

**MINUTES OF THE KENNETT TOWNSHIP  
PLANNING COMMISSION**

**801 Burrows Run Road  
Chadds Ford, PA 19317  
July 9, 2019**

**Call to Order:** Guthrie called the meeting to order at 7:00 p.m.

**Members Present:** Jim Guthrie, James Przywitowski, John Saraceno, Marla Palmer, Rudy Karkosak, Lynell Laws, Shawn Knudson, Pat Muller (Alternate)

**Absent:** Bruce Bilotti (Alternate)

**Minutes:**

**Przywitowski moved to approve the minutes of the June 11, 2019 meeting. Karkosak seconded the motion. Motion carried unanimously.**

<b>ANNOUNCEMENTS</b>
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**Work Sessions:**

There will be a work session held on August 6, 2019 at 6:30pm.

<b>NEW BUSINESS</b>
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Guthrie reported that at the Planning Commission work session last week, discussions ensued about how all of the separate groups working on Ordinance amendments are progressing and the need to bring everyone together to discuss how to move everyone forward in the same direction.

Pat Muller noted that she was tasked at the work session to gather everyone's input on the current LRK (Looney Ricks Kiss) design guidelines and those comments are due back to her on Friday.

**Muller made a recommendation that the Board of Supervisors authorize a meeting with Looney Ricks Kiss, Thomas Comitta, Township Engineer, The Commonwealth Group, Zoning Officer, County Planning Commission to synthesize the TND following Karkosak seconded the motion.**

**Discussion:**

Tom Comitta commented on his experience with smart growth and having with one ordinance with one general guidelines that is used in each applicant creating their own specific guideline.

**Motion carried unanimously.**

## **Planned Village proposed Ordinance amendments:**

John Jaros representing the Commonwealth Group presented proposed changes to the Planned Village Ordinance that was originally enacted last fall. Jaros noted the following changes are being requested in the text amendment:

- The definition of the term “Planned Village” is revised and a definition of “Planned Village Open Space” is added to Section 240-201;and
- Section 240-1004.C(13) is revised to clarify the provision of Planned Village Open Space;
- A new subsection 240-1004.C(15) is added to permit Woodland Disturbance of up to 75% of Class II Woodlands that are within 1,000 feet of a minor arterial roadway without performing tree replacement as required by the Subdivision and Land Development Ordinance, but instead requiring the applicant to provide enhanced landscaping as part of the Kennett Gateway Streetscape Plan.
- The Tract Setback provisions of Section 240-1004.D(3) are revised in this section of the amendment.
- A change to the design guidelines.

Jaros noted that he is before the Planning Commission this evening requesting a recommendation on the additional text amendment revisions to the Planned Village Ordinance in an effort to move forward with the Subdivision and Land Development application.

The applicant, Tim Jones (the Commonwealth group) and his Engineer, Kevin Ember (Rettew Associates) presented an overview of the proposed plan that the ordinance change is being developed with.

It was noted that the applicant now has an agreement to purchase the Boy Scouts building.

Muller asked if the calculation for open space included the storm water basins. Kevin Ember replied that it does, based on the Ordinance, any open, green area can be counted.

Tom Comitta commented that when adopted in November, he recommended that the design guidelines be revised in the near future to address front loaded Townhomes and alley’s which are addressed in this proposed revision.

Przywitowski asked Comitta for clarification on what his role is for this project. Comitta responded that he has been an as needed consultant for the Township since 1974 and last fall, he was asked to review the sketch plan by the Township and has continued to provide comments and critique the submissions. Przywitowski commented that he is trying to figure out is how exactly we got to this place as it seems like changes are being made for a specific developer and noted that zoning is not in place or to be changed for one specific person, it is in place to meet Township goals. Przywitowski commented that he is not sure how the Township will benefit from these proposed changes except a development of this sort on ways lane would be an improvement.

John Jaros commented that Przywitowski’s comments are well taken noting that when his client began the engineering of a plan, additional obstacles came about and the choice to deal with then were to either go to the Zoning Hearing Board and ask for a variance or submit a Text Amendment and decided to go the text amendment route.

Przywitowski commented that assuming these proposed changes were to pass, he would not want to hear that additional changes need to be made in a third revision. Jones commented that he is relying on his engineer and lawyer and would have to live with anything else that comes up.

Guthrie asked how the comments from the Chester County Planning Commission are being addressed. Jones discussed each of the line items in the County letter. Guthrie asked that he provide the Planning Commission with a written response on each of the County Review comments.

Guthrie commented that he would like to see the EAC comment on the Woodland disturbance, Pat Muller will work with the EAC for a review.

Jones asked if changes are made to the text per the recommendation of the Planning Commission, does it need to go back to the Chester County Planning Commission for another review. Jaros replied stating that it is his understanding that it would not have to.

Palmer commented that the retention basins are being included in the open space. Jones responded that the Zoning Ordinance does not have a definition for Open Space, only Common Open Space with is considered for HOA's. It was discussed that Open Space is only defined in the Subdivision and Land Development Ordinance.

Guthrie commented on the definitions and meanings of "tract size" and noted that it will be important to have the applicant attend the synchronization meeting that will be scheduled.

Palmer asked Comitta if in other Townships that have an overarching master plan, when submittals come in for things like text amendments for parcels, do they change definitions of critical things like open space. Comitta replied yes and the reason is that every site is different.

Muller noted that she will set up a walk with the EAC to look into the Woodlands classification.

**All Action deferred.**

Karkosak excused himself from the meeting at 8:00PM noting he had another commitment.

