

Minutes
Regular meeting of the City of Reading Planning Commission
February 23, 2010 at 7:22 pm

Members present:

Brian Bingaman, Vice Chairman
Michael E. Lauter, Secretary
Wayne Jonas Bealer, Assistant Secretary
Frederic dep Rothermel Jr.

Staff present:

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

Others present:

Michael D. Hartman, McCarthy Engineering Associates, PC
Carole Duran, Reading Eagle Company

Vice Chairman Bingaman called the February 23rd meeting to order at 7:22p, following a delay in reaching quorum, and asked for acceptance of the agenda. Mr. Bealer moved to accept the February agenda. Mr. Lauter seconded. And the Commission voted unanimously to accept the February 23rd agenda.

Subdivision and Land Development:

2nd Street Learning Center (Opportunity House) - final subdivision/land development plan [0:00.41]

Mr. Miller reported that no presentation was expected, but that the applicant had provided a request for 90-day extension of the review period, by a letter dated February 23rd.

Mr. Lauter moved to agree to the extension, pursuant to §508.3 of the Pennsylvania Municipalities Planning Code. Mr. Rothermel seconded. And the Commission voted unanimously to accept Opportunity House's 90-day extension of the review period.

Resolution #8-2010

Oley Street Retail Center (Shuman Development Group) - sketch subdivision/land development plan [0:02.04]

Mr. Miller reported that he didn't expect a presentation, due to some outstanding issues. When it was noted that the meeting was ahead of the time scheduled on the agenda, Mr. Bingaman suggested it could be covered later, if representatives show. Mr. Miller noted that they had called earlier, and suggested they would not.

Barley Square - final subdivision plan [0:03.16]

Mr. Hartman likened the plan to that originally approved by the Commission in April 2008. He said changes in the tenant/purchaser of Lot #1 delayed the project, until now. He said Berks Women in Crisis (BWIC) has asked that they complete the subdivision, so they can purchase a share of the property before moving forward with a revised land development plan. He said information on that building's layout and appearance would be provided then. He indicated that BWIC's building will align along Chestnut Street, more so than the manufacturing facility originally planned as facing South 3rd Street. The apartment/retail building is still planned for its original location. He said the approval currently requested is limited to the subdivision. The new lot line is also in the same location previously shown, with a minor adjustment in the boundary described; a difference between McCarthy's survey and a title survey performed by Bursich Associates, Inc., in 2005. He reported submitting new legal descriptions for the Planning Office's review. They continue to propose a widened Grape Street, and have accounted for it in the parcel boundaries proposed. Mr. Miller noted a slight deflection in bearing angles along the lots' northern boundaries. Mr. Hartman indicated that the on-site storm sewer infrastructure would be separated, given the planned sale of Lot #1. Asked about the zoning, Mr. Hartman said that the property is zoned "Manufacturing-Commercial". He said BWIC proposes offices and shelter housing for their part, and that all necessary zoning approvals and variances have been granted, including one for reduced off-street parking. From the Zoning Hearing Board's written decision (Appeal No. 2009-24), Mr. Miller read that 30 spaces are proposed versus the 43 that would otherwise be required. He noted that the Hearing Board expected the residents would have fewer automobiles than are typically associated with residential uses. Mr. Hartman noted that Lot #2 will include the required number of spaces on-site, and said the widening of Grape Street will allow new on-street parking there.

Mr. Rothermel asked about the fate of other BWIC facilities, notably that at the corner of Orange and Muhlenberg Streets (the Emma Lazarus houses). Mr. Miller believed they intended to consolidate their administrative, counseling and *temporary* shelter functions, but wasn't certain. Mr. Hartman said more detail would follow when the land development plan was presented.

Ms. Mayfield recalled having received complaints about state of the existing (tannery) building, wondering about a timeline for its demolition. Mr. Hartman wasn't certain, but believed the revised land development plan would be a first step toward that end, and hopefully commencing in the spring. He offered to communicate the concern to the developer. Mr. Miller asked if they still planned to prepare the building pad with the demolition material left from the (525) Lancaster Avenue project. Mr. Hartman assumed so, also noting a trench to be filled inside the tannery building.

