

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING
Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township
May 23, 2007 - 7:30PM

Present: Commissioners Walters, Adler, Flynn, Lees, and Pomerantz. Also present were Lighting Consultant Stan Stubbe and one guest.

Call to Order. Chairman Flynn led those present in the Pledge of Allegiance to the Flag and called the meeting to order.

Adoption of Agenda. The Agenda was adopted as presented.

Approval of Minutes. The Minutes of the Planning Commission Meeting of May 9, 2007, were approved as submitted (JL/KF).

Announcements. Elaine Adler reminded the PC of the Brandywine Conservancy/Environmental Management Center Stormwater Management Program on May 31st and the 202 Executive Committee meeting in King of Prussia on June 1st which Kevin Flynn will attend.

Dick Pomerantz asked for a substitute for the Board meeting on June 18th which he cannot attend. Kevin Flynn will confirm his availability for that night.

Ms. Adler also said that a letter had been received from Swiss Farms granting a 60 day extension of the review period for tract 2006-3.

Reports. Jeff House attended the Board meeting on May 21st. That report will be deferred to the June 6th PC meeting.

Non Agenda Public Comment. None at this time.

Zoning Ordinance – Revision to Lighting Section. PC received Mr. Stubbe's letters of May 1, 2007 (residential lighting) and April 26, 2007 (field lighting), and draft amendment. Ms. Adler briefly reviewed the Board's request that the Commission review the need for revision of the Zoning Ordinance lighting regulations as they apply to field lighting. Copies of the documents and agreements pertaining to the development of the Bayard Rustin High School campus have been distributed to the PC. The Special Exception granted to permit the high school construction says specifically that field lighting is not included, and that an amended Special Exception would be required should the school district propose to light the playing fields.

Mr. Stubbe commented that Westtown's present ordinance does not deal with sports lighting, and it does not provide objective criteria if lighting was to be considered. The draft proposes adding such criteria to the ordinance. As Westtown had a large number of schools and other sports facilities which could be the subject of lighting issues, it would seem advisable to have such provisions clearly stated in the Ordinance in order to mitigate the impact as much as possible. A strict set of regulations may also deter applications for field lighting.

Mr. Stubbe and the PC discussed the advantages and disadvantages of making field lighting a Conditional Use or a Special Exception. The PC concluded that a Special Exception would be preferable and that the Zoning Ordinance should be amended to include a clear set of regulations. PC will request comment from the Township Solicitor.

Since several of the sports facilities have multiple fields, this issue should be addressed in the Ordinance, as should use of the lighted fields by outside groups, frequency, hours, etc. The Ordinance should include regulations for temporary field lighting as well. Temporary lighting should require a permit and be limited in frequency of use and hours as well. PC requested Mr. Stubbe revise his draft as discussed

above for discussion at the PC meeting June 20th. The Commission suggested that Mr. Stubbe visit the various locations where field lighting would be an issue.

Concerning lighting in residential areas, Mr. Stubbe's letter concludes that the present regulations are acceptable with some minor changes. The issue here seems to be enforcement. He is available to conduct additional specialized training if the Township chooses this approach.

Zoning Map Amendment. At the meeting on May 7th, the Board of Supervisors requested that the Commission consider whether the current R-3 designation of the tract containing the old Township Building was the most appropriate. The Board suggested it might be rezoned to permit other non-residential uses perhaps similar to what was recommended in the current Zoning Amendment draft for other 202 frontage. The present zoning permits multi-family as a use by right and "professional office" as a Conditional Use. Professional Office has been interpreted to permit financial institutions, funeral homes, as well as the more obvious medical, dental, engineering, and insurance offices. Mr. Lees and Mr. Flynn commented that such uses are the most valuable for this site.

The Business Center Development which is part of the amendment proposed for the A/C District requires coordinated development of a larger tract. PC does not see this as appropriate for the old township building tract. The POC District which includes other parcels on Route 202, permits the same uses as R-3, but does not require Conditional Use approval for the office uses. The C-1 Commercial District permits, by right, uses which the Planning Commission considers inappropriate for this location. Commission members expressed concern about possible consequences of rezoning and the likelihood of other rezoning requests.

Motion (KF/JL), the Planning Commission will send a letter to the Board recommending against rezoning for the following reasons:

1. This could be considered "spot zoning" which is generally not legally defensible.
2. Rezoning this parcel could set a precedent and lead to owners of property along Route 202 seeking similar rezoning.
3. There is no other zoning classification in the current Ordinance or draft amendment which seems appropriate for a tract of this size and location.
4. The Commission believes that the currently available professional office use is the best use for the property and that the proposed change will not enhance the value of the property.

Unanimously approved.

Public Comment. None at this time.

Adjournment. 8:50PM (JL/EA)

Elaine L. Adler
Planning Commission Secretary