



THE COUNTY OF CHESTER



COMMISSIONERS

Michelle Kichline
Kathi Cozzone
Terence Farrell

Brian N. O'Leary, 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

December 3, 2018

Lisa Moore, Secretary
Kennett Township
801 Burrows Run Road
Chadds Ford, PA 19317

Re: Zoning Ordinance Amendment - Alternate Flexible Development Option for Single-Family Detached Dwellings in R-4 Residential Zoning District
Kennett Township - ZA-11-18-15670

Dear Ms. Moore:

The Chester County Planning Commission has reviewed the proposed Kennett Township Zoning 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 November 19, 2018. We offer the following comments to assist in your review of the proposed Zoning Ordinance amendment.

DESCRIPTION:

1. The Township proposes to create a by-right "Alternate Flexible Development Option for Single-Family Detached Dwellings in R-4 Residential Zoning District", which would include:
 - A. Locations near Kennett Square Borough that were previously developed with non-conforming uses, and which have access to public water and sewer utilities and are located along local distributor roads, collector roads or minor arterial roads as identified in the Kennett Township Comprehensive Plan;
 - B. A maximum density of six units per acre;
 - C. Flexible street design provisions;
 - D. A minimum of thirty-five percent open space;
 - E. Additional design standards, and
 - F. Provisions to modify the standards in the Ordinance by conditional use.

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BACKGROUND:

2. The Chester County Planning Commission has previously reviewed two versions of this amendment. Those reviews included: ZA-08-18-15569, dated September 17, 2018, which addressed the addition of a Residential Redevelopment option as a use permitted by right and ZA-10-18-15622 dated October 22, 2018, which addressed Alternate Flexible Development Option in the R-4 Residential zoning district. The County Planning Commission has also reviewed a Sketch Land Development plan; i.e. review LD-08-18-15572 dated September 17, 2018. The sketch plan proposed the consolidation of three existing lots and the construction of a 76 single-family residential units, with 48 guest parking spaces on a 21.24 acre site.

LANDSCAPES:

3. The areas affected by this amendment are located within the **Suburban Landscape** designation of *Landscapes3*, the 2018 County Comprehensive Plan. The vision for the **Suburban Landscape** is predominantly residential communities with locally-oriented commercial uses and facilities, accommodating growth at a medium density that retains a focus on residential neighborhoods, with enhancements in housing types and affordability. Additionally, roads, sidewalks and paths with convenient access to parks and community facilities should be provided. The proposed ordinance is consistent with the objectives of the **Suburban Landscape**.

COMMENTS:

4. The proposed area and bulk provisions are similar to those reviewed in our October review (ZA-10-18-15622), but also include additional design standards applicable to this option. In both our previous reviews we suggested that this use should be permitted by conditional use, because the remaining larger parcels in the R-4 zoning district are affected by significant natural features and/or were previously industrial sites, which could have related issues. We continue to support this suggestion.
5. As stated in our previous review this development option could offer the Township and applicant an opportunity to create affordable housing in Kennett Township. If this is the intent of the applicant and the Township, the area and bulk provisions should be carefully crafted to minimize construction costs while maintaining quality of life and functionality of the final design to achieve an affordable design.
6. The provision in Section 240-702.F.15, which permits variations of the standards in the ordinance by conditional use, is unusual. Section 503(8) and 512.1 of the Pennsylvania Municipalities Planning Code contain provisions that permit a municipality to grant waivers to the provisions of a subdivision and land development ordinance. Section 910.2 of the Pennsylvania Municipalities Planning Code grants the authority to vary or grant variances to the provisions of a zoning ordinance to the zoning hearing board, but not to the governing body. We suggest that all references to variations be replaced with language that automatically exempts certain requirements when certain conditions are met. This will avoid any conflict with the requirements of the Pennsylvania Municipalities Planning Code. We agree, however, that the proposed provision in Section 240-702.F.15 can help expedite the approval of changes to the Township's design requirements and can help encourage superior designs.

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RECOMMENDATION: The Township should consider the comments in this letter before acting on the proposed zoning ordinance amendment.

We request an official copy of the decision made by the Kennett Township 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,

A handwritten signature in black ink, appearing to read "Glenn Bentley", with a long horizontal flourish extending to the left.

Glenn Bentley
Senior Review Planner