

Minutes
Regular meeting of the City of Reading Planning Commission
September 12, 2006 at 7:00 pm

Members present:

Ermete Raffaelli, Chairman
Michael Lauter, Secretary
Wayne Jonas Bealer, Assistant Secretary
Frederic dep Rothermel, Jr.

Staff present:

Andrew W. Miller, City Planner
Michelle R. Mayfield, Legal Specialist
Adam Mukerji, Redevelopment Authority Director

Others present:

Frank O. Elliott, Elliott Associates Architects Inc.
Robert A. Swoyer, Jr., Robert A. Swoyer Associates
James A. Pilkerton, J. A. Pilkerton Consulting Services
Kim A. Snyder
Dale C. Egan, Egan & Egan, LLC
Thomas Egan, Egan & Egan, LLC
Michael D. Hartman, McCarthy Engineering Associates PC
Scott M. Henry, Olsen deTurck Architects
Patrick J. Dolan, Dolan Construction Inc.
Gary L. Mengel, Jr., GL Public Services
Scott T. Miller, Stackhouse Bensinger Inc.
Kiki Chatzidimitriou, Kutztown University

Chairman Raffaelli called the September meeting to order, and recognized the lengthy agenda. He requested that all presenters sign-in and asked for acceptance of the agenda. Mr. Miller reported that item six, the preliminary land development plan for the Reading Hospital and Medical Center, had been withdrawn.

Mr. Lauter moved to approve the agenda, as modified. Mr. Rothermel seconded. And the Commission voted unanimously to approve the September agenda.

Subdivision and Land Development:

Review the **final** land development plan for **The Salvation Army - Proposed Renovation and Expansion Program**, a proposed addition to the Salvation Army Corps facility at that parcel known as 301 South Fifth Street.

Mr. Elliott said the Salvation Army has been working on its expansion program for about four or five years, and following a successful capital campaign, is almost ready to break ground. He described the existing site and the proposed additions. He said the existing chapel would be converted to a gymnasium, and a new chapel built in the addition. A lab with 28 computers is already operating for an after-school program. He described the main entrance, following the renovation, to be located on Spruce Street. He said the on-site parking count would be 19 spaces, with an additional 12 across Spruce Street. The Salvation Army will repave the on-site lot in-part, and install trench drains. Four shade trees and boxwood shrubs around the perimeter are proposed. New perimeter fencing with a sliding gate will secure the parking lot. And the dumpster will be screened by a seven foot wall.

Mr. Lauter asked about the building materials. Mr. Elliott said the addition will match the existing building, identically. A donor will provide all the brick, and the same "precast elements" will also be incorporated. The Historic Architecture Review Board had given its approval.

Mr. Miller asked if renderings of the building elevations were available. Mr. Elliott referred to the elevations, and the precast stone product (Aristocrat®?). He said the Review Board offered direction on the entrance modifications.

Mr. Rothermel asked what variances were requested, and which were granted by the Zoning Hearing Board. Mr. Swoyer said the Hearing Board, at their January 11th meeting, varied the requirements for minimum driveway distances from intersections, buffering distances between off-street parking spaces and schools, minimum lot width, maximum lot coverage, minimum side yards, off-street loading spaces and parking and driveway setbacks.

He described them as mostly pre-existing conditions of the site.

Mr. Rothermel asked if existing off-street parking would be reduced by this plan. Mr. Elliott answered yes, noting that the new chapel would also be smaller. He said 31 spaces would remain. The Salvation Army based its need on Sunday services in the chapel, seating a maximum of 120, but usually no more than 40. He said the after-school programs draw students, mostly walking from the adjacent Tyson-Schoener Elementary School. Mr. Lauter asked about the number of staff. Mr. Elliott guessed about six employees, who typically use the 12 parking spaces across Spruce Street. Mr. Bealer visited the site earlier that afternoon, noting seven cars in the on-site lot and none using the lot across the Street. He added that, before the Salvation Army acquired the land, there stood dilapidated garages. He complimented the Salvation Army for the clean-up. Mr. Raffaelli recalled the former Mary Archer carriage house demolition that also freed up additional parking space. Mr. Elliott said the existing gray storage building will also be removed, and confirmed that the parking area would be kept free of ancillary buildings and storage sheds. He said the facility would be fully sprinkler-ed, per newly adopted Salvation Army building standards.

