

**EASTTOWN TOWNSHIP PLANNING COMMISSION
SPECIAL MEETING MINUTES**

OCTOBER 25, 2016 - 7:00 p.m.

Beaumont Elementary School

A special meeting of the Planning Commission held to consider the petition to amend the Zoning Ordinance and Zoning Map filed by Anthropologie, Inc., was called to order at 7:00 p.m. by Chairman Mark Stanish. Other members present: , Tim Brennan, Michael Cappelletti, Mary Hashemi, and John McCarty. Also attending: Eugene Briggs, Jr., AICP, Assistant Township Manager/Zoning Officer, Kristin Camp, Esquire, Solicitor, and Lisa Thomas, RLA, AICP, LEED AP, Township Planner.

Chairman Stanish introduced the Application and explained the purpose of the special meeting.

Louis J. Colagrecro, Jr., Applicant Counsel, introduced the Application on behalf of the Applicant and explained the changes that have been made to the draft Devon Center Overlay District ordinance (Overlay District) since the Planning Commission reviewed the prior version on April 6, 2016. These changes include increased setbacks and a reduction in overall building square footage and the removal of multi-family use in the Unified Development. In the last plan, the proposed square footage of the development was 260,000 and it has been reduced to 48,000. The setback requirements are now 40 feet from right of ways in the Unified Development. In addition, the proposed structured parking development has been removed but, should the need arise in the future, the Overlay District does allow for one along Devon Boulevard.

David Ziel, Applicant, added that the proposed plan has been scaled down in several ways for the Unified Development within the Overlay District. The parking is all surface now. The multi-family component has been removed. The restaurants have been reduced from two stories to one. There is a venue for small events that is not planned to accommodate more than 100 guests per event.

Chairman Stanish began by thanking the Applicant for continuing to adapt to the concerns of the residents and the Township. He expressed disappointment that the multi-family component has been removed from Unified Development, but understands that it was in response to some of the public's concerns.

In addition, Mr. Stanish listed the following edits:

- Change the 20-foot setbacks for Townhouses, Duplexes, and Twins to 25-foot setbacks.
- Increase right-of-way (ROW) from existing to ultimate ROW to conform with current Township ordinance.

- Consider clarification of how the height of building is measured by re-estimating with current Township measurements for sloped roofs as 50 feet seems excessive.
- Consider clarification of language or revert back to previous draft ordinance language for window height measurement being changed from sidewalk level to adjacent grade elevation.

Mr. Cappelletti, Ms. Hashemi, Mr. McCarthy, and Ms. Thomas are all in agreement with Mr. Stanish.

Mr. Brennan has recused himself from this project.

Chairman Stanish opened the floor to the public.

Joe Kohn, of 240 Sugartown Road, stated that he is speaking on behalf as himself as a resident and as legal counsel for 14 neighbors. He thanked Township Staff, Commissioners, and the Board of Supervisors for the time they have put into this project and told the Applicant that he appreciates the changes being proposed. He likes the proposed plan by the Applicant but is concerned that townhomes could be built on the adjacent properties on the north side of Berkley Road. He suggested that the Applicant consider amending these parcels out of the Overlay District. Mr. Kohn suggested that on the eastside of the development the Applicant incorporate more green space and seating in the area of the surface parking. Lastly, Mr. Kohn told the Planning Commission that he believes the residents of that area already function as Devon's town center.

Avis Yuni, of 231 Waterloo Avenue, thanked the Applicant for taking out the residential component. She asked for clarification regarding the townhome use component of the Overlay District. A discussion ensued regarding townhomes with a clarification of the Unified Development within the Overlay District. Townhomes are not permitted on the property of which that Applicant is proposing to develop because it is classified as a Unified Development in the Overlay District. The property owners adjacent to the Applicant have requested inclusion in the overlay. Within this Overlay District, townhomes are listed as a conditional use. The two properties, known as the Devon Family Practice and the Lehmann property, are currently zoned PBO and R3 respectively. In the PBO District, multi-family use is allowed by-right. All properties within the proposed Overlay District are identified in the Township's 2001 Comprehensive Plan as within a mixed use New Town Development/

Ms. Yuni expressed concern over traffic congestion and increased numbers of students at the Tredyffrin-Easttown School District and asked the Commission to reconsider the inclusion of these additional properties.

