## EAST GOSHEN TOWNSHIP PLANNING COMMISSION

### Agenda

### Wednesday, October 7, 2009 7:00 PM

- A. Call to Order / Pledge of Allegiance
- B. Review of Tracking Log / Determine need for Workshop Meeting
- C. Public Comment on Non-Agenda Items
- D. Approval of Minutes
  - 1. September 2, 2009
- E. Acknowledge Receipt of New Applications
  - 1. Clearwire US LLC, 21 Edgewood Rd. (C/U)
  - 2. 1422 Paoli Pike, (C/U Sketch Plan-Historic Resource Adaptive Reuse)
  - 3. Matthrew and Christine Mullen, 1645 E. Strasburg Rd (L/D)
- F. Subdivision Plans
  - 1. Sullivan's Grove, Green Hill Road
- G. Land Development Plans
  - 1. 1661 E. Strasburg Rd, Mullen Property (Lot 2, Ashbridge Farm)
  - 2. Matthew and Christine Mullen, 1645 E. Strasburg Rd (L/D)
- H. Conditional Uses and Variances
  - 1. Clearwire US LLC, 21 Edgewood Rd. (C/U)
  - 2. 1422 Paoli Pike (C/U Sketch Plan-Historic Resource Adaptive Reuse)
- I. Ordinance Amendments
- J. Old Business
  - 1. Discussion on "Traditions" Ind. Living Fac. project in West Goshen
  - 2. Sample Generator Ordinance
- K. New Business
  - 1. Flex-Industrial Use and Parking requirements
  - 2. Cell Tower discussion
  - 3. Adaptive reuse Signage: Ordinance amendment consideration
  - 4. East Goshen Conservancy: 100' riparian buffer discussion
- L. Any Other Matter
  - 1. West Goshen Township Code Height of Building
- N. Meetings and Dates of Importance

October 1, 2009	Park & Recreation	7:00 PM
October 6, 2009	Board of Supervisors	7:00 PM
October 7, 2009	Planning Commission	7:00 PM
October 8, 2009	Historical Commission	7:00 PM
October 12, 2009	Municipal Authority	7:00 PM
October 13, 2009	Board of Supervisors ws	7:00 PM
October 14, 2009	Conservancy	7:00 PM
October 19, 2009	Deer Committee	7:00 PM
October 20, 2009	Board of Supervisors	7:00 PM
October 21, 2009	Zoning Hearing	7:30 PM
	T-Mobile	
October 27, 2009	Board of Supervisors ws	7:00 PM

- O. Correspondence
- P. Goals

Adjournment

• Bold Items indicate that the Planning Commission has new information to review for that application.

### **REMINDER** – Newsletter Article Submission Due Date:

Article Due Date
November 10, 2009

**Delivery date** 

January 1, 2010

### EAST GOSHEN TOWNSHIP PLANNING COMMISSION APPLICATION HISTORY Wednesday, October 7, 2009 7:00 PM

### 1. SUBDIVISON PLANS

### Sullivan's Grove, Greenhill Road (S/D)

mi read (G/D)
E.B. Walsh - Re-submission
Plans
Yerkes – Review of Pre/Final Plan
DEP – Sewage facilities
Landscape Plans
Yerkes, Landscape Review
Sewage Facilities Planning Module
Extension letter until 7/15/08
e-mail from Conservancy Board
Extension letter until 9/20/08
Extension letter until November 30, 2008
Plans – Landscape
CCCD – review
DEP – Discharge for Stormwater
Yerkes – Landscape Review
Wooldridge Construction – extension
Preliminary/Final Revised Landscape plan
Wooldridge – Extension period
Yerkes – Landscape Review
Wooldridge Construction - Extension
Yerkes – Review of Preliminary/Final Plan
DEP – Planning Module for L/D
Wooldridge Construction – extension
E.B. Walsh – Re-submission #6
E.B. Walsh – prelim/final subdivision plans
Plans
Yerkes – Review of Prelim/Final Plan
Memo – draft motion

### 2. CONDITIONAL USES/VARIANCES

Clearwire US LLC, 21 Edgewood Rd, (C/U)

August 27, 2009 Application

**Plans** 

**Coverage legends** 

August 26, 2009 Aco Property Advisors, - C/U permit August 26, 2009 Aco Property Advisors - narrative

September 25, 2009 Yerkes – C/U Plan Review

September 29, 2009 Draft motions

### 3. ORDINANCE AMENDMENTS

- 4. ANY OTHER MATTER
- 5. **ZONING AMENDMENTS**

B. TRACKING LOG

	pplication (CU,LD,O, SD,V, SE, CA)	/be (ЗК, Р, F)	ate Filed	art Date	ate to Yerkes/Consultant	ate to CCPC	e'OBA \ .qon'I gnitting ABC's	tension	3 NLT Action Date	OS NLT Action Date	esting Date	op Dead date
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1422 Paoli Pike		रे	0//86/0									

Bold = New Application or PC action required

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Drop Dead date	10/31/09	10/26/09	F	2/2/10		
Hearing Date	n/a	10/20/09		n/a		
BOS NLT Action Date	10/20/09	10/20/09		12/22/09		
PC NLT Action Date	10/7/09	10/7/09		1/13/10		
Extension	>			ļ		
Date to Abutting Prop. / ABC's	9/13/05	9/16/09		9/28/09		
Date to CCPC	9/7/05	n/a		9/25/09		
Date to Yerkes/Consultant	9/7/05	9/11/09		9/25/09		
Start Date	9/7/05	8/28/09		10/7/09		
Date Filed	9/2/05	8/28/09		9/24/09	9/28/09	
Туре (Sk, P, F)	P/F	P/F		P/F	Š	
Application (CU,LD,O, SD,V, SE, CA)	SD	23		LD	CU	

D. MINUTES
3 POP

# EAST GOSHEN TOWNSHIP PLANNING COMMISSION MEETING September 2, 2009

The East Goshen Township Planning Commission held their regularly scheduled meeting on September 2, 2009 at the East Goshen Township building. Chairman Senya Isayeff, Vice-Chair George Martynick and members Megann Hedgecock, Albert Zuccarello, Sue Carty, Charles Proctor and Peter Mylonas were present. Also present were Township Zoning Officer Mark Gordon, Jason Young from the Historical Commission (HC), Carmen Battvio (Bos), and Don McConathy of the Board of Supervisors (BOS).

### WORKSHOP SESSION - 7:00pm

Senya reported that there were no action items to discuss and that Sulivan's Grove will be discussed in detail during the October PC meeting. The evening's agenda was also reviewed during this workshop and Senya wanted the other members of the PC to think about making a \$100.00 donation to Chester County 20/20.

In addition, Senya asked that the minutes reflect that Chuck has stepped down as the HC liaison and that Al will step in. Chuck filled Al in on what to expect while attending the HC meetings.

Members reviewed and corrected the minutes of August 5, 2009. The discussion then turned to the West Goshen meeting the evening prior. The main topic was about the Traditions Independent Living Facility that is proposed to be built at Route 202 and Greenhill Road. Main concerns are traffic issues and storm water runoff in the area. Senya noted that the challenge is not to make a decision, but to

### **FORMAL SESSION**

### A. Pledge of Allegiance

 Senya acknowledged the large crown of East and West Goshen residents and called the meeting to order at 7:35pm. Carmen Battavio led those in attendance in the pledge and called for a moment of silence for our troops and Senator Ted Kennedy.

### B. Approval of Minutes

 George moved that the minutes of August 5, 2009 be approved as amended in the workshop session. Peter seconded the motion. No further public comment or discussion was heard. The motion passed unanimously.

### C. New Applications

No new applications have been received.

40 Sullivan's Grove subdivision- an extension through October has been requested.

### D. New Business

Senya noted that the PC is fortunate enough to have Al, a former West Goshen Township resident, who can bring his experience from the West Goshen PC to East Goshen Township. Al asked for a show of hands from the crowd to see who was in attendance at the West Goshen Township meeting the evening prior. Al was notified that day the Traditions topic was to be tabled that evening. Township residents were not aware of this until the start of the meeting. Al stayed for the entire meeting and reported that traffic concerns and safety issues were discussed. East Goshen representatives plan to attend the next West Goshen PC meeting. Senya noted that the township has retained legal services and that Mr. Rowe is in attendance to take notes on behalf of the township. Peter noted that the PC's capacity will be to

make recommendations to the BOS who through council will go the West Goshen BOS. George added that a traffic study was to be conducted at the end of August and noted that he would like to see those numbers during school hours. Al added that the Goshen Fire substation handles 3000 ambulance calls and 700 fire calls yearly from this location.

Kevin Carney from Goshen Fire was in attendance and was introduced to speak on behalf of Station 56 at Boot Road and Route 202. Kevin noted that Station 56 averages 8.5 calls per day and 2 fire calls as well. Station 56 answers double the calls since the building has opened. Kevin noted that fundraisers would be impacted and services itself for Traditions, which would average 10-20 extra calls to the station a month resulting in a total impact consisting of the need for new and additional vehicles. Sue commented that these are all things to consider and noted that East Goshen Township has height requirements and if it would be worth looking into West Goshen's height requirements as well.

Senya opened the floor for public comment.

### Public Comment:

<u>Jim DiSantis-1203 Culbertson Circle</u> resident noted that homes in this area are 493 feet about sea level and that Traditions would stand at 512 feet above sea level. The 650 foot swale will be disturbed and this will increase the rate of the retention basin that is in the neighborhood. Traffic impact is another consideration.

<u>Frank DiTillo-1321 N. Tulip Drive</u> added that furloughed employees from QVC will hopefully return to work and add to the traffic issues already in existence.

<u>Tim Casey-1113 Windsor Drive</u> expressed his concern about the impact the project would have on property values and diminished fire and ambulance services. Tim also questioned where the township line between East and West Goshen is. It was clarified that the firehouse is in West Goshen and water and sewer is shared. The building would be erected in West Goshen. Tim also informed those in attendance that the land was once wetlands and the materials from when 202 was constructed are dumped in the building area in question meaning this facility will be constructed on top of wetlands under rock.

Senya added that storm water runoff is an issue and are of concern. This project will go through many agencies and noted that there is much work to be done before building.

Mike Gallagher-Airport Road/West Goshen commented that the zoning was changed to accommodate this project.

Don Shultz-1300 Amstel Way added that his feeling is that this matter will be going to court.

<u>Katie Miller-1316 East Boot Road</u> noted that she lives 1000 feet from the proposed site. Her children receive door side pick up by bus due to the traffic dangers on Boot Road. The addition of this building would increase traffic and added that it is not safe as it is.

<u>Eric Erickson-Hershey's Mill resident</u> attended the West Goshen meeting as well and turning lanes at St. Peter and Paul were tabled at the meeting. 600 extra parking spaces at QVC have been approved by West Goshen as well.

PC MINUTES Page 2 of 2

99 Don McConathy (BOS) noted that to his knowledge the addition of a turning lane at the church has 100 been put on the backburner at this time. 101 Fran Doherty 1206 Culbertson Circle attended the same meeting and off record it was stated that the 102 widening of Boot Road is not a dead issue. Senya noted that all these are judgmental comments and we 103 should move on. 104 105 106 George announced a 5 minute recess. The meeting will resume at 9:20pm. 107 108 109 E. New Business continued... 1. Commercial parking- the idea is to look at surrounding municipalities for their regulations on 110 parking spaces. The norm is 3 parking spaces per 1000 square feet. It was noted to be unfair to 111 112 contractors and Mom and Pop businesses. The burden is on businesses that will not require such parking space requirements, examples were plumbers and contractors operating out of small 113 office spaces. Small flex space through ownership would create better citizenship. Senya 114 proposed 3 parking spaces per 1000 square feet for office spaces, 1 parking space per square 115 foot for warehouse operations. This proposal will put East Goshen in compliance with 116 117 neighboring townships. It was added that there is not much industrial in East Goshen. Senya motioned and Mark added that he would look to draft something for the next meeting. Peter 118 119 added that an actual proposal should be drafted first. Senya withdrew his motion and George 120 seconded. 121 122 F. Adjournment 123 124 Motion to adjourn the meeting was made by Al and seconded by Peter. The meeting adjourned at 9:50 p.m. 125 126 Please note that recording ended and PC members agreed to donate \$100.00 to Chester County 20/20. 127

Linda Jones, Recording Secretary

09/02//09

128

Respectfully submitted,

PC MINUTES

Page 3 of 2



#### EDWARD B. WALSH & ASSOCIATES, INC.

Complete Civil Engineering Design / Consultation Services
Lionville Professional Center
125 Dowlin Forge Road
Exton. PA 19341

September 8, 2009

Mr. Louis F. Smith, Jr., Manager East Goshen Township 1580 Paoli Pike West Chester, PA 19380

RE:

Sullivan's Grove Subdivision

Greenhill Road, East Goshen Township

Re-submission #6

Dear Mr. Smith:

Enclosed for review and approval by the Township Engineer please find the following:

One (1) full set of the revised Subdivision Plans for Sullivan's Grove

- One (1) full set of the Final Highway Occupancy Permit Plans for Sullivan's Grove
- One (1) copy of the Final Hydrological Study / Post Construction Stormwater Management Report / Erosion and Sedimentation Control Report for Sullivan's Grove Subdivision
- One (1) copy of the PennDOT Highway Occupancy Permit dated June 16, 2009
- One (1) copy of the Green Hill Sewer Association approval letter dated July 8, 2009
- One (1) copy of the email correspondence from Kristin Camp regarding the Final HOA documents

Please note, I have submitted plans directly to the Township Engineer for their review. The plans have been revised per the Township Engineer's letter dated May 11, 2009, as follows:

### Subdivision and Land Development Ordinance

- 12. A copy of the PennDOT approval has been included with this submission.
- 22. Final HOA documentation has been approved by the Township Solicitor. A copy of the email dated July 29, 2009 from Kristin Camp to Mark Gordon has been included with this submission.
- 30. a. No response necessary.
- 33. A letter requesting approval of the street name "Sullivan's Circle" was previously submitted to the Township. Our office will check with the Township regarding the status of the approval.
- 39. A copy of the approval letter dated July 8, 2009 from the Green Hill Sewer Association has been included with this submission.

