



## West Chester Borough Planning Commission

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### Meeting Minutes Regular Session – January 30, 2018 6:30 pm

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Call to Order - 6:30 PM by Chair John Theilacker

Present: S. Adams, J. Theilacker, A. Burke, Z. Barner, C. Patriarca, M. Mixner, S. Moran

Absent: None

- 1) Citizen Comments of Items not on the Agenda – None
- 2) Approval of Minutes

**MOTION** to approve December minutes (AB/ZB) – Unanimous

- 3) Election of Officers

Chairperson – John Theilacker

Vice-Chairperson – Allen Burke

Secretary – Chris Patriarca

HARB Representative – Mark Mixner

There was discussion on the potential to finding a volunteer to assist with the taking on meeting minutes and on the role of the HARB representative. Further discussion of this role with the HARB may occur at a future date.

**MOTION** to approve 2018 Planning Commission Officers (SA/ZB) – Unanimous

- 4) Old Business

- a.) Review Zoning Ordinance & Map Amendment for Height Overlay

Mr. Theilacker started the conversation and gave a brief recap of the discussion had on the proposal in December. He stated the amendment seeks to eliminate conditional use (CU) approval for the HO 60 and HO 75 districts and add design standards to regulate these developments. He then stated the map amendment will result in reclassification of several properties just east of the TC in the vicinity of Market Street.

Mr. Patriarca stated he is supportive with what the proposed ordinance seeks to accomplish, but had concerns with unclear design standards proposed. Specifically he was concerned with how the 2002 standards could be implemented for the HO 75 and that the PC had not seen the Supplemental Design Guidelines referenced in the draft ordinance. Mr. Barner also had similar concerns with the design standards, and noted that height is not a “use” but he was generally supportive of the removal of the CU



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approval as well. He also asked if this was a developer driven amendment and if Council has weighed in on the removal of the CU process for these districts.

Mr. Theilacker stated a text amendment was initially submitted to the Borough for consideration. However, it was rejected and the draft ordinance before the PC was developed by staff in conjunction with the Borough Solicitor. The broader area impacted by the ordinance was selected as to have consistency through the two overlays as well as to avoid spot zoning. Mr. Burke stated he was very concerned with the removal of CU approval and the impacts of the change on the districts as a whole. He further stated the amendment should be more focused on better implementing the recommendations of the comprehensive plan.

Ms. Adams also had concerns with any proposed design standards and stated consideration for the standards to be in a standalone document outside the zoning ordinance. Mr. Theilacker stated his preference for design standards to be in zoning as it gives them more strength as they are not subject to waiver requests. Ms. Moran stated she was concerned with public transparency with the removal of CU approval as well as with the proposal to eliminate parking requirements for commercial uses in the overlays. Mr. Mixner stated his concern with not having clearly defined standards and how these standards are critical for ordinance to be implemented as envisioned. Mr. Theilacker noted the comprehensive plan recommended a detailed study be undertaken for the Market/Gay corridor and that ordinance changes could be further informed from completion of a study of this area.

The PC then discussed how to proceed with a recommendation as the ordinance was scheduled for Council to take action at their February meeting. After much discussion the below motion was made and the subsequent comments included in a revised letter to Council for their consideration:

**MOTION** To approve the ordinance as submitted to the PC (AB/CP) – Motion failed with six opposing and one abstention.

- While a majority of the Planning Commission generally supports the removal of the Conditional Use requirement from the HO-60 Height Option Overlay District within the Town Center District, we recommend that the Council do so when it has a clear set of guidelines, design standards, and associated ordinance appendices that the Borough and developers can use to produce high quality redevelopment and infill projects that further the Borough's Vision and Mission Statements, as outlined in the Borough's 2016 Comprehensive Plan. We do not believe this current draft fully satisfies that objective.



