



THE COUNTY OF CHESTER



COMMISSIONERS

Ryan Costello
Kathi Cozzone
Terence Farrell

Ronald T. Bailey, AICP
Executive Director

PLANNING COMMISSION

Government Services Center, Suite 270
601 Westtown Road
P. O. Box 2747
West Chester, PA 19380-0990
(610) 344-6285 Fax (610)344-6515

March 11, 2014

Terry Woodman, Manager
East Whiteland Township
209 Conestoga Road
Frazer, PA 19355-1699

Re: Zoning Ordinance and Zoning Map Amendment – RRD Residential Revitalization District
ZA-2-14-9331 - East Whiteland Township

Dear Ms. Woodman:

The Chester County Planning Commission has reviewed the proposed zoning ordinance and zoning map amendment as submitted pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Section 609(e). The referral for review was received by this office on February 10, 2014. We offer the following comments to assist in your review of the proposed amendment.

DESCRIPTION OF THE AMENDMENT:

1. Constitution Drive Partners, L.P. has submitted a zoning ordinance and zoning map amendment petition to East Whiteland Township, which requests the following revisions to the Township Zoning Ordinance:
 - A. The creation of a new zoning district, the RRD Residential Revitalization District, whose purpose is to “provide for and encourage reuse, redevelopment and revitalization of tracts that will or have undergone remediation pursuant to the Pennsylvania Land Recycling and Environmental Remediation Standards Act.” A list of uses permitted by-right and by special exception are provided, along with development standards, and parking standards. The proposed ordinance language includes a maximum tract density of 30 dwelling units per gross tract acre, and a maximum height of principal structures of 70 feet; and
 - B. Change the zoning designation of UPI# 42-4-321.2 (1 South Malin Road, 13.3 acres), situated on the eastern end of South Malin Road south of Route 30, from I Industrial to RRD Residential Revitalization.
2. The amendment submission to the County Planning Commission includes a conceptual site plan depicting the proposed development of UPI# 42-4-321.2 under the proposed ordinance standards. This concept plan, prepared by Right Angle Engineering and dated January 31, 2014, depicts the proposed construction of 360 apartment units and 34 townhouse units on the 13.3 acre site. Our review of the zoning amendment petition does not include a review of this concept plan.

AREA EVALUATION:

The relevant land use planning policies and regulations that apply to the site are as follows:

3. Existing Land Use: UPI# 42-4-321.2, while currently unoccupied, was formerly the site of the Bishop Tube Company, which manufactured stainless steel tubing. It is our understanding,

Page: 2

March 11, 2014

Re: Zoning Ordinance and Zoning Map Amendment – RRD Residential Revitalization District

ZA-2-14-9331 – East Whiteland Township

according to the August 2012 Pennsylvania Department of Environmental Protection Hazardous Sites Cleanup Fund Annual Report, that this site has been subject to remediation efforts pertaining to soil and groundwater contamination from this previous use. This report is available online at:

<http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-91246/2620-RE-DEP4351%20%202012%20HSCA%20Annual%20Report-final.pdf>

4. Adjacent Zoning: The land to the immediate south and to the west of UPI# 42-4-321.2 is zoned I Industrial. The land to the north is zoned FC Frontage Commercial. The land to the east is zoned R-3 Low Density Residential.
5. The Land Use Plan map (Figure 3.3.1) in the Township's 2001 Comprehensive Plan designates this portion of the Township for Community Mixed Use development, along with being in an OS Parks, Permanent Open Space, Resource Conservation and Recreation area. It is identified on page 3-3-7 that the Township has envisioned "places for moderate-sized retail, office, combined retail-office, residential, and community facilities together in a closely-knit walking precinct" in the Community Mixed Use development designation.
6. According to County records, this area of the Township is served by public water and public sewer facilities.

LANDSCAPES:

7. The site of the proposed zoning map amendment is situated within the **Suburban Landscape** designations of *Landscapes2*, the 2009 Chester County Comprehensive Plan, adjoining a **Natural Landscape** designation. The County's vision for the **Suburban Landscape** includes: opportunities for redevelopment to meet future needs with older structures being remodeled or replaced by new structures and new land uses; redevelopment in commercial centers and office parks as demand changes and existing buildings and uses become obsolete; neighborhoods interconnected by street and pedestrian facilities to reduce travel distances and provide opportunities for expanded transit, bicycling, and walking; infill development and redevelopment incorporating Smart Growth principles to replace sprawl development; and neighborhoods containing a variety of housing types and densities, and supporting land uses, including stores and professional services offices. **The Natural Landscape Overlay** encompasses Chester County's network of natural resources. It is identified by stream corridors, steep slopes and forests, which are essential elements of the physical environment. While this designation does not preclude development or agricultural operations, it indicates major areas of natural resources that should be protected and be subject to only limited disturbance. Single-family attached and multi-family residential development are appropriate uses in a **Suburban Landscape** designation, and *Landscapes2* supports the implementation of adaptive reuse and infill strategies, through creative and flexible zoning regulations, to redevelop abandoned industrial brownfield sites for moderate to high density multi-family housing (Policy H1.4). Additional information on redevelopment/adaptive reuse of brownfield sites is available in the following planning eTool located online at:

<http://www.chescopagreen.org/ToolsLandscape/Urban/Redevelopment.cfm>

However, the proposed zoning district does not appear to be consistent with the Community Mixed Use development designation in the Township's Comprehensive Plan, and it does not appear that this location can support the density being proposed by the applicant.

