

**Regular meeting of the City of Reading Planning Commission
October 11, 2005 at 7:30 pm**

Members present:

Ermete Raffaelli, Chairman
Michael Lauter, Secretary
Wayne Jonas Bealer, Assistant Secretary
Edmund Palka
Irvin Cohen
Frederic dep Rothermel

Staff present:

Andrew Miller, City Planner
Michelle Mayfield, Legal Specialist
Adam Mukerji, Director, Community Development
Brian Duncan, Planner

Others present:

Gregg Bogia, Stackhouse Bensinger, Inc.
Madelyn Fudeman, Essig, Valeriano, & Fudeman, PC
Dwight Powell, Schuylkill River Greenway Association
C. Wesley Seitzinger, PLS
William Vitale, Designworks Architects, PC
Anthony F. Talarico
Kenneth Pick, Berks County Community Development
Stephen H. Bensinger, Stackhouse Bensinger, Inc.

Minutes:

Chairman Raffaelli called the October meeting to order, and reminded the audience of the 'sign-in sheet'. He reported the Commission's executive session held September 14th, to discuss the pending litigation with Big Spring Inc.

Mr. Raffaelli introduced Brian Duncan, recently hired for the vacant Planner I position, and summarized his credentials.

Review the preliminary land development plan for Big Spring Inc., a water bottling plant proposed for those parcels known as 600-760 Clinton Street, the Riverfront Commerce Center.

Mr. Raffaelli deferred to Ms. Mayfield, who recognized parties in attendance for the Big Spring matter. She said action would be taken at the next meeting, as allowed under the timeframe dictated in the Pennsylvania Municipalities Planning Code. Ms. Fudeman thanked her for the recognition, mentioned her associates in attendance, and stated that they were prepared to address the latest comments of the Planning Commission and City Engineer. She asked that the record reflect their attendance. Ms. Mayfield agreed and reminded that the matter would be placed on the November meeting agenda. She said all other legal matters were being handled by "outside counsel".

Mr. Raffaelli asked for action or comment on the October agenda. Mr. Rothermel made a motion to approve the agenda, and Mr. Palka seconded. The Planning Commission approved the agenda, unanimously.

Review the final land conveyance plan for the Schuylkill River Greenway Association, for their lands surrounding the Schuylkill River (Thun) Trail, in the City of Reading.

Mr. Powell introduced himself as the construction manager for the trail project. He said that he had no presentation prepared, but carried several sets of plans and mylars for the Commission's endorsement. Mr. Miller suggested a brief explanation of the project.

Mr. Powell referred to the plat, explaining the Greenway Association's property, the neighboring ownerships, the PennDOT right-of-way, the Lancaster Avenue pedestrian span (under construction), the maintenance easement for the Gerber Cemetery, the lands to be retained by the Greenway Association, the parking lot encroachment at Victor Emmanuel II/United Gas Improvement Co., a reserve easement in case of a PennDOT widening of the West Shore By-pass, and access easements on the Brentwood Industries property. He offered to answer questions.

Mr. Raffaelli asked about the terms of the conveyances. Mr. Powell indicated “fee simple”, subject only to the easements proposed, and any recorded utility easements.

Mr. Miller asked about the construction schedule. Mr. Powell said that he hoped for completion of the missing sections by this time next year, or early in 2007, at the latest. He added that the section in Reading and a section in Douglass Township extending to the County line was all that remained to be built between Reading and Philadelphia. He said the Reading section amounted to approximately one mile of trail, with approximately 2700 feet yet to be constructed. He explained that some storm sewer work in the 18th Ward and filling-in of the original rail grade had complicated the trail location.

Mr. Rothermel asked for clarification on what parts would remain in the Greenway Association’s ownership, and why they chose to convey the rest. Mr. Powell indicated that the Greenway Association would keep the section from Lancaster Avenue south to the parking lot at Victor Emmanuel II. He said the maintenance responsibility of continuing to hold land after the completion of the trail ran counter to the financial considerations of the Greenway Association.