Mr. Miller asked about their intentions for the currently separate deeds and parcels. Mr. Elliott noting the suggestion that they be joined, explained that as a non-profit organization, the Salvation Army doesn't pay taxes on the building parcel, but continues to for the smaller parcel.

Mr. Rothermel inquired about the proposed fencing and lighting. Mr. Elliott indicated the new provisions on the plan, also noting an existing street light at the corner of Spruce and Pearl Streets that effectively illuminates the whole parking lot.

Mr. Raffaelli asked Mr. Miller if he was satisfied. Mr. Miller felt he should verify their corrections, not anticipating any major problems. He suggested the Commission might subject its action to a final staff review, and wait until the following meeting to actually endorse the plans.

Mr. Rothermel moved to approve the plan, subject to the planning staff's verification of the Ordinance-required corrections. Mr. Lauter seconded. And the Commission voted unanimously to approve the Salvation Army's final land development plan.

Resolution #34-2006

Review the **final** subdivision plan for the **Kim A. Snyder – Lot Line Revision**, a subdivision proposed for that parcel known as 1700 Hampden Boulevard. [0:25.28]

Mr. Pilkerton recalled his presentation of the plan at the August meeting, tabled for lack of a County Planning Commission review. He said the plan, offered this evening, was revised per the comments from City Planning, County Planning, and Public Works, signed and sealed.

Mr. Raffaelli asked Mr. Miller if the plan was correct. Mr. Miller, noting the new submission, stated that he'd have to check it. He advised the Commission to consider that in any motion. He reminded that the plan is to address the premature recording in the County Recorder's office.

Mr. Lauter moved to approve the plan, subject to a subsequent review by the Planning Office staff to verify the required corrections. Mr. Bealer seconded. And the Commission voted unanimously to approve Kim Snyder's final subdivision plan.

Resolution #35-2006

Review the **preliminary** land development plan for the **Egan Auto Land Development**, a subdivision and automotive service center proposed at those parcels known as 209 and 229 Lancaster Avenue. [0:29.26]

Dale Egan introduced himself and his son Thomas, a recent graduate of the Virginia Polytechnic Institute's architecture program. He acknowledged the Planning Office review, and offered a revised plan. He explained that the two existing lots would be combined, the existing buildings (Duron® Paints and Cingular® Wireless) demolished and a transmission shop built in their place. He described the proposed dumpster screening, property fencing and landscaping. He offered pictures of the existing condition, preliminary renderings, the revised legal description, and a stormwater calculation report.

Mr. Miller suggested the final submission be presented on two sheets, one detailing the proposal and the other the existing condition.

Dale Egan stated that he spoke to the Utilities Division Manager regarding sewage treatment capacity, and will provide documentation about the existing usage. He felt the proposal will fall well within the limits of the prior appropriation. He received the County Planning comments, and is working to address their stormwater drainage concerns. He said he has already applied for the Department of Transportation highway occupancy permits.

Mr. Bealer asked about the sidewalk on Brookline Street. Dale Egan said they weren't planning on installing it all the way across their frontage. Mr. Bealer said the sidewalk is continuous on the neighboring properties, with the only breaks being on the Duron® and Cingular® properties. Dale Egan agreed to install the continuous sidewalk.

Mr. Rothermel asked if they were planning a second floor. Dale Egan said the office area will be two floors and will screen the air conditioning units, even if raising a parapet wall is necessary.

Mr. Lauter asked about proposed landscaping. Dale Egan recalled the former Zoning Administrator, Joyce Ann Pressley's concerns about screening. He proposed shrubbery and chain-link fencing, with slating included, to screen the lot.

Mr. Lauter asked about signage. Dale Egan noted the existing sign, atop the Duron® building. He said it would remain after the demolition, since it is mounted on steel I-beams that extend through building from the ground. Mr. Bealer asked if it were a zoning issue. Dale Egan said Dr. Pressley said not, as long as it isn't taken down with the demolition.

Mr. Miller asked about the width of the rear (one-way) driveway, at 23 feet. Dale Egan said it can be changed. He was thinking of the turning radii, making it easier for ingress and egress. Mr. Miller advised that he check with the City Engineer, and explain his reasoning.

Mr. Lauter asked about building materials. Dale Egan proposed split-faced stone, with alot of glass in the front and possibly stucco. Thomas Egan mentioned the possibility of a polished masonry element at the entrance.

Mr. Bealer appreciated the increased setback from the neighboring properties. Dale Egan said he intends an improved appearance. He said heated pads, installed at the garage bay entrances, will melt snow.