296

September 8, 2009 Mr. Louis F. Smith, Jr., Manager East Goshen Township

RE: Sullivan's Grove Subdivision

Re-submission #6

Page 2 of 3

### New General Stormwater Comments

- 55. The Typical Underground Stone Infiltration Bed and Sullivan's Circle Infiltration Bed details have been revised to indicate the yard drain inverts at 0.5 feet above the bottom of the bed. The plans have also been updated accordingly.
- 56. a. The depth and bottom of the bed have been revised to be consistent with the design calculations.
  - b. The profile on Sheet 5A has been revised to depict the proposed bed per the design calculations.
  - c. The overflow pipe leading and discharging onto Lot 3 has been extended and an easement has been provided.
- 57. a. The depth of bed and bottom invert have been revised to match the calculations on Sheet
  - b. The outlet slope has been revised in the table in the Typical Underground Stone Infiltration Bed detail on Sheet 5 and the table on Sheet 3.
- 58. The reference to Cross-Section A-A on the Lot 3 Basin has been clarified by adding text referring to the Lot 3 Detention Berm Stepped Grading Detail on Sheet 3.
- 59. a. The top of grate for the center yard drain of the Lot 4 Infiltration Bed has been revised to provide twelve (12) inches of cover above the bed on Sheet 3.
- 60. Shallow berms have been relocated off of the property lines and within the lots that each one serves. Therefore no stormwater easements are required.

### **New Sewer Comments**

- 61. The Sewage Facility Planning Modules have been approved by the East Goshen Municipal Authority and PA DEP. Copies of the approvals have been sent to the Township.
- 62. The horizontal distance between the lateral connection for Lot 4 and the lot's infiltration bed has been modified to provide a minimum of ten (10) feet. Sanitary lateral easements have been provided where necessary.
- 63. A twenty (20) foot sanitary lateral easement has been provided for the lateral from Lot 2 to the sanitary sewer on Lot 3.

### **General Comments**

- 64. We respectfully request the required legal description submission be deferred until the Township Engineer recommends final approval of the plans.
- 65. The Landscape Plans have been included with this submission.

386

September 8, 2009

Mr. Louis F. Smith, Jr., Manager

East Goshen Township

RE:

Sullivan's Grove Subdivision

Re-submission #6

Page 3 of 3

If you should any questions or require any additional information, please do not hesitate to contact me.

Very truly yours,

EDWARD B. WALSH & ASSOCIATES, INC.

Daniel H. Daley, P.E.

Enclosure(s)

cc: Charles E. Jackson, III, Yerkes Associates, Inc. (w/encl.)

AUDIT CONTROL NO.

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### HIGHWAY OCCUPANCY PERMIT

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ALL WORK UNDER THIS PERMIT MAY BE STARTED ON	
AND SHALL BE COMPLETED ON OR BEFORE	
Immediately upon completion of the work, Permittee shall notify the permit of the craditions, restrictions, and regulations prescribed by the Pennsylvenia 67 Pa. Code, Chapter 203/212, 441 and 459) and subject to the plans, specificated hereto. This permit shall be located at the work site and shall be	Department of Transportation, (see in particular leaf conditions, or restrictions herein set forth or

## DESCRIPTION OF WORK

THIS PERMIT IS NOT VALID UNTIL SIGNED BY THE DISTRICT ENGINEER OR HIS AUTHORIZED REPRESENTATIVE

Acknowledgement of Completion	
Permitted work has been completed.	Secretary of Transportation
Date By	

District Executive



July 8, 2009

East Goshen Township 1580 Paoli Pike West Chester, PA 19380

Attn:

Mr. Louis F. Smith, Jr., Township Manager

RE:

Sullivan's Grove - Sanitary Sewer Connection

Dear Mr. Smith:

Please accept this letter as the acknowledgment by Green Hill Sewer Association that the owners of the four lot subdivision known as Sullivan's Grove and their successors, by virtue of being part of the Hershey's Mill Land, shall be members of the Green Hill Sewer Association and can be connected to the Green Hill Sewer treatment system.

If you should have any questions, or require additional information, please contact me.

Sincerely,

Walt Baturka

President

From: mgordon@eastgoshen.org

To: Mcfallse@aol.com

Sent: 7/29/2009 5:14:10 P.M. Eastern Daylight Time Subj: FW: Sullivan's Grove Declaration - revised

Ed,

Kristin has accepted your revisions to the Declaration. Thanks for the review extension. It appears that the last revision of the plan is dated 4/27/09 and the last Yerkes letter was dated 5/11/09, which still indicates some issues yet to be resolved. The PC is going to need a clean letter from the Twp. engineer in order to make a favorable recommendation to the Board of Supervisors.

Thanks,

-Mark

From: Kristin Camp [mailto:kcamp@buckleyllp.com]

Sent: Wednesday, July 29, 2009 4:22 PM

**To:** Mark Gordon **Cc:** Ed Mcfalls

Subject: RE: Sullivan's Grove Declaration - revised

Our comments have been addressed.



### EDWARD B. WALSH & ASSOCIATES, INC.

Complete Civil Engineering Design / Consultation Services
Lionville Professional Center
125 Dowlin Forge Road
Exton, PA 19341

September 28, 2009

Mr. Mark A. Gordon, Zoning Officer East Goshen Township 1580 Paoli Pike West Chester, PA 19380

RE:

Sullivan's Grove Subdivision

Greenhill Road, East Goshen Township

Dear Mr. Gordon:

Enclosed for your use, please find eleven (11) sets of preliminary / final Subdivision Plans for the Sullivan's Grove project located on Greenhill Road. The final plans have been reviewed by the Township Engineer and all comments have been addressed. Based upon our discussion, my client requests to be on the agenda for the October 7<sup>th</sup> Planning Commission meeting.

Also, enclosed for your files are the final legal descriptions for all easements, rights-of-way and lots. These have also been reviewed by the Township Engineer.

If you should any questions or require any additional information, please do not hesitate to contact me.

Very truly yours,

EDWARD B. WALSH & ASSOCIATES, INC.

Daniel/H. Dalley, P.🖺

Enclosure(s)

cc: Charles E. Jackson, III, Yerkes Associates, Inc. (w/encl.) Ed McFalls, Wooldridge Construction of PA (w/encl.)

REGISTERED PROFESSIONAL ENGINEERS & LAND SURVEYORS
Pennsylvania, New Jersey, Delaware, Maryland & North Carolina
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www.ebwalshinc.com
Established 1985



Yerkes Associates, Inc.

Consulting Engineers / Site Planners / Land Surveyors

September 28, 2009

Planning Commission East Goshen Township 1580 Paoli Pike West Chester, Pennsylvania 19380

· Re: Sullivan's Grove – 4 Lot Subdivision Plan

Review of Preliminary/Final Plan

#### Commission Members:

We have received for review the following revised plans and correspondence prepared by Edward B. Walsh & Associates, Inc.:

### Plans dated 08-31-05, last revised 07-30-09 & 09-16-09

- Sheet 1 of 8 Subdivision Plan
- Sheet 2 of 8 Existing Features Plan
- Sheet 3 of 8 Grading & Utilities / Post Construction Stormwater Management Plan
- Sheet 4 of 8 Erosion & Sedimentation Control Plan
- Sheet 5 of 8 Detail Sheet
- Sheet 5A of 8 Profile Plan
- Sheet 6 of 8 Detail Plan
- Sheet 7 of 8 Detail Plan
- Sheet 8 of 8 Landscape Plan
- Sheet 8A of 8 Landscape Plan
- Highway Occupancy Permit Plans, Sheets 1 through 5, dated 01-08-09, last revised 06-30-09

### Correspondence

- E. B. Walsh & Assoc., Inc. letter to East Goshen Township dated 08-08-09
- Hershey's Mill Green Hill Sewer Association letter to East Goshen Township. dated 07-08-09
- Final Hydrological Study / Post Construction Stormwater Management Report / Erosion and Sedimentation Control Report dated 08-31-05, last revised 07-30-09
  - PennDOT Highway Occupancy Permit
  - Copy of email from East Goshen Township to Township Solicitor, dated 07-29-09
  - Legal Descriptions for lots, conveyance of Parcel "A", easements and right-of-ways.
  - PADEP letter regarding Sewage Facilities Planning Modules, dated 05-26-09
  - Email regarding approval of Sullivan Circle via Chester County GIS/9-1-1



Sullivan's Grove September 28, 2009 Page 2 of 2

The plans have been submitted as both a Preliminary and a Final subdivision plan and have been reviewed for compliance with both the preliminary and final plan requirements of the Ordinances. All comments from our previous review letter of May 11, 2009 have been satisfactorily addressed. The plans as submitted are recommended for final approval by the Township.

Please do not hesitate to contact our office if there are any questions concerning the above.

Sincerely,

YERKES ASSOCIATES, INC.

Charles E. Jackson III

Michael Conrad, P.E.

Cc: Rick Smith, Township Manager

Mark Gordon, Zoning Officer

Edward B. Walsh & Associates, Inc. Attn.: Mr. Daniel H. Daley, P.E.

6. SULLIVAN'S GEOVE 1. one pg.

### Memorandum

East Goshen Township 1580 Paoli Pike West Chester, PA 19380

Voice: 610-692-7171 Fax: 610-692-8950

E-mail: mgordon@eastgoshen.org

Date: 9/29/2009

To: Planning Commission

From: Mark Gordon, Township Zoning Officer

Re: Sullivan's Grove

Dear Commission Members,

We have a final clean letter from the Township Engineer for the Preliminary / Final SD Plan for Sullivan's Grove. I have composed the following motion for your consideration.

### **DRAFT MOTION:**

Mr. Chairman; I move that we recommend to the Board of Supervisors that they approve the Preliminary / Final Subdivision Plan for Sullivan's grove, TPN: 53-2-25.2, plan dated 08-31-2005, last revised 09-16-2009.

G. MULEN 2. 4 pop

East Goshen Township Subdivision and / or Land Development Application And Checklist

# EAST GOSHEN TOWNSHIP CHESTER COUNTY, PA

## SUBDIVISION AND / OR LAND DEVELOPMENT APPLICATION

Date Filed: 8.18.09
Application for (Circle one):
Subdivision Land Development Subdivision & Land Development
<ol> <li>Application is hereby made by the undersigned for approval of a Subdivision and or Land Development Plan, more particularly described below.</li> </ol>
1. Applicant's name: <u>Matthew J. and Christine Mullen</u>
Address: 600 Thorncroft Drive; West Chester, PA 19380 Phone: 610-722-5925
Fax: Email:
2. Name and address of present owner (if other than 1. above)
Name:
Address:Phone:
Fax: Email:
3. Location of plan: <u>1645 East Strasburg Road</u>
4. Proposed name of plan: Mullen Residence
5. County Tax Parcel No.: <u>53-4-134.2</u> Zoning District: <u>R-2</u>
6. Area of proposed plan (ac.): <u>19.7</u> Number of lots: <u>1</u>
7. Area of open space (ac.):
8. Type of structures to be constructed: House and accessory structures
9. What provisions are to be made for water supply and sanitary sewer? On-Site
10. Linear feet of road to be constructed:0
11. Name of Engineer: SITE Engineering Concepts, LLC Attn: Rob Lambert
Phone Number: 610-240-0450 Fax: 610-240-0451
Email address: rlambert@site-engineers.com

	12. Name of Land Planner: <u>N/A</u>
	Phone Number: Fax:
	Email address:
C.	I/We agree to reimburse the Township of East Goshen for such fees and expenses the Township may incur for the services of an Engineer(s) in investigations, tests, and review in relation to the Subdivision Plan.  I/We agree to post financial security for the improvements depicted on the Subdivision and or land Development Plan pursuant to the Subdivision and Land Development Ordinance.  I/We agree to reimburse the Township of East Goshen for all inspection fees at the actual cost to Township.
	NOTICE
Offi	e Township requires an Occupancy Permit before any building can be occupied; no cupancy Permit will be issued until final inspection and approved by the Zoning icer and Building Inspector.  Applicant Signature  Applicant Signature
	Administrative Use
=ee	s received from applicant \$ 250 basic fee, plus \$per lot
	lots = \$ 25000 . + \$2,000 Esclow For h

East Goshen Township Subdivision and / or Land Development Application And Checklist

# EAST GOSHEN TOWNSHIP CHESTER COUNTY, PA

### SUBDIVISION AND / OR LAND DEVELOPMENT CHECKLIST

This checklist outlines the steps and items needed to insure completeness of the application and to insure the application follows the process and conforms to the timeframe outlined by the State of Pennsylvania and East Goshen Township. This checklist is broken into two parts, the Application Process and the Review Process. The application process must be completed in its entirety prior to the advancement into the Review Process.

\* Review the formal Planning Commission review procedure on page five. Application for (Circle all appropriate): Subdivision Land Development Applicant Information: Name of Applicant: <u>Matthew J and Christine Mullen</u> Address: 600 Thorncroft Drive; West Chester, PA 19380 Telephone Number: 610-722-5925 Fax: Email Address: Property Address: 1645 East Strasburg Road **Property Information:** Owner Name: Same Address: Tax Parcel Number: 53-4-134.2 Zoning District: R-2 Acreage: 19.2 Description of proposed subdivision and or land Development: Construct a single family house and related improvements on a conservation easement lot.