Mr. Raffaelli asked if Russell Plywood would ever be able to construct a road from their facility south to Lancaster Avenue. Mr. Powell said they could, subject to securing easements to cross the trail, the utilities and lands of Energy Inc. (Reigel Enterprises Inc.)

Mr. Bealer asked about the status of the Lancaster Avenue bridge construction. Mr. Powell was pleased with the progress, and expected a “ribbon cutting” in early to mid-December. He said a full canopy screen was advised, rather than a “clamshell” to mitigate liability risk to the Greenway Association. Mr. Bealer asked if a construction timeline could be submitted to the Commission, when available. Mr. Powell consented, noting that the 2700 feet was all that remained. He hoped a request for proposals would be publicized by the end of the year, so construction could begin in the spring. He indicated that illumination of the bridge was briefly considered; until it was determined that sufficient light was provided by the surrounding roads and billboards. He said Lamar Advertising intends to “beautify” the bases of their billboards with landscaping.

Mr. Miller asked if the Greenway Association intends to convey their remaining lands once the trail construction is complete. Mr. Powell said there was no such plan, currently.

Mr. Bealer moved to accept the plan as it was presented with a request that a construction timeline be presented, when available. Mr. Lauter seconded. The Planning Commission approved the final plan, unanimously.

Resolution #34-2005

Review the revised preliminary land development plan for Reading-Berks Emergency Shelter (Opportunity House), five residential units proposed at the northeast corner of North Second and Beech Streets.

Mr. Seitzinger began addressing the City Engineer’s review. Mr. Rothermel asked for a brief overview of the proposal. Mr. Vitale indicated the three single-family attached dwellings and the two in a duplex arrangement, with two or three bedrooms apiece. He said they were intended as permanent housing for residents leaving the Shelter, though the Shelter anticipates that residents will eventually seek other housing. He described the units as “typical modest Reading row homes”, aesthetically and architecturally, about 1200 square feet each. He said the units are proposed closer to the street line to maximize the rear yard.

Mr. Seitzinger referred to the City Engineer’s review. He pointed out the sewer laterals. He indicated the off-street parking, which he felt was adequate to serve the development. He reviewed the variances granted by the Zoning Hearing Board including, the use, the front yard setback, the shade tree requirement, the clear sight triangle, the parking in the setback and the off-street parking standards. He stated that the Conservation District/Brian Herber advised him that an Erosion and Sediment Pollution Control plan was not necessary, that the total disturbance would be less than the 5000 square feet. He said filter fabric fencing would be used to protect the stormwater inlets during construction.

Mr. Miller indicated that the only remaining item was the approval of the sewage planning module, as is typical. Mr. Rothermel asked if the plan was being considered as “revised preliminary”. Mr. Miller answered that the applicant was asking for the final approval. Mr. Seitzinger said that no additional changes would be made to the plan. Mr. Miller reiterated that all other issues had been resolved or formally waived. Mr. Rothermel wanted confirmation that building permits could be issued, but use and occupancy permits withheld until the sewage planning requirements were fulfilled. Mr. Vitale mentioned his previous experience in that specific scenario.

Mr. Lauter said that if nothing else were to be modified, he had no problem voting on a final approval. He motioned to do so; with the condition that sewer capacity is granted. Mr. Cohen seconded. And the Planning Commission unanimously approved the plan, as final. Mr. Vitale asked if construction permits could then be obtained. Mr. Bealer said that was his understanding.

Resolution #35-2005

Review the final land development plan for St. Nicholas Townhouses, eight units proposed at for those parcels known as 316-320 St. Nicholas Street.

Mr. Talarico introduced himself, distributed proposed elevations and asked the Commission for final approval. He described the units as approximately 1620 square feet each, with basements. He described the tree species added including, Norwegian Spruce, Douglass Fir, Linden and Maple. He described two sets of four townhouses, separated by approximately 25 feet. Referring to Mr. Rothermel's previous questions, Mr. Talarico said the driveways would indeed have concrete aprons and leave enough room to accommodate a future extension of sidewalks. He said that he is waiting on approval of the sewage planning module.