Mr. Bealer asked the legal counsel if action should be delayed since the project required highway occupancy permits. Ms. Mayfield said any final approvals should be made on that condition. She said she would check with the City Engineer on the need for a municipal improvements agreement. She said a preliminary approval should be contingent on the corrections required by the Planning Office staff. Mr. Miller felt preliminary action was appropriate.

Mr. Bealer moved to approve the preliminary plan, subject to the provision of the Brookline Street sidewalk on the final plan, the preparation of a municipal improvements agreement, the required highway occupancy permits, and the Plumbing Inspector's review of the stormwater management plan. Mr. Rothermel seconded the motion. He asked about the shade tree variance. Dale Egan said they're provided, but not dispersed in the parking area, as required by the Zoning Ordinance. The Commission voted unanimously to approve the Egan Auto preliminary plan. Mr. Raffaelli asked that samples of exterior materials be presented at the final review.

Resolution #36-2006

Review the **preliminary** land development plan for the **GL Public Services Land Development**, a two-story office building proposed at those parcels known as 100-106 North Third Street. [0:51.24]

Mr. Hartman described the proposal to demolish the two existing houses, and replace them with a two-story office building. The business provides "financial products and solutions". He said the next submission will propose replacing the damaged sidewalk, and replacing the street trees with acceptable species. He alluded to the County Planning and Public Works' parking concerns, noting the one off-street space proposed, the curb cut and garage. Mr. Rothermel asked if the proposed curb cut would eliminate current on-street parking. Mr. Bealer noted a fire hydrant between the two buildings, wondering how the curb cut would measure against the required parking separation distance (15 feet) from hydrants. Mr. Rothermel expressed safety concerns for cars backing out to North Third Street, and advised consultation with Public Works. Mr. Hartman said the City Engineer just recommended address of the parking issue. Mr. Rothermel remembered the curb cut application process, and suggested the City Engineer address the issue. Mr. Raffaelli asked how many off-street spaces were being proposed. Mr. Hartman said one in the garage and, if acceptable to the City, one in the driveway (in the front yard setback). Mr. Rothermel noted the Chiarelli Plaza (500 spaces) public parking across Washington Street. Mr. Miller noted the zoning variance from the parking standard, granted at the August 16th zoning hearing. Mr. Lauter asked about the rationale for the driveway. Mr. Henry said it was for Mr. Mengel's personal use.

Mr. Raffaelli asked why a business building was being proposed for this location, and about the specific business of the company. Mr. Hartman stated that GL Public Services already operates from the location, providing financial services such as mortgages, and check cashing, and wants to expand to offer their local business clientele additional financial services, such as payroll and tax filing.

Mr. Miller asked if the Zoning Office, Traffic Engineering, or the Department of Transportation had given

their consent to the proposed sign. Mr. Hartman said not. Mr. Henry said the business sign will conform to the zoning requirements, the other being a proposed scrolling marquee. Mr. Miller stated that they still need to be permitted.

Mr. Rothermel referred to the Zoning Ordinance, which requires one off-street parking space per 150 square feet of floor (38 spaces required). He wondered if the Zoning Hearing Board figured on spaces available for lease in the Chiarelli Plaza. Mr. Miller asked if it was discussed at the zoning hearing. Mr. Henry didn't recall.

Mr. Raffaelli asked about the type of construction. Mr. Henry said wood framing over a masonry unit foundation. Mr. Hartman promised sample materials for the next Commission meeting.

Mr. Lauter asked that, if the existing buildings are demolished, the owner consider the Artifacts Bank operated by the Centre Park Historic District. He said they'd be interested in salvaging materials and fixtures, and able to supply appraisals of any donations for tax deduction purposes.

Mr. Raffaelli wondered how the Zoning Hearing Board could grant a variance from all required off-street parking. Mr. Bealer felt some demonstration of capacity in the Reading Parking Authority facilities should be provided prior to final approval. Mr. Rothermel requested a copy of the Hearing Board transcript.

Mr. Raffaelli asked for a recommendation from the legal counsel. Ms. Mayfield indicated that no action was necessary, the Commission having plenty of time to reconsider the plan at a later meeting.

Mr. Hartman asked the Commission to consider the intended timeline for the project. He said the owner needs to construct the new building by year's end, before the start of the tax filing season. He hoped they could get a preliminary approval, and be considered for final approval at the Commission meeting on September 26th. Mr. Miller called that date a *possible* meeting.