Comments on the Zoning Amendment and Zoning Map Amendment Petition:

8. The proposed zoning district does not appear to be consistent with the Community Mixed Use development designation in the Township's Comprehensive Plan. While the Township envisions a mix of retail, office and residential uses within the CMX designation, the proposed ordinance language would only permit single-family attached dwellings, multifamily residential dwellings, and (by special exception) professional service home occupations and general home occupations.
9. The Township should carefully examine the existing physical infrastructure in this area of the Township in its evaluation of the amendment petition. While the Commission has not conducted a detailed analysis of the potential development of this site, it does not appear that the density proposed by the applicant is feasible in this area of the Township. For instance, it appears that vehicular access to this portion of the Township is only available via a single access point, the South Malin Road entrance on Route 30, as it is bounded on the north and south side by railroad corridors and on the eastern end by the Little Valley Creek. Redevelopment to permit such density would require secondary access provisions. The County Planning Commission's 1994 Circulation Handbook recommends that a maximum of 24 dwelling units utilize a single access point (page 4-43).
10. The Township should critically examine how the ordinance language addresses the construction of high-density housing upon the adjoining land uses, as it does not appear that adequate provisions are provided for residential construction within an existing industrial area. We note the adjoining industrial uses include the Buckeye Terminal Pipeline site, and no additional landscaping/buffer standards are being proposed by the applicant (the proposed 40 foot minimum building setback from nonresidential tracts is identical to the minimum building setback from nonresidential tract standard in the Township's RM Medium Density Residential and RMH Medium High Density Residential zoning districts). Furthermore, the density proposed by the applicant is significantly higher than the density currently permitted within the adjoining R-3 Low Density Residential district to the east (2.5 dwelling units per developable acre), and the proposed 70 foot building height is twice the height permitted in the R-3 district (35 feet).
11. While the Table in Attachment B of the applicant's petition states that the maximum tract density is based upon units per developable acre, Footnote Number 15 on Attachment B states that the maximum tract density shall be calculated based upon units per gross tract acre rather than units per developable acre. This should be clarified by the applicant. We note that, according to our copy of the Township zoning ordinance, the maximum tract density standards for the residential zoning districts in the Township are based upon units per developable acre, not units per gross acre. We also note that the current highest maximum tract density for residential development in the Township (the RMH Medium-High Density Residential district) is 12 dwelling units per developable acre.
12. In addition to the eastern portion of the site being traversed by the Little Valley Creek, both the applicant and the Township should recognize that the following environmental issues would need to be addressed as part of any future development activity proposed on this site:
 - A. The site is underlain by carbonate geology in which the presence or potential may exist for formation and/or expansion of solution channels, sinkholes and other karst features. These features can present risk of collapse and groundwater contamination that often can be overcome and avoided with careful stormwater management design;

Page: 4

March 11, 2014

Re: Zoning Ordinance and Zoning Map Amendment – RRD Residential Revitalization District

ZA-2-14-9331 – East Whiteland Township

- B. The site, which is situated within the (East) Valley Creek Watershed, is located in an area designated by the Pennsylvania Department of Environmental Protection (DEP) as a Special Protection Watershed. Special Protection Watersheds are important because Chester County's High Quality and Exceptional Value Watersheds may be especially sensitive to degradation and pollution that could result from development; and
- C. The site is located within an area that drains to a surface water body that has been listed by PA Department of Environmental Protection (DEP) as "impaired" and not achieving the applicable state water quality standards, along with being located within a watershed for which Total Maximum Daily Load (TMDL) pollutant load reduction requirements have been established by PA Department of Environmental Protection (DEP). Additional information on these issues is available online at www.chesco.org/water.

RECOMMENDATION: While the County Planning Commission supports single-family attached and multi-family residential development in the Suburban Landscape where infrastructure capacity can support such development, along with the implementation of adaptive reuse and infill strategies to redevelop abandoned industrial brownfield sites for moderate to high density multi-family housing designation, it does not appear that this location can support the density being proposed due to its existing physical and environmental characteristics. Additionally, the amendment petition does not appear to be consistent with the Township's Comprehensive Plan and its vision for Community Mixed Use. The Commission recommends that East Whiteland Township deny the applicant's zoning ordinance and zoning map amendment petition.

We request an official copy of the decision made by the Board of Supervisors, as required by Section 609(g) of the Pennsylvania Municipalities Planning Code. This will allow us to maintain a current file copy of your ordinance.

Sincerely,

Ronald T. Bailey, AICP
Secretary

RTB/PF

cc: Virginia McMichael, Board of Supervisors Chair
Gregory Davis, Planning Commission Chair
Maureen Perri, Planning Commission Secretary
Constitution Drive Partners, L.P.