Mr. Bealer asked about the width of driveway paving allowed. Mr. Miller said the matter was confused by the language of the Zoning Hearing Board's decision. He said that, in researching the hearing, he found that a preliminary layout was presented to the Board, showing the proposed parking arrangement. While the decision doesn't explicitly grant the permission, the Board was presented with the visual fact.

Mr. Miller reported that the parking standard has been met, and the required utility information provided. He said he had been told the topography of this site wasn't conducive to the stormwater retention structures, as they were proposed for the St. Nicholas Street Commons project across the street.

Mr. Rothermel asked why the parking had been allowed in the front yard. Mr. Talarico said he had hoped to avoid a large macadam parking lot in the back yard, where children would want to play and patios could be built. He agreed that this would be the only development on the street to have parking in the front yard. Mr. Rothermel asked if the City Engineer had approved it, and if additional driveway and curb-cut permission would be required. Mr. Miller stated that the Engineer's review didn't address the issue. Mr. Rothermel suggested that, in the future, the staff and the Zoning Hearing Board take the character of the surrounding neighborhood into consideration when considering such variances. He described front yard parking arrangements as a "visual congestion", distracting from the attractiveness of the homes themselves. He mentioned the reduced net gain in parking capacity when curb cuts eliminate opportunities on the street. Mr. Bealer characterized the issue as a "give and take", appreciating the provision of a play area. Mr. Rothermel argued for the "greater good".

Mr. Miller asked about the possibility of renting the units. Mr. Talarico indicated he may try to sell four and rent four. He said there wouldn't be any homeowner association arrangement, but said the maintenance expectations would be stipulated in the sales agreement. He said he plans to live in the north end unit, and possibly offer his maintenance services.

Mr. Lauter asked Mr. Talarico to consider the Centre Park Artifacts Bank when the existing home is demolished. Mr. Rothermel motioned to approve the final plan. Mr. Palka seconded. And the Commission approved the final plan, unanimously.

Resolution #36-2005

Review the certification of blight and redevelopment area plan for the Buttonwood Gateway Redevelopment Area, a redevelopment area proposed between Green Street and Buttonwood Street, Schuylkill Avenue and the Schuylkill River, being more fully described on the accompanying map.

Mr. Mukerji greeted the Commission, acknowledged Mr. Pick and the County's offer to provide consulting services, at their expense. He described the existing conditions report and the redevelopment plan from Mullin & Lonergan Associates Inc. He asked the Commission to consider approving the certification of blight. He explained the contrast between the 1998 plan's boundary at Gordon Street and the current plan's extension to Schuylkill Avenue. He mentioned the addition of a residential element to the plan.

Mr. Rothermel said that the 1998 plan was amended in 2002 to include the same boundary revisions proposed. He said the original plan was adopted for a term of twenty years. He felt the only change was the residential component, which could be accomplished as an amendment. Mr. Pick believed that the 2002 revisions were never formally adopted. Mr. Rothermel recalled conversations, when Edward Swoyer pushed for the expansion to Schuylkill Avenue.

Mr. Rothermel felt the two redevelopment proposals should be clarified. Mr. Palka wondered if the pedestrian bridge over the railroad was a part of that plan. Mr. Rothermel asked if the design/grading of the former American Chain & Cable site was a reflection of this proposal or the recommendations of the Planning Bureau staff. Mr. Mukerji remarked that it was all the work of the site engineer.

Mr. Rothermel noticed that the proposal lacked detail on the Opportunity Drive connection to West Green Street. He felt that proposed uses for triangle formed by the railroad, Schuylkill Avenue and West Green Street,

should consider compatibility with the residential neighborhoods on that side of the railroad and the truck traffic being considered for West Green Street. He also expressed concerns of residential uses being proposed where there had been industrial uses previously (brass manufacturing and junkyard), and the environmental regulations that might prevent such redevelopments. He mentioned a previous study that showed remediation necessary to achieve that standard to be cost prohibitive. Mr. Mukerji agreed that under Act 2 regulations, only parking would be feasible under current conditions.