Mr. Bealer asked if the Hearing Board attached conditions to the variances granted. Mr. Miller said not.

Mr. Bealer moved to approve the preliminary plan, subject to the final plan showing details on parking availability at the Chiarelli Plaza, a discussion with the City Engineer on the proposed garage and curb cut. Mr. Lauter seconded. Mr. Rothermel asked Mr. Bealer to repeat the conditions attached to his motion, concerned that such caveats might not be within the Commission's purview. He felt the Department of Public Works had the more defined authority, suggesting it be clarified prior to plan approvals. Mr. Hartman said he would contact the Department and the Traffic Planning office and ask for written clarification. Mr. Rothermel wanted the Planning Office staff to make that contact. Ms. Mayfield recommended the Commission table the plan, based on discussion and the unanswered questions, noting again the time permitted by the law. Mr. Bealer withdrew his motion.

Mr. Rothermel moved to table the preliminary plan until more information was supplied from other City professionals on the parking issues, the proposed garage and access to it, the Hearing Board variances, the basis therefor and any conditions attached, and applicable sign permits. He suggested that a special meeting of the Commission is always possible. Mr. Lauter seconded the motion. Mr. Henry signaled that the owner and developer had entered the meeting, available to answer questions. Mr. Dolan said the business needs a garage, due to the cash handled, and the current crime pattern in the City. He felt, for the safety of the owner, transactions between the business and a vehicle inside the building were preferable. Ms. Mayfield asked Mr. Dolan if he presented the appeal to the Hearing Board. Mr. Dolan said the architect, Lee Olsen handled it. Mr. Rothermel understood the reasoning, but said the Commission must have the assurances of its staff. Mr. Dolan repeated the desire for construction in-time for the January tax season, and asked for preliminary plan approval based on addressing those concerns. Ms. Mayfield suggested the applicant return, if a meeting is held on September 26th, and seek final plan approval at the October meeting. Mr. Dolan said that he understood they could get final approval on September 26th. Ms. Mayfield stated that the Commission is allowed another ninety (90) days under the Pennsylvania Municipalities Planning Code. Mr. Lauter asked who gave the indication that they'd be considered at the September 26th meeting. Mr. Miller admitted that he offered the possibility, adding that no promises or guarantees were ever made about that meeting, let alone an approval. Mr. Mengel said that without final approval on September 26th, he cannot proceed until next year. He said he would eliminate the proposed garage if necessary to keep the schedule. He said he is already committing \$15,000 in overtime pay to have the project completed by January 4th. He cited the downtown security issues in proposing the garage. Mr. Miller complained that the invitation to the special meeting was being used against him. He recalled the offer, when he said the plans had to be perfect for such a consideration. Mr. Raffaelli felt the driveway was misplaced, and that the proposed building would clash architecturally with the character of the block. Mr. Mengel said he was open to design suggestions. He said he was trying to preserve the roof line, albeit with a metal seam construction. He said he could try to add dormers, but that they wouldn't be compatible with the designed windows. Mr. Raffaelli noted that he was just giving an architectural opinion. Mr. Mengel said he was trying to match the direction of other plans for the area, notably around the intersection of North

Second and Washington Streets, without offending the residential character of his block. He mentioned future plans to expand northward, if he acquires some of the adjacent dilapidated houses. He said he has no problem changing anything to satisfy the concerns of the Commission and keep to his schedule.

Mr. Lauter asked if any consideration was given to connecting and remodeling the existing structures. Mr. Mengel and Mr. Dolan agreed the cost would be prohibitive. Mr. Dolan said the existing spaces are too small, and the structure itself unsuitable for commercial loadings. He said it was the original intent. Mr. Raffaelli hoped the architect could suggest a more harmonious appearance. Mr. Mengel said he was not totally convinced about the design himself, and was looking for other ideas. He said he could bring different alternatives to the next meeting, still hoping to resolve everything by September 26th.

Mr. Lauter asked what was planned for the business during the construction. Mr. Mengel said he has another location at 440 Lehigh Street, and will temporarily set up there. Mr. Lauter questioned his rush when another location was available. Mr. Mengel said the "accounting season" begins January 2nd, and the business prepares W-2s for 67 companies from its North Third Street location. He worried about increases in material/construction costs. He said the business has outgrown its location, and new business is being lost. He estimated the construction to cost in excess of \$700,000, this year. Ms. Mayfield asked if the plan had been reviewed by the trades officials. Mr. Dolan said it is currently underway. Ms. Mayfield suggested the City's "one-stop shop" for design considerations.

