

**FINDINGS AND RECOMMENDATION
OFFICE OF PLANNING AND ZONING
WESTTOWN TOWNSHIP, PENNSYLVANIA**

APPLICANT: West Chester Area School District (WCASD)

CASE NUMBER: 2020-03

HEARING DATE: July 23, 2020 **PREPARED BY:** William Ethridge, AICP
Director of Planning & Zoning

REQUEST

The applicant is seeking a Special Exception to continue to operate the existing public school upon the premises as the principal use.

LOCATION AND DESCRIPTION OF SITE

750 Westbourne Rd consists of 11 acres and is zoned R-1 Residential District. Westbourne Rd is a collector street and borders this property to the north and east. The property is bordered by R-1 zoned properties to the west and south. The property is currently the home of Westtown-Thornbury Elementary School (WTES), which is the equitable owner of the tract and has been the principal use of the property since 1954.

The property is located along 1,250' of the south side of Westbourne Rd.

PROPERTY BACKGROUND

According to public records, WTES began operations in 1954 and was expanded in 1956, 1962, 1986, and 2012. Subsequent to its opening, Westtown adopted township wide zoning rules, allowing public schools in the R-1 zone by Special Exception. This made WTES a legal nonconforming use.

In the fall of 2019 WCASD approached the township about expanding WTES again. Township staff examined the property record and recognized that public schools are a special exception use in the R-1 zone, and that WTES was a legal nonconforming use and had never applied for, nor been granted a Special Exception to operate as a conforming use¹. Staff also discovered a document from 2012 where the Planning & Zoning Director at the time, Elaine Adler, noted that a Special Exception would be required for WTES to expand. For reasons unknown, the Township Manager at the time permitted WTES to expand under land development rules.

Subsequent to the initial meeting with the Township, the Township solicitor and the legal counsel for WCASD came to an understanding whereby the current application was submitted.

¹ Under the expansion rules for a non-conforming use, WTES would be limited to a one-time expansion of 25% of its floor area.

SPECIAL EXCEPTION STANDARDS

General standards for the granting of Special Exceptions are contained within 170-2018 of the Township Code and are attached to this report as Attachment A.

Specific standards for the granting of a Public School are contained within 170-702.E (1-10) of the Township Code and are attached to this report as Attachment B.

FINDINGS

WCASD intends to expand WTES by constructing six (6) additional classrooms, bathrooms, a storage room, and a utility closet, along the southwest corner. The expansion of the school will result in the removal of two temporary trailers for a net increase of four (4) classrooms. In conjunction, an expansion of the parking lot is proposed with 27 new spaces. WTES will have more spaces than required by code. WCASD has previously commented on their plans to address the issue of traffic, specifically vehicle stacking in the afternoons, which the Planning Commission asked for consideration of, regarding the expansion. Staff recommends that WCASD work with the Township Engineer on one or more vehicle stacking solutions, primarily regarding afternoon traffic.

Two earlier retaining walls along the west side of the parking lot, and the southwest corner of the building expansion have been removed, and stormwater is proposed to be handled by one facility beneath the parking lot expansion, as well as a rain garden immediately west of the building expansion.

Both the existing school and the proposed expansion are compliant with all of the standards under 170-702.E, 1 through 9. With respect to 170-702.E.10 the site is bordered on the north and east by Westbourne Rd. To the south and west there appears to be a buffer of varying width along the property line, however it does not appear to be a complete 50' planted buffer in some areas as required by code.

RECOMMENDATION

This Office recommends the Zoning Hearing Board **approve with conditions** the applicant's request for a Special Exception to continue to operate a public school at the subject property:

- 1) That as a part of the land development review, the applicant and the Township Traffic engineer come to an agreement on how to mitigate future vehicle stacking,
- 2) Likewise, that the applicant and the Township engineer come to an agreement on where and to what degree the landscape buffer along the west and south side property lines should be augmented.

William Ethridge
Director of Planning & Zoning

Date

ATTACHMENT A

**§ 170-2108 Special exceptions.
[Amended 3-3-2003 by Ord. No. 2003-2]**

Where this chapter has stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the chapter, as it may deem necessary to implement the purposes of this chapter. The procedures for acting on a special exception request shall be the same as those specified for variances under § **170-2107**, except that the findings contained in Subsections **A(5)(a)** through (e) of § **170-2107** shall not be applicable.

Where any use or any applicable design criteria subject to conditional use approval also is a part of an overall land development plan subject to application for approval of a special exception, such use or design criteria may be considered for approval by the Zoning Hearing Board as part of the applicable special exception application in lieu of separate submission of an application for conditional use approval. Similarly, where any use or any applicable design criteria subject to special exception approval also is a part of an overall land development plan subject to application for conditional use approval, such use or design criteria may be considered for approval by the Board of Supervisors as part of the applicable conditional use application in lieu of separate submission of an application for approval of a special exception.