Mr. Pick reminded that the statute requires an “illustrative site plan” at this stage of the redevelopment process, that specific designs would be initiated by, or presented to the Commission at a later time. Mr. Rothermel asked if relocation funding was included in the \$825,000 figure. Mr. Mukerji indicated that negotiations with land owners can mitigate such costs, adding that block grants could cover the short falls. Mr. Rothermel felt that some of the homes suggested for demolition should be reconsidered for rehabilitation.

Mr. Bealer attempted to summarize the needs of the staff, including the certification of the area and the blighted conditions. He asked about the possibility of an on/off ramp from Buttonwood Street to the north to serve the Gateway project. Mr. Mukerji suggested that River Road would be used to serve the project. He said the means of access was somewhat contingent on whether the site serves a single tenant or more. Mr. Bealer felt a traffic light at the existing ramp may be necessary in the future.

Mr. Rothermel said if it is all to be cleared, a comprehensive circulation study would be needed, and that alternatives to the “grid” could be considered in the redesign. Mr. Miller asked at what point the Commission is engaged for its input on design. Mr. Rothermel answered that it is the staff’s responsibility to take control of it, as with the City’s former redevelopment projects, with the exception of the Riverfront Redevelopment Area. Mr. Pick reminded that any land development proposals would need approval of the Commission.

Mr. Lauter asked who would actually be doing the demolitions. Mr. Pick indicated that the County is currently acquiring derelict properties and razing them, while the City’s Redevelopment Authority would assume the lead role in a redevelopment area. Mr. Rothermel recalled the money spent to rehabilitate the homes on Schuylkill Avenue, adding that redevelopment boundaries shouldn’t follow the centerlines of streets, thereby neglecting one side. Mr. Lauter recognized that the Redevelopment Authority has already been acquiring and demolishing properties and asked what prevents them from “spot-demolitions” as they see fit. Mr. Mukerji said the City does consent to those demolitions.

Referring back to the traffic concerns, Mr. Bealer mentioned the need to update the Land Development Ordinance to include provisions for traffic impact studies and impact fees. Mr. Rothermel mentioned the City’s Traffic Planner. He said that it is the staff’s responsibility to provide the guidance on traffic planning issues, adding that impact fees work only when developers are “running and jumping” to develop in your municipality. Mr. Bealer said that the lack of such provisions is currently being used against the City, adding that such guidance must be included in the Ordinance.

Mr. Cohen asked for clarification on the need to certify blight. Mr. Rothermel insisted that the Commission had previously taken that step. He asked about the intended timeline. Mr. Mukerji answered that it was the Commission’s plan and the Commission’s timeline. He mentioned negotiations with potential developers as a motivation to move forward with the redevelopment plan. He said another month of consideration would not adversely affect anything.

Mr. Rothermel motioned that the proposal be tabled until City and County staff can clarify some of the questions raised, including the possible addition of the north side of West Green Street between Johnson and Miltimore Streets. Mr. Palka seconded the motion. The Commission approved the tabling, unanimously.

Review the certification of blight for the Goggleworks Redevelopment Area, a redevelopment area proposed between Front Street and Third Street, Walnut Street and Penn Street, being more fully described on the accompanying map.

Mr. Mukerji asked the Commission for a certification of blight for the proposed area. Mr. Pick reminded that this is only a preliminary step in the planning process. He recognized the late submission of the consultant’s report and the Commission’s need to review it. Mr. Rothermel noticed the four categories of building condition and asked for the criteria used to make those classifications. Mr. Pick referred to the section defining the classifications, adding that they were based on a visual survey of the exteriors. Mr. Rothermel commented that the proposed area appears to be in a predominately “fair condition”. Mr. Bealer agreed, but noted that ninety percent were said to be in need of some level of repair. Mr. Cohen said that it seemed we were starting the workshop without the consultant, that we should accept Mr. Pick’s offer to have the consultant explain his findings directly.