Mr. Mengel said he was willing to move or change whatever he must, to keep his schedule. Mr. Rothermel felt that the area is amid an "architectural transition", recognizing the residential pattern to the north and the more commercial uses in the rest of the vicinity. He thought the design could look more "urban", but need not emulate the neighboring houses. He suggested that more natural colors might better fit the area. He said he personally supports the project, the garage and curb cut issues being more of a safety concern than an aesthetic one.

On Mr. Rothermel's motion, the Commission voted unanimously to table the GL Public Services preliminary land development plan, pending the additional information and clarifications requested.

Review the **preliminary** land development plan for the **Goggleworks Apartments**, fifty-nine (59) to sixty (60) high-rise apartments proposed for those parcels known as 100 and 110 North Second Street and 101 Pear Street. [1:55.05]

Scott Miller said that the architect, Lee Olsen, was on vacation. He offered to answer questions and concerns about the site issues. He described the proposal for sixty (60) high-rise apartments. He noted the similar concerns from the Planning Office staff, Planning Commission and Department of Public Works regarding the proposed access from Washington Street, confirming that it is a state highway (PA183). He said, since the Commission's August meeting, they have met with Department of Transportation permitting officials John Toomey and Brian Boyer regarding access, were given a favorable response, and are applying for occupancy permits. He said the proposed driveway will be restricted to "right-in, right-out" movements. He said the Department is okay with the proposed stacking distance in the driveway. The use of the parking area will be limited to residents, precluding visitors not familiar with the traffic pattern. He said the loading/unloading concerns have also been addressed. A pull-off area, of about three car lengths, is being designed on Washington Street. He said the architect will have better building elevations and models if a meeting is held on September 26th. Security features are still being designed.

Ms. Mayfield and Mr. Rothermel expressed concerns about non-residents mistakenly turning into the parking area and having to back out of it. Mr. Rothermel asked how the use of the drop-off area will be enforced. Scott Miller said with signage, and policed like any other similar area.

Scott Miller said they were still waiting on the outcome of the zoning hearing, thinking that if the relief applied for was granted, and the plan corrections required by the planning staff and Public Works were made, the Commission would consider an approval on September 26th. He said the Department of Transportation officials factored the width of Washington Street in their reaction to the proposal.

Mr. Lauter and Mr. Raffaelli expressed concerns about the adequacy of the parking area, the elevators and hallways to handle the activity of "moving days".

Mr. Rothermel asked if there were any outstanding issues raised by Public Works. Andrew Miller noted the traffic circulation and drop-off concerns, and the directive to engage the Department of Transportation.

Mr. Bealer moved to table the preliminary plan, pending the outcome of the zoning hearing, and plan a meeting continuance on September 26th. Mr. Rothermel seconded. Mr. Lauter asked if a time had been set. Andrew Miller mentioned the City Council hearing scheduled for 5:00p that day, and suggested 5:30p. And the Commission

voted unanimously to table the Goggleworks Apartments plan.

Review the **preliminary** land development plan for **R/C Theatres**, an eleven (11) screen cinema proposed for that parcel at the southwest corner of North Second and Washington Streets. [2:20.00]

Scott Miller described the proposed theater, originally planned for twelve (12) screens, two since combined to accommodate an IMAX® theater. He recalled the issues raised at the last Commission meeting regarding traffic/pedestrian safety and patron drop-offs. He said a loading/unloading area is being provided across Washington Street at the adjacent Goggleworks Apartments project. He said the delivery/service driveway between the (Miller and R/C) theaters can double as a pedestrian access. He said the relocation of underground utilities in the Pear Street easement is being investigated. They've contacted Metropolitan Edison Company regarding the electric lines, and the Department of Public Works for the sewers. He noted the Theatre's proposed entrance on North Second Street, wondering how they'll prevent traffic from stopping and standing there. He requested the input of the Commission. He remembered the Planning Office staff's suggestion to direct cars from the Penn Street Bridge, through the Community College campus, to let movie-goers off on North Front Street. He said the project team was trying to establish an overall circulation pattern for the expanding uses in the area.