## Application Process Checklist (Administrative use only):

<u>ltem</u>		Date Complete
3. Count 4. Appro 5. 11 Co 6. 11 cop a. b. c. 7. Three 8. Copies a. b.	poleted Township Application Form: Iship application and review fees paid: Ity Act 247 Form complete:	9-24-09 9-24 9-24 9-24 9-24 9-24
	ess Checklist (Administrative use only)	ring vericell
Item	<u> </u>	
		<u>Date Complete</u>
Date Ab 2. Date pre 3. Date su 4. Date su 5. Date by 6. Date by	first formal Planning Commission Meeting followite submission of application, (Day 1):	<u>10-7</u> <u>9-2                                   </u>

7. Date sent to CB: 9-28
8. Date sent To MA: 9-28
9. Date sent to HC: 7-28
10. Date sent to PRB: 9-10
11. Date sent to TAB: 9-10

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### **Memorandum**

**East Goshen Township** 1580 Paoli Pike West Chester, PA 19380

Voice: 610-692-7171 610-692-8950 Fax:

E-mail: mgordon@eastgoshen.org

Date: 9/29/2009

To: Planning Commission

From: Mark Gordon, Township Zoning Officer

Re: 1422 Paoli Pike, CU Sketch Plan

### Dear Commission Members,

You have before you a sketch plan showing some changes to the Historic resource at 1422 Paoli Pike. There is a prospective buyer for the property who would like to operate her medical practice from the resource. This use would be considered office or business office use, § 240-38.5.A.(3)(a), and fall into the category of an adaptive reuse of the historic resource, which and requires conditional use approval as per § 240-38.7.of the Township code

#### Some initial issues to consider are:

- 1. How will the applicant deal with the increase in impervious coverage and the associated storm water runoff.
- 2. Front and Rear Yard areas, looks like the proposed addition will require variances for both setback requirements, however the Board may grant modifications of the area and bulk requirements for an adaptive reuse as per §240-38.6.
- 3. The sketch plan neglects to show the frame and batten board barn that exists on the property today, however the barn is not a historic resource only the house is. The barn appears to be in bad condition and a possible safety hazard. The applicant proposes to demolish the barn.
- 4. Parking for a medical office requires 6 paces per doctor and 1 per employee; the applicant proposes a maximum of two (2) doctors and four(4) employees in the practice.

Conditional Use Application and Checklist

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## **East Goshen Township**

To: Township Zoning Officer
Name of Applicant: <u>CLEARWIRE</u> US LLC
Applicant Address: 1210 NORTHBEOOK DR, TREVOSE, PA 19053
Telephone Number: <u>5/8-944-9874</u> Fax:
Email Address: WSTONE @ ACOPIOPERTY ADVISORS. COM
Property Address: 21 EDEEWOOD RD, EAST GOSHEN, PA 19382
Tax Parcel Number: Zoning District: R-5 Acreage:
Description of proposed use:  TO INSTALL (3) PANEZ ANTENNAS AND (3) MICRONAVE  PALABOLIC DISHES ON THE EXISTING WATER TANK. (2)  PADIO CABINETS WILL BE INSTALLED INSIDE THE COMPONNI)  AT THE BASE OF THE WATER TANK.
Conditional Use is provided in Zoning Ordinance Section:  We hereby acknowledge that we have read this application and state that the above is correct and agree to comply with all provisions of the East Goshen Township Zoning Ordinance applicable to this project and property.  Multiple Section:  240 -3/  We hereby acknowledge that we have read this application and state that the above is correct and agree to comply with all provisions of the East Goshen Township Zoning Ordinance applicable to this project and property.  Signature of Applicant  Date
Attest: Att // Attest

<sup>\*</sup> Review the formal Planning Commission review procedure on page three.

### Conditional Use Application and Checklist

### Township Administration use only:

This checklist outlines the steps and items needed to insure completeness of the application and to insure the application follows the process and conforms to the timeframe outlined by the state of Pennsylvania and East Goshen Township. This checklist is broken into two parts, the Application process and the Review Process. The application process must be completed in its entirety prior to the applications advancement into the Review Process.

### **Application Checklist:**

<u>ltem</u>	<b>Date Complete</b>
<ol> <li>Completed Township Application Form:</li></ol>	
Application accepted as complete on by _	
Official Signature: Title	•
Review Process Checklist	
Item  1. Start date:  2. Date of first formal Planning Commission Meeting for Submission of complete application:  3. Sent to Twp. Engineer:  4. Date presented to Planning Commission:  5. Abutting Property Letter sent:  6. Date sent to CB:  7. Date sent To MA:  8. Date sent to HC:  9. Date sent to PRB:  10. Date sent to TAB:  11. Date by which the PC must act:  12. Date by which Board of Supervisors must act:  13. Drop Dead Date; (Day 60):  14. Conditional Use Hearing Date:  15. Dates of hearing advertisement:  16. Property Posted:	&

### **East Goshen Township Planning Commission**

Procedure for processing Subdivision, Land Development, Conditional Use, Variance, and Special Exception Applications August 19, 2002

2<sup>nd</sup> Revision: March 2, 2006

- 1. In order for any application to be considered by the Planning Commission it must be submitted to the Township with all required documentation as per the Township Code and with all applicable fees paid. The Township will use a checklist to verify all required documentation has been submitted. Until the application is complete the application will not be considered "filed" by the Township staff. The Planning Commission will acknowledge receipt of the application at their next regularly scheduled meeting.
- 2. All materials to be considered at the next regular meeting of the Planning Commission must be submitted with at least eleven (11) copies to the Township Staff by not later than close of business the previous Tuesday. Any materials submitted after that time will be held for the following meeting and not provided to the Commission at the upcoming meeting.
- 3. The application review cycle for Subdivision and Land Development Applications shall begin with the next regular meeting of the Commission after the complete application is filed. The application review cycle for Conditional Use, Variance, and Special Exception Applications shall begin the day a complete application is filed with the Township.
- 4. Applicants should not distribute material to the Commission during a meeting unless it is directly related to the initial presentation of the application. All materials for the Planning Commission, including any material to be used at a meeting, must be delivered to the Township Staff not later than close of business the previous Tuesday.
- 5. The burden of supplying necessary materials to the Planning Commission in a timely manner is on the applicant. Late delivery of material may require an extension on the part of the applicant or a recommendation for denial of the application by the Planning Commission.
- 6. Formal application presentations to the Planning Commission will only be made at the regular meeting after the complete application is submitted and accepted by the Township staff.
- 7. The application will remain on the Planning Commission's agenda until such time as the Commission has made its recommendation to the Board of Supervisors and or Zoning Hearing Board.
- 8. Applicants are encouraged to attend each Planning Commission meeting in order to answer questions or address issues concerning their application.
- 9. Applications will be voted on only during the regular Planning Commission meetings.
- 10. The Chairman, in his sole discretion, may waive or modify any of this procedure.



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August, 26 2009

Mark A. Gordon Director of Code Enforcement / Zoning Officer East Goshen Township 1580 Paoli Pike West Chester, PA 19380

Re: Clearwire US, LLC Application for a Conditional Use Permit for property located at 21 Edgewood Rd, East Goshen, PA 19382

Dear Mr. Gordon,

In accordance with East Goshen Township's ordinance regarding telecommunications installations (§ 240-31.- Conditional uses; additional standards for specific principal uses), Clearwire US LLC is submitting this application package for a Conditional Use Permit. Enclosed you will find (11) sets of zoning drawings and propagation (coverage) maps.

The proposed installation is to complete Sprint's 4G network. Clearwire will be installing (3) panel antennas and (3) parabolic antennas at Sprint's existing RAD center of 107'. Clearwire will also be installing the (2) necessary radio cabinets inside Sprint's existing leased area on the existing platform. No new expansion or modification is necessary to the platform as it was created with this installation in mind. Spec sheets for all equipment to be installed is included in the plans.

The attorney representing Clearwire in this matter is Michael S. Grab with Nikolaus & Hohenadel, LLP, 327 Locust Street, Columbia PA 17512, 717-684-4422. If you require further information please feel free to contact me at (518)-944-9874.

Regards,

William Stone

Site Acquisition and Zoning Manager



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August 26, 2009

Mark A. Gordon Director of Code Enforcement / Zoning Officer East Goshen Township 1580 Paoli Pike West Chester, PA 19380

Re: Clearwire US, LLC written narrative for a Conditional Use Permit for property located at 21 Edgewood Rd, East Goshen, PA 19382

- [A] Location and height. Location: 21 Edgewood Rd, East Goshen, PA 19382. Height of structure: 102'.
- [i] Wireless communications facilities must be located on a land site only within the zoning district where permitted as a conditional use and only in such location within that district and at a height necessary to satisfy their function in the applicant's wireless communications system. No applicant shall have the right under these regulations to erect a tower to the maximum height specified in Subsection C(3)(h)[2][b], unless it proves the necessity for such height. The applicant shall demonstrate that the proposed height of the commercial communications antenna support structure and the commercial communications antennae intended to be attached thereto is the minimum height required to provide satisfactory service for wireless communications. This is a Water tank with pre-existing wireless technology mounted to it.
- [ii] Prior to the Board's approval of a conditional use authorizing the construction and installation of a commercial communications antenna support structure (tower) in a zoning district where the same is a permitted conditional use, it shall be incumbent upon the applicant for such conditional use approval to prove to the reasonable satisfaction of the Board that the applicant cannot adequately extend or infill its communications system by the use of equipment such as repeaters, antenna(e) and other similar equipment installed on existing structures, such as utility poles and other available tall structures. **Using existing structure.**
- [iii] Maximum heights. No commercial communications antenna support structure shall be taller than 120 feet, measured from undisturbed ground level,



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unless the applicant proves that another provider of wireless communications services has agreed to collocate commercial communications antenna(e) on the applicant's commercial communications antenna support structure and requires a greater tower height to provide satisfactory service for wireless communications than is required by the applicant. In such case, the commercial communications antenna support structure shall not exceed 150 feet unless the applicant secures a waiver from the Supervisors by demonstrating such proof as would be required in the case of a variance under § 240-58B. In no event shall mounted commercial communications antenna(e) height on any tower extend more than 25 feet above the installed height of the tower. **Not extending the height of the watertank.** 

- [iv] The conditional use application shall be accompanied by a plan showing each of the contiguous properties, identified by tax parcel number and owner, depicting all buildings and structures located on such properties and their principal and/or accessory uses; and the concealment or other reasonably appropriate stealth measures (the determination of which shall be in the Board's reasonable discretion) proposed to camouflage or conceal antennas, such as the use of neutral materials that hide antennas, the location of antennas within existing structures, such as steeples, silos and advertising signs, the replication of steeples and other structures. **Plans included.**
- [b] The conditional use application shall be accompanied by a propagation study demonstrating that there is a substantial gap in coverage among wireless carriers, a description of the type and manufacturer of the proposed transmission/radio equipment, the subscriber equipment sensitivity, the design dBm of the transmission and receiving equipment and the results of the drive-by test conducted by the applicant in determining the need for the proposed land site and installation. **Propagation maps included.**
- [c] Wireless communications equipment building. In those zoning districts where commercial communications antenna(e) and commercial communications antenna support structures are permitted by conditional use, either one single-story wireless communications equipment building not exceeding 500 square feet in area or up to three metal boxes placed on a concrete pad not exceeding 10 feet by 20 feet in area housing the receiving and transmitting equipment and found necessary by the Board to the proper functioning of the tower and commercial communications antenna(e) may be located on the land site selected for installation and location of the tower for each unrelated company sharing



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commercial communications antenna(e) space on the tower. **2 equipment** cabinets to be installed.

- [d] Other facilities. With the exception of the wireless communications equipment building housing the receiving and transmitting equipment necessary to the proper functioning of the tower and commercial communications antenna(s), all other uses ancillary to commercial communications antenna(s) and commercial communications antenna support structures, including but not limited to a business office, mobile telephone switching office, maintenance depot and vehicular storage area shall not be located on any land site, unless otherwise permitted by the applicable district regulations in which the site is located. All utilities required for this facility shall be located underground. **Will comply.**
- [e] Attachments to existing structures. When approved as a conditional use, in all zoning districts antenna(s) may be attached to an existing structure such as a smokestack, utility pole, water tower, commercial or industrial building or any similar tall structure provided: **Attaching to an existing water tank.**
- [i] The height of the commercial communications antenna(s) and apparatus attaching the commercial communications antenna(s) thereto shall not exceed 10 feet in height above the highest point on the existing structure, unless the applicant proves that a greater antenna(s) height is required to make it an adequately functional component of the applicant's system, but in no case shall such height exceed 25 feet. **In compliance.**
- [ii] The applicant proves that such location is necessary to satisfy their function in the applicant's wireless communications system. **Will comply. Propagation maps included.**
- [iii] The applicant submits a plan showing each of the contiguous properties, identified by tax parcel number and owner, depicting all buildings and structures located on such properties and their principal and/or accessory uses. **Plans included.**
- [iv] The applicant employs concealment or other reasonably appropriate stealth measures (the determination of which shall be in the Board's reasonable discretion) to camouflage or conceal antennas, such as the use of neutral materials that hide antennas, the location of antennas within existing structures,

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such as steeples, silos and advertising signs, the replication of steeples and other structures. Will comply with the board's wishes for concealment.

