

AGENDA

Smart Growth Committee

April 13th , 2016 – 7:30 pm

Committee Members: Diane LeBold (Chair)
Bill Scott
Brian Abbott

Department Head: Mike Perrone

1. Comments, suggestions, petitions by residents in attendance regarding items not on the agenda.
2. Discuss 632 S. Matlack St., - 5-unit townhouse development
3. Discuss proposed ordinance – Chapter 97-33, “Sidewalks”
4. Discuss Food Truck Permit Application Process
5. Discuss rental permit fees – 2016
6. Discuss 125 E. Union Street – Property maintenance and code violation remediation recommendation
7. Discuss zoning amendments to MU – Sections 112-34 & 112-36
8. Discuss Certificates of Appropriateness:
 - a. 133 East Market Street
Brick and Mortar repair on front façade
Approved as presented
 - b. 6 South Church Street
Install building mounted sign on side façade
Approved as presented – note: sign will be fastened into mortar joints on brick wall
 - c. 30 North Church Street
Install wrought iron fence on front sidewalk to accommodate curbside seating
Approved as presented

- d. 112 South Church Street
Install range hood ventilation duct on side façade
Approved with conditions: news exterior exhaust vent with clarification and conditions that the vent and brackets be painted to match the subdued tones of the brick and all be anchored to mortar joints
- e. 136 East Gay Street
Connect and enclose alleyway between front and rear buildings; finish expanded restaurant space and construct one story addition in rear.
Approved as presented: note, the following are to be used: wood window trim, six panel wood door, wood handrail, clarification that stucco finish be used versus presented siding

9. Discuss proposed ordinance – Chapter 112 & 97, Traffic Impact

10. Zoning Appeals:

- a. Appeal # 912 - University Student Housing;
 - 1. Allegheny Hall, 121 W. Rosedale Avenue
 - 2. Brandywine Hall, 709 S. New Street
 - 3. Commonwealth Hall, 715 S. New Street
- b. Appeal # 913 – Christopher Dulin – 632 & 634 S. Matlack
- c. Appeal # 914 – Glenn Ammons – 429 N. Walnut St.



MEMORANDUM

TO: Michael A. Cotter, Borough Manager
FROM: Michael A. Perrone, C.B.O.
DATE: April 6, 2016
RE: 632 South Matlack Street – Five Unit Townhouse Development

Recommendation

N/A

Motion

N/A

Background

Sketch plan: Staff met with proposed owner/developer who wishes to combine two existing lots, raze an existing single family dwelling and demolish the existing nonconforming garage building.

The newly created lot will have five new single family townhouse units. Two units facing Matlack Street, three units facing Mechanics Alley.



MEMORANDUM

TO: Michael A. Cotter, Borough Manager
FROM: Michael A. Perrone, C.B.O.
DATE: April 6, 2016
RE: Amend Chapter 97, Section 97-33

Recommendation

By Borough of West Chester Planning Commission:

Borough Council consider revisions to Chapter 97-33 "Sidewalks" by adding subsection "E" creating a minimum 3'-0" planting strip between the curb and sidewalk.

Motion

Background

There are currently no requirements in the West Chester Zoning or Subdivision & Land Development ordinances for a planting strip between the curbs and sidewalks.



Planning Commission
Borough of West Chester

March 10, 2016

Borough Council
430 East Gay Street
West Chester, Pennsylvania 19380

RE: Amendment to SALDO to Require Planting Strip between Curbs and Sidewalks

Dear Council Members,

At its last meeting on February 23, the Planning Commission reviewed a proposed SALDO amendment to require a planting strip between curbs and sidewalks and voted unanimously to recommend approval.

The text of the amendment is included as part of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Burke".

Allen Burke, Chair
Planning Commission

Add the following definition to Section 97-8 Terms defined:

Planting strip – land reserved between the sidewalk and curb for the planting and maintenance of grass, street trees, shrubs, or other vegetative material.

Amend Section 97-33 Sidewalks, to read as follows:

Section 97-33 Sidewalks and planting strips.

- A. Sidewalks shall be required on both sides of all public or private streets and shall be installed and/or upgraded by the applicant along the street frontage of his property where sidewalks do not exist or are not in compliance with Borough standards.
- B. Sidewalk construction and maintenance shall be in accordance with the applicable provisions of Chapter 95, Streets and Sidewalks, Article II, Sidewalk and Curb Construction Specifications, of the Code of the Borough of West Chester. At driveway crossings, the minimum four-inch thickness of the sidewalk shall be increased to a minimum of six (6) inches with reinforcement.
- C. Sidewalks shall have a minimum width of four (4) feet.
- D. Brick sidewalks shall be constructed to replace any brick sidewalk that has been removed or disturbed.
- E. A planting strip of at least three (3) feet in width shall be provided between sidewalk and curb in any zoning district established within Chapter 112, Borough of West Chester Zoning Ordinance, except for the Town Center (TC) District. For any infill development, the minimum width of this planting strip may be permitted to equal that found for the majority of the developed lots on the same block. Excluding trees, no shrubs, grass, or other vegetative material shall be allowed to grow within this strip that obstructs on-street parking or reduces visibility of pedestrians or vehicles at street intersections and cross-walks.

ORDINANCE NO. – 2016

BOROUGH OF WEST CHESTER

CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 97 OF THE BOROUGH CODE, TITLED, "SUBDIVISION AND LAND DEVELOPMENT", TO AMEND ARTICLE II (DEFINITIONS), SECTION 97-8, TITLED "TERMS DEFINED" AND ARTICLE IV (DESIGN STANDARDS), SECTION 97-33, TITLED "SIDEWALKS".

BE IT ENACTED AND ORDAINED, and it is hereby enacted by authority of the Council of the Borough of West Chester, as follows:

SECTION 1. Chapter 97 of the Borough Code, titled, "Subdivision and Land Development", Section 97-8, titled, "Terms defined," shall be amended to add the term "Planting Strip" and definition thereof, stated as follows:

PLANTING STRIP – Land reserved between the sidewalk and curb for the planting and maintenance of grass, street trees, shrubs, or other vegetative material.

SECTION 2. Chapter 97 of the Borough Code, titled, "Subdivision and Land Development", Section 97-33, titled, "Sidewalks," shall be amended to add subsection "E," which shall state as follows:

"E. A planting strip of at least three (3) feet in width shall be provided between sidewalk and curb in any zoning district established within Chapter 112, Borough of West Chester Zoning Ordinance, except for the Town Center (TC) District. For any infill development, the minimum width of this planting strip may be permitted to equal that found for the majority of the developed lots on the same block. Excluding trees, no shrubs, grass, or other vegetative material shall be allowed to grow within this strip that obstructs on-street parking or reduces visibility of pedestrians or vehicles at street intersections and cross-walks."

SECTION 3. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of Council of the Borough of West Chester that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION 4. Repealer. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 5. Effective Date. This Ordinance shall become effective upon enactment as provided by law.

ENACTED AND ORDAINED THIS _____ DAY OF _____, 2016.

ATTEST:

**COUNCIL FOR THE BOROUGH
OF WEST CHESTER**

By: _____
Ellen B. Koopman, President

APPROVED THIS _____ DAY OF _____, 2016.

Carolyn T. Comitta, Mayor

Food Truck Permit Application Process

Operating a food truck in the Borough of West Chester requires a license, and it is unlawful to sell any goods from a food truck within the Borough without first having obtained a food vendor's license from the Borough.

Application:

Applicants must complete the Borough's "Food Truck Vending Application" and submit the Application to the Borough's Building, Housing and Codes Enforcement Department, located in the Municipal Building, 401 E. Gay Street, West Chester, Pennsylvania.

A complete Application should include the following:

- a. Non-refundable licensing and application fee (payable by certified check, money order or cashier's check);
- b. Completed Food Truck Vending Application;
- c. Copy of valid driver's license;
- d. Copy of valid certificate of automobile liability coverage;
- e. Copy of valid Business License and Tax I.D.; and
- f. Copy of valid Chester County Food Vendor's License.