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- Members of the Commission opposed to removal of the Conditional Use requirement for the HO-60 Height Option Overlay District were highly supportive of code changes necessary to allow the Mosteller property “Plaza plan” redevelopment to move forward, but were concerned about the loss of transparency without the Conditional Use approval process when other properties in this Overlay District are proposed with buildings up to 60 feet in height.
- Removal of the Conditional Use requirement from the HO-75 Overlay District applied to the CS District (between East Market and East Gay Streets) seems premature. The Borough’s 2016 Comprehensive Plan provides recommendations for the Market/Gay East Corridor *Future Enhancement Area* (see pages 58 and 59 of the Plan), including the call for a gateway planning study that would outline a more comprehensive package of zoning ordinance and SALDO amendments to encourage attractive redevelopment and infill of this enhancement area. We recommend that the Borough proceed with this important study and defer deleting the CU requirement within the HO-75 Height Option Overlay District until such a time as this study can be completed
- At the time of review, the Planning Commission was unable to review a referenced appendix for design standards (see first reference in Section 13; proposed 112.33.1.B(7)(a)[4]) that was omitted from the packet. These standards should be carefully crafted as to promote new construction that complements the existing built environment with all appropriate design elements, from continuation of the street wall to the overall massing and architectural cues of the structure.
- There was concern that the reference to the 2002 design standards (see first reference in Section 13; proposed 112.33.1.B(7)(a)[1]) in the areas outside of the Town Center district did not provide sufficient or appropriate guidance for the design of new, larger construction projects in these areas.
- The Planning Commission fully supports the proposed map changes as well as the proposed changes to the parking standards for both the HO-60 and HO-75 overlay districts as being consistent with the recent comprehensive plan and parking study.
- In the HO-60 and HO-75 districts, the Commission recommends that horizontal stepbacks for upper floors (i.e. tapering heights) should be considered as a requirement in areas where the height differential between existing and proposed buildings is sufficiently large (Section 13; proposed addition to 112.33.1.B.(7); and Section 15; proposed addition to 112.38.1.B(7))
- The Commission recommends Council consider adding a requirement in 112-100 Impact Assessment Report for a 3-D visualization of the project and surrounding buildings in order to better understand the proposed massing. (see Impact Assessment Report requirement in Section 13; 112.33.1.C(3); Section 15; 112.38.1.C(3))
- The Impact Assessment Report referenced above no longer requires shadow analysis under the proposed amendments. The Commission notes that residents frequently



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have comments in response to shadow analyses prepared by applicants, and suggests that this requirement be retained, and standards developed to convert analysis findings to mitigating conditions of approval.

- Section 17; 112-76, Off-lot parking, should include a requirement (E.) that any off-lot parking shall comply with all other parking lot design standards in the SALDO and Zoning code.

#### 5) New Business

##### a) Review & Acceptance of Procedures

After review and discussion of the PC Procedures, the PC agreed to eliminate the appointment of a PC member to the West Chester Regional Planning Commission on p. 3 as this group is defunct. There was further agreement to strike the address from C.1 on p.3 and just reference Borough Hall since the PC will not meet at the Gay Street location in 2018.

**MOTION** To approve the Procedures of the PC inclusive of the two changes discussed for appointments and location address (CP/ZB) – Unanimous.

##### b) PA Small Water & Sewer Grant

Mr. Gore stated this item if for the PC to formally offer their support for a grant application being made to the DCED to help offset the costs of the rehabilitation of 2,500 feet of sanitary sewer pipe. It was further stated this work is consistent with the comprehensive plan and the details of the application were further outlined in the draft letter of support provided for consideration by the PC. There were no further comments offered with this agenda item.

**MOTION** To support the DCED grant application for sanitary sewer pipe rehabilitation as being consistent with the comprehensive plan. (SA/JT) – Unanimous.

##### c) Parking & Street Tree Ordinance

The proposed ordinance relocated several design standards for off-street parking areas from the zoning to subdivision ordinance where they are more appropriate. It also revised the “Street Trees” section of the code to specifically reference a species list approved by the Tree Commission. Other than noting that the proposed subsection of 97-44 should be revised to something more appropriate; the PC offered no further comments on this ordinance.



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**MOTION** To approve the proposed ordinance relevant to parking area design standards and reference to the species list for street trees. (CP/AB) – Unanimous.

6) Reports

Mr. Theilacker provided an overview of the PennDOT meeting held on extension of rail service from Wawa to West Chester. He stated that the extension was deemed to be feasible, but that there were not funding mechanisms available at this time for its construction. Mr. Theilacker also stated East Bradford is proceeding with consideration of a zoning amendment to allow for the construction of an apartment building at the intersection of Bradford Avenue and Strasburg Road. He noted the most current version of the proposal has seen a reduction in the total number of units, but that that no formal decision had been made.

**MOTION** to adjourn at 8:45 PM (CP/ZB) Unanimous.