- [v] The Board may authorize the installation of up to three metal boxes placed on a concrete pad not exceeding 10 feet by 10 feet in area to house the receiving and transmitting equipment necessary to the operation of the antenna(s). This pad may be located within a front yard, side yard or rear yard, provided that the pad and boxes are set back from the property line or right-of-way line if the property line is in the right-of-way by a minimum of 10 feet and the combined height of the pad and boxes does not exceed eight feet. If the commercial communications antenna(s) is installed on an existing utility pole the Board may authorize the installation of a maximum one cabinet on the utility pole upon which the antenna(s) is located. The cabinet shall be located at the maximum height allow by the owner of the utility pole, however, in no case shall the bottom of the cabinet be less than eight feet above ground level. The cabinet shall have a maximum size of 36 inches high by 24 inches wide by 12 inches deep. The Board shall approve the color and orientation of the cabinet on the pole. Will comply.
- [vi] The pad and boxes housed thereon shall be screened with an evergreen landscape buffer screen having a minimum planted height of six feet. This screen shall be maintained by the applicant for as long as the facility is in operation. **Existing compound with existing screening.**
- [vii] For purposes of this Subsection 31C(3)(h)[2][e], in order to constitute an existing structure, the structure must be one that was constructed and/or erected prior to April 7, 1998, the effective date of § 240-31C(3)(h) of this chapter, and, further, such structure shall not be a commercial communications antenna support structure as defined in § 240-6. Water tank built before April 7, 1998.
- [viii] The applicant shall comply with the requirements of Subsection C(3)(h)[2][a][iii], [k], [o], [q], [r], [u], [w], [x], [y] and [z]. **Will comply.**
- [f] Setbacks from tower base. The minimum distances between the base of a commercial communications antenna support structure and any adjoining property line or street right-of-way line shall equal 40% of the proposed commercial communications antenna support structure height. Where the land site on which a tower is proposed to be located is contiguous to an educational use, child day-care facility or residential use, minimum distance between the



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base of a commercial communications antenna support structure and any such adjoining uses shall equal 100% of the proposed commercial communications antenna support structure height, unless it is demonstrated to the reasonable satisfaction of the Board and its engineer that in the event of tower failure, the tower is designed to collapse upon itself within a setback area less than the required minimum setback without endangering such adjoining uses and their occupants. Structure is a watertank with no risk of collapse.

- [g] Antenna support structure safety.
- [i] The applicant shall demonstrate that the proposed commercial communications antenna(e) and commercial communications antenna support structure are designed and constructed in accordance with all applicable national building standards for such facilities and structures, including but not limited to the standards developed by the Electronics Industry Association, the Institute of Electrical and Electronics Engineer, the Telecommunications Industry Association, the American National Standards Institute and the Electrical Industry Association. The applicant shall demonstrate that the proposed wireless communications facility is designed in such a manner so that no part of the facility will attract/deflect lightning onto adjacent properties. The installation is designed by a Professional Engineer licensed in the state of Pennsylvania. There is no lighting required for this installation.
- [ii] When a commercial communications antenna(e) is to be located on an existing structure and the general public has access to the structure on which the commercial communications antenna(e) is to be located, the applicant shall provide engineering details showing what steps have been taken to prevent microwave binding to wiring, pipes or other metals. For purposes of this section, the term "microwave binding" shall refer to the coupling or joining of microwave energy to electrical circuits, including but not limited to power lines and telephone wires, during which process the transference of energy from one to another occurs. The general public will not have access to this site.
- [h] Fencing. A security fence shall be required around the antenna support structure and other equipment, unless the commercial communications antenna(e) is mounted on an existing structure pursuant to Subsection C(3)(h)[2][e]. There is a pre-existing chain link fence installed.



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- [i] Landscaping. The following landscaping shall be required to screen as much of a newly constructed commercial communications antenna support structure as possible. The Board of Supervisors may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if, in the discretion of the Board of Supervisors, they achieve the same degree of screening as the required landscaping. Compound for the water tank is located in a wooded area with existing screening.
- [i] An evergreen screen shall be required to surround the commercial communications antenna support structure. The screen can be either a hedge planted three feet on center maximum or a row of evergreen trees planted 10 feet on center maximum. The evergreen screen shall be a minimum planted height of six feet at planting and shall be capable of growing to a minimum of 15 feet at maturity. Compound for the water tank is located in a wooded area with existing screening.
- [ii] Existing vegetation on and around the land site shall be preserved to the greatest extent possible. **Will comply.**
- [j] Design. In order to reduce the number of commercial communications antenna support structures in the Township in the future, the proposed commercial communications antenna support structure shall be designed to accommodate other potential communication users, including but not limited to commercial wireless communication companies, local police, fire and ambulance companies. N/A Installation on existing water tank.
- [k] Licensing and applicable regulations. If the applicant is a commercial wireless communications company, it must demonstrate that it is licensed by the Federal Communications Commission (FCC) and provide the Township Secretary with copies of all FCC applications, permits, approvals, licenses and site inspection records. All such information shall be accompanied by a certification signed by two officers of the applicant providing that, after due inquiry, the information being supplied is true and correct to the best of their knowledge, information and belief. The applicant shall also provide the Township Secretary with copies of all applicable federal regulations with which it is required to comply and a schedule of estimated FCC inspections. The applicant shall provide proof to the Township that it has complied with Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470f, as amended, and has



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reviewed the effects of the proposed wireless communications facilities on local historic resources that are included in or eligible for inclusion in the National Register of Historic Properties. Will provide FCC documentation. This already an existing wireless facility and will have no further impact on an environmental or historical scale.

- [I] Proof of inspection. Will Comply
- [i] The owner of a commercial communications antenna support structure shall submit to the Township Engineer proof of the annual inspection of the commercial communications antenna support structure and commercial communications antenna(e) by an independent professional engineer as required by the ANSI/EIA/TIA-222-E Code. Based upon the results of such inspection, the Board of Supervisors may require removal or repair of the wireless communications facility. N/A Water tank.
- [ii] In the event that the annual inspection referred to above is not performed in a timely manner, the owner shall be subject to civil enforcement proceedings in accordance with § 240-54. **N/A**
- [m] Soil report. A soil report complying with the standards of Geotechnical Investigations, ANSI/EIA-222-E, as amended, shall be submitted to the Township Engineer to document and verify the design specifications of the foundation for the commercial communications antenna support structure, and anchors for the guy wires, if used. N/A- Existing wireless facility
- [n] Inspection by engineer. Prior to the Township's issuance of a permit authorizing construction and erection of a commercial communications antenna support structure, a structural engineer registered in Pennsylvania shall issue to the Township a written certification of its ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association, and certify the proper construction of the foundation and the erection of the commercial communications antenna support structure. Where antenna(e) are proposed to be attached to an existing structure, such engineer shall certify that both the structure and the antenna(e) and their appurtenances meet minimum industry standards for structural integrity. This requirement shall constitute a required condition of any conditional use approval for the proposed use. N/A- existing water tank and telecommunications facility



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- [o] Required parking. If the wireless communication facility is fully automated, a minimum of two spaces shall be provided unless the applicant demonstrates to the satisfaction of the Board of Supervisors that adequate parking is available. If the wireless communication facility is not fully automated, the number of required parking spaces shall equal the number of employees present at the wireless communication facility during the largest shift. **Adequate parking available.**
- [p] Visual appearance. Commercial communications antenna support structures shall be painted silver, or another color approved by the Board, or shall have a galvanized finish. All wireless communications equipment buildings and other accessory facilities shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible. The Board of Supervisors may require that:
- [i] Commercial communications antenna support structures be painted green up to the height of nearby trees.
- [ii] Wireless communications equipment buildings which house electrical transmitter equipment be placed underground, unless determined to be detrimental to the functioning and physical integrity of such equipment.
- [iii] In making these determinations, the Board of Supervisors shall consider whether its decision will promote the harmonious and orderly development of the zoning district involved; encourage compatibility with the character and type of development existing in the area; benefit neighboring properties by preventing a negative impact on the aesthetic character of the community; preserve woodlands and trees existing at the site to the greatest possible extent; and encourage sound engineering and land development design and construction principles, practices and techniques. Applicant will comply with the boards stealthing requirements.
- [q] Site plan. A full site plan shall be required for all wireless communications facilities, showing all existing and proposed structures and improvements, including but not limited to the commercial communications antenna(e), commercial communications antenna support structure, building, fencing, buffering, ingress and egress. The plan shall comply with Chapter 205, Subdivision and Land Development. Site plan submitted with application.
- [r] No sign or other structure shall be mounted on the wireless communications facility, except as may be required by the FCC, FAA or other governmental agency. **N/A no sign proposed.**

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- [s] Lighting. Commercial communications antenna support structures shall meet all Federal Aviation Administration (FAA) regulations. No commercial communications antenna support structure may be artificially lighted except when required by the FAA or other governmental authority. When lighting is required by the FAA or other governmental authority, it shall be limited to the minimum lumens and number of lights so required and it shall be oriented inward so as not to project onto surrounding properties. The applicant shall promptly report any outage or malfunction of FAA mandated lighting to the appropriate governmental authorities and to the Township Secretary. No additional lighting proposed.
- [t] Maintenance. The applicant shall describe anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and the traffic safety and noise impacts of such maintenance. The installation is an unmanned facility requiring (1) SUV visit once every 3 months on average.
- [u] Vehicular access. In the event that a commercial communications antenna(e) is attached to an existing structure, vehicular access to the wireless communications facility shall not interfere with the parking or vehicular circulation on the site for the existing principal use. The facility is an unmanned water tank and telecommunications compound.
- [v] Collocation. If the applicant proposes to build a commercial communications antenna support structure [as opposed to mounting the commercial communications antenna(e) on an existing structure, the applicant shall demonstrate that it has contacted the owners of structures of suitable location and height (such as smoke stacks, water towers and buildings housing existing commercial communications antenna support structures) within a one-mile radius of the site proposed, has asked for permission to install the commercial communications antenna(e) on those structures and has been denied. The Board of Supervisors may deny an application to construct a new commercial communications antenna support structure if the applicant has not made a good faith effort to mount the commercial communications antenna(e) on an existing structure as set forth in this subsection. N/A applicant is proposing a collocation.
- [w] Abandonment. If use of the wireless communications facility is abandoned, or if the wireless communications facility is not in use for a period of six months or longer, the owner shall demolish and/or remove the wireless communications facility from the land site within six months of such



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abandonment and/or nonuse. All costs of demolition and/or removal shall be borne by the owner of the wireless communications facility. In the event that the demolition and/or removal referred to above is not performed in a timely manner, the owner shall be subject to civil enforcement proceedings in accordance with § 240-54C. **Applicant will comply.** 

- [x] Notification. Notice of the Planning Commission meeting(s) at which the application will be discussed and of the hearing shall be given to the applicant, the Zoning Officer, the Planning Commission, the Board of Supervisors, property owners within 1,000 feet of the subject property and any other persons or group, including civic or community organizations who have made a timely request for such notice by personally delivering or mailing a copy of the published notice. The notice shall be mailed by the Township at least 30 days prior to the date of the hearing by first class mail to the addresses to which the real estate tax bills are sent for all real property, as evidenced by tax records within the possession of the Township. A good faith effort and substantial compliance shall satisfy the requirements of this subsection. If the subject property is within 1,000 feet of the Township boundary, the adjoining municipality shall be notified. [Amended 9-19-2006 by Ord. No. 129-E-06]
- [y] Interference. In the event that the wireless communications facility causes interference with the radio or television reception of any Township resident for a period of three continuous days, the resident shall notify the applicant of such interference and the applicant, at the applicant's sole expense, shall thereafter ensure that any interference problems are promptly corrected. In the event that the interference is not corrected in a timely manner, the applicant shall be subject to the civil enforcement proceedings in accordance with § 240-54C. **Applicant will comply.**
- [z] Annual report. In January of each year, the owner of any wireless communications facility shall pay the registration fee as established from time to time by resolution of the Board of Supervisors and shall provide the Township Secretary with the following information. Changes occurring with respect to any such reported information shall be reported to the Township Secretary, in writing, within 10 days of the effective date of such change(s). Owner will be notified of the aforementioned fee.



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[i] The names and addresses of the owner of the wireless communications facility and any organizations utilizing the wireless communications facility and telephone numbers of the appropriate contact person in case of emergency.

Harry Ng I Network Development - Philadelphia Metro Market, S. NJ, DE I 1210 Northbrook Drive I Suite 420 I Trevose, PA 19053 I Mobile: 201.951.6411 I

[ii] The name and address of the property owner on which the wireless communications facility is located.

R. J McNulty Senior Energy Manager Aqua Pennsylvania Inc. 762 W. Lancaster Ave. Bryn Mawr, PA 19010 610-645-1030 610-525-6563 (Fax)

- [iii] The location of the wireless communications facility by geographic coordinates, indicating the latitude and longitude. Lat: N 39.9641800, Lon: W 75.53813000
- [iv] Output frequency of the transmitter. 2300 2700Mghz
- [v] The type of modulation, digital format and class of service. **WiMAX**
- [vi] Commercial communications antenna(e) gain. 17.3 dbi
- [vii] The effective radiated power of the commercial communications antenna(e). **2700 Mghz**
- [viii] The number of transmitters, channels and commercial communications antenna(e). (3) Panel antenna and (3) Parabolic antenna
- [ix] A copy of the owner's or operator's FCC authorization. Will comply.
- [x] Commercial communications antenna(e) height. 107'



# ACO PROPERTY ADVISORS, INC.

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- [xi] Power input to the commercial communications antenna(e). 250 watt
- [xii] Distance to nearest base station. 20'

The attorney representing Clearwire in this matter is Michael S. Grab with Nikolaus & Hohenadel, LLP, 327 Locust Street, Columbia PA 17512, 717-684-4422. If you require further information please feel free to contact me at (518)-944-9874.

Regards,

William Stone

Site Acquisition and Zoning Manager

610-692-7171 www.eastgoshen.org

BOARD OF SUPERVISORS

J. CLEARWIRE 1 one pa

EAST GOSHEN TOWNSHIP

CHESTER COUNTY 1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

September 15, 2009

Dear Property Owner:

The purpose of this letter is to inform you that the Township has received a Conditional Use Application from Clearwire US, LLC, requesting approval to upgrade the existing Sprint wireless communication facility on the Aqua PA water tank on Edgewood Rd. in East Goshen Township pursuant to Section 240 31.C.(3)(h) of the Township Zoning Ordinance.

Pursuant to Township policy all property owners within 1,000 feet of the proposed location of a wireless communication facility are notified of the meeting dates when the application will be discussed. The scheduled dates of the public meetings, for review and potential approval of this application, are as follows:

October 7, 2009 - Planning Commission meeting (workshop 7:00 pm, formal meeting 7:30 pm) (The applicant will make a presentation at the formal portion of the meeting which begins at 7:30 pm)

October 20, 2009 - Board of Supervisors meeting (workshop 7 pm, formal meeting 8:00 pm) (The Board of Supervisors will conduct the Conditional Use Hearing during the formal portion of the meeting which begins at 8:00 pm)

All meetings and workshops are held at the Township Building and are open to the public. The application is available for review during normal business hours. Please give me a call at 610-692-7171 or e-mail me at <a href="mailto:mgordon@eastgoshen.org">mgordon@eastgoshen.org</a> if you have any questions or need additional information.