Mr. Bealer moved to approve the final subdivision plan for Barley Square, as presented. Mr. Lauter seconded. And the Commission voted unanimously to approve the Barley Square final subdivision plan.

Resolution #9-2010

Other business:

609.c review-petition to rezone 706R Lehigh Street, Residential 1 (R1) to Commercial Highway (CH) [0:18.06]

Mr. Bealer felt the problem to be the removal of the thick vegetation that had served as a visual and acoustic buffer from the highway. Ms. Mayfield noted that the applicant, in testimony to the Zoning Hearing Board (Appeal No. 2008-19, July 9, 2008), intended to replace the trees. She thought the zoning approval had lapsed. Mr. Miller wondered why they were issued a permit at all. Mr. Bealer said the neighbors were surprised by it, when they first noticed the clearing, and complained to City Council, who in turn discovered an error with the permit. Mr. Rothermel asked who signed the petition. Ms. Mayfield said only the property owner (Berkshire Greens, Inc.). A public hearing has been scheduled for March 10th. Mr. Rothermel noted the lack of any other adjacent "Commercial Highway" land. Mr. Bealer wondered how a billboard company would access the site for installation and maintenance. Mr. Miller noted an easement shown on the site plan, but for the Metropolitan Edison Company's overhead electric lines. Asked if the property had ever previously been used for a billboard, Mr. Miller didn't know. He noted the density of the vegetation before it was cut, and assumed the parcel had taken its shape from either a sale of lots for the adjacent homes (the "Whitman Splits"), or condemnations related to the highway construction.

Mr. Rothermel moved to recommend that City Council deny the petition. Mr. Lauter seconded. And the Commission voted unanimously to recommend against the rezoning of 706R Lehigh Street.

Resolution #10-2010

§603.c.2 conditional use review-226 West Oley Street (conversion) [0:33.42]

Mr. Miller explained that the Zoning Office found inconsistencies between their records and the housing permit. He said it suggests a previous owner had 'de-converted' the house to a single dwelling, at some point, though the current owner claims to have purchased it as a *three-unit*. He confirmed the property is in the Residential 3 (R3) zoning district, but couldn't verify certain requisites as required by the Zoning Ordinance. He said the site plan required had not been included. He insisted he reviews "conditional use" applications only against the standards of the Zoning Ordinance. He expressed skepticism that even three off-street parking spaces could be provided if in a small garage at the rear of the property. He said the minimum floor areas appear compliant, if measured and represented accurately on the floor plan. Having consulted the building inspectors, he said they didn't recall any recent inspections or personal knowledge of the property. Asked about a process for de-converting multi-unit buildings, he assumed they required inspection and verification from the building inspectors. He said the ambiguity in the City's records triggered the conditional use review, which would require five off-street parking spaces. Mr. Rothermel questioned the strict application of the current standards where evidence suggested the property had previously been a legal multi-unit. He recalled the experience of a neighbor who had been made to remove extra kitchens and other redundancies when declaring his property a single unit. Mr. Bingaman similarly suggested a 'benefit of the doubt'. Ms. Mayfield reminded that the property was voluntarily de-converted. Mr. Lauter noted the stated policy aim of reducing density and *undoing* conversions of homes originally built as single units. Mr. Miller again claimed that his review was limited to the criteria of the Zoning Ordinance, and from information supplied by the applicant. Ms. Mayfield paraphrased the conditions of the Zoning Ordinance. Mr. Rothermel noted the owner's occupancy as another relevant consideration, even if not addressed by the Ordinance. Mr. Lauter suggested that the applicant complete the application, at least. Mr. Miller averred he could only verify one of the four requirements of the Ordinance, based on the information provided.

Mr. Bealer moved to recommend that City Council deny the proposed conversion of 226 West Oley Street, based on the incomplete application and the deficiency of off-street parking. Mr. Lauter seconded. And the Commission voted unanimously to recommend against the conversion of 226 West Oley Street.