Liz Ward, of 208 Dorset Road, stated that the new proposal is a large improvement, but asked for clarification as to why the new Overlay District was even necessary. She also noted that the

Planning Commission is working off of the 2001 Comprehensive Plan and that the Township is currently updating it with Chester County.

Mark Ward, of 208 Dorset Road, asked for clarification regarding potential future development where the surface parking lot is being proposed. Mr. Stanish explained that some commercial uses would be by-right, but that 40 foot front yard setbacks required parking spaces would allow for very nominal additional building square footage.

Dale Weigand, of 300 Waterloo Road, sought clarification regarding residential uses above commercial properties. Ms. Camp responded that there is no residential use in the Unified Development.

Brian Penny, of 303 Waterloo Road, expressed concern over what he sees as incongruity between the Unified Development and Overlay District, specifically as it pertains to residential use. He requested that the Planning Commission remove the residential use from the Overlay District. Mr. Penny also expressed disappointment in Commissioners for not respecting the wishes of some of the neighbors of Devon Yards and asked them to maintain Devon's country aspect.

Josette Donatelli, of 320 South Valley Forge Road, asked about homeownership versus rentals if townhomes are constructed. Ms. Camp responded that the Township's Zoning Ordinance does not control this. Ms. Donatelli then asked for clarification of the Township's definition of townhome. Ms. Thomas responded that the Overlay District would allow for the following, as found in terminology of the Township Code:

Duplex: a building designed for and occupied exclusively as a residence, containing two dwelling units, in an "over and under" arrangement, separated by a horizontal common or party wall and having yards on all sides.

Twin: A building designed for and occupied exclusively as a residence, containing two dwelling units separated by a vertical common or party wall and having yards on all but one side.

Townhouse: A single-family attached dwelling unit in a row of at least three, but not more than six, such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

Paul Gormley, of 231 Dorset Road, asked the Applicant for clarification of where public roads are on the aerial presentation of the proposed development.

Richard Decker, of 248 Berkley Road, thanked the developer for the presentation and expressed that he hope the Commission can be expeditious with the new plan.

Joan Bergquist, of 217 Devon Boulevard, asked the Commission to consider having the Applicant go through the Zoning Hearing Board process instead of the rezoning the district. Mr. Stanish explained that this path has been explored but that the Zoning Hearing Board is a quasi-legal entity with strict legal standards and can only consider variances if the Applicant can show a hardship. Mr. Colagreco stated that in addition to this, the Zoning Hearing Board sets legal precedents that can then be used by other Applicants township-wide.

In addition, Mr. Stanish added, tweaking the existing PBO Zoning District to accommodate this project, as has been requested by members of the public, would impact all PBO Zoning Districts within the Township, which may have unintended consequences.

Vicky Higgins, of 133 Berkley Road, asked the Applicant if there is any way to make the area that abuts her property more park-like. Mr. Ziel responded that while this will be addressed more fully during the land development process, it is something that he is comfortable with if it can be accommodated.

Ms. Higgins asked the Commission how the public would be able to prevent the Overlay District. Ms. Camp explained that the Unified Development is within the Overlay District. Ms. Higgins reframed her question to ask how Devon Family Center and Lehman properties can be excluded from the Overlay District.

Mr. Stanish asked that residents voice their concerns at Planning Commission meetings that address the project so that the draft ordinance is solidified prior to going before the Board of Supervisors.

Karen Borzillo, of 103 Chester Road, stated that denser housing is ruining the integrity of the Township.

Ms. Donatelli asked the Commission what its impetus is for considering higher density housing.

Mr. Stanish and Mr. McCarthy explained Commission's role for the Township, which is to consider land development from sound planning principles. A town center includes a residential component to create vibrancy and the feel of a downtown area. Residential diversity is a part a part of these principles.

Ms. Camp announced that the next public meeting regarding this application will be the Planning Commission's regular meeting on November 1, 2016. The meeting will take place at Beaumont Elementary School with a workshop at 6:30 p.m. and a regular meeting at 7:00 p.m.

The meeting adjourned at 8:34 p.m.

Respectfully submitted,

Kate Jones
Assistant Township Secretary