Sincerely,

Mark Gordon

Township Zoning Officer

CC:

William Stone, ACO Property Advisors (via email only)

Bob Layman, Township Manager, Westtown Township (via email only)

East Goshen Township Authority, Boards and Commissions

Yerkes

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Yerkes Associates, Inc.

Consulting Engineers / Site Planners / Land Surveyors

September 25, 2009

East Goshen Township 1580 Paoli Pike West Chester, Pennsylvania 19380

Attn: Mark Gordon, Township Zoning Officer

Re: Clearwire US, LLC - 25 Edgewood Road

Conditional Use Plan Review

Dear Mark:

The following plans prepared by Ramaker & Associates, Inc. have been submitted to this office for review:

Title Sheet - sheet T-1
Site Plan - sheet A-1
Elevation - sheet A-2
Details and Notes - sheet A-3
Coax Color Coding - sheet A-4
Equipment Details - sheet A-5
Cabinet Specifications - sheet A-6
Utility Plan - sheet E-1
Grounding Plan - sheet E-2
Grounding Details - sheets E-3 and E-4
Grounding Antenna Details - sheet E-5

The plan submission also included a Conditional Use Written Narrative prepared by William Stone of Property Advisors, Inc.

All plans have a latest revision date of August 20, 2009. The parcel owner is Aqua Pennsylvania, Inc. (formerly Philadelphia Suburban Water Co.) and the applicant is Clearwire US, LLC. The 9,075 square foot parcel is located south of West Chester Pike between Edgewood Road and the Summit House Condominium. The parcel contains an approximately 102 foot high water tower, driveway, communication equipment pads and shelters, trees, and fencing. The plan depicts the installation of three panel antennas and three parabolic antennas at the top of the water tower and two equipment cabinets on Sprint's leased platform area at the base of the tower.

The parcel is situated within the R-5 Urban Residential district and the following comments are offered for your consideration:

Clearwire - Edgewood Road September 25, 2009 Page 2 of 3

# **Zoning Ordinance**

- Section 240-31.C.3.h.2.e Within the R-5 Zoning District, Conditional Use approval is required to locate communication antennas on an existing water tower and to install support equipment on the ground. The requirements for Conditional Use approval must be addressed to the Board's satisfaction.
- 2. <u>Section 240-31.C.3.h.2.e.ii</u> The applicant shall demonstrate to the Board's satisfaction that the proposed antenna location and antenna height are necessary to provide satisfactory coverage. The applicant shall also demonstrate that the proposed location will obviate the need for the erection of a communication antenna support structure in another location where the same is permitted.
- Section 240-31.C (3) (h) [2] [e] [iii]: A site plan depicting all buildings and structures located on contiguous properties should be provided.
- 4. <u>Section 240-31.C(3) (h) [2] [e] [iv]:</u> Concealment or other reasonably appropriate stealth measures to camouflage or conceal antennas, such as the use of neutral materials that hide antennas, shall be incorporated into the site plan design. Measures to conceal or camouflage the proposed antennas shall be incorporated into the site plan to the Board's satisfaction.
- 5. <u>Section 240-31.C.3.h.2.l</u> The plans should note that the applicant is required to submit to the Township proof of the annual inspection of the communication antenna(e) and support structure. The inspection must be performed by an independent professional engineer as required by the ANSI/EIA/TIA-222-E Code.
- 6. Section 240-31.C.3.h.2.n Where antenna(e) are proposed to be attached to an existing structure, a structural engineer shall certify that both the structure and the antenna(e) and their appurtenances meet minimum industry standards for structural integrity. A structural analysis and inspection report should be included with the conditional use application.
- 7. <u>Section 240-31.C.3.h.2.o</u> A minimum of two parking spaces shall be provided for fully automated wireless communication facilities. The plans should identify the location of parking spaces available for the applicant.
- 8. <u>Section 240-31.C (3) (h) [2] (q):</u> The plan shall comply with requirements of Chapter 205, Subdivision and Land Development Ordinance as follows:
  - a. <u>Section 205-33.A.3</u> Signature blocks for approval should be added to the site plan
  - b. <u>Section 205-33.B.5</u> The site plan should note the names, deed book, and page number of all abutting parcel owners.

Clearwire - Edgewood Road September 25, 2009 Page 3 of 3

- c. <u>Section 205-33.B.7</u> The location of the parcel boundary should be indicated on the plan and be described with bearings and distances.
- d. <u>Sections 205-33.B.8 and 205-35.A & .B</u> No topography has been provided on the plan; however, a topographic survey of the site does not appear to be required for this project. A waiver request from these sections should be noted on the plan.
- e. <u>Section 205-33.B.10</u> The location of all existing utilities that service the facility should be indicated on the plans.
- f. <u>Section 205-33.B.17</u> A certification statement of ownership and plan acknowledgement should be added to the site plan and be signed and notarized by the parcel owner.
- 9. <u>Section 240-31.C (3) (h) [2] [t]:</u> A description of the anticipated maintenance needs, including frequency of service, personnel needs, equipment needs, and the traffic safety and noise impacts of such maintenance should be provided with the application.
- 10. <u>Section 240-31.C(3)(h)[2][w]</u>: The plans should note that any wireless communications facility to be abandoned or its use discontinued for a period of six months shall be demolished or removed from the site within six months at the expense of the owner of the wireless communications facility.
- 11. <u>Section 240-31.C (3) (h) [2] [x]]:</u> Proof of notification of all owners within 1,000 ft. of the communications site should be provided to the Board.
- 12. <u>Section 240-31.C (3) (h) [2] [y]:</u> As described by this section, the plan should include a note regarding the procedure to be followed if the telecommunications facility causes radio or television reception interference.
- 13. <u>Section 240.C (3) (h) [2] [z]:</u> A note should be placed on the plan that an Annual Report will be submitted in accordance with the provisions of this section.

The plan submission should be revised in accordance with the above comments. Please contact this office if you have any questions concerning this review.

Sincerely,

YERKES ASSOCIATES, INC.

Michael Conrad, P.E.

Cc: ACO Property Advisors, Inc.

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I. Cleanwire

# Memorandum

East Goshen Township 1580 Paoli Pike West Chester, PA 19380

Voice: 610-692-7171 Fax: 610-692-8950

E-mail: mgordon@eastgoshen.org

Date: 9/29/2009

To: Planning Commission

From: Mark Gordon, Township Zoning Officer

Re: Clearwire US

Dear Commission Members,

I have composed draft motions for the Clearwire US CU application. We have a review letter from the Township Engineer for the CU Plan which includes comments to be addressed by the applicant.

## DRAFT MOTIONS:

## MOTION TO RECOMMEND APPROVAL:

Mr. Chairman, I move that we recommend to the Board of Supervisors that they approve the CU application for the upgrade of equipment and antennas to the Sprint wireless communication facility on the Aqua PA water tower located on Edgewood Road, TPN; 53-6-152.2U plan dated 05-11-2009, last revised 08-20-2009, with the following conditions:

- All the comments from the Township Engineer's review dated 09-25-2009 are addressed prior to approval by the Board of Supervisors.
- All outstanding reporting and inspection requirements for the existing Sprint WCF are submitted to the Township and approved by the township Engineer.

#### MOTION TO RECOMMEND DENIAL:

Mr. Chairman, I move that we recommend to the Board of Supervisors that they DENY the CU application for the upgrade of equipment and antennas to the Sprint wireless communication facility on the Aqua PA water tower located on Edgewood Road, TPN; 53-6-152.2U. This recommendation is due to the fact that Sprint has not provided the Township with the required inspection reports as outlined in the ordinance even after receipt of two separate violation notices.

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# Memorandum

East Goshen Township 1580 Paoli Pike West Chester, PA 19380

Voice: 610-692-7171 Fax: 610-692-8950

E-mail: mgordon@eastgoshen.org

Date: 10/1/2009

To: Planning Commission

From: Mark Gordon, Township Zoning Officer

Re: Sign Area Permitted for Historic Resource Adaptive Reuses

#### Dear Commission Members,

Per the Board's request I have drafted a proposed addition "Amendment" to the Historic Preservation Ordinance related to signage for historic properties which receive approval for an adaptive reuse or and have multiple principal uses. Right now the ordinance allows each adaptive reuse approved to have a 32 s.f. sign. This amendment proposes to limit the total sign area to 32 s.f. for the property as a whole.

## §240-38.5.

E. Where approved by the Board of Supervisors as a conditional use, a property on which an historic resource is located and adaptively reused shall be permitted one freestanding sign with a maximum area of 32 square feet for the entire property to including multiple principal uses conducted within an historic resource or property where a historic resource is located.

L. NEW BUSINESS

# Memorandum

East Goshen Township 1580 Paoli Pike West Chester, PA 19380

Voice: 610-692-7171 Fax: 610-692-8950

E-mail: mgordon@eastgoshen.org

Date: 10/1/2009

To: Planning Commission

From: Mark Gordon, Township Zoning Officer

Re: Flex Industrial Use

Dear Commission Members,

Per the request I spent some time researching Flex-Industrial and was less successful than I anticipated. I have heard this term used a lot however there doesn't appear to be a large use of the term in Zoning Ordinances, it appears to have been a real estate term used to describe light industrial buildings where office, warehouse and industrial type uses are all aspects of the principle use, similar to our Multiple Principle Use, which we have in the East Goshen Township Zoning ordinance. Parking seems to be the item that creates challenges for us and we are not alone.

I have enclosed some articles I found that talk about flex uses and hopefully they will help the commission with future discussions on Flex Industrial uses and the parking needs that are typically generated from these types of uses.

# Flex space

From Wikipedia, the free encyclopedia

Flex space is a term used for lightly zoned buildings. It is mainly used when referring to industrial or office space.

# History

Flex space evolved from light industrial warehouses being converted to office space. Businesses that generally occupy these are new dotcoms, mechanic shops, and companies that contract plumbing, pest, electrical, and sometimes churches and related services.

Companies have discovered that on any given work day, a large percentage of their cubes are unoccupied--in some cases, up to 50%. Employees travel for work, take vacation, or are working from home in greater numbers than ever before. To avoid having to lease or buy more office space, flex space allows a company to have a higher occupancy of cube space and less wasted work areas.

At the beginning of the work day, an employee shows up at work. Cubes are mostly configured in the same way, making them all the same. The employee chooses a cube where he would like to sit, and that is his cube for the day. At the end of the day, he packs up his belongings, either bringing them all home with him or storing them in a locker space. This leaves the cube the same way it was when he came in, and leaves it free and open for someone to use the following day.

A large concern with employees in a flex space environment is cleanliness. It is important in a flex space environment to have a strong cleaning staff.

# **External links**

• Flex Space on the Rise? From bizjournals.com

Retrieved from "http://en.wikipedia.org/wiki/Flex\_space" <a href="mailto:Zategories: Architecture">Zategories: Architecture</a>

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## Pagliari, Saturno Serve New Need For Flex Industrial Alternatives

By Craig Bloomfield Senior Editor Publication: Commercial Property News Date: Thursday, December 16 1999

You are viewing page 1

Chicago?A 64,000-square-foot building at AMLI Commercial Properties' Amhurst Lakes houses four tenants with greatly differing uses for the space: The Chicago Tribune's 12,000-square-foot distribution space has only 1,500 square feet of office, while U.S. Office Products' 16,000-square-foot space is 60 percent office/showroom space.

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RJ Contracting's 4,000 square feet of showroom space is about a fifth the size of its distribution space And HD Electric's 15,000 square feet includes 5,000 square feet of office as well as manufacturing and storage space.

"That one building is a microcosm of the flex market because there are spaces with heavy office use, heavy industrial use, showroom and manufacturing," said AMLI vice president Michael Murphy.

Once out of favor, the flex market has come back in recent years in response to ever-increasing user

demand for such space. Demand is on the rise for several reasons: office tenants are looking for cheaper alternatives, startup companies are looking for integrated office and industrial operations within a single location. and users of all types are being drawn to the easyparking accessibility and large, open designs that such buildings offer.

Flex space?known alternatively as service center, tech and R&D space?has as many definitions as it has names. "The word 'flex' gets used in a lot of different connotations," said Koll Development senior vice president Charles Abdi. In an industrial context, flex space is product with additional parking, glass on three of the outer walls and the ability to build two levels of office space in a portion of the building. But the same terminology applies as well to two- or three-story back office and "e-commerce" office space with dock-high and ground-level access.

1 2 3 4 5 6 7 8 Next Page

Pagliari, Saturno Serve New Need For Flex Industrial Alternatives | Real Estate > Comme... Page 10 10

You are viewing page 2

"Flex tends to define the small-tenant market, while R&D is more targeted to medium to large tenants," said Eric Luhrs, vice president at Spieker Properties. "But there's still a lot of crossover between the two in (Silicon) Valley"

New R&D buildings in Silicon Valley tend to be two stories and built out entirely as office space, Luhrs explained. 
"It's really more for people doing design/testing on <u>computers</u>than a place to do assembly." Although a lot of older flex and R&D buildings still accommodate multiple tenants who may use the space for light industrial as well as office purposes, many of those buildings are being updated into facilities consisting primarily of office space, with virtually no assembly or distribution component, he said.

The flex concept originated as an industrial product typically called incubator space because it was targeted to small users, according to Bill Linville, executive vice president for Midwest industrial space at Duke-Weeks Realty Corp. "Most parks included this space because it allowed them to attract entrepreneurial companies that would grow and need larger space."

Jim Dieter, executive managing director of the U.S. industrial group at Insignia/ESG Inc., differentiates between flex and incubator space. "Whether it's called flex or tech centers or service centers or R&D buildings, it usually has 25 percent office buildout but is designed for up to 100 percent office," he said. "An industrial incubator is a building with 5 percent office buildout that can be divided into 5,000-square-foot increments for industrial users."

