



THE COUNTY OF CHESTER



COMMISSIONERS

Terence Farrell
Kathj Cozzone
Ryan A. Costello

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

August 1, 2012

Mimi Gleason, Manager
Tredyffrin Township
1100 DuPortail Road
Berwyn, PA 19312

Re: Zoning Ordinance Amendment – C-1 Commercial District
ZA-7-12-6327 - Tredyffrin Township

Dear Ms. Gleason:

The Chester County Planning Commission has reviewed the proposed ordinance 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 July 5, 2012. We offer the following comments to assist in your review of the proposed ordinance amendment.

DESCRIPTION OF THE AMENDMENT:

1. The Township proposes the addition of "a residential care facility for older persons providing permanent residential accommodations and/or assisted living facilities/services..." to the list of uses permitted by-right in the C-1 Commercial District. It is identified on the July 5, 2012 cover letter that this zoning amendment is in response to a request submitted to the Township by Berwyn Real Estate, L.P.

LANDSCAPES:

2. The Township's existing C-1 Commercial zoning designations are located within the Urban, Suburban and Suburban Center designations of *Landscapes2*, the 2009 County Comprehensive Plan. While the proposed location of residential care facilities and similar uses is consistent with the guidelines of these *Landscapes* designations, and consistent with the Housing Accessibility Policies in *Landscapes2*, the proposed zoning amendment does not appear to be consistent with the Township's land use policies as currently written (this issue is further discussed in comment #3).

COMMENTS ON THE AMENDMENT:

3. The areas of the Township currently zoned C-1 Commercial generally correspond to the Commercial designation on the Land Use Plan (Figure 3.2.1) in the Township's 2009 Comprehensive Plan. The proposed zoning amendment does not appear to be consistent with the goals and objectives specified on page 67 of the Comprehensive Plan. Additionally, the proposed zoning amendment does not appear to be consistent with the purpose statement of the C-1 Commercial District, which, according to Section 208-64, is "designed to encourage and provide for attractive, company, retail convenience-type commercial development in locations close to the

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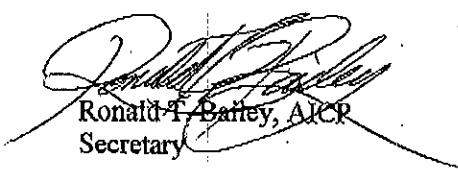
residents served” (this purpose statement reflects the land use plan objective for providing locations for new and revitalized retail and other commercial uses to meet the needs of residents for goods and services).

4. According to our copy of the Township Zoning Ordinance, “residential care facilities for older persons...” is a use permitted by conditional use in the IO Institutional Overlay District, in accord with the area, bulk, height and buffer regulations specified in Section 208.46. This approach (requiring conditional use approval in accord with specific design criteria) appears to be fairly typical of how other Chester County municipalities address residential care facilities and similar uses in their zoning ordinance, usually in a medium to high-density residential or institutional zoning designation. However, while the proposed use contains a reference that the “property shall have direct access to an arterial street,” the proposed ordinance language would permit a residential care facility as a by-right use, without any specific area, bulk and design requirements that must be met by the applicant, particularly regarding this type of development in commercial setting. This should be clarified by the Township.

RECOMMENDATION: Tredyffrin Township should consider the comments contained in this review prior to taking action on the proposed zoning ordinance amendment.

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: Michelle Kichline, Board of Supervisors Chair
Robert Whalen, Planning Commission Chair
Tom Scott, Assistant Manager