Mr. Bealer recalled the City Engineer's directive to obtain separate permits from the Department of Transportation for the utility work. Scott Miller agreed, saying those permits are easier to obtain. They are for the temporary work in the street. He said that ever since the former homes on the block were demolished, the sanitary sewer line in the Pear Street easement has only been serving restrooms in the Front and Washington Parking Deck.

Ms. Mayfield asked if any directional signage was planned at the Second and Washington Streets Parking Structure, currently under construction. Scott Miller said yes. He said the Department of Transportation did object to installing raised crosswalks, a traffic calming device, in the intersection. Mr. Lauter felt the only way to control the flow of pedestrians is by the use of barricades. He said people will generally take the shortest distance between two points. Ms. Mayfield asked if it were possible to have the intersection's traffic lights go "all red", giving pedestrians time to cross. Scott Miller said he'd look into the idea. He mentioned North Second Street (the 100 block) becoming a two-way street. He said that as the whole area starts to develop, an overall traffic evaluation will be needed to address automobile/pedestrian conflicts. Andrew Miller recalled the recent coordination of the City's traffic signals, timed to speed-up movement through city. Mr. Bealer suggested flashing yellows lights above crosswalks. Scott Miller said that Albert Boscov suggested the same in their meeting with the Department of Transportation. He said the Department wasn't thrilled by the idea, but that he will continue to confer with them on other possible solutions. Mr. Mukerji mentioned the practice, in other cities, of posting public parking facility vacancies on signage for traffic arriving for events.

Andrew Miller said that, since the last Commission meeting, it was determined that the Theatre's side service doors will allow for patron egress. Scott Miller agreed, noting that operational measures will prevent people from 'sneaking in'.

Andrew Miller asked about the changing design of the floor plan to accommodate trash storage. Scott Miller said the design is still being considered.

Andrew Miller reported on the designed provisions for patron drop-off at the Community College's Miller Center, per the question raised at the August meeting. He said the meeting minutes mention consideration of the service road, but that no conclusive decision was evident. He thought the more occasional events and fewer patrons made it less of a concern than the current proposal.

Mr. Lauter asked if the developer had any demographic studies concerning the numbers of patrons who drive versus those who walk. Scott Miller said he will check. Andrew Miller asked if anyone from R/C Theatres Management Corp. or TK Architects, Inc. were planning on attending a Commission meeting. Scott Miller thought they wanted to attend the meeting on September 26th, but that Lee Olsen had been designated as their local agent.

Mr. Raffaelli asked if the staff was still recommending a final consideration on September 26th. Andrew Miller said yes, thinking the biggest issue remaining was the developer's ability to demonstrate the feasibility of relocating the adjacent utilities, and/or the adequate capacity in the new lines. He expected the decision of the Zoning Hearing Board in a day.

Mr. Bealer moved to table the preliminary plan, pending the outcome of the zoning hearing, and plan a meeting continuance on September 26th. Mr. Rothermel seconded. And the Commission voted unanimously to table the R/C Theatres plan.

Ordinance:

Review the proposed **zoning ordinance amendment** allowing “**municipal buildings**” in certain zones and the regulations governing them. [2:49.35]

Ms. Mayfield mentioned the proposed firehouse in Schlegel Park as a motivation for the draft amendment. She noted that the current Zoning Ordinance allows municipal buildings only in certain residential zones, and that the amendment would correct that oversight.

Mr. Lauter asked why “municipal buildings” were being classified as a use “by-right”. Mr. Miller said that if uses are permitted by “condition” or “special exception”, the ordinance should specify those conditions to be met. He said “municipal buildings” are currently allowed only by “special exception” in the Residential 1, 2, and 3 districts. Mr. Rothermel indicated that “public offices” are allowed “by-right” in the Commercial Core and Commercial-Residential districts. He expressed concern about the lack of public dialogue over uses proposed in a neighborhood where they’re not compatible. He noted deed restrictions in Schlegel Park. Ms. Mayfield said that issue is being handled separately via a petition to Berks County Court. Mr. Miller cited vague and conflicting definitions between municipal buildings and public offices as another reason to rewrite the regulations. Mr. Rothermel felt the uses shouldn’t be classified “by-right”, but rather allow for the additional dialogue. He noted that Centre Park also has restrictions on development. Mr. Miller said that zoning ordinances never trump deed restrictions. Mr. Rothermel agreed that free land is attractive from a budgetary standpoint, but advised more dialogue between the public and the municipal government. Mr. Miller asked the Commission to consider the area and bulk standards also drafted, as protection measures. He advised against classifying uses as by “condition” or “special exception” simply for increasing dialogue. He said that without supplemental standards, it just adds another layer of bureaucracy. Mr. Rothermel said if uses are allowed “by-right”, and meet the minimum lot size and setback standards, the permit is automatic, and without dialogue. Mr. Miller countered that uses permitted by “condition” or “special exception”, but without specific conditions to be met, are essentially permitted by-right. He recalled the experience with the “Avenue Day Spa” (massage parlor), a conditional use ultimately granted against the wishes of the community because it met the few conditions of the Zoning Ordinance.