The office side of the equation began with the spiraling rents of the mid-80s space boom, Linville noted. "Office users figured out that this space was a lot less expensive and worked just as well for back-office operations such as check processing, IT, personnel and engineering," he said, "When that started emerging as a demand component, buildings got a lot more architecturally interesting, in terms of windows, the use of brick instead of concrete and more landscaping."

#### You are viewing page 3

First Industrial Realty Trust has some flex space in its portfolio, particularly in airport markets, where back-office operations are common, according to vice president of portfolio management Mark Saturno. The product is sized differently from First Industrial's usual industrial building in that clear heights are typically 14 to 16 feet and building depths are approximately 100 feet rather than the 300 to 400 feet common to bulk buildings.

"You can only go about 200 feet deep when you're doing service center space before you start to squeeze out the smaller guys," agreed AMLI vice president John Pagliari. "Otherwise, the space starts to look like a bowling

The supply of service center space varies widely from market to market. Only 22 million of Atlanta's 350 million square feet of industrial space is service center, while half of Minneapolis' industrial space falls into that category, noted Duke-Weeks executive vice president Bob Chapman.

The fact that flex space is more popular in some markets than in others may represent an opportunity for some developers. First Industrial is developing flex buildings in cities such as Tampa and Denver. "Most developers are building big-box space, which gives us the opportunity to build flex," Saturno said.

Developers continue to seek ways to maximize building flexibility. Koll often builds two 50,000-square-foot buildings side by side, sometimes linked by a 5,000-square-foot outdoor staging area. The design is meant to accommodate two tenants, but the relative size may vary from 60-40 to 50-50, Abdi noted.

A typical tech building for AMLI is 50,000 to 80,000 square feet, with tenants in the range of 10,000 to 25,000 square feet, according to Pagliari.

Mezzanine office space has become increasingly common in recent years as more companies choose flex space to house their entire operation, The Alter Group vice president John Coleman observed. Doubling the

Pagliari, Saturno Serve New Need For Flex Industrial Alternatives | Real Estate > Comme... Page 1063 6

#### You are viewing page 4

office space without diminishing the industrial component not only is efficient from a rent standpoint but results in lower taxes per square foot, since buildings are typically assessed based on their floorplates. "Now municipalities are catching on and are starting to assess buildings based on usable cubic square footage," he said.

Some large industrial owners avoid flex space because they consider the going-in yields to be deceptively high compared to the long-term yields. A property acquired at a 12 percent cap rate may see yields as low as 6 or 7 percent over time, given the high turnover and continual need for space buildout, according to a high-level executive speaking on background.

"There are mixed views in the development and investment world about whether R&D and flex space is a good commodity," Linville said. "Generally, there is demand for it, but owners have to allow for continuous capital investment as tenants rip stuff out and put other stuff in."

"For a while, this product was really in disfavor?investors would not buy it, developers would not build it," Dieter said. "The reason it has been back for the last couple of years is that a lot of companies are starting up and a great majority of them are high-tech, R&D-type firms."

The heavier office component may be a nice bonus for owners whose properties can accommodate it. "When we buy these properties, we don't assume a high percentage of office use. So when we're getting rents that are basically office rents, those are good returns," Saturno said.

Although some developers focus on flex space from a pure office or pure industrial perspective, The Alter Group pursues opportunities oriented to both products, Coleman said. In terms of existing product, the company has an equal share of industrial- and office-oriented flex product, but almost all new development is directed toward heavy office use. "The pro forma is better, and with prices on infill sites as high as they are, we need a higher

#### You are viewing page 5

Despite the flexibility of single-story buildings, developers must still plan for the level of office buildout they expect to get. "When you're trying to accommodate anything from 10 percent to 100 percent office, you struggle with the question of how much parking you should allow for," Murphy said. Office space requires parking ratios of at least four spaces for every 1,000 square feet of buildout, compared to 2.5 or three spaces per thousand for buildings with more industrial.

In addition, distribution space requires more docking and drive-in doors as well as space for trucks to maneuver, Murphy explained. "If we think a building is going to average higher than 40 percent office buildout, then we start thinking about lower clear height, more parking and building materials that are higher end than precast concrete."

Part of The Alter Group's definition of flex office is that it includes at least 75 percent buildout, while flex industrial typically is not built out beyond about 50 percent, Coleman said. However, he agreed that parking can be a limiting factor. "If your parking ratio is 2.5 spaces per thousand square feet, you're not going to be able to go beyond 50 percent office buildout."

There may be reasons beyond return on investment for large industrial and office owners to be in the flex business. Of the 10 largest tenants in the Weeks industrial portfolio at the time of its merger with Duke, nine began as small tenants in flex or service center buildings, according to Chapman. "The returns on the space are almost secondary to the growth opportunities that we're giving tenants."

Linville maintained that Duke-Weeks can have it both ways by making a good return on its investment in flex space while cultivating future distribution and office deals by serving today's small companies. Occupancy in the REIT's flex portfolio is in line with its office space occupancy, and both are higher than the overall market for the

#### You are viewing page 6

Coleman observed. But startup companies are not the only likely candidates for flex space. In recent years, companies such as Crossmark, Dontech and The Sell Group have moved out of mid-rise office space into flex buildings developed by Alter.

When fire safety equipment maker Simplex Time Records started out in a 6,000-square-foot space in Alter Group's Yorkbrook Park in Lombard, Ill., 70 percent of its space was warehouse, Coleman recalled. As the business grew, the tenant moved to 19,000 square feet in nearby Woodlake Corporate Park. "They went from \$9 to \$17 or \$18 per-square-foot rents, but the ratios are upside-down from where they used to be, with 75 percent office and call center space and only 25 percent warehouse."

Even large companies may choose flex buildings over traditional office space. For the past four years, Home Depot has been running its Southeast administrative headquarters from a First Industrial building in Atlanta. It is negotiating now for a Tampa building for its South America headquarters, according to Saturno. The reason for the change is that the Atlanta space rents for about \$15 per square foot on a full-service gross basis, a savings of about \$5 per square foot compared to Class B office space in the same market, he said.

Rent on a single-story office building falls in the range of \$18 to \$20 per square foot on a gross basis, about \$2 to \$4 less than for Class B mid-rise office product, according to Coleman.

On a net basis, rents in flex buildings are between \$8 and \$12 per square foot, according to Dieter. "That's sticker shock to the industrial user in \$4 space who may want a better image," he said. "But for office tenants in \$20 space, especially those who are tired of elevators slowing down their efficiency, it looks pretty nice."

The cost of flex and related product depends largely on the amount of office buildout and the necessary parking

Pagliari, Saturno Serve New Need For Flex Industrial Alternatives | Real Estate > Comme... Page 2-off 3  $Q_{O_b}$  (0)

You are viewing page 7

Asking rents at AMLI's business park in Crystal Lake, Ill., start at \$4.50 per square foot based on 10 percent office buildout. Tenants looking for 30 percent buildout may amortize the cost with \$5-plus rents, while a standalone tech building with 100 percent buildout may be close to \$7 per square foot, Pagliari said.

Lower rents are possible for flex buildings compared to multi-story office space because development costs are lower. Coleman estimated the all-in cost of flex development at \$105 to \$110 per square foot, compared to \$140 to \$150 for two-story office buildings. "There's not that much spread in rent between the two products, because once you get about \$1.50 per square foot more than single-story space, you're competing with seven-story buildings that have a wider range of amenities."

The nature of demand for flex space has continued to evolve in recent years. "Now there is a hybrid office user that often does not have office space anywhere else? this space fits their motif better than anything else," Linville said. E-commerce companies in particular like the open floor plan available in flex space, where the average floorplate is five or six times the size of a high-rise office floor, he noted.

"When land prices got high in the last downturn, this product type evolved because developers could not make industrial buildings work economically," Abdi said. "This time around, technology-oriented businesses are demanding this type of product, partly because the prices are lower than for office space, but more important because they can get up and running quickly."

Users in the high-tech business must move quickly to survive, so they gravitate to second-generation or sublease space that is already built out to specifications they can live with, said Abdi. "Tenants looking at startup speed as an issue will pay rents that are as high or sometimes slightly higher than for new facilities

Pagliari, Saturno Serve New Need For Flex Industrial Alternatives | Real Estate > Comme... Page Nof3 | 100 | 0

You are viewing page

share of entrepreneurial users, some of which are likely to fail during the term of their leases. "You have to be really careful about overbuilding the space, putting too much into tenant improvements," Chapman said, "This property type is the hardest hit in a downturn; these tenants have low credit, and a lot don't make it."

"Most of the market is tenants that don't have creditworthiness but need a high level of improvements," Abdi said. Koll typically seeks to cover the excess cost of improvements with letters of credit, often in a dissipating form that evaporates over the term of the lease. "We have to understand their business plans and make a decision relative to risk."

Warrants were sufficient when IPO candidate iPivot leased 108,000 square feet at Koll's Omni at Saber Springs park in San Diego. "We took warrants in place of a letter of credit because we knew they had a great story," Abdi said. As it turned out, a couple of months after signing the lease iPivot was acquired by Intel, a move that improved the building's value significantly, he noted.

L NEW BOSINESS

# 6. Off-Street Parking Requirements

# 6.1. Framing the issue

Providing adequate parking for automobiles sounds simple, but is in fact one of the more complex elements of big city zoning. In the post World War II period the tendency of most zoning codes was to require large amounts of off-street parking in order to protect transit and traffic flow and residential neighborhood character but that resulted in an unloved autooriented streetscape dominated by parking lots. In many cases it now appears that cities required too much off street parking. That is a problem, because parking economics often drive land economics - the amount of required parking determines how much

#### **Best practices**

- Philadelphia's current minimum parking requirements are relatively low compared to other large cities – but there may be opportunities to reduce requirements in high and medium density residential districts or near transit.
- Adopt shared parking provisions reducing total required parking based on complementary peak hour use.
- Consider parking maximums near transit lines, where roadways are near capacity, or in areas where large surface parking lots are discouraging reinvestment or harming adjacent neighborhoods.
- Consider wrapping or façade treatments to minimize the visual impacts of large parking structures.

building can be built, and sometimes the result of high parking requirements is a building too small to be financially feasible.

Older zoning codes also tied parking to particular land uses in a simplistic way, without taking into account the difference between downtown and suburban areas, or the difference between crowded retail nodes and free-standing retail shops. Parking turns out to be very context sensitive -- what is reasonable and needed in one location would be unreasonable and unused if the same building were built in a different place.

To its credit, Philadelphia avoided some of the parking mistakes of the post-war period by not requiring any parking for non-residential uses in the densest zones, C4 and C5, and through a relatively moderate requirement for commercial parking outside of Center City. The default residential requirement is one space per unit and the default commercial requirement is one space per 1,000 SF of space. These requirements are further adjusted in specific zones, or by geographic district. For example, in the core of Center City residential parking for buildings with more than 25 units is required at .5 spaces per unit. In the greater Center City area, the requirement increases to .7 spaces per unit. For elderly housing in any zone the requirement is .3 spaces per unit, which can be lowered to .2 by certificate.

For all these reasons, big city parking regulations require careful attention and a review of best practices is helpful. This section of the report is based primarily on research by



Philadelphia-based Claflen Associates, with some contributions from other team members. The complete text of that research is available at www.zoningmatters.com.

#### 6.2. Potential Best Practices

Most literature on parking requirements now accepts the hierarchy of regulatory methods listed below (from least to most restrictive):

- Minimum requirements by use type or building size;
- Minimum requirements with adjustments for density, proximity to transit, mixed uses, and/or allowances for on-street parking as part of the total;
- Elimination of minimum requirements with or without maximum requirements;
- Maximum requirements, often with tailoring and sometimes with efforts to "decouple" parking costs from other building costs (especially for housing); and
- Linking parking requirements to an overall parking and multi-modal transportation management approach.

Other emerging practices in parking regulation and control hinge on the urban design implications of parking lots and garages and include:

- Restrictions on non-accessory parking;
- Restrictions on vehicular access that might interfere with pedestrian use of the streets;
- Incentives for underground parking;
- Incentives or requirements for rear rather than front parking to maintain continuity of street and sidewalk facades;
- Incentives for "wraps" or arrangements that would place permitted uses between the public realm and the bulk of the garage; and
- Customizing parking requirements to neighborhood design.

# 6.2.1. Minimum requirements by use type or building size<sup>1</sup>

Both Denver and Seattle have taken a close look at their parking standards and have conducted their own research to adjust those standards. Seattle used a very detailed methodology and generally found the Institute of Transportation Engineers (ITE) standards to be higher than demonstrated by actual survey. The variation mapped was very large, leading their planners to ask "what is the level that will produce the least harm to the neighborhood and urban form?" These examples show the risk in using national standards derived from automobile based communities uniformly to Philadelphia or other older American cities.

<sup>&</sup>lt;sup>1</sup> Two popular sources for minimum requirements are the Institute of Transportation Engineers' *Parking Generation* (3<sup>rd</sup> Edition 2004) and the Urban Land Institute's *Parking Standards* (2002).

The District of Columbia Planning Department and the consulting firm of Nelson\Nygaard compared existing standards for the District, San Francisco, Portland, and Philadelphia, with the following results<sup>2</sup>:

Minimum Parking Requirements	DC	San Francisco	Portland	Philadelphia
Residential (per unit)	1			
High Density Districts	.25	.25	No min.	.50
Mid Density Districts	.20	1	.25	.70
Low Density Districts	1	1	1	1
Commercial (per 1,000 sf floor area)				
High Density Districts	.3	No min. / max. cap	No min.	No. min
Mid Density Districts	1.25	2	2.75	1
Low Density Districts	3.25	2	2.75	1
Office (per 1,000 sf of floor area)	all as the second second			
High Density Districts	None	None	None	None
Mid Density Districts	1.25	2	2	1
Low Density Districts	1.75	2	2	1

In most categories, Philadelphia has the lowest, or one of the lowest requirements — with the exception being high and medium density residential areas.