Mr. Bealer expressed a concern of municipalities taking advantage of vagaries in the statute. Mr. Pick

mentioned an effort afoot to revise the Urban Redevelopment Law, including clearer definitions of blight and minimum percentages in a proposed redevelopment area.

Mr. Raffaelli mentioned the possibility of the Commission “accepting (the plan) for review” while they take time to study its contents further and/or schedule workshops. Mr. Rothermel said he wanted to assure that the classifications as noted were an accurate reflection of the conditions. Mr. Mukerji reminded that the judgments were based on “walk-by” observations, that the true structural conditions could only be determined by an engineer’s interior investigation.

Mr. Raffaelli asked for an action. Mr. Lauter asked if it was appropriate to table the plan pending a workshop opportunity with the plan’s authors. Mr. Rothermel agreed, suggesting the invitation be extended. Mr. Miller said that, since the report was only just received, the Commission should take time to review it. Mr. Palka felt that there were just too many potential questions, that a special workshop was the most appropriate forum.

Mr. Bealer motioned to accept the plan for review and invite the author for a workshop, to be scheduled. Mr. Rothermel seconded, suggesting it be held prior to the next regular meeting. The Commission agreed to the motion, unanimously.

Review the landscaping plan for the New Parking Lot, forty spaces proposed by Brentwood Industries for their facility on Brentwood Drive.

Mr. Bensinger introduced himself and recalled the conditional approval granted pending the presentation of a landscaping plan. He indicated the intended plantings including, two red maples, three flowering cherry trees, six junipers, ten burning bushes, and ten viburnums, a total of 29 specimens. He took Mr. Rothermel’s suggestion to use the plantings as a “frame” for the building.

Mr. Cohen motioned to accept the landscaping plan. Mr. Rothermel seconded. And the Commission agreed, unanimously.

Resolution #37-2005

Mr. Bealer asked if the City Engineer’s concerns regarding stormwater management had been addressed. Mr. Miller asked about the size and capacity of the pipe carrying stormwater from the retention basin to the inlet box. Mr. Bensinger said that revised information would be submitted to the City Engineer. He said the water flows down Brentwood Drive, leaving via a swale where the Drive curves to the right, and discharging to the River.

Review the subdivision/annexation plan for Brentwood Industries Inc., a conveyance from Brentwood Industries Inc. to Jeffery M. and Leonard E. Bilger, at 110 Orrton Avenue.

Mr. Bensinger described the location of the parcels, west of Morgantown Road and south of Orrton Avenue. Mr. Cohen asked why the conveyance was referred to as an “annexation” rather than a “purchase”. Mr. Bensinger explained that the annexation parcel alone would not meet the dimensional requirements of the zoning district. But when added to, and measured with the Bilger tract, it does.

Mr. Bensinger reported that revised legal descriptions were submitted in response to Mr. Miller’s comments. He said that everything was in order, save the County Planning Commission review, required prior to the City Planning Commission taking action. Mr. Rothermel asked if the added time would matter, indicating that staff could relay the information when it’s received, and have the City Planning Commission take action at the following meeting, with or without Mr. Bensinger’s attendance. Mr. Bensinger agreed, adding that he hadn’t brought signed and sealed plans anyway.

Mr. Rothermel motioned to table the plan pending receipt of the County Planning Commission review. Mr. Bealer seconded. The Commission agreed, unanimously.

Other business

422 Penn Street, a conditional use application proposing added retail and residential units, from Ed Kelly/Jasper Hawk Ventures, LLC.

Mr. Miller explained that the applicant has, so far, been unsuccessful in finding tenants for the first floor. This prevented realization of the plan to create new storefronts fronting the pedestrian corridor of the Sovereign Plaza project. While he continues his search for potential tenants, Mr. Kelly wishes to secure the zoning permission to divide the retail space and the residential units on the second and third floors. He proposes three retail units from the current one, and four apartments from the current two. The Redevelopment Authority and Reading’s Future LLC will move forward with their plan to stucco the former party wall. Mr. Miller indicated that the Zoning

Administrator had concerns regarding the size of one of the apartments and the availability of the necessary utilities. He said that Council was seeking the Commission's recommendation, as with any conditional use application.

