**Minutes**
**Regular meeting of the City of Reading Planning Commission**
**February 10, 2009 at 7:00 pm**

**Members present:**

Ermete J. Raffaelli, Chairman
David N. Reppert, Vice Chairman
Michael E. Lauter, Secretary
Wayne Jonas Bealer, Assistant Secretary
Frederic dep Rothermel, Jr.
Brian Bingaman

**Staff present:**

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

**Others present:**

Patrick Carraher, Spotts Stevens & McCoy, Inc.
Michael Kostival, Michael Kostival Architects
Barry J. Suski, Reading School District
Patrick J. Dolan, Dolan Construction Inc.
Floyd N. Turner II, Sons of the American Revolution, Gov. Joseph Hiester Chapter
Nevin C. Miller, Sons of the American Revolution, Gov. Joseph Hiester Chapter
Robert W. Murray, Sons of the American Revolution, Gov. Joseph Hiester Chapter
William Wenz, P. F. Eisenbrown & Sons Company, Inc.
Denise Sokolovich, P. F. Eisenbrown & Sons Company, Inc.
David A. Kostival, Reading Eagle Company

Chairman Raffaelli called the February 10th meeting to order, and introduced Mr. Bingaman as the Commission's newest member. The other members introduced themselves. Mr. Raffaelli asked for acceptance of the agenda. Mr. Miller reported that the developers of the DoubleTree Hotel & Garage Project decided to postpone their presentation for another month. Mr. Bealer moved to accept the modified February agenda. Mr. Lauter seconded. And the Commission voted unanimously to accept the February 10th agenda.

**Subdivision and Land Development:**

Review the **preliminary** land development plan for the **Play Lot at Grace and Pansy Streets**, a new playground and parking lot proposed on that parcel known as 412 Pansy Street [0:01.40]

Mr. Carraher explained that the Reading School District has an agreement with the 18th Ward Democratic Club of Reading to lease a portion of the property for a play area. He said the Democratic Club will continue to use it as a parking area in the evenings. He noted the challenge of designing a parking lot for a more-recreational appearance. He proposed porous pavement, to mitigate stormwater run-off, and sidewalks and curb, where it is either broken or missing entirely. He distributed a sample of the paving material, and literature explaining its benefits. He described the material as a gravel and recycled rubber combination, bonded with a proprietary polymer. He reported having personally frozen and thawed the sample several times, without any observed wear or deterioration. He said it could be colored as desired, and came in an all-rubber version, planned for a few hardscaped areas outside the dedicated parking area. He indicated areas available for outdoor instruction, and a generous landscaping plan. He said the parking area would be controlled by card access, and reserved exclusively for the Democratic Club's evening use. He noted markings for half-court basketball, and other playground games. He acknowledged the review of the Planning Office, expecting that he could address it satisfactorily.

Asked about a lighting plan, Mr. Carraher answered that it was still in design. Mr. Lauter wondered how the use of the playground would be controlled after school hours. Mr. Carraher said no specific security measures were planned, the School District being amenable to public use of the play lot. He said the basketball hoop will be portable, allowing its easy movement whenever the parking is needed.

Mr. Carraher said the boundary survey confirmed that the neighboring residences have encroached on the Democratic Club's parcel with sheds and hedgerows. He said the School District doesn't see it as a problem, and designed the plan around it. He indicated a short brick wall at the "flatiron" end of the triangle to safeguard the lot

from errant traffic, and a possible space for a sign. Asked about the style of the fencing, Mr. Carraher likened it to the fencing fronting the Hershey property at 200 North 8th Street, another site being considered by the School District. Mr. Kostival likened the fence to that surrounding the "tot lot" at Millmont Elementary. Mr. Carraher put the fence at four feet in height, and for the shrubbery too, though the varieties were not yet selected.

Asked about the Department of Public Works' call for handicapped ramp installations, Mr. Carraher said it wasn't a problem. He said he reached an agreement with the Plumbing Inspector, as well, for the stormwater conveyance. He said they hadn't yet initiated the review of the Berks County Conservation District. Mr. Miller advised that they do so immediately, suggesting the Planning Commission might consider the plan for a final action, rather than the typical "preliminary" and "final" steps. Mr. Bingaman asked about control of the school children. Mr. Kostival said they'd be supervised by the teachers at all times.