Vending Fees:

The cost of the Vendor's License shall be established by Borough Council by Resolution.

The Vendor's License permitting year runs from _____ through the end of _____ the following calendar year. Application fees are not prorated.

Designated Food Truck Vending Zone:

Vending shall be allowed from food trucks parked on Church Street, south of Sharpless Street and north of West Rosedale Avenue only.

Food Truck Operating Guidelines & Regulations:

- The term "Food Truck" includes trucks and trailer hitch units used for food vending.
- Vending may occur only between 7:00 a.m. and 7:00 p.m.
- Food trucks must be parking in a parking spot designated by the Borough.
- Food trucks may not arrive before 6:00 a.m. and must be removed by 8:00 p.m. each day.
- Food trucks may not stay parked on the street overnight and must be removed from the street every night.
- A valid Chester County Food Vendor's Permit must be posted visibly at all times.
- No vending is permitted within fifteen (15) feet of a fire hydrant.
- No vending is permitted on private property.
- A person-in-charge must be present at the food truck vending site at all times.
- Food trucks may only be open to and may only serve customers from the side of the truck facing the sidewalk. Food trucks are prohibited from operating with their trucks open to the roadway.
- No tanks, generators or other equipment shall be placed within the public right-of-way.
- Temporary signs used as part of the food truck vending operation shall not exceed eight (8) sq. ft., and shall not block any sidewalks or impede any vehicular, biking or pedestrian traffic or paths.
- A food truck vending operation is subject to any and all applicable Borough Code requirements.
- Failure to comply with any directions or provisions of the Food Truck Permit Application Process and Food Truck Operating Guidelines may result in the denial of a Food Truck Vending Application and/or revocation of a Food Truck Vendor's License.

- The failure to comply with any Food Truck Operating Guidelines may result in the following penalties:
 - First violation: fine of up to \$100
 - Second violation: minimum fine of \$100, up to \$500 and/or suspension or revocation of license
 - Third violation: revocation of license

Borough of West Chester
Food Truck Vending Application

Application is hereby made for a revocable license for food truck vending within the Borough of West Chester in accordance with all applicable Borough Codes, Ordinances, Rules, Regulations, Policies and Guidelines.

Applicant Name: _____ Business Name: _____

Applicant Address: _____

City: _____ State: _____ Zip: _____

Phone # (required): _____ E-mail address: _____

Have you previously held a Borough of West Chester Food Truck Vending License? ____

If yes, please provide prior vending location(s):

Business License #: _____ Make of Truck: _____ Model: _____

Goods to be sold: _____

Proposed hours of food truck vending: _____

Requested public locations where you wish to located your food truck for vending (within the Institutional Zoning District on Church Street, south of Sharpless Street and north of West Rosedale Avenue)

(1) _____

(2) _____

(3) _____

I shall indemnify and hold the Borough of West Chester, its officers, agents and employees, free and harmless from any claims for damages to persons or property including legal fees and costs of defending any actions or suits thereon, including any appeals therefrom, which may be brought by third parties as a result of my activities which have been authorized by this license.

Applicant Name: _____

Applicant Signature: _____ Date: _____



MEMORANDUM

TO: Michael A. Cotter, Borough Manager
FROM: Michael A. Perrone, C.B.O.
DATE: April 6, 2016
RE: Rental Permit Fees - 2016

Recommendation

Borough Council approve the rental permit fees to be the same as last year.

\$42.00 per unit
\$38.00 per room

Motion

Make a motion to approve the rental permit fees for the 2016 rental housing program as follows:

\$42.00 per unit
\$38.00 per room

Background

The Borough of West Chester performs annual rental inspections on all residential rental properties in the Borough. A cost study for the rental housing program is calculated from the expenses and revenues from the previous year. The result of the cost study for 2015 is attached.



MEMORANDUM

TO: Michael A. Cotter, Borough Manager
FROM: Michael A. Perrone, C.B.O.
DATE: April 4, 2016
RE: 125 East Union Street

Recommendation

Borough Council approval for the Solicitor to seek a Court Order to board up and clean up the entire property and remove the occupants.

Motion

Authorize the Borough Solicitor to seek a Court Order to board up and clean up the entire property and remove the occupants.

Background

The owners of record are deceased and the property is being occupied by a relative, who has several individuals residing at the property as well. There are numerous exterior violations at the property, as well as damaged interior areas, including roof leaks, electrical hazards and plumbing issues. The property has been deemed unfit for human occupancy.

This property has a history of illegal drug use. Recently, the West Chester Police Department executed a search warrant and arrested individuals at the property.



Department of Building, Housing & Codes Enforcement

Regulations for the Protection of Public Health, Safety and Welfare

401 East Gay Street • West Chester, Pennsylvania 19380
610-696-1773 • fax: 610-692-7958 • web: www.west-chester.com

April 4th, 2016

Delbert and Dorothy Boyer,
The Estate of Delbert and Dorothy Boyer,
And/or All Tenants and Occupants of
125 East Union Street
West Chester, PA 19382

Re: 125 East Union Street; West Chester, Pennsylvania

This Office received a report from the Borough of West Chester Police Department dated March 24th, 2016. From that report this office is issuing the following violation notice and order:

In accordance with **Chapter 66, PM 308.1** – remove all trash, garbage, waste, urine, and feces from all interior and exterior property areas.

In accordance with **Chapter 66, PM 304.1 and 305.1** – clean and sanitize the entire interior and exterior areas of the property.

In accordance with **Chapter 66, PM 502.1** – all required plumbing facilities must be properly installed and maintained in complete working order.

In accordance with **Chapter 66, PM 304.7, 305.1, and 305.3** – completely repair all roof leaks and damaged interior surfaces, including walls, ceilings, and floors throughout the entire property.

In accordance with **Chapter 66, PM 604.3 and 605.1** – all electrical system hazards are to be eliminated.

Please be advised that accordance with **Chapter 66, PM 108.1.3** your property located at 125 East Union Street; West Chester, Pennsylvania is hereby deemed unfit for human occupancy. Upon receipt or posting of this Notice you have twenty (20) days to abate all of the above violations and comply with this order.

Also, in accordance with **Chapter 66, PM 108.4** failure by you to comply with this notice will result in the Borough posting the property Condemned, requiring all occupants to vacate the premises.

Any person aggrieved with the ruling of the enforcing officer may appeal this decision to the West Chester Area Council of Governments Building Code Board of Appeals. This appeal must be filed with the appropriate authority, in writing, with a filing fee of \$500.00 within twenty (20) days of the date of this letter. Any action taken by the Borough of West Chester on the above referenced premises may be charged against the real estate upon which the structure is located and a lien filed upon such real estate.

Respectfully,

Christian J. Adamek
Building and Housing Department
Borough of West Chester
Office – 610.436.6165

E-Mail – cadamek@west-chester.com

Certified Mail# 9590 9403 0758 5196 4298 61

*Letter sent via First Class and Certified Mail, and Posted at property on April 4th, 2016.

Cc: Spencer Boyer / Prudence Bushnell Boyer



MEMORANDUM

TO: Michael A. Cotter, Borough Manager
FROM: Michael A. Perrone, C.B.O.
DATE: April 6, 2016
RE: Zoning Amendment to Mixed Use District – Sections 112-134 and 112-36

Recommendation

Borough Council to instruct the solicitor to prepare an ordinance with the following changes to the zoning code on the attached sheet.

Motion

See recommendation

Background

The mixed use zoning district currently allows all future developments in the NC1 and NC2 districts as a permitted principal use in the Mixed Use zoning district, including multi-family dwellings as a special exception.

ARTICLE XXI
Mixed Use District
[Added 11-28-2001 by Ord. No. 15-2001]

§ 112-133. Purpose.