### **TDR proposed Ordinance amendments:**

Tom Comitta presented proposed revisions to the current TDR Ordinance that he worked on with John Snook noting the following proposed changes:

- A. Four new definitions are added and five existing definitions are revised in Section 240-201;
- B. Section 2 of the amendment adds a new article XXVI entitled Transferable Development Rights (TDR), replacing the existing Article XXVI;
- C. The V-1 (Hamorton) and SA-Specialized Agriculture zoning districts are proposed to be added to the Receiving Areas for use of TDRs in Multi-family residential development; and
- D. The submission also included two versions of the zoning map, the first delineates the existing and proposed TDR sending and receiving areas and the second map shows the proposed TDR

sending and receiving areas.

Discussion ensued about how these changes would affect the Exelon property and the future of the Exelon site.

Guthrie commented that he would like to see comments from the EAC on the proposed Ordinance.

Comitta discussed the points raised by the Chester County Planning Commission review letter and the LCAC review letter as well as suggestions given by the Township Solicitor and Supervisor Leff.

Guthrie discussed the “SA” district and having residential use so close to mushroom farms.

Guthrie commented on the Exelon property noting that he is conflicted because all of the Townships planning shows that area should be used for development.

Comitta and the Commission discussed the value of the TDR’s.

Discussion regarding only changing the Ordinance by adding the “BP” district as a sending area and the risks associated with making the change.

Supervisor Hoffman commented that this would help the Township with its Open Space initiatives. Muller commented on the benefits of keeping land open and the benefits to the aquifer.

Przywitowski asked if there has been any progress with some type of “Regional TDR” program. Guthrie replied that it has been discussed with the Borough but nothing has been agreed upon officially.

**Knudson made a motion to recommend the Board of Supervisors adopt a revised TDR Ordinance that adds sending rights to the BP only. Przywitowski seconded the motion.**

**Motion carries with 6-0 with Guthrie abstaining from the vote by voting “Present”.**

## **OLD BUSINESS**

N/A

## **SUBDIVISION & LAND DEVELOPMENT PLANS**

### **Parkside**

**Address: 410/412/414 North Walnut Street (East side of Rt. 1, just south of the Rt. 1 bypass)**

**Application Type: Preliminary/Final**

**Clock Expires: Indefinite**

**Team: 3**

No presentation.

**All Action deferred.**

**Novak**

**Address: 114 Carlton Dr.**

**Application Type: Preliminary**

**Clock Expires: Indefinite**

**Team: 2**

No presentation, applicant is working on revisions to original submission.

**All Action deferred.**

**Avello**

**Address: 556 Creek Road**

**Application Type: Preliminary Land Development**

**Clock Expires: Indefinite**

**Team: 1**

No presentation, applicant is working on obtaining sight line easements.

**All Action deferred.**

**Mitchell Homes (Smith Tract)**

**Address: 540-548 Rosedale Road**

**Application Type: Preliminary Land Development**

**Clock Expires: Indefinite**

**Team: 1**

Przywitowski presented an overview of the application noting that the subcommittee has requested the application to provide the following studies:

1. Regional Traffic Study / Local Traffic Impact: SALDO 206-405 B and C are applicable given the number of dwelling units proposed. The nearby intersection of McFarlan and Rosedale is a primary concern.
2. Police – Fire Rescue Impact: SALDO 206-405 G are applicable. Primary concern is the ability of the emergency services (fire / ambulance) to service the facility. The proximity to higher density developments (e.g., Granite Ridge) and the KCSO athletic fields may also present challenges for the police coverage.
3. Recreation: SALDO 206-H is applicable given the number of dwelling units proposed. Primary concern is the perceived density of the development with limited clearly defined open space / activity areas.

The expectation is the submissions will align with the overall objective and intent of the studies as defined within the respective SALDO sections. The studies provide additional data and information for Planning Commission to evaluate the application. And based on your recent presentation to the Planning Commission, you seem to be well-prepared to address same.

In addition to the studies referenced above, the following items should be addressed in the application:

- A. Impact on the Kennett Consolidated School District. This would be in the spirit of a Public Services / Facilities impact study.
- B. Soils Analysis to address the groundwater saturation concerns cited by the Chester County Planning Commission in the May 29, 2019 review letter. The soils analysis will also be prudent given the known issues with stormwater management at the Granite Ridge development which is 'above' the Smith parcel. Neighboring properties downhill from the Granite Ridge have been impacted.
- C. The Phase II environmental studies performed previously and/or updated are of interest.

Mitch Kotler provided an overview and update of his application noting that he is working with his consultants on the reports being requested by the Planning Commission.

Justin Brewer of D.L. Howell, the applicants engineer provided an explanation of the issues with the stormwater design with the property to the North noting the issues on that property have to do with the one of the infiltration systems hitting bedrock about 4' down.

Przywitowski commented on the underground infiltration systems and since they are close to the homes. It was requested that the Safety Committee review the plan.

Mitchell commented that he will be meeting with the Borough and Township this week to discuss the sewer requirements and expectations.

**All Action deferred.**

**Frick**

**Address: Rt. 52/Hillendale**

**Application Type: minor subdivision**

**Clock Expires: Indefinite**

**Team: 2**

No presentation, applicant is working on revisions to original submission.

**All Action deferred.**

<b>ADJOURNMENT</b>
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**Knudson motion to adjourn. Palmer seconded the motion.**

**Motion carried unanimously.**

The meeting adjourned at 9:15 p.m.

Respectfully submitted,  
Michael O'Brien  
Recording Secretary