Still waiting for the Berks County Planning Commission's comments, Mr. Lauter moved to table the plan. Mr. Bealer seconded. And the Commission voted unanimously to table the Play Lot preliminary plan. Ms. Mayfield mentioned that the installation of the curbs, handicapped ramps and sidewalks will require a municipal improvements escrow.

Review the **preliminary** land development plan for **King Taco Land Development**, a restaurant proposed at that parcel known as 501 North 9th Street [0:26.41]

Mr. Dolan briefly described the plan for a one-story, take-out restaurant, with three off-street parking spaces and a solid waste enclosure, with a wide curb cut accessing it. He said drainage issues were being addressed with the City Engineer.

Mr. Bealer asked if the parking spaces were a zoning requirement. Mr. Dolan said "that's what's been worked out". Mr. Bealer asked about the larger area, currently fenced. Mr. Dolan said it was not under common ownership. Asked for architectural elevations, Mr. Dolan presented them. He proposed a split-faced masonry for the lower portion of the building, with aluminum and cast-cement elements above. He expected some signage would be included, as well. Asked about interior seating, Mr. Dolan said none. Regarding "pick-up" locations, Mr. Dolan indicated a transaction area at the counter, as well as a service window on the North 9th Street side. Mr. Rothermel recommended an "earth tone" color palette. Mr. Lauter, recalling the previous criticism of the low building height, wondered if there were any plans to feign additional height. Asked about the design height specifically, Mr. Dolan said 14 feet, with some roof-mounted equipment extending a bit further. Mr. Miller asked if there were any penetrations designed on the north façade, which might limit construction on the neighboring property. Mr. Dolan said not, intending construction with a future party wall in-mind.

Mr. Miller confirmed that the County Planning comments had been received, and that most of the land Development Ordinance issues were "routine". He said he was still waiting on the clarification of several Zoning Ordinance issues.

Mr. Rothermel wondered if the engineering officials had any comments related to the traffic and turning movements on Greenwich Street. Mr. Miller said none. Mr. Bealer commented on the deteriorated condition of the alley entrance. Mr. Rothermel asked how much vacant land would remain to the north, following construction. Mr. Bealer estimated between 60 and 100 feet, in width.

Mr. Miller advised the Commission to table the plan, until the zoning issues were clarified. Mr. Reppert moved to table the preliminary plan, pending the Zoning Hearing Board's ruling. Mr. Rothermel seconded. And the Commission voted unanimously to table the King Taco preliminary plan.

**Other business:**

<u>§609.c review-the "rental regulation ordinance - the R1A, R1 and R2 districts"</u> [0:43.23]

Mr. Bealer noted similarities to existing City regulations on rental properties. Ms. Mayfield agreed; either in existing ordinances, the building or property maintenance codes. She said it bore similarities to the "rental prohibition ordinance" under consideration in November. Mr. Miller read the County Planning Commission's comments aloud: concerns on regulating 'ownership', possible preemptions by the "Fair Housing Act", conflicts between definitions in the different ordinances, possible conflicts with the City's "student housing ordinance", the method of regulating off-street parking, and registration protocol. Mr. Lauter wondered how the parking standard, regulated by the age of the tenants, would be enforced, especially as time passes. Mr. Bingaman felt parking should be regulated 'by unit'.

Asked for the legal opinion, Ms. Mayfield expressed the same concerns she had with the prior (prohibition) ordinance. She thought some of the new provisions might be added, where not already covered by other regulations.

Mr. Miller said a public hearing on the matter was scheduled for March 11th, giving the Commission another opportunity (their March 10th meeting) to discuss it, if necessary. Ms. Mayfield noted the on-going effort to track rental properties and administer housing permits, hoping that project would be kept on track.

Mr. Bealer moved to recommend City Council's rejection of the "rental regulation ordinance", citing the age-related off-street parking standard, the County Planning Commission's concerns, the concerns of regulating 'ownership' instead of use, and questions on the likelihood of enforcement. Mr. Lauter seconded. And the Commission voted unanimously to recommend City Council's rejection of the "rental regulation ordinance".