The Mixed Use District is designed to promote the development of residential, office, and light industrial uses as a transition from industrial to residential development in the southeast portion of the Borough.

§ 112-134. Use regulations.

A building may be erected, altered or used and land may be used or occupied, subject to the provisions of Articles XII and XXIII, for any of the following uses and for no other:

A. Permitted principal uses.

- 112-16 OPEN SPACE
112-16; P. DBB16N
STANDARDS
- (1) ^{TND} Any principal permitted uses permitted in the ~~NC-1 and NC-2~~ Districts.
 - (2) Live-work units, consisting of an office, artisan studio, or ~~personal service shop~~ on the first floor, and a dwelling unit ~~or dwelling units~~ on the second floor and above.
 - (3) Offices.
 - (4) Light industrial uses involving manufacturing or assembly of parts, equipment and machinery.
 - (5) Flex space.
 - (6) Municipal use.
 - (7) Places of amusement. [Added 6-18-2003 by Ord. No. 11-2003]
 - (8) Arcades. [Added 6-18-2003 by Ord. No. 11-2003]
 - (9) Educational use. [Added 3-17-2004 by Ord. No. 5-2004]

B. Permitted accessory uses.

- (1) Accessory uses on the same lot and customarily incidental to the principal uses permitted in § 112-134A and subject to Articles XV and XVI.
- (2) Parking, in accordance with Article XIII.
- (3) Signs, in accordance with Article XIV.

C. Uses by special exception.

- (1) Any use by special exception in the NC-1 and NC-2 Districts.

D. Conditional uses.

- EXCEPT MULTI-FAMILY
DWELLINGS AND
STUDENT HOMES

- ~~(1) Any conditional use in the NC-1 and NC-2 Districts.~~
- (2) Retail store or shop.

§ 112-135. Height regulations.

The maximum height of all nonindustrial buildings and other structures erected, enlarged or used shall be 45 feet, except as provided in Article XV. The maximum height of any industrial buildings and structures shall be 45 feet, except as provided in Article XV; provided, however, that such building and structure height may be increased to 60 feet as a conditional use.

§ 112-136. Area and bulk regulations.

- A. ~~The area and bulk regulations for uses that are permitted in the NC-1 and NC-2 Districts shall be the same as the area and bulk regulations of §§ 112-14, 112-15 and 112-21. However, in the case of a traditional neighborhood development, the regulations of § 112-136C shall apply.~~
- B. The area and bulk regulations for offices and light industrial uses shall be the same as the area and bulk regulations of § 112-42.
- C. The area and bulk regulations for live-work units, ~~and for traditional neighborhood developments~~ shall be as follows:

Regulation	Feet or Percentage
Minimum lot area (square feet)	2,500
Minimum lot width at the building line (feet)	.20
Minimum lot width at the street line (feet)	20
Minimum front yard (feet)	0 10
Minimum rear yard (feet)	10 25
Minimum side yard	
Individual (feet)	0
Aggregate (feet)	0
Maximum building coverage (percent)	90 60
Maximum impervious coverage (percent)	95 75
Minimum green area (percent)	5 25

- D. The area and bulk regulations for retail store or shop shall be the same as the area and bulk regulations of § 112-37A.

§ 112-137. Design standards.

- A. All green areas shall be in accordance with the special regulations for landscaping set forth in Article XVI.
- B. The design standards of §§ 112-15F, 112-16, and 112-17 shall apply to traditional neighborhood developments, as well as the definitions of § 112-15A.
- C. Manufacturing activities shall be restricted to completely enclosed buildings.
- D. All lighting, signage, fencing, pavements, storage, traffic and other environmental controls shall be in accordance with the provisions of Articles XIV, XV and XVI.
- E. Buildings and uses related to offices, light industrial, and manufacturing shall not create adverse impacts on adjoining residential development with respect to noise, glare, vibration, dust, odor, or other nuisances.
- F. Any outdoor storage of equipment and materials shall be screened by a six-foot high opaque fence
- G. Parking for all buildings shall be to the rear or side of buildings, not in front of buildings, except for on-street, curbside parking.

ARTICLE XXII**TRANS Transportation Corridor Overlay District
[Added 11-28-2001 by Ord. No. 15-2001]****§ 112-138. Purpose.**

The purpose of the Transportation Corridor Overlay District is to promote the continued use of the SEPTA right-of-way for mass transportation use, especially for rail transportation.

§ 112-139. Applicable districts.

The Transportation Corridor Overlay District shall apply to the ID, MU and TC Districts, as shown in the Transportation Corridor Overlay District Map in the Appendix.⁸⁸

§ 112-140. Special design and development standards.

- A. No development with buildings shall be permitted within the Overlay District that would prevent the operation of rail transportation or other mass transportation.
- B. No development with parking lots, fences, gates, walls, driveways, curbs, or other like structures or barriers shall be permitted within the Overlay District that would prevent the operation of rail transportation or other mass transportation.

⁸⁸ Editor's Note: The Transportation Corridor Overlay District Map is on file in the Borough offices.



MEMORANDUM

TO: Michael A. Cotter, Borough Manager
FROM: Michael A. Perrone, C.B.O.
DATE: April 4, 2016
RE: Ordinance for Traffic Impact Studies – Zoning and Saldo Amendments

Recommendation

Borough Council to consider revisions to Chapter 112 (Zoning) to require transportation impact studies for certain zoning applications; and, Chapter 97 (SALDO) to adopt a new section titled, "Transportation Impact Study."

Motion

N/A

Background

N/A

ORDINANCE NO. – 2016

BOROUGH OF WEST CHESTER

CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE BOROUGH OF WEST CHESTER ZONING ORDINANCE WHICH IS CODIFIED IN CHAPTER 112 OF THE BOROUGH CODE, TO DELETE SECTION 112-95.H AND SECTION 112-100.B(9) REGARDING TRAFFIC CONTROL; TO ADD A NEW SECTION 112-100.4 TO REQUIRE TRANSPORTATION IMPACT STUDIES FOR CERTAIN ZONING APPLICATIONS; AND TO AMEND SECTION 112-113.A(10);) AND AMENDING THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE WHICH IS CODIFIED IN CHAPTER 97 OF THE BOROUGH OF WEST CHESTER CODE TO DELETE SECTION 97-29.H AND TO ADOPT A NEW SECTION 97-40.2 TITLED, “TRANSPORTATION IMPACT STUDY.”

BE IT ENACTED AND ORDAINED, and it is hereby enacted by authority of the Council of the Borough of West Chester, as follows:

SECTION 1. Chapter 112 of the Borough Code titled, “Zoning”, Section 112-95.H shall be deleted.

SECTION 2. Chapter 112 of the Borough Code titled, “Zoning”, Section 112-100.B(9) shall be deleted.

SECTION 3. Chapter 112 of the Borough Code titled, “Zoning”, shall be amended by adding a new Section 112-100.4, titled, “Transportation Impact Studies” which shall provide as follows:

“§112-100.4. Transportation Impact Studies.

A. A transportation impact study prepared in accordance with the standards in Section 97-40.2 of the Code shall be submitted for the following:

- (1) Any change in use of a building or structure in all zoning districts, except the Institutional District, which involves the use of 1,500 or more square feet of a building.
- (2) Any change in use of a building or structure in the Institutional District which involves the use of 5,000 or more square feet of a building.
- (3) Any development which involves the creation of four or more dwelling units.

B. Implementation of Recommendations. The Borough may have an independent review done of the applicant's transportation impact study, at the applicant's expense, to make a final determination if any traffic improvements must be implemented to mitigate negative impacts from the proposed change in use or development. The Planning Commission and Borough Council shall review the transportation impact study to analyze its adequacy in solving any traffic problems that will occur due to the proposed change in use or development. The applicant shall be required to implement the On-Site Transportation Improvements necessary to mitigate the Future With deficient traffic conditions as noted in the transportation impact study. Borough Council may determine that certain other improvements on and/or adjacent to the site and within the study area are necessary requirements for approval of the change in use or development and may attach these as conditions to the approval if permitted by law. If the Borough Council determines that such additional improvements are necessary, the applicant shall have the opportunity to submit alternative improvement designs to obtain plan approval."