Mr. Bealer expressed concern for the fire protection standards on the upper floors. Mr. Rothermel stated that it should be addressed by the Codes Division.

Mr. Bealer asked where residents in the Commercial Core district are expected to park their cars, and of any City policies directing it. Mr. Miller stated that parking requirements are expressly waived for non-residential uses in the Commercial Core. He said that the applicant should be able to demonstrate the capacity for the residential units somewhere, most obviously by long-term arrangements with the Parking Authority in their downtown facilities. Mr. Rothermel expected that rehabilitated residential units in the downtown would use the public garages or on-street parking at night. He said the application should show some indication of the intent. He said that it had always been the philosophy of the City to encourage apartments downtown (1) for the added income from the building, and (2) creating downtown population at night. Mr. Miller said he shared that philosophy, but wished to prevent additional surface parking in the Commercial Core. He wondered how many downtown residents may not even own cars. Mr. Palka wondered if some business owners might not want people living above them, though he recognized a successful rate of leasing in Pottstown. Mr. Miller stated that the City's documents do encourage the practice, adding that it has been a generally accepted philosophy of urban planning to "live over and work under". (Chapter Two, Policy 2.9 of the City's Comprehensive Plan encourages residential use of the upper floors of downtown properties.) Mr. Raffaelli mentioned that the Country has segregated uses like no other, necessitating the personal automobile.

Mr. Rothermel motioned to recommend to Council that the additional residential units be permitted, subject to a strategy for providing parking. He added that division of the retail spaces should be permitted as to make them most marketable. Mr. Cohen seconded the motion. The Commission approved the recommendation, unanimously.

Proposed Zoning Ordinance amendment redefining the terms "family" and "roommate household", and the conditions regulating approvals of "roommate housing arrangements", submitted by Dr. Pressley, Zoning Administrator.

Mr. Miller gave a background on the drafting of the amendment, a request by Councilman Michael Schorn to address the expanding student population living in the vicinity of Albright College. The amendment effectively limits such household to no more than three unrelated persons, where the Zoning Ordinance had previously allowed as many as five. Mr. Miller said the amendment, set for final passage, was tabled at the previous night's Council meeting when it was discovered that the draft had never been submitted to the City and County Planning Commissions for the thirty-day review requirement of the Pennsylvania Municipalities Planning Code. He said no discussion or action was required until the next Commission meeting, since the proposed amendment was just submitted for their review. Council has tabled the matter for the next 45 days.

Mr. Bealer wondered about a 1960's Supreme Court decision, concerning Berkeley, CA, which might affect the legality of such ordinances. (The Commission was temporarily distracted by a tangent of beatnik jokes.) Mr. Miller indicated that the amendment was probably prepared by comparing the City's Ordinance to other municipalities. He asked that the Commission review the proposed amendment for discussion at the next meeting.

Continue - **Review the subdivision/annexation plan for Alvernia College and the Bernardine Sisters**, a land swap along their common boundary at 400 St. Bernardine Street.

Mr. Miller said that, while the annexation plan was technically approved at the last meeting, it was done so on the condition that corrected legal descriptions were provided. He reported that the revised descriptions were still deficient and that the plans would be withheld from signature until corrections were made.

Continue - **Review the final subdivision plan for Third and Buttonwood Streets**, at the northeast corner of Third and Buttonwood Streets.

Mr. Miller updated the Commission on the proposal they tabled at the August 9th meeting. The proposed subdivision would have violated the dimensional requirements of the district. The Commission tabled the matter pending the findings of the Zoning Hearing Board. He reported that a 60-day extension had been granted by the applicant through his agent, Stackhouse Bensinger Inc., extending the PMPC allowed review time to the December meeting.