Resolution #4-2009

§303.a.2 review-Revolutionary War monument for City Park [0:57.00]

Mr. Turner explained that the local chapters of the Sons, Daughters and Children of the American Revolution propose to erect a monument in City Park dedicated to local patriots involved in the American War of Independence. He described the monument as 10 feet in height, of gray granite, furnished by P. F. Eisenbrown & Sons. He distributed renderings of its placement in two possible locations (next to the existing Korean War or Women Veterans memorials). Mr. Wenz thought the photographs very close to a true perspective. Mr. Turner called the shape evocative of the Washington Monument, and therefore the American Revolution.

Mr. Raffaelli asked about other sites considered for the monument. Mr. Turner said no others were considered seriously, since the "Veterans Grove" site had become the preferred gathering place for local Memorial Day and Veterans Day ceremonies. Mr. Rothermel noted a purposefully-designed geometry in the Grove, intended to keep monuments organized, rather than over-running the Park. He asked what Simone Collins Landscape Architecture, authors of a recent Master Plan for the Park, recommended. Mr. Miller noted that they recommended the City develop "a process" for considering new proposals. He said that, other than recommending new locations for a couple of existing monuments, the Master Plan wasn't specific in directing new placements.

Mr. Raffaelli raised the concern of vandals levering the tall monument over. Mr. Wenz explained the system of threaded rebar and epoxy to be used as a foundation. He said the stone itself would snap before it toppled. He said a perpetual guarantee and maintenance fund would back it up.

Mr. Rothermel recalled an earlier plan, specifically dealing with the expansion of Veterans Grove. He asked that the Commission consider deferring their decision until its March meeting and until that plan could be located. He thought a placement in the Grove appropriate, but not necessarily in the exact locations proposed. Mr. Turner understood, but believed the matter to be on the March 9th City Council agenda. Mr. Rothermel suggested that, if Council felt the need to vote on the 9th, they agree to allow placement in the Grove, with a specific location to be determined later by the Planning Commission. Mr. Turner wondered why the plan for the Grove hadn't been incorporated in the Master Plan. Mr. Miller said it wasn't found at the time materials were being gathered for that effort. He offered to make another, more-diligent search. Mr. Turner said they were also due to present at the February 17th Historical Architecture Review Board meeting, and the following week to the Penn's Common Neighbors. He thought it would be helpful to have the Grove plan in-hand for those meetings. Mr. Rothermel offered to assist in the research. Some discussion followed on the differences between the Revolution-focused organizations.

Mr. Rothermel moved to defer action to the March meeting, recommending that City Council be general in its approval of the location. Mr. Lauter seconded. And the Commission agreed unanimously to delay its official recommendation to the March 10th meeting.

Resolution #5-2009

§303.a.2 review-bicycle rack installations (at Stonecliffe and Angelica parks) [1:25.17]

Mr. Miller explained that the project was a RiverPlace Development Corporation initiative, on an art-related grant awarded it. He said they've engaged a local artist (Ben Sharp) at the GoggleWorks Center for the Arts. He said he had asked that they keep the shapes practical, with the intended use in-mind. He was assured by the artist that the racks would be powder coated and permanently anchored. Mr. Bealer complimented the effort, and the form of the "tortoise" prototype specifically. He expressed concern that the out-stretched arm on the "biker" and the height of the "fishtail" might prove hazardous, if children attempt to climb them.

Mr. Bealer moved to communicate the Commission's general support of the project, while noting its safety and durability concerns. Mr. Lauter seconded. And the Commission agreed unanimously to the general support of the bicycle rack installations proposed for Stonecliffe and Angelica parks.