SECTION 4. Chapter 112 of the Borough Code titled, "Zoning", Section 112-113.A(10) shall be amended as follows:

"(10)(a) The proposed use will provide safe and adequate access to roads and public services, existing or proposed.

(b) For all conditional use applications, except those noted in 112-113.A(10)(h) below, the applicant shall demonstrate that that the proposed conditional use will not adversely affect traffic flow and/or present traffic controls within the Borough by creating a level of service below that which is specified in this subsection.

(c) To minimize potential adverse conditions from the proposed conditional use, the level of service for all signalized intersections within a distance of 1,000 feet from the tract which is the subject of the conditional use application shall be a level of service of D or better. The level of service for all unsignalized intersections within a distance of 1,000 feet from the tract which is the subject of the conditional use application shall be a level of service of C or better. The term "level of service" and the categories thereof are used herein in accordance with the definitions or meanings ascribed thereto in the document entitled "Highway Capacity Manual, Transportation and Research Board," most recent edition.

(d) The determination of levels of service shall be made after an experienced transportation engineer/traffic consultant conducts a transportation impact study in accordance with the requirements in Section 97-40.2.

(e) Signalized intersections showing a projected level of service E or F and v/c ratios equal to or greater than 1.0 shall be considered deficient, and specific recommendations for the elimination of these deficiencies shall be listed.

(f) Unsignalized intersections showing a projected level of service D, E or F shall be considered deficient and specific recommendations for the elimination of these deficiencies shall be listed.

(g) The listing of recommended improvements required by subparagraphs (e) and (f) above shall include but not be limited to the following elements: internal circulation design, site access location and design; external street and intersection design and improvements, pedestrian facilities and accommodations, and public transportation availability, and traffic signal installation and operation, including signal timing.

(h) The requirements in §112-113.A(10) (b) through (g) shall not apply to the following conditional use applications: adaptive reuse of a historic carriage house, wireless communication facilities, agricultural operations, public service facilities or fences and walls over six feet in height.”

SECTION 5. Chapter 97 of the Borough Code titled, “Subdivision and Land Development”, Section 97-29.H shall be deleted.

SECTION 6. Chapter 97 of the Borough Code titled, “Subdivision and Land Development”, shall be amended by adding a new Section 97-40.2 titled, “Transportation Impact Study” which shall provide as follows:

“Section 97-40.2. Transportation Impact Study.

1. Purpose. The transportation impact study will enable Borough Council of the Borough of West Chester to assess the impact of a proposed subdivision or land development on the transportation system, including its highways, public transportation services and pedestrian facilities, in the Borough of West Chester. The purpose of the impact study is to ensure that proposed subdivisions and developments do not adversely affect the transportation network and to identify any traffic problems associated with access between the site and the existing transportation network. The study's purpose is also to delineate solutions to potential problems and to present improvements to be incorporated into the proposed subdivision or development. The study shall assist in the protection of air quality, conservation of energy and encouragement of public transportation use and pedestrian accommodations.

2. A transportation impact study shall be prepared by a qualified traffic engineer and/or transportation planner licensed in the Commonwealth of Pennsylvania with previous traffic study experience. Procedures and standards for a transportation impact study are as set forth herein.

3. Applicability and timing of submission.

A. A transportation impact study shall be submitted as part of all subdivision and land development applications involving the following:

- 1) All residential subdivisions or land developments of 5 or more dwelling units/lots; and
- 2) All subdivisions or land developments which are expected to generate 50 or more vehicle trips entering or exiting the development in any one-hour period or 500 or more trips per day.

B. If the subdivision or development has multiple stages or phases, the need for the transportation impact study shall be based on the full build-out of the development.

C. The transportation impact study shall be submitted to the Planning Commission and the Borough Engineer with the preliminary plan submission. Revisions to preliminary plans may constitute the need for resubmission of the traffic evaluation study or the revised conditions.

D. A subdivision or land development application which requires a transportation impact study shall not be considered complete until the study is submitted to the Borough of West Chester in accordance with the provisions of this section.

4. Definitions. As used in this section, the following terms shall have the meanings indicated:

ENGINEERING AND TRAFFIC STUDIES – A study that is prepared in accordance with the Pennsylvania Code, Title 67, Chapter 212, Official Traffic Control Devices, and PennDOT Policies and Procedures for Transportation Impact Studies, as such Code may be amended from time to time.

LEVEL OF SERVICE – Level of Service (LOS), as described in the current Transportation Research Board's Highway Capacity Manual, is a qualitative measure of the operational conditions within a vehicular traffic stream and their perceptions by motorists. Six levels of service (A through F) are defined for each type of facility, with LOS "A" representing the least congested operating conditions and LOS "F" representing a breakdown in operating conditions. Levels of service are defined in terms of average delay per vehicle for signalized and unsignalized intersections. "Level of Service" drops are those future conditions that result in a negative impact on intersection and/or approach lane Level of Service operations, i.e. LOS D changes to a LOS E in future conditions.

MAJOR INTERSECTION –The intersection of any arterial or collector street with any other arterial or collector street as defined by PennDOT/NJDOT Smart Transportation Guidebook, March 2008, PennDOT's Functional Classification Map, the municipal roadway classification document or the equivalent document of adjacent municipalities, where appropriate.

OFF-SITE TRANSPORTATION IMPROVEMENTS- Transportation-related improvements which are generally not contiguous with the property being developed and not required as an on-site improvement but are found by the transportation impact study to be necessary, partly or wholly, as a result of the proposed development.

ON-SITE TRANSPORTATION IMPROVEMENTS-All improvements on or adjacent to the development site in the public right-of-way required to be constructed by the owner/developer pursuant to any ordinance, resolution or requirement of the Borough and PennDOT.

PUBLIC TRANSPORTATION – Transportation service for the general public provided by a common carrier of passengers generally on a regular route basis, or a private operator offering service to the public.

QUEUE ANALYSIS – This procedure includes the average queue and maximum queue of vehicles which will be observed in each traffic stream and intersection approach, measured in both feet and vehicles. Various statistical and/or computer models may be applied.

SCOPING MEETING- A meeting with PennDOT and/or the Borough to determine the parameters of the transportation impact analysis required for a PennDOT Highway Occupancy Permit (HOP) or prior to the commencement of the transportation impact study that is required pursuant to this section to coordinate agreement on Borough conditions and expectations.

STUDY AREA – The study area shall be defined at the Borough/PennDOT scoping meeting but, at a minimum, shall include all development site access locations, any intersections immediately adjacent to the development property as well as all major intersections within 1,000 feet of the parcel. Additional intersections may be added per the scoping meeting. The study area shall also identify all transit routes and transit stops within 1,000 feet of the proposed development/redevelopment and the location of sidewalks and pedestrian crossings. Proposals that will generate more than 1,000 average daily trips, without reduction for pass-by or internal capture, shall expand the study area to include major intersections within a one-half mile radius of the development access locations. All intersections identified in the study area shall be examined, even if the intersections are located outside of the Borough.

TRIP- A one way trip into or out of the site, and not what is commonly referred to as a "roundtrip."

TRIP GENERATION RATES – The total number of trips to and from a study site per unit of land use, as measured by the most current edition of the Institute of Transportation Engineers (ITE) "Trip Generation Manual". Upon approval by the Borough, alternative sources may be accepted.

VOLUME/CAPACITY ANALYSIS – This procedure compares the volume of a roadway or intersection approach to its capacity (maximum number of vehicles that can pass a given point during a given time period.) The procedures described in the 2010 Highway Capacity Manual (latest edition), Highway Research Board Special Report 209, shall be followed.