Mr. Rothermel said specific uses should only be permitted in zones where they’re compatible. Mr. Miller said the purpose of the Commission’s review is to consider the draft, and changes to it. He said he had to draft a framework for consideration. Mr. Rothermel felt involving City Council (conditional uses), in land use decisions affecting public funds, was inappropriate, naming the Zoning Hearing Board (special exceptions) as the proper venue for review. Mr. Lauter agreed, concerned that uses permitted “by-right” are only subject to one person’s decision-making.

Mr. Lauter felt the park system was set aside as an escape from the urban environment. He appreciated the Fire Chief’s attempt to save public monies by looking toward available land, but felt the proposed locations to be inappropriate. He said that he’d never vote to site a firehouse on park land. Mr. Miller noted that, in the Schlegel Park location, the fire apparatus can access the primary road network immediately, rather than navigating a residential area.

Ms. Mayfield and Mr. Miller said Schlegel Park was chosen for its location, more than its availability. Mr. Rothermel said he personally had no problem with the Schlegel Park location. He said if the Zoning Hearing Board hears testimony from different sides and rules to allow a “municipal building” in a given location, then it’s okay, the opportunity for dialogue having been given. Mr. Miller said, if allowed by “special exception”, the Hearing Board would have no basis to deny the proposal without citing the regulations not met. Mr. Rothermel wasn’t sure how to legislate the quality-of-life standards. He recalled the main objections in the Penn’s Common neighborhood to the firehouse proposed on Penn Street. Mr. Miller called those objections “opinion”, noting plenty of examples of firehouses that are enhancements to their neighborhoods, and historical in nature. He hoped that experience wouldn’t be applied City-wide. Mr. Rothermel agreed, but felt they shouldn’t be allowed by-right. Mr. Miller said the use should then be deleted from those districts that the Commission feels they don’t belong in. He discouraged “condition” or “special exception” classifications that are only for the sake of additional dialogue.

Mr. Raffaelli recalled a conversation with someone who reacted with surprise when told that Reading’s municipal buildings were subject to the municipal zoning and land development process. Mr. Miller recalled ordinances that specifically exempted municipal projects from regulation. Mr. Rothermel said the City is built-out, and that the intense uses and adverse impacts are of concern in urban residential areas, whereas not so much in rural townships. Mr. Miller believed a certain measure of nuisance was unavoidable in cities, characterizing it as a trade-off for the conveniences of urban life. He said enacting moratoria against certain uses is not legally acceptable.

Mr. Lauter felt the Commission had stated its concerns and given some idea of the direction they’d like the

revisions to take. He hoped some compromise could be found. He questioned the value of mimicking other municipalities and their regulations. He restated his reservations with one person making the final decision on permitting. Mr. Miller said he had to draft something for the Commission's consideration. He said he couldn't recommend adding review steps when conclusions are inevitable. He described the challenge of writing quality-of-life concerns into usable code, reminding the Commission that they must give themselves and their staff something to cite when they object to a proposal. He said there were still other possible directions to explore, in the definitions, a separation of the uses combined, and in supplemental regulations.

Mr. Rothermel said that as vague and weak as the Zoning Ordinance is often purported to be, nothing but the Big Spring issue ever became a problem.

Mr. Miller said he could leave the Ordinance as it's currently worded, leaving the Fire Chief to plead his case to the Hearing Board. Mr. Lauter preferred the additional opportunity for discussion. Mr. Miller recalled ample discussion over the Big Spring proposal, and its outcome. Mr. Lauter suggested the result was because the right regulations weren't cited. Mr. Miller said those sections don't exist. He asked, if the uses are to be permitted by "condition" or "special exception", what those conditions should be. He clarified that, as drafted, neither of the proposed firehouses could be constructed without significant relief from the Hearing Board, the area and bulk standards still governing. He said if quality-of-life regulations can't be drafted satisfactorily then the uses should be left out of those zones, altogether. He said it's not for the Hearing Board to make up as they go along.