# 6.2.2. Minimum requirements with downward adjustments

An increasing number of large cities provide formula-based adjustments that lower minimum parking requirements in specific cases such as:

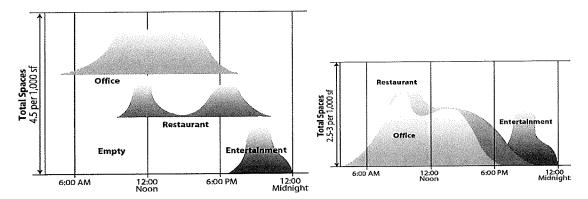
- Proximity to transit lines;
- Mixed uses;
- Institutional campuses;
- Retail corridors;
- Availability of on-street parking; and

<sup>&</sup>lt;sup>2</sup> District of Columbia Zoning, Requirements for Parking Study 2007, DC Office of Planning and Nelson\Nygaard. Note: DC is currently considering a proposal to remove all parking minimums.



Shared parking when nearby uses have complementary peak demands.

The shared parking concept is well illustrated in the graphics from La Crosse Wisconsin's Coulee project, which demonstrate that the total amount of parking needed for complementary peak demand facilities is less than the sum of their individual requirements.



LaCrosse Peak Hour Parking Demand Charts 1

One of the leading sources for actually determining the ratios to be allowed is *Shared Parking* (2<sup>nd</sup> Edition 2005) by the Urban Land Institute, which developed a programmed methodology for calculating shared parking overlaps. Detroit requires a shared parking analysis but does not specify the methodology, while San Diego includes a complex calculation schedule in its code. Nashville permits shared parking based upon a study and approval of the metropolitan traffic engineer, and has several other interesting provisions. Its Urban Development Overlay district eliminates all minimum parking requirements in the Center City district and reduces minimum requirements in other dense zones by 25-50%. Nashville also provides a 10% reduction in parking requirements for all uses within 660 feet of transit, non-residential uses close to residential uses that they serve, and non-residential uses located within 660 feet of major public parking facilities. Finally, Nashville provides 50% credit for every on-street space in some residential districts.

San Diego provides an approximate 15% reduction in minimum required parking within transit areas. Their community-scale commercial corridor CC-1-1 and CC-1-2 districts require minimums of 2.5 spaces per 1,000 square feet of floor area and reduce that to 2.1 spaces when in a transit area. San Diego also employs the concept of "parking impact areas." These are areas near the beach or campus environments where parking requirements are *increased*. For example, San Diego's basic residential requirement of two spaces per dwelling unit can be increased to one space per bedroom for rental units in campus impact areas.

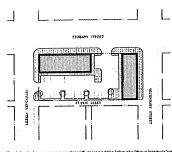
Other cities address the unique parking needs and challenges of campus areas through institutional zoning districts. Those districts generally replace formula minimum parking standards with requirements for a complete development plan that incorporates parking and reduces or manages parking impacts on surrounding neighborhoods.

Finally, it is very common for cities to provide special parking control districts (usually as part of an overlay district). In some cases these "shift" the entire minimum parking requirements for all uses in the area in order to reflect unique needs related to scale and the surrounding context. Chicago distinguishes three types of retail corridors with different minimum parking and form requirements, one of which is illustrated to the right. Burlington, Vermont also establishes three parking districts: neighborhood, shared parking, and downtown.

Clarion-Duncan team member Dyett & Bhatia identified reduced parking requirements for shared parking as a best practice for downtown areas.

## 6.2.3. Elimination of minimum requirements

In addition to reducing parking requirements in designated commercial areas, some cities exempt small properties from parking requirements - generally reflecting the fact that





Chicago corridor parking graphic

some smaller, older lots cannot accommodate even minimum amounts of on-site parking while preserving existing structures. San Francisco and Seattle exempt the first 4,000 to 5,000 square feet of common retail uses from all off-street parking requirement. Detroit exempts the first 3,000 square feet of many retail uses from parking requirements, and extends that exemption to 4,000 square feet if the use expands into an adjacent structure, but does not allow already-existing off-street parking to be removed.

While some communities are happy to "let the market decide" how little parking to require, they are concerned about allowing the market to provide too much parking. In Chicago, for example, developers gladly accepted a relatively high residential parking requirement, probably in excess of demand, and then rented the excess spaces to the public to earn additional revenue. To avoid this problem, San Francisco has combined the elimination of parking minimums with the imposition of maximum parking limits.

# 6.2.4. Maximum parking caps

The Boston Metropolitan Commission has provided a concise overview of national efforts to use parking maximums to balance transportation demand and to improve city form:

- The City of Boston adopted a freeze on commercial parking open to the public in 1977, but did not limit parking reserved for individuals or company use within office buildings. While the number of commercial parking spaces has not increased, exempt spaces increased 26% between 1984 and 1987.
- In 1975, the City of Portland set an overall cap of approximately 40,000 parking spaces downtown, including existing and new parking facilities. The cap was increased to about 44,000 spaces by the 1980s and increased again in the 1990s. The City believes these policies have helped increase transit use from 20-25% in the

Page 25

early 1970s to 48% in the mid-1990s. In addition, Portland sets maximum parking limits based on type of use and availability and frequency of transit service, and allows transfer of unused parking entitlements.

- San Francisco limits parking downtown to 7% of the building's floor area. In addition, housing in the downtown area with two or more bedrooms and more than 1,000 square feet of floor area allows parking by-right at the rate of one space per four units. Applicants can get approval for up to one space per unit through a special use process -- but cannot create more than one space per unit through any process.
- Seattle allows a maximum of one parking space per 1,000 square feet of office space downtown and has considering extending this limit to areas outside of downtown.

As an additional tool to discourage provision of more parking, and to slow down increases in the price of housing, San Francisco requires large projects to "decouple" parking and housing at the time of sale or rental of the housing unit. Their regulation reads as follows:

"Sec 167(a). All off-street parking spaces accessory to residential uses in new structures of 10 dwelling units or more, or in new conversions of non-residential buildings to residential use of 10 dwelling units or more, shall be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units, such that potential renters or buyers have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space . . . "

Dyett & Bhatia also recommend the use of parking maximum caps and the decoupling of parking sales and rental from the sales and rental of commercial and residential space as best practices in downtown parking.

# 6.2.5. Restrictions on non-accessory parking

While most discussions of parking focus on accessory parking (i.e., parking that is required to serve the needs of other primary uses on the same property), most cities also regulate the provision of non-accessory parking (i.e., parking that is built in order to rent or sell the spaces to the public to meet demands from activities on other properties). Chicago has proposed a complete prohibition on non-accessory parking in the loop (downtown) area, and encouragement of non-accessory parking in intercept areas at the edges of downtown. Philadelphia currently has strong limitations on non-accessory parking in the southern part of Center City.

# 6.2.6. Restrictions on curb cuts and vehicular access

Because frequent turning movements across sidewalks can discourage pedestrian activity, many cities restrict curb cuts and vehicle access points along downtown pedestrian streets and in other areas where pedestrian use is encouraged - such as redeveloping commercial Austin discourages vehicular curb cuts in the downtown area. strips and TOD nodes. Boston also restricts curb cuts in some cases through two different design review procedures (one for small and one for large projects).

All major cities regulate new vehicular curb cuts — but the focus of this review is shifting. Historically it was considered a function of the transportation department and its primary purpose was to avoid having so many curb cuts that traffic entering and leaving a major road compromised the ability of that road to carry traffic (i.e., "friction" from turning movements slowed down the pass-by traffic). If there was no impact on traffic flow, then curb cuts were not restricted regardless of the impact on the walking public. Increasingly, however, curb cut policy is viewed as a shared duty of both planning and public works departments in order to manage impacts on both traffic flow and pedestrian activity. Nevertheless, only a minority of large U.S. cities currently regulate curb cuts through zoning.

# 6.2.7. Requirements for rear or side parking locations

In older commercial corridors, extensive front parking areas can act as serious barrier to redevelopment. The large areas of striped parking spaces between buildings and the street that were intended to attract the driving public are often so unattractive that they have the opposite effect, while the distance they put between stores and sidewalks discourages pedestrians to walk along the frontage or cross the parking lot to the front door. At the same time, these retail and commercial uses often cannot survive without convenient parking somewhere on the site. This is also true in some TOD areas and downtowns, but to a lesser extent, since parking-in-front was not the norm when they were built and there is often a substantial core of old buildings near the street to establish a different character.

In response to this dilemma, some cities and neighborhoods (including Chestnut Hill and Manayunk in the Philadelphia area) have adopted requirements that some or all of the onsite parking must be placed behind or beside the main structure. These types of regulations need to be carefully tailored to the character and potential of the commercial area in question, however, because one size does not fit all. In some cases the auto-oriented front-parking character is so universal and/or pass-by traffic volumes are so high that rear parking requirements would result in new "sore thumb" buildings near the street blocking views of their neighbors while not significantly increasing pedestrian activity.

Where that is true, or where rear parking is seen as a safety risk because it is not visible from the street or the store, some cities allow side parking instead. This can help push buildings up toward the street for at least a portion of the lot area, while also preserving visible parking areas. Another common compromise is to allow one parking aisle (with parking spaces on either one or both sides of the aisle) with dense landscaping in front of the building, with the remainder in the side or rear. While pedestrians are still separated from the front door of the building, the distance is often much shorter than if there was a full front parking lot and drivers can easily see that there is "convenience parking" in front even if they wind up parking behind or beside the building.

#### 6.2.8. Incentives for underground parking

Because many of the form impacts of parking areas can be reduced by placing parking underground, some cities offer incentives for property owners to do exactly that. Dyett & Bhatia recommended underground parking as a best practice in downtown areas.

The biggest incentive for underground parking is high real estate values and ground rents that make alternative uses more attractive — every square foot of land that is not occupied by surface or above-ground structures is free for higher revenue-producing uses. But often that built-in price incentive is not enough, because the price barriers involved are serious. Underground parking can cost up to ten times as much per space as surface parking, and up to 50% more than above-ground structures, so incentives sometimes need to be very strong in order to be effective. In Philadelphia, San Francisco, and several other major cities, underground parking structure space does not count against the maximum permitted FAR on the site. Denver has offered an FAR bonus for underground parking — in effect giving the property owner additional floor area to rent or sell in order to offset the higher costs of underground structures.

# 6.2.9. Requirements to "wrap" above-ground parking structures

Large garages are generally considered challenging urban elements due to the lack of activity along their edges and their unattractive appearances. While garages are sometimes intended to breathe life into an area by encouraging visitors and shoppers, ugly garages can do the opposite. Many cities (including Philadelphia) require retail use on the ground floors of garages in the densest

Boulder parking wrap buildings

neighborhoods. Others, like Denver, have required that the ground floors of garages

be designed with adequate ceiling height and driving aisle/parking layouts so that the street frontage can be converted to pedestrian-active use if the market supports that use, but do not require that the frontage actually be occupied by retail or pedestrian-oriented uses.

A few cities go further to encourage or require that the parking structure be "wrapped" on one or more sides with multi-story retail, residential, or office space, so that the garage becomes less of an intrusion in the pedestrian environment. Again, Dyett & Bhatia identify this as a best practice for downtown areas.

One example of this solution is the 15th & Pearl mixed-Use parking structure in Boulder, Colorado shown above. This structure includes a 700-car parking structure with five levels above grade and two below. Three sides of the structure are wrapped with a total of 7,500 square feet of ground floor retail space and 7,500 square feet of upper level office space in separately-constructed buildings attached to the parking structure. While this is an attractive solution, it is still vulnerable to economic market shifts. While a garage structures surrounded by occupied residential, retail, or office space may be attractive, if the location does not attract customers then wrap spaces may remain vacant, and a garage surrounded by vacant, unrented space may look worse than a well-designed structure without wrap buildings.

#### Customizing parking requirements to neighborhood design 6.2.10.

Finally, some major U.S. cities – including Boston, Seattle and Minneapolis – have attempted to customize parking requirements to match varying neighborhood design considerations and preferences:

- In Boston, mini-zoning codes including parking requirements have been written for most neighborhoods. Denser neighborhoods, such as the Fenway, tend to have reduced parking requirements.
- Seattle has developed thirty-nine neighborhood plans and many of its ten overlay districts modify parking requirements based upon the building types and characteristic of those districts.
- Minneapolis uses overlay districts to modify regulations for individual neighborhoods and includes special transit station area overlays that prohibit the expansion or conversion of existing parking lots.

Obviously, this is a time consuming (and potentially expensive) approach – both to develop the customized approaches and to administer them over time. It also adds complexity to the zoning code at a time when most cities would like to simplify them. For that reason, most cities limit their use of customized parking requirements to unique areas.

# **Modular Zoning**

# 7.1. Framing the issue

One reason that the number of zoning districts in major U.S. cities tends to over time is that new expand proposals development and redevelopment plans seem to need "a zone district that is almost like C-2 (or R-3, or M-1), but a little different." other words, new zone districts are sometimes only modest variations of

#### Best practices

- Carefully evaluate whether modular zoning is worth the complexity it adds to the zoning code - and in user-understandability of the code.
- Consider modular zoning only for areas where it would add flexibility to the code by facilitating changes to key standards (such as height or density) as an alternative to a more dramatic rezoning.
- If modular zoning is used, allow a wide variety of module combinations, rather than limiting them to match the current city fabric.

older districts. In some cases, they involve a slightly different list of uses, in others they allow slightly larger (or smaller) buildings, and in yet others they vary only in the amount of parking required or the size of signs permitted. This has led some cities to move toward "modular zoning".

In concept, modular zoning "breaks-up" the idea of a zone district into its fundamental building blocks - permitted uses, dimensional standards (i.e., height, bulk, and setbacks, or form), and development standards (i.e., parking, signs, landscaping) - and allows those components to be combined in different ways. For example, a theoretical modular zoning district might be R-3-B: The first module (R) indicates a set of uses available to the owner; the second module (3) might indicate the maximum height of buildings in stories; and the third module (B) might indicate a package of parking requirements and design requirements.

