes at the beginning of the meeting, suggested the members take time to review it, and vote at a subsequent meeting.

§508.3 agreement to extension-Acevedo Downing St. Subdivision [2:31.34]

Mr. Miller acknowledged a request to extend the Pennsylvania Municipalities Planning Code deadline by 30 days, to the January 25th meeting.

Mr. Bealer moved to agree to a 30-day extension. Mr. Bingaman seconded. And the Commission voted unanimously to defer action on the Acevedo Downing St. Subdivision to the January 25th meeting.

Resolution #69-2010

Mr. Raffaelli announced that City Council, by ordinance, reduced the Commission's membership from seven to five. He suggested that decision ought to include the Planning Commission directly, which he felt was ultimately accountable to the Commonwealth of Pennsylvania. Debate followed. Ms. Mayfield said the decision was motivated by the recent quorum difficulties. Mr. Miller and other members recalled their support for the change.

Mr. Raffaelli announced an opportunity for "in-service"; a subdivision and land development review course offered at Albright College through the Pennsylvania Municipal Planning Education Institute (PMPEI). He recommended that the Commission's two newest members make themselves available. He said the Community Development Director has agreed to cover the program fees.

Mr. Raffaelli then produced a plaque commemorating Edmund Palka's 30 years of service to the Planning Commission. He wondered if they should prepare something similar for Fritz Rothermel, who resigned in October, understanding that City Council was making its own commendations.

Mr. Bealer moved to adjourn. Mr. Bingaman seconded. And the Commission voted unanimously to adjourn the December 28th meeting. – 9:55p