Resolution #6-2009

§303.a.1 review-vacating the 500 block of Poplar Lane [1:30.38]

Mr. Miller said he didn't have much information to work with. He noted that the adjacent property owner wanted to erect a fence across what is currently a public street. Mr. Bealer expressed surprise that it was a City street given its narrow width and lack of paving. Mr. Rothermel said there used to be six to eight homes fronting it, all since razed. Mr. Bealer witnessed the storage of vehicles. The Commission criticized the limited information included with the application materials. Mr. Rothermel wanted a plan clearly indicating the extent of the proposed vacation. It was also noted that the Zoning Ordinance (§27-907) requires parcels to have access to a public street. Mr. Miller advised recommending denial of the petition, pending further detail. Mr. Rothermel noted that the Department of Public Works would eventually need detailed 'metes and bounds' in order to accurately adjust the topographical map.

Mr. Rothermel moved to withhold the Commission's recommendation, pending additional detail on the specific extent of the vacation proposed, the effect on the adjacent property owners, the input and opinion of the Director of Public Works, the result of 535 and 542 Poplar Lane following the vacation, and the Zoning Ordinance's requirement for parcel frontage on public streets. Mr. Bingaman seconded. And the Commission voted unanimously to withhold its opinion until additional information was presented. Ms. Mayfield noted potential access concerns of the Fire Department. And Mr. Rothermel considered the Rose Corporation's expectation of continuing access to the rear of their neighboring property.

Resolution #7-2009

review the draft January 13, 2008 meeting minutes [1:45.07]

Mr. Bealer noted a few typographical errors. Mr. Lauter moved to accept the January minutes. Mr. Reppert seconded. And the Commission voted unanimously to approve the January 13th meeting minutes.

Resolution #8-2009

review the draft 2008 Planning Commission Annual Report [1:47.06]

Mr. Rothermel commended the effort, and moved that the Planning Office proceed and submit the final document. Mr. Bealer seconded. And the Commission voted unanimously to approve the 2008 Planning Commission Annual Report.

Resolution #9-2009

Asked for an update on efforts toward a traffic impact fee ordinance, Ms. Mayfield said that she has requested copies of sample ordinances from the City's planning consultant, Urban Research & Development Corporation.

Mr. Bealer reported on a meeting with the City's property maintenance inspectors to review the blighted property review process. Ms. Mayfield said the trades inspectors will take the lead in the process, with the maintenance inspectors' support. Mr. Bealer said the Blighted Property Review Committee would be signing the first of its enforcement letters at their meeting the following week. Mr. Rothermel wondered about the permanence of the Review Committee, vis-à-vis the City Charter's prohibition on serving on multiple boards. Ms. Mayfield said the ordinance creating the Review Committee specifically called for representation from other boards.

Mr. Raffaelli reported on a recent, and well-attended public hearing of the "local redevelopment authority" considering the reuse of the Navy/Marine Corps Reserve Center on Kenhorst Boulevard. He said there was some criticism of the appointees to that authority, and wondered how the Charter's prohibition on multiple positions might affect him and the other representatives. He said the attorney representing the authority declined to address it.

Mr. Rothermel raised the traffic concerns identified by the City and County transportation officials reviewing plans for the DoubleTree Hotel and Garage Project. He wondered how those issues would be addressed, and asked that the members be copied on the County Planning Commission's letter. He said he wasn't comfortable moving forward, without a plan to address whatever problems might arise.

Mr. Lauter asked about the on-going demolition of the ICI (Glidden) Paints property in the 300 and 400 blocks of Bern Street. He wondered if anything had been proposed for its reuse. Mr. Miller said that, according to company officials, they intend to reduce the site "to grade" and have no future plans for it. He said his concern is making sure that they participate in whatever environmental remediation is required.

Mr. Rothermel noted that the demolition debris remains at the Buttonwood Gateway industrial park. Mr. Miller doubted the material was suitable as fill for any future project, unless crushed at least. Mr. Rothermel contested the developer's relating that clean-up to the construction of the Goggleworks Apartments project at North 2nd and Washington Streets. Mr. Miller recalled a December 9th promise to begin the re-grading in "a month or two".

Mr. Raffaelli noted an exposed sewer pipe, apparently lifted to add pitch, paralleling Old Wyomissing Road at the corner of Lilac Place.

Mr. Lauter moved to adjourn the February meeting. Mr. Bingaman seconded. And the Commission voted unanimously to adjourn the February 10th meeting. – 9:11 pm.