Resolution #11-2010

§303.a.1 review-petition to vacate the 1000 block of Benner's Court [0:54.19]

Mr. Miller questioned the City Engineer about concerns for Maple Street. Mr. Jones explained that the petition was a first step in the Reading School District's planned expansion of the Amanda E. Stout Elementary School. He said Maple will become a private street, while Benner's Court disappears altogether. He said the plan "makes sense", and had no objections, provided the necessary utility easements are reserved in Maple Street. Asked if any houses fronted Maple, Mr. Miller said just their sides. He recalled School District officials agreeing verbally to 'curb and sidewalk' both sides of the remaining Maple Street. He noted a potential complication of 'left over' land on the east side of Maple Street, depending on the resulting description of the School District's parcel, where public rights-of-way no longer apply. Asked about the fate of Maple Street, he explained that the School District envisioned a parking garage on the ground level, and a second-story span over Maple. Mr. Jones confirmed that vehicles would still be able to pass through Maple, and that the School District would provide an easement allowing neighbors to access the alley behind their homes. Mr. Miller noted another potential ambiguity in the descriptions of those parcels vis-à-vis the School District's property and that alley. Mr. Jones understood the Fire Marshal to be satisfied with the remaining width proposed for emergency access. Mr. Rothermel wondered when the status of Maple Street itself would be addressed. Mr. Jones assumed the land development plan would cover it. He confirmed that there were no utilities of concern in Benner's Court, beyond service laterals to be capped.

Mr. Rothermel moved to recommend that City Council approve the petition to vacate the 1000 block of Benner's Court. Mr. Bealer seconded. And the Commission voted unanimously to recommend the vacating of the 1000 block of Benner's Court.

Resolution #12-2010

review the draft 2009 Planning Commission Annual Report [1:01.34]

Mr. Bealer noted a typographical error, the missing summary of the Commission's recommendations to the Blighted Property Review Committee, and a misrepresentation concerning the King Taco land development approval. Mr. Miller concurred. Mr. Bealer suggested the report reference the Review Committee's certification hearing transcript for further detail on the blighted properties. Mr. Rothermel wondered about the interest and intent of some Commission members, insofar as their attendance at meetings would reflect. He thought it sufficient to continue serving in expired terms, noting the status of his own, unless there was no intent to continue attending meetings, in which cases a more proactive search for replacements would be prudent. Mr. Miller intended to follow up with the City Clerk.

Mr. Lauter moved to approve the 2009 annual report for the general content presented. Mr. Bealer seconded. And the Commission voted unanimously to approve the 2009 annual report.

Resolution #13-2010

review the draft January 26, 2010 meeting minutes [1:11.12]

Mr. Miller noted three grammatical edits requested by Mr. Bealer, and agreed

Mr. Rothermel moved to approve the January meeting minutes, as modified. Mr. Lauter seconded. And the Commission voted unanimously to accept the January 26th meeting minutes.

Resolution #14-2010

§209.1.b.2 review-draft zoning ordinance by Urban Research & Development Corporation [1:12.03]

Mr. Bealer moved to reset the Planning Commission workshop for a review of the draft zoning ordinance for March 9th at 4:30p, in a location to be determined on availability. Mr. Lauter seconded. And the Commission voted unanimously to schedule and advertise the meeting accordingly.

Resolution #15-2010

The discussion turned to the need to reschedule the public presentation, as well, and whether it should be advertised concurrently. Ms. Mayfield reminded that notice of a "public meeting" has to run 15 and 8 days prior, while "workshop" may be advertised as little as 24 hours in advance.

Discussion continued on several other topics, including: the status of the Parking Authority's appeal of the variances given for the "225 Penn St. Parking Lot Plan"... the 10-year update of the City's Comprehensive Plan... possible changes the building permit process that would consider the Planning Office ahead of their issuance... an update on the situation between Alvernia University (its "South Campus Project") and its Kenhorst Borough neighbors... ownership and operation of The Brass Lantern pub at 1350 North 12th Street... the progress on a new subdivision and land development ordinance... and the status of Giannasca's "Riverview at Reading" project.

Mr. Lauter moved to adjourn the February meeting. Mr. Bealer seconded. And the Commission voted unanimously to adjourn the February 23rd meeting. – 8:47 pm.