Continue - **Review the preliminary land development plan for Big Spring Inc.**, a water bottling plant proposed for those parcels known as 600-760 Clinton Street, the Riverfront Commerce Center.

Mr. Miller mentioned the confusion over the subsequent submission since the plan had been tabled at the September meeting. He said that action on that plan would have to be taken at the November meeting.

Mr. Raffaelli asked if there were any questions on the September Planning Commission minutes. Mr. Bealer and Mr. Rothermel noted a couple of typographical errors. Mr. Lauter asked for clarification on the Commission's advice to the Centre Park Garden Club regarding their proposal for 500 North Fifth Street. Mr. Rothermel and Mr. Raffaelli mentioned the Commission's questions on the landscaping block being proposed, its color and the use of footers. Mr. Palka motioned to accept the September minutes, with the noted corrections. Mr. Lauter seconded. The Commission approved the September minutes, unanimously.

Mr. Raffaelli mentioned a mailer he received regarding a "Leadership Conference" hosted by Albright College. He recommended the members avail themselves of the training opportunity, suggesting that City funds may be available for the tuition.

Mr. Raffaelli commented on the state of the trees planted in the parking lot of the newly-rebuilt Shirk Stadium at Albright College. He described the installation as a hole in the macadam with precast concrete attached to form the planting beds. Mr. Miller reminded the Commission of the conditional approval granted at the May 10th meeting (Resolution 18-2005), requiring a landscaping plan to be provided to the satisfaction of Planning staff. The plan was never provided. The parking lot was completely paved over, in violation of zoning standards. And the demands of Mr. Miller and Fred Yourkavitch for compliance resulted in the trees being installed in such manner. Mr. Raffaelli added that the ticket booth window was leaking.

Mr. Raffaelli restated his disappointment over the demolition of the trellis screen adjacent to the Second and Penn Firehouse, and the continuing reconfiguration of the parking lot. He asked about the manner in which those modifications were approved and why the Commission wasn't consulted. Mr. Miller said he refused to have the Commission review the plan, on account of the "gross deficiencies" by Zoning and Land Development Ordinance standards and his feeling that the trellis was likely required as a previous condition of the parking lot's existence. He said further research into the matter has revealed those terms, as well as evidence of the City's financing of its design and construction. Mr. Raffaelli insisted that it was a Planning Commission issue. Mr. Miller agreed, adding that no such parking arrangements are permitted in the Commercial Core district. Mr. Raffaelli suggested that a stop work order be issued immediately. Mr. Lauter understood that permission was given and advised that someone senior to Mr. Miller would have to authorize the stop work order. Mr. Bealer added that the firehouse was being used in a manner contrary to the use as permitted. Mr. Miller agreed, noting that the original permit had classified Supportive Concept for Families, Inc. as a "commercial office" while the reality included uses such as health care, education, food service and warehousing. Mr. Lauter requested that someone from the Administration explain the matter to the Commission. Mr. Rothermel wondered if something "more formal" could be done to express the Commission's opposition to the demolition and modifications. Mr. Raffaelli said something should be done immediately, given the progress of the work. Mr. Rothermel motioned for a statement, from the Commission to the Community Development Director, expressing the displeasure of the Commission, restating the Commission's intention and requirement for the trellis, and requesting that steps be taken to have it replaced. Mr. Raffaelli seconded the motion. The Commission approved the motion, unanimously.

Resolution #38-2005

Mr. Rothermel inquired on the Zoning Office's current procedures regarding mailing notices to neighboring properties when appeals are made to the Zoning Hearing Board. He recalled the past practice of mailing notices to properties within 200 feet of such appeals. He was under the impression such mailings were no longer being made and wondered how neighbors were to know when properties were appealing for zoning relief. He asked staff to research the issue.

With no further business, Mr. Palka motioned to adjourn the meeting. Mr. Lauter seconded. And the Commission voted unanimously to adjourn the October meeting. – 10:45 pm.

AWM / awm