WARRANTS FOR TRAFFIC SIGNAL INSTALLATION –A series of tests which identify the minimum vehicular traffic or pedestrian volumes or other criteria necessary for installation of a traffic signal. The warrant criterions are available in the current Manual of Uniform Traffic Control Devices (MUTCD), or PennDOT's Traffic Engineering Manual (Publication 46).

5. Scoping Meeting. A scoping meeting shall be required to ensure that the parameters used in the transportation impact study accurately reflect Borough conditions and expectations. The applicant should contact the Borough to confirm the scope of the scoping meeting prior to any submission. The scoping meeting shall address the number and locations of proposed access points, project schedule and phasing, study area and additional intersections to be included in the analysis, specific ITE Trip Generation land use codes, pass-by volumes, modal splits, any trip adjustments to be used, and other area developments and programmed roadway improvements to be included in the future conditions analysis as well as potential opportunities to implement Transportation Demand Management (TDM) activities and improve upon existing pedestrian facilities. Agreement on all scoping parameters shall be obtained prior to initiation of the transportation impact study. The scoping meeting may be held in conjunction with the PennDOT scoping meeting. In addition, SEPTA shall be notified and invited to attend the scoping meeting to discuss potential transit improvement opportunities.

6. General requirements and standards. In addition to PennDOT's Policies and Procedures for Transportation Impact Studies, a transportation impact study shall also contain the following information:

A. Site Description. The site description shall include the size, location, existing and proposed land uses, construction staging, and completion date of the proposed land development. If the development is residential, types of dwelling units shall also be included. The general site description shall also include probable socioeconomic characteristics of potential site users, if available, to the extent that they may affect the transportation needs of the site, e.g., number of senior citizens. A brief description of other major existing and proposed land development within the study area shall be provided.

B. Transportation Facilities Description. The description shall fully document the proposed internal and existing external transportation system:

- 1) The map/graphic/description shall include proposed internal vehicular, bicycle, and pedestrian circulation, all proposed ingress and egress locations, all internal roadway widths and

rights-of-way, parking conditions, traffic channelization, and any traffic signals or other traffic control devices at all locations within the site.

- 2) The report shall describe the entire external roadway and transportation system, including pedestrian facilities, transit locations and bicycle facilities within the study area. Intersections in the study area shall be identified and illustrated. Use of aerial photographs to help illustrate the external transportation system is recommended. Any existing and proposed public transit services and facilities, pedestrian facilities, and bicycle facilities within a 1,000 feet radius of the developed site shall also be documented.
- 3) All future roadway improvements for which State funding has been obligated or that are approved for other local developments, shall be indicated. This information shall be obtained from the Pennsylvania Department of Transportation's Transportation Improvement Program or Twelve-Year Highway and Bridge Program, Chester County Planning Commission and from the Borough. Roadway improvements associated with surrounding proposed developments that are proposed but not approved shall be noted but shall not be included in future conditions analysis unless otherwise indicated by PennDOT or the Borough at the scoping meeting.

C. Existing Transportation Conditions. Existing transportation conditions shall be measured and documented for all roadways and intersections in the study area and shall include:

- 1) Current average daily traffic volumes, peak roadway hour(s) traffic AM, PM and Saturday (for residential, commercial and retail development or at the discretion of the Borough), and include the same for the peak hour(s) of the development-generated traffic.
- 2) Intersection turning movement counts (including vehicular, bicycle and pedestrians) at all study intersections, encompassing the peak roadway and development generated peak hour(s), with dates when any and all traffic counts were made included as a technical appendix to the report. Transit boarding/alighting ridership information shall be provided for the closest transit stops within a maximum of 1,000 feet shall

be provided for all studied peak hours (AM, PM and Saturday, if applicable)

- 3) Traffic count data shall not be more than 2 years old but shall be updated if traffic volumes or patterns have changed significantly. No adjustment shall be applied for school and/or other local seasonal peak traffic volumes unless approved at the scoping meeting.
- 4) Transportation analyses based upon existing volumes shall be performed for the peak hour(s) of the roadway and the peak development-generated hour(s) (if different from the roadway peak periods), for all roadways and intersections in the study area. Saturday peak hour analysis shall be included for residential, commercial and retail development.

Conditions shall be evaluated for each location by approach lane and intersection in accordance with traffic engineering software and techniques as stipulated in PennDOT's Publication 46 *Traffic Engineering Manual* or as updated. The report shall include a graphical representation of the Level of Service and delays by time of day and studied period and include a table identifying the volume/capacity ratios, Levels of Service, average vehicle delays, 95th percentile queue lengths by approach. The existing sight distances and safe stopping distances shall be provided in tabular form based on the 85th percentile speed of the roadway or with the Borough's approval, the posted speed plus ten miles per hour to ensure adequate sight distance is available for all proposed access locations. Signalized intersections experiencing levels of service E or F, and v/c ratios equal to or greater than 1.0 shall be noted as deficient. Unsignalized intersections with levels of service D, E or F shall be noted as deficient. Queue analyses shall be provided for existing conditions at both signalized and unsignalized intersections and a gap analysis shall be provided as identified at the scoping meeting.

D. Impact of Subdivision and/or Land Development.

- 1) Estimation of vehicular trip generation to result from the proposed development/redevelopment shall be completed for the AM and PM peak roadway hour(s), the peak development-

generated hour(s), if different from the AM or PM peak hour, and the 24 hour average weekday. Saturday peak hour trip generation shall be completed for residential, commercial and retail developments.

- 2) The generated traffic volumes shall be distributed to the study area and assigned to the existing roadways and study area intersections. Traffic volumes and turning movements shall be assigned at all proposed access locations and all intersections in the study area.

Documentation of all assumptions used in the distribution and assignment phases shall be provided and a graphical representation of the trip distribution shall be provided with the report. Pedestrian volumes shall also be calculated, if applicable. Pedestrian routes and crossings shall be analyzed with pedestrian volumes assigned to each pedestrian crossing. Transit volumes shall be assigned to transit services within 1,000 feet range of proposed development and pedestrian accessible routes (ramps, crosswalks, and availability of paths) shall be discussed as applicable.

- 3) Note any characteristics of the development, the general site or study area that may cause particular trip generation, distribution or modal split modifications.
- 4) Note development features that are planned to reduce trip generation rates and document Transportation Demand Management (TDM) assumptions. Noted TDM practices must be included in the Conditions of Approval if listed in the transportation impact study and shall be discussed during the Municipal Scoping Meeting.

E. Analysis of Impact.

- 1) The total future traffic shall be calculated and shall consist of the existing traffic volumes expanded to the project completion year using an annual background growth factor plus the development-generated traffic and the traffic generated by other developments in the study area as

identified at the PennDOT or scoping meeting. A minimum of two years projection shall be assumed for all projects regardless of the anticipated completion year.

- 2) The annual background growth factor for overall traffic volumes shall be determined using PennDOT's Growth Factors calculations unless enough local ADT volume data is available to establish more accurate average traffic volume changes over the past five years. The background growth factor shall be established at the scoping meeting. The background growth rate shall be applied to the current ADT and turning movement volumes to forecast background traffic volumes for the development Opening Year and any successive phase completions. A minimum of two years projection shall be assumed for all projects regardless of the anticipated completion year. All assumptions used to revise trip distribution shall be provided, including but not limited to other major developments that may change current traffic patterns.
- 3) Future transportation conditions shall be analyzed using the same techniques as used for the existing transportation conditions. Future conditions without the proposed development traffic (Future Without) shall be provided for all study area intersections and shall include background traffic growth and traffic from other local proposed/approved developments as agreed to at the scoping meeting. Only those roadway improvements that are programmed, with obligated funds, to be completed prior to the Opening Year of the proposed development shall be included in the Future Without analysis. Diagrams illustrating LOS, v/c ratios and average vehicle delay in seconds shall be provided for each study area intersection/turning movement for Future Without conditions and include a table identifying the volume/capacity ratios, Levels of Service, average vehicle delays, queue lengths by approach and intersection.
- 4) A second future conditions analysis shall be conducted that includes the proposed development/redevelopment traffic (Future With). Roadway improvements proposed to be constructed by the developer prior to the opening date of the development shall be incorporated into the analysis. Diagrams illustrating LOS, v/c ratios and average vehicle delay in seconds shall be provided for each study area

intersection/turning movement for total Future With traffic conditions.