Mr. Mukerji wondered what remedy was available if the Hearing Board turned down the Fire Department's request. Mr. Rothermel asked if there were a plan or map showing the fire station coverages. He said the City was once saturated with firehouses, prompting consolidations. He said such a graphic makes the argument for need. Mr. Miller said the Fire Chief has that map.

Mr. Miller said he would prepare another version, and break out the individual uses. Mr. Bealer agreed that meeting the area and bulk requirements would be difficult in most residential neighborhoods. But he felt the different uses should be separated, libraries being more compatible than firehouses in most cases. He said that if they are to be classified "by-right", then special conditions, such as paint striping, street signs, warning lights, streets of certain width or grade were necessary. He felt such regulation could keep the dialogue with the Commission.

Mr. Bealer moved to recommend a reassessment of the draft ordinance, including a more specific and separate classification of the different uses currently included in the "municipal building" category, and the means and authority for the review and permitting of those uses. Mr. Lauter seconded. And the Commission agreed unanimously to the recommendation.

Resolution #37-2006

Minutes: [4:01.10]

Mr. Raffaelli asked if there were any comments on the August 8th minutes. Mr. Miller said there are a couple of grammatical errors he intends to correct.

Mr. Lauter moved to accept the August minutes, as presented. Mr. Bealer seconded. And the Commission voted unanimously to approve the August 8th minutes.

Resolution #38-2006

Other business: [4:03.26]

Mr. Raffaelli noted the agenda item concerning an October 3rd work session. Mr. Miller said the Capital Improvements Program committee wanted to meet with the Commission regarding amendments and additions to their proposed budget. He described them as "big projects", worthy of the time to consider and comment before the draft is forwarded to governing body. The Commission agreed to meet on October 5th at 5:30p.

Mr. Miller said that Four Reading, LLC has requested a joint meeting between the Commission and the Redevelopment Authority to discuss the fourth and final building proposed for the Market Square master-planned age-restricted community. He said some parts of the proposal are inconsistent with the approved parcel controls. Mr. Bealer, noting the generally-shorter Redevelopment Authority meetings, suggested the Commission just attend one of their meetings. The Commission agreed to attend the Authority's October 18th at 5:30p.

Mr. Miller said the deadline to act on the Fox Tail Subdivision plan is the next meeting. Noting that one

extension was already granted, he recommended the Commission take action at the next meeting on the merits of the latest plan submitted. He said phone calls have not been returned.

Mr. Miller reported that Albright College's New Science Center project has experienced some delay. He said they've requested, in writing, extensions from both the Commission and Zoning Hearing Board approvals. He indicated that, once approved as preliminary or final, plans cannot be denied by changes in the land use ordinances for five years, anyway. He said the College missed the plan recording deadline, namely because they are awaiting Conservation District-approval of their erosion and sedimentation control plan, adding that funding constraints will probably delay the project by another two years.

Mr. Raffaelli inquired about the status of the 200 Penn Street trellis restoration. Ms. Mayfield said it was her understanding that the administration had elected not to pursue the matter. Mr. Raffaelli asked if the directive from City Council meant anything. Ms. Mayfield said that when she asked the City Clerk, she was directed back to the administration. Mr. Miller said the last he knew, they were to expect plans from Supportive Concepts For Families, Inc. detailing the trellis replacement.

Mr. Bealer reported that, at his reappointment hearing with the Administrative Oversight Committee, the Council members and the City Engineer were discussing a potential road through the former "Dana North" properties. He said they'd be looking for looking for the Commission's recommendation.

Mr. Bealer asked about the occupancy permits granted to the Reading School District for their yet-to-be-finished magnet schools. He felt, when the Commission gives an approval, the other City departments should help ensure that the project is built according to that approval, prior to occupancy. Mr. Miller said the Planning and Zoning offices took the position that the District is in violation of the land development plan and the terms of the zoning relief granted, and no formal occupancy permits have been issued.

Mr. Raffaelli asked about the enforcement of the ("Pabellon Lots") land development plan violations at 436 Bartlett Street. Ms. Mayfield said she will be issuing a violation notice.

Mr. Rothermel moved to recess the September meeting, and reconvene on September 26th at 5:30p. Mr. Lauter seconded. And the Commission voted unanimously to recess the September meeting, 4 to 0. – 11:30 pm.