Modular zoning's proponents generally come from two groups with different visions of why it is a good idea. The first support this technique as a way to encourage flexibility. A property owner who wants to build a larger building can request a zoning amendment to the second module — for example, from R-3-B to R-4-B. In theory, a modular rezoning request could be simpler and less controversial, since the owner could agree in advance that he or she was not asking for any change in permitted uses or parking requirements. The only debate would be over building size.

The second group of proponents supports modular zoning as a way to more closely tailor zoning regulations to specific neighborhood character. For example, a typical R-3 district might allow one set of residential uses and buildings of a certain size, while the R-4 district allows a few more permitted uses and larger buildings. But if R-3 limits buildings to be smaller than those in the existing neighborhood and R-4 allows uses not currently permitted in the area, the city may face a difficult choice in how to zone the area. Modular zoning seems to offer the opportunity to combine a use module that perfectly matches the character of the area with a size module that matches that same character. In this case, however, the goal is not to insert flexibility to change zoning but to create more predictability for neighbors, and the expectation is that this closely tailored zoning will probably not change much over time.

The major argument against modular zoning is that it adds complexity to the zoning code. It takes time to do the research to determine what dimensions or development standards should be grouped together in different modules. The more module combinations, the more time it takes. While individual zoning modules can be simple, the number of combinations can be very large, which may require more staff training and more explanations to citizens about how the system works. When a wide variety of use and dimensional modules are allowed to be combined, the chances of unintended consequences increase – some combinations that work on paper may be impossible in practice.

#### 7.2. Potential Best Practices

San Diego and Chicago offer contrasting approaches to the use of modular zoning. San Diego's zoning code uses a four-part designator for zone districts.

For example, in the **RM-1-1** zone district:

- The first designator "R" indicates that this is a residential zone district;
- The second designator "M" indicates that this is a multi-family zone district;
- The third designator "1" indicates that this is a low-density zone district (if this was a "2" it would indicate a medium-density zone district); and

The fourth designator "1" indicates that the maximum density is one dwelling unit per 3,000 square feet of lot area (if this was a "2" it would indicate maximum density of one dwelling unit per 2,500 square feet).

While the meanings of "R" and "M" are fairly intuitive, the code requires a table to explain the meanings of the numerical designators. The meanings of the numerical designators change with the type of zone involved, and in some cases seem to be placeholders because there is no distinction in that category.

For example, in the CN-1-2 and CN-1-3 designations:

- The first designator "C" indicates a commercial district;
- The second designator "N" indicates a neighborhood-scale district (as opposed to "R" for regional or "C" for community-scale);
- The third designator "1" is a placeholder, since there are no CN -2 or CN-3 districts; and
- The fourth designator "2" indicates an auto orientation. while a fourth designator "3" indicates a pedestrian orientation

Interviews with San Diego staff clarified that this system is used primarily to tailor zones to carefully match specific neighborhood character or planning goals and not to insert flexibility into the system. Few rezoning requests ask for only one designator to be changed — most of them ask for a complete change of designation from one group of districts (for example, an initial "R" zone to an initial "C" zone, or from a community scale to a regional scale zone).

One indication of this focus on tailoring rather than flexibility in the San Diego system is the number of different zones required to match the urban fabric of the city. San Diego's modular zoning defines a total of 79 base modular zoning districts — as well as 13 overlay districts — more than the current number of zone districts in Philadelphia.

In contrast, Chicago uses a "dash-zone" modular system that is more focused on flexibility. Chicago's modular designators are illustrated in the following example.

#### In the RT4-A district:

- The first designator "R" indicates a residential district;
- The second designator "T" indicates a townhouse-scale district (even though the text clarifies that detached homes, duplexes, townhouses, and low-intensity multi-unit dwelling are available);

- The third designator "4" indicates a general intensity of development permitted in this case a minimum lot area of 1,650 square feet and a minimum lot area per unit of 1,000 square feet for dwelling units or efficiency apartments and 500 feet for single room occupancy hotels, and a maximum FAR of 1.2; and
- The dash designator "-A" indicates that special standards apply if accessible dwelling units are built in this case the maximum FAR is raised to 1.50 if at least 33% of the units are accessible in a building with no more than 19 total units.

As a second example, in the B1-2 and B3-5 districts have the following meanings.

- The first designator "B" indicates a business zone;
- The second designator "1" indicates a neighborhood-scale shopping district, while
   "3" indicates a community-scale shopping district; and
- The dash-designator "-2" indicates a package of bulk and density controls in this case a minimum of 1,000 square feet of lot area per dwelling unit, or 700 square feet per efficiency unit or single room occupancy hotel unit, a maximum FAR of 2.2, and maximum building height of 47-50 feet depending on the width of the lot. The dash-designator "-5" indicates a different package of bulk and density controls, including minimum lot areas of 200 square feet per dwelling unit, 135 square feet per efficiency unit, or 100 square feet per SRO unit, a maximum FAR of 5.0, and a maximum building height of 50-80 feet depending on the width of the lot.

The Chicago code is interesting in that the dash designators allow for substantial differences in height and bulk of development even within a single scale category. For example, within the neighborhood scale business zone districts the use of dash-designators can limit development to an FAR as low as 1.2 or as high as 5.0 (a 400% variation) or impose a height limit as low as 38 feet or as high as 80 feet (a 100% variation). Because of these wide ranges, there is substantial overlap between the scale categories — the "lowest" neighborhood scale business district (B-1) with a high dash-designator could allow taller and more intense development than the "highest" commercial, manufacturing, and employment district (C-3) with a low-dash designator. In contrast to San Diego, Chicago indicates that it receives frequent requests to rezone land through changes to the "dash-designators" without changes to the use or scale designators. While Chicago's list of base districts is much shorter than San Diego's current list (28 base zone districts), the use of designators multiplies the number of possible combinations to 68. In addition, Chicago identifies 11 possible overlay districts.

## Gordon, Mark

From: Senya D. Isayeff [Senya@aesfirst.com]
Sent: Friday, September 18, 2009 8:44 AM

To: 'Mark Gordon'
Cc: George Martynick

Subject: FW: Generators and Cell Phone Towers

Mark,

#### Good Morning!

Please see the correspondence below and kindly include "Cell Tower discussion" as a New Business item in the October Agenda. The intent is to discuss and prepare a list of questions for the November teleconference with Chuck's son-in-law which will require the necessary equipment and should most likely be scheduled for the workshop portion of the meeting.

Please let me know if there are any items to be reviewed and/or addressed for the October meeting before next Tuesday as I will be out of the office from approximately Noon on 9/22 until 10/5. Should something occur or need any PC attention in the interim, please do not hesitate to contact George Martynick, our Vice Chairman.

Have a great weekend,

#### Senya

From: Senya D. Isayeff

Sent: Friday, September 18, 2009 8:36 AM

To: 'Charles W. Proctor, III'

Subject: RE: Generators and Cell Phone Towers

#### Chuck,

That's great - thank you for following up on this.

I will ask Mark to include this under "New Business" in the October agenda so that we can discuss and prepare a list of questions for you to send to your son-in-law in preparation for the November meeting.

The e-mail addresses for the PC members are listed below for your convenience.

Have a great weekend,

#### Senya

Al <u>alzuccarello@aol.com</u>
Sue <u>sc51446@aol.com</u>

Peter peter.mylonas@mylonaslaw.com

Meg <u>mvpolaha@aol.com</u> George <u>gmartynick@comcast.net</u>

From: Charles W. Proctor, III [mailto:cproctor@cplaw1.com]

Sent: Friday, September 18, 2009 8:20 AM

To: Senya D. Isayeff

Subject: Generators and Cell Phone Towers

Senya,

282

My son-in-law is available for a teleconference for our November meeting. He would like the questions we have in advance. He must get some clearance at work because of security issues.

I will be submitting a written report to you prior to the October meeting re my interview with the generator expert. This will be easy. All is aware of this but I cannot locate his email address.

I would appreciate a contact list of all the other PC members for future reference.

#### Chuck

Charles W. Proctor, III, J.D., C.L.T.P.
National Association of Independent Land Title Agents
Brandywine 4 Building, Suite 204
3 Dickinson Street
Chadds Ford, PA 19317
610-361-2655 (phone)
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# EAST GOSHEN CONSERVANCY

September 9, 2009

Planning Commission East Goshen Township

Dear Commissioners,

As I am sure you are aware, there is a coalition of groups in Pennsylvania, including Clean Water Action, which is pressing the state to require a 100 foot buffer along all streams whenever new development occurs. Chester County is also recommending this.

Buffers help filter out pollution from runoff, prevent erosion and flooding, provide important habitat, and help reduce drinking water treatment costs. They are good for Pennsylvania's environment and economy.

We are one of the 192 Pennsylvania municipalities which have stream buffer rules, but we are not part of the 30% which have required a buffer of 100' or more in width.

The Conservancy Board would like to suggest that we consider joining that 30%.

Thank you for your consideration.

Sincerely,

Bryan Delmonte, Vice - Chairman,

Bryan Del Mint

Conservancy Board

§ 84-8

GREENWAY LANDS — The open space land which is required to be held in single and separate ownership in a flexible design development option subject to the standards in § 84-14.6B(5) of this chapter. [Added 12-10-2008 by Ord. No. 9-2008]

GROSS DEVELOPMENT TRACT AREA — The total area of the development tract lying within the lot lines, except for areas of existing street right-of-ways. [Added 12-10-2008 by Ord. No. 9-2008]

GROSS FLOOR AREA — "Floor area" as defined in this section. [Added 6-14-1988 by Ord. No. 7-1988]\*

GROUP DAY-CARE HOME — A building in which child day-care is provided for more than six but fewer than 12 children at any one time; a child days center. [Added 4-18-1989 by Ord. No. 3-1989]

GROUP HOME — The use of any lawful dwelling unit which meets all of the following criteria: involves the care or housing of the maximum number of persons permitted by the group home standards of § 84-57.7 of this chapter; meets all other standards of § 84-57.7; involves persons functioning as a common household; involves providing nonroutine support services and oversight to persons who need such assistance to avoid being placed within an institution or other care facility because of physical disability, old age, mental retardation or illness or other handicap as defined by applicable federal law, including § 3602(h) of the Fair Housing Act, as from time to time amended, 42 U.S.C. § 3602(h); does not constitute a treatment center; and does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others. [Added 3-10-1999 by Ord. No. 2-1999]

HEIGHT OF BUILDING — The vertical distance measured from the average level of finished grade along all the exterior walls of a building to:

- A. The highest point of the roof, in the case of a flat roof.
- B. The mean height between eaves and ridge, in the case of a pitched roof.
- C. The highest point on any structure which rises wholly or partly above the roofline, and whose area equals or exceeds 20% of the ground floor area of the building which supports it.9

HISTORIC STRUCTURE — Any structure that is: [Added 10-23-1996 by Ord. No. 10-1996]

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;



Editor's Note: This ordinance also added the former definition of "health club," which immediately followed this
definition and which was repealed 1-23-1993 by Ord. No. 1-1993.

Editor's Note: The former definition of "height of sign," which immediately followed this definition, was repealed 8-20-1985 by Ord. No. 15-1985.

#### Gordon, Mark

From: Mark Gordon [mgordon@eastgoshen.org]
Sent: Monday, September 21, 2009 10:41 AM

To: Ed Mcfalls (Mcfallse@aol.com); Dan Daley; Chuck Jackson (cjackson@yerkes-assoc.com)

Subject: FW: Sullivan CI

#### Gentleman,

Please see the email below from Louise at the County regarding the Street Name for the Sullivan's Grove SD & LD application.

-Mark

From: Wennberg, Louise B. [mailto:lwennberg@chesco.org]

Sent: Monday, September 21, 2009 9:17 AM

To: Mark Gordon Subject: Sullivan CI

Good morning Mark,

Just wanted to let you know that Sullivan CI has been approved for use in the new SD plan for the former Goshen Fire Co. substation.

Thanks for the heads up.

This has been entered into our system here, pending lot number/addresses and unique tax parcel assignations.

Have a great day.

Louise B. Wennberg
GIS/9-1-1 Senior Research Analyst
County of Chester
121 N. Walnut ST Suite 250
P. O. Box 2748
West Chester, PA 19380-0991
Wennberg@chesco.org
TN 610 344-5215
fax 610 344-5211

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# **BOARD OF SUPERVISORS**

EAST GOSHEN TOWNSHIP

CHESTER COUNTY 1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

September 25, 2009

Dear Property Owner:

The purpose of this letter is to inform you that Matthew and Christine Mullen have applied for Land Development Approval to construct a new home on their property at 1661 East Strasburg Road, West Chester PA 19380 (Lot 2, Ashbridge Farm, formerly 1645 East Strasburg Road.)

Pursuant to Township policy, surrounding property owners are notified of proposed Land Development applications. The public meetings projected for this project's review are:

October 7, 2009 - Planning Commission (workshop at 7 pm, formal meeting @ 7:30 pm) (Presentation postponed until November Meeting)

**November 4, 2009 - Planning Commission** (workshop at 7 pm, formal meeting @ 7:30 pm) (Presentation of proposed Land development)

**November 17, 2009 - Board of Supervisors** (workshop at 7 pm, formal meeting @ 8:00 pm) **(Possible Approval)** 

All meetings and workshops are held at the Township Building are open to the public, and subject to change. The dates and actions of the Township are subject to the timely submission of complete plans and materials by the applicant. The applicant shall address all comments raised by the Township during the plan reviews, prior to approval. The plans are available for public review during normal business hours. Please give me a call at 610-692-7171 if you have any questions or need additional information.

Sincerely

Mark A. Gordon

Township Zoning Officer

Cc: Township Municipal Authority, Boards and Commissions Site Engineering Concepts (via email only)