A table shall be provided illustrating the Existing, Future Without and Future With conditions for all intersections within the study area, by lane group and identifying the LOS, delay in seconds, v/c ratios, and queues for each lane group. The table should note any changes to the roadway that have been included in the Future Without and Future With analyses. Queue length studies for unsignalized intersections shall also be conducted for Existing, Future Without and Future With conditions and displayed in graphics and/or a table and noting Future Without and Future With improvements and include a table identifying the volume/capacity ratios, Levels of Service, average vehicle delays, queue lengths by approach and intersection..

- 5) All analyses shall include AM, PM and Saturday (if required) peak roadway hour(s) and peak development-generated hour(s), if different from the roadway peaks, for all roadways and intersections in the study area. All access points and pedestrian crossings shall be examined as to the appropriateness of installing traffic signals or other traffic control measures based on the current PennDOT approved edition of the Manual of Uniform Traffic Control Devices. Roundabouts may be considered as an alternative to additional traffic signals, if approved by both PennDOT and the Borough. In addition, pedestrian accessibility routes shall be analyzed for 1,000 feet in all directions to ensure adequate pedestrian facilities are available for pedestrian and transit users. The Borough may request the applicant provide bicycle improvements including but not limited to: bicycle racks, bicycle route designation (signage and pavement markings) or other improvements to encourage the use of bicycles.

F. Sight distance analysis. Sight distance measurements shall be performed at any proposed driveway and/or existing driveway to determine sufficient sight distance to the left and right of the driveway. Sight distances shall be compared to the desirable sight distance standards as specified in Title 67 of Pa. Code, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads, April 2006. When desirable sight distance cannot be achieved, sight distances shall also be compared to PennDOT's safe stopping sight distance (SSSD) requirements as specified in A Policy on Geometric Design of Highways and Streets (6th Edition), of the American Association of

G. Conclusions and Recommendations.

- 1) Future levels of service (LOS), average vehicle delay and v/c ratios shall be listed in tabular form for all intersections and turning movements. Signalized intersections showing a Level of Service E or F, and v/c ratios equal to or greater than 1.0 shall be considered deficient and unsignalized intersections showing a Level of Service D, E or F shall be considered deficient.
- 2) Level of Service drops or increase in delay by 10 seconds for any studied period shall be identified for both Future Without and Future With conditions. Level of Service drops shall be identified by each approach lane group.
- 3) Specific recommendations for mitigation of Level of Service drops, increase in intersection delay of 10 seconds or more, or Level of Service drops or increase in critical movement delay of 10 seconds or more in the Future With analysis shall be listed and shall include: internal circulation design, site access location and design, external roadway intersection design and improvements including the potential for construction of roundabouts, traffic signal installation and operation including signal timing, transit design improvements, and any pedestrian or bicycle route improvements needed to support non-vehicular mobility associated with the development proposal.
- 4) All identified improvements shall be illustrated and overlain on aerial photography to show the extent of the construction and right of way impacts and include a cost estimate for improvements. Proposed improvements shall consider all roadway users including motorized and non-motorized vehicles, bicycles, pedestrians and transit.
- 5) Signal timing revisions and/or signal equipment upgrades shall be evaluated for any intersection with a Level of Service E, or F, but a volume/capacity (v/c) ratio less than 1.0. Traffic

Signal Warrants for signalization or other traffic control measures shall be examined for unsignalized intersections with levels of service D, E or F based on the current Manual of Uniform Traffic Control Devices or PennDOT Traffic Engineering Manual.

- 6) Existing and/or future public transit service shall also be addressed and any transportation demand management techniques proposed with the development shall be identified. A listing of all actions to be taken to encourage public transit usage or other transportation demand management techniques for development-generated trips, and/or improvement to existing service, if applicable, shall be included. Any proposed transit service improvements shall be coordinated with SEPTA or the appropriate local transit provider and should conform to SEPTA's current Bus Stop Design Guidelines.
- 7) All proposed transportation system improvements shall be consistent with Borough comprehensive planning or other planning documents referencing overall transportation mobility and/or transit services.

H. Implementation of Recommendations. The Borough may have an independent review done of the applicant's transportation impact study, at the applicant's expense, to make a final determination of the improvements that must be implemented. The Planning Commission and Borough Council shall review the transportation impact study to analyze its adequacy in solving any traffic problems that will occur due to the land development or subdivision. The applicant shall be required to implement the On-Site Transportation Improvements necessary to mitigate the Future With deficient traffic conditions as noted in the transportation impact study unless modified or waived by Borough Council. Borough Council may determine that certain other improvements on and/or adjacent to the site and within the study area are necessary requirements for land development or subdivision plan approval and may attach these as conditions to the approval if permitted by law. If the Borough Council determines that such additional improvements are necessary, the applicant shall have the opportunity to submit alternative improvement designs to obtain plan approval.

I. Additional coordination with PennDOT may be necessary to ensure compatibility between the proposed transportation improvements and Highway Occupancy Permit requirements.

J. All communications with PennDOT regarding the Highway Occupancy Permitting process or other transportation related issues associated with the proposed development/redevelopment shall be copied to the Borough.

K. The Borough shall be included in the PennDOT ePermitting Process as an applicant on the Highway Occupancy Permitting application through the PennDOT Business Partner Identification Number 4457 for the Borough of West Chester.

SECTION 7. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of Council of the Borough of West Chester that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION 8. REPEALER. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 9. EFFECTIVE DATE. This Ordinance shall become effective upon enactment as provided by law.

ENACTED AND ORDAINED THIS _____ DAY OF _____, 2016.

ATTEST:

COUNCIL FOR THE BOROUGH
OF WEST CHESTER

_____ BY: _____
Ellen B. Koopman, President

APPROVED THIS _____ DAY OF _____, 2016.

Carolyn T. Comitta, Mayor

NOTICE: At its public meeting on _____ at __:00 p.m. prevailing time, Council for the Borough of West Chester, Chester County, Pennsylvania will hold a public hearing and public meeting at Borough Hall, 401 East Gay Street, West Chester, Pennsylvania to consider the adoption of, and if approved, Borough Council will adopt an amendment to Chapter 97, titled, "Subdivision and Land Development Ordinance" of the Borough Code with the following title and summary:

The full text of the Ordinance is available for inspection without charge at the Borough of West Chester administrative offices, 401 East Gay Street, West Chester, Pennsylvania 19380, Monday through Friday from 8:30 a.m. to 5:00 p.m. A copy of the full text of the Ordinance may be obtained for a charge not greater than the cost thereof. In addition, a certified copy of the proposed Ordinance is also on file and available for inspection by members of the public at the offices of the Daily Local News, 250 Bradford Avenue, West Chester, PA and the Chester County Law Library, Chester County Justice Center, Suite 2400, 201 West Market Street, West Chester, Pennsylvania 19380-0989.

Borough Manager
Borough of West Chester



MEMORANDUM

TO: Michael A. Cotter, Borough Manager
FROM: Michael A. Perrone, C.B.O.
DATE: April 5, 2016
RE: University Student Housing
Allegheny Hall – 121 West Rosedale Avenue
Brandywine Hall – 709 South New Street
Commonwealth Hall – 715 South New Street

Recommendation

Motion

Background

All three properties are residence halls, used by students attending the University, and are also used for summer camps and other University programs. The university wishes to add 64 student beds to the properties (13, 13 and 38, respectively). No improvements are being constructed at the properties.

Applicant is seeking a variance from the provisions of Section 112-74;A "Parking Space Requirements." One parking space for every occupant is required.



UNIVERSITY STUDENT HOUSING, LLC

180 University Avenue ■ West Chester, Pennsylvania 19383 ■ 610-692-7391 ■ fax: 610-436-2539

April 4, 2016

Mr. Mike Perrone
Director of Building, Housing & Codes Enforcement
Borough of West Chester
401 E. Gay Street
West Chester, PA 19380

Dear Mr. Perrone,

University Student Housing, a nonprofit provider of student housing on the campus of West Chester University, is requesting a Variance to increase the occupancy of three residence halls located on the University superblock without providing additional parking.

The name of the applicant is: University Student Housing (USH)

Owner is: West Chester University Foundation; P.O. Box 541 West Chester, PA 19381

The real estate to be affected is:

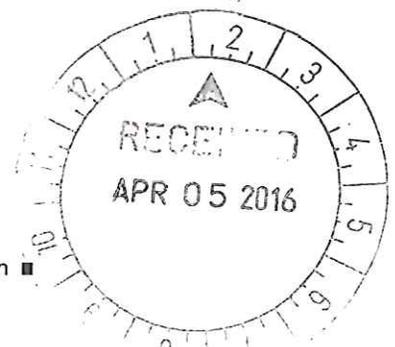
Allegheny Hall	121 West Rosedale Avenue, West Chester, PA 19383
Brandywine Hall	709 South New Street West Chester, PA 19383
Commonwealth Hall	715 South New Street, West Chester, PA 19383

Property Description

All three properties are residence halls used by students attending West Chester University. Students sign leases for individual beds for the Fall and Spring semesters of the University. The buildings are approximately 7 stories high, constructed of brick and concrete. All three properties have sprinkler systems that are connected to the University Office of Public Safety for 24-hour daily monitoring.

Present Zoning, improvements and present use:

All three properties lie in the Institutional Zoning District and dormitory use is permitted by right under Section 112-46.A (11). Current use is to provide housing for students attending West Chester University enrolled in the academic programs during the academic year. The buildings are also used during summer camps and other University programs.



A Statement of the Section of Code under which request is allowed:

Section 112-74.A of the Zoning Ordinance requires one parking space for every three residents in a dormitory. The suggested increase in use of the dormitory buildings that are the subject of this application would not have additional parking. Applicant seeks a Variance from the provisions of Section 112-74.A.

Accurate description of the improvements and

University Student Housing is acutely aware of the impact of University students on the surrounding neighborhoods as commuters and as residents in the residential sections of the Borough. We would ideally like to house more students on campus so that the impact of daily automobile travel through the town is reduced. Furthermore, all students residing on the campus fall under the supervision of the University Public Safety Officers to monitor student conduct. The residence halls on the campus are "alcohol free" and the consumption of alcoholic beverages is prohibited.

We believe that adding an additional 64 student beds to the properties can have a positive impact on the surrounding community.

Additionally, the ability to "triple" a reasonable number of rooms at the start of the fall semester provides a special economic benefit to students. At the start of the fall semester, students sign a lease for a bed on the campus and, unfortunately, many shortly determine that they are not prepared for the college experience and withdraw. A variety of factors impact the student's decision to withdraw, but an unfortunate economic impact is the student is liable for the cost of the full year's lease (\$9,540 for a double). With 60 students potentially in triples, this provides a replacement for that student who is withdrawing, relieving them of the economic burden. Students will be removed from triples as vacancies occur throughout the fall.

The "de-tripling" process also presents advantages for the students who remain on-campus. With staff support, these relocations to fill vacancies as they occur are smooth and expedient for the students. As opposed to the transition from commuting, it allows students to maintain focus on their educational obligations and relationships they've already forged with fellow residents and staff.

In December of each year approximately 800 students graduate mid-year from the University and this creates some additional vacancies. Approximately 150 students request an early release from their lease during this time period, so we anticipate the majority of the triples will be returned to double occupancy at the beginning of the spring semester. Although, some students placed in triples have expressed the desire to remain in the room for the entire year due to the deep friendships they have formed.

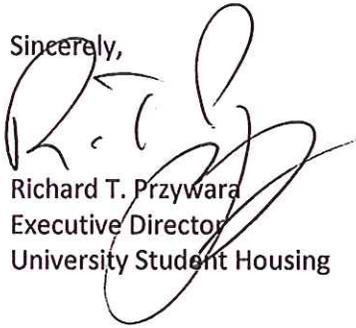
Occupancy Change requested:

Allegheny Hall – current occupancy by CO: 636	Proposed occupancy: 649	(+13)
Brandywine Hall – current occupancy by CO: 622	Proposed occupancy: 635	(+13)
Commonwealth Hall-current occupancy by CO: 651	Proposed occupancy: 689	(+38)

No improvements to the property are being constructed for this change. Certain rooms with larger footprints have been identified as satisfactory to accept a third student with the addition of beds, dressers and closets. No additional parking will be provided for these students.

Thank you for considering our request for this variance.

Sincerely,



Richard T. Przywara
Executive Director
University Student Housing



MEMORANDUM

TO: Michael A. Cotter, Borough Manager
FROM: Michael A. Perrone, C.B.O.
DATE: April 6, 2016
RE: 632/634 South Matlack Street – Parking Variance

Recommendation

N/A

Motion

N/A

Background

Applicant is seeking to install 9 parking spaces at 632/634 South Matlack Street, that will back into Mechanics alley. A variance from Section 112-73(Q)(2) is required.

TOM MOHR LAW OFFICE, P.C.

301 West Market Street
West Chester, PA 19382

Voice (610) 431 0111

Facsimile (610) 436 9712

E-Mail TomMohr@TurksHeadAbstracting.com

April 6, 2016

Zoning Hearing Board of West Chester Borough

Attn: Michael Perrone, Codes Enforcement

401 East Gay Street

West Chester, PA 19380

RE: Notice of Appeal of Zoning Officer Decision

Mr. Perrone:

Appellant Christopher Dulin, by and through his counsel, Tom Mohr Law Office, PC, hereby files this Appeal of Zoning Officer Decision, in accordance with § 112-121 of the West Chester Borough Zoning Ordinance ("Ordinance") relating to the Appeals and Application procedure of the Zoning Hearing Board, and avers as follows:

1. Appellant is Christopher Dulin, an adult individual residing at 1019 North New Street, West Chester, Pennsylvania
2. Appellant is the equitable owner of the two parcels of real estate (with improvements) located at 632 and 634 South Matlack Street, West Chester Borough, Chester County, Pennsylvania as follows: 632 South Matlack (1-10-109) consists of approximately 8860 square feet of land with a dwelling located thereon; and 634 South Matlack consists of approximately 8800 square feet of land with a garage located thereon. As existing conditions plan will be submitted no later than 14 days in advance of the date of the hearing.
3. The property is located in zoning district NC2 Block Classification B.
4. The Applicant intends to raze the existing improvements on the two parcels and construct five town homes, each with a two car garage, as shown on the plan attached hereto. An enlarged plan, with side yards tweaked as per the Borough's request will be submitted no later than 14 days in advance of the date of the hearing. In addition, Applicant has proposed the installation of a series of parking spaces across the rear or western property lines of the two parcels. Applicant has been apprised that these parking spaces are not permitted under the current West Chester Zoning Ordinance Section 112-73(Q)(2).

5. The Applicant seeks a variance from the provisions of Section 112-73(Q)(2) to allow the installation of these parking spaces.
6. Appellant requests that the Zoning Hearing Board grant a variance from Section 112-72(Q)(2) of the current West Chester Zoning Ordinance to allow the installation of the parking spaces shown on the Plan attached hereto.

Respectfully Submitted



Tom Mohr

Attorney for Appellant



MEMORANDUM

TO: Michael A. Cotter, Borough Manager
FROM: Michael A. Perrone, C.B.O.
DATE: April 6, 2016
RE: 429 North Walnut St – Zoning Variance

Recommendation

N/A

Motion

N/A

Background

Applicant is proposing to construct a two car garage at the rear of the property. A variance is required from Section 112-88;J to have the garage two feet from the side property line as opposed to the required five feet.

UNRUH TURNER BURKE & FREES

ATTORNEYS AT LAW

YEARS OF **25** SERVICE

West Chester • Phoenixville • Paoli

KIMBERLY P. VENZIE
kvenzie@utbf.com

April 6, 2016

West Chester Borough
Zoning Hearing Board
Attn: Michael A. Perrone, Administrator
401 East Gay Street
West Chester, PA 19381

RE: Application of Glenn Ammons and Rachel McMullin
429 North Walnut Street – Variance Relief for Garage

Dear Members of the Board:

On behalf of Glenn Ammons and Rachel McMullin, the homeowners of property located at 429 North Walnut Street, West Chester, PA, Tax Parcel Number 1-5-84, please accept the enclosed check in the required fee amount of \$400.00 and this Application to the Zoning Hearing Board as follows:

A. APPLICANT:

Glenn Ammons and Rachel McMullin
429 North Walnut Street
West Chester, PA 19380

B. LOCATION OF REAL ESTATE:

429 North Walnut Street, West Chester, PA
Tax Parcel Number 1-5-84

C. DESCRIPTION OF PROPERTY:

The subject property is improved with residential home - being one-half of a twin dwelling, with yard and parking area to the rear.

D. CURRENT ZONING CLASSIFICATION:

NC-2 – Block Class A

E. ZONING CODE SECTIONS RELATING TO APPLICATION:

Section 112-88.J Accessory Use Structures in Yards

MAILING ADDRESS | P.O. Box 515, West Chester, PA 19381-0515 | T: 610.692.1371 F: 610.918.1361

OVERNIGHT DELIVERY | 17 West Gay Street, West Chester, PA 19380

www.utbf.com | A Professional Corporation

F. PROPOSED IMPROVEMENT:

The Applicants own and reside in the home located at 429 North Walnut Street. The Applicants wish to have a detached garage constructed upon their property. The garage is proposed to be situated in the rear yard, alongside the alley and be approximately twenty-two (22') feet by twenty-two (22') feet in size. The homes on both sides on their property currently have garages and the Applicant intends for the garage to be similar in dimensions and location as measured from the alley.

G. STATEMENT OF APPLICATION:

The Applicants seek a variance to allow for the garage to be located closer to one of the side yard property lines than is permitted by the Zoning Ordinance. The Applicants seek a variance from Section 122-88.J of the Zoning Ordinance in order to situate the garage approximately two (2') feet from the side yard property line rather than the required five (5') feet. The location of the proposed garage is in keeping with the how neighboring garages are situated upon adjacent properties and the Applicant's proposed location will have the least impact upon adjacent properties. Most homes in the vicinity have garages already located upon their properties and the garage walls are situated directly on the side yard property lines or within inches of such lines. The Applicants intends to construct a garage very similar in size and location upon their own property with at least a two (2') foot side yard setback. The Applicants do not believe that they required any additional relief from the Zoning Hearing Board other than the three (3') foot dimensional variance.

Attached please find a Site Plan depicting the property and the proposed improvements and a GIS aerial photograph of the property.

Thank you.

Very truly yours,

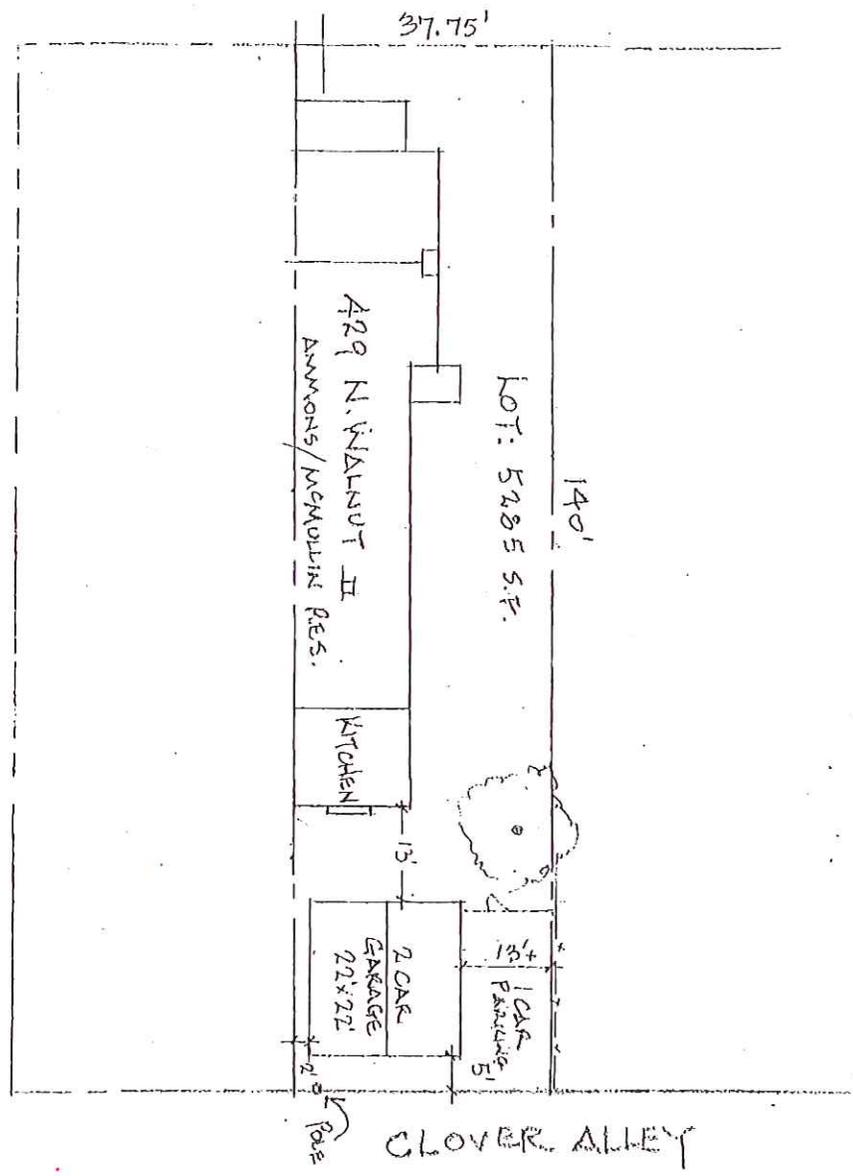
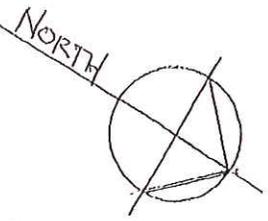


Kimberly P. Venzie, Esquire
Counsel for Applicants

KPV/cac
Enclosure

cc: Glenn Ammons and Rachel McMullin

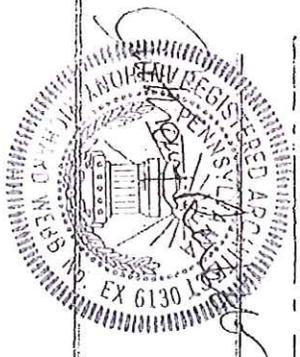
N. WALNUT ST.



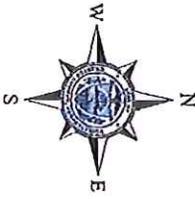
E. LEAFYETTE ST.

SITE PLAN 1" = 25'

ANTHONY R. WEISS - ARCHITECT



429 N. Walnut



140x 37-25
5285 sq

Legend
Parcel 1-5-84
Parcel Boundaries

MC-2x



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1 inch = 25 feet