- A. Application shall be made in writing, indicating the section of this chapter under which an exception is sought. The application shall include a reasonably exact, dimensional sketch showing the placement and use of the proposed buildings and details of parking, loading, lighting, utility systems, sidewalks, and other pedestrian areas, including those within 250 feet of adjoining properties or structures.
- B. Further, a description of the uses proposed shall be included in sufficient detail so that potentially detrimental impacts, if any, can be determined.
- C. The Board shall hear and decide all requests for special exceptions, as identified within this chapter, in accordance with the following standards and criteria:
 - (1) Relationship to the Comprehensive Plan. Consideration of the size, scope, extent, and character of the proposed special exception and assurance that such proposal is consistent with the purposes and objectives of the Westtown Township Comprehensive Plan, including protection and promotion of the public health, safety, and welfare.
 - (2) Suitability of the tract. Consideration of the suitability of the proposed tract including, as applicable, environmental conditions, highway access, and availability of sewer and water service, and of the extent to which the proposed use is susceptible to regulatory restriction through the imposition of appropriate conditions.
 - (3) Impact on existing neighborhood character. Consideration of the extent to which the proposed special exception will alter unduly the character of the

existing neighborhood and adjacent tracts, and the effectiveness of proposed or potential mitigation measures; consideration of the character and type of development in the area surrounding the location of the proposed special exception, and a determination that the proposal, if approved, will constitute an appropriate use in the area.

- (4) Impact on circulation. Consideration of the effects the proposed special exception may have on traffic patterns and volumes, access, and parking.
- (5) Economic impact. Consideration of the character and type of development proposed in terms of generating revenue for the Township and imposing demands on municipal services.

D. Persons with disabilities. After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this chapter that the applicant proves to the satisfaction of the Zoning Hearing Board are required under applicable federal law to provide a reasonable accommodation to serve persons who the applicant proves have disabilities as defined in and protected by such laws.

- (1) Such reasonable accommodations shall be requested in accordance with the U.S. Fair Housing Act Amendments and/or the Americans with Disabilities Act, as amended.
- (2) If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this chapter necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.
- (3) Any modification approved under this section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.

ATTACHMENT B

§ 170-702 **Area and bulk regulations.**

- E. Nonresidential uses permitted by special exception, specifically excluding major home occupations which are considered accessory to a residential use: [**Amended 12-5-1994 by Ord. No. 94-6; 5-1-1995 by Ord. No. 95-2; 3-3-2003 by Ord. No. 2003-2; 5-2-2005 by Ord. No. 2005-4**]
- (1) Minimum lot area: two acres.
 - (2) Minimum lot width at building setback: 200 feet.
 - (3) Side yard minimum width:
 - (a) One: 50 feet.
 - (b) Both: 100 feet.
 - (4) Minimum rear yard: 50 feet.
 - (5) Maximum building coverage (all uses): 20%.
 - (6) Maximum total impervious coverage: 40%.
 - (7) Minimum front yard: 50 feet, except that, for uses in the vicinity of major roads, as noted below:
 - (a) One hundred feet minimum from the future right-of-way line of Route 202 or Route 3.
 - (b) Sixty feet minimum from the future right-of-way line of Route 926 or Route 352.
 - (8) Minimum lot width at street line: 50 feet minimum, except 250 feet minimum at the future right-of-way line of Routes 202, 3, 352, or 926, if the use would have direct access onto any of these routes.
 - (9) Maximum building height: three stories, not to exceed 38 feet.
 - (10) Buffer requirements. In addition to the requirements of § **170-1508** of this chapter, there shall be a fifty-foot buffer strip maintained on the property containing a use permitted by special exception when such use abuts any A/C, R-1, R-2, or R-3 District. Such buffer strip shall be in addition to any and all applicable area and bulk regulations, including setback regulations. The buffer strip shall be planted and shall not include any paved area.

§ 170-1508 Screening.

[Amended 12-5-1994 by Ord. No. 94-6; 3-3-2003 by Ord. No. 2003-2]

A. A completely planted visual barrier or landscape screen, of sufficient density not to be seen through and of sufficient height to constitute an effective screen and give maximum protection and immediate visual screening, shall be provided and continually maintained between any industrial, office, or C-1 Commercial District and any contiguous residentially-zoned district; any multifamily residential use and any contiguous single-family detached or two-family residential use; any use by special exception permitted in the Commercial District and any other use; and any new or expanded nonresidential principal use that abuts an existing residential use. Specific buffer requirements, as contained in the use districts, shall be considered to have fulfilled the obligations herein.

B. Water towers, storage tanks, processing equipment, fans, skylights, cooling towers, communication towers, vents and any other structures or equipment which rise above the roof line shall be architecturally compatible, or shall be effectively shielded from view from any public or private street by an architecturally sound method which shall be approved, in writing, by the Township before construction or erection of said structures or equipment.

C. In any case in which screening of a parking lot is required, such screening shall include appropriate planting, such as a compact evergreen hedge, or a masonry wall or ornamental structure, which shall be not more than four feet in height. Any such wall or similar structure shall enclose the parking lot and shall be in harmony with the general architectural design of the principal building or buildings.

D. For the purposes of this section, the following criteria shall apply:

(1) The term "contiguous" shall include each of the following:

(a) Lots that abut but are not separated by a local or minor street;

(b) Lots that are only separated from each other by a creek or easement; and/or

(c) Lots that are across a local street from each other.

(2) Complete plant visual screening shall not be required along the primary front lot line of a lot.

(3) Required landscaping and any berming shall be designed to have a naturalistic appearance with a mix of plant species. Straight rows of the same species of shrubs shall generally not be used to meet Township requirements. Plants with a large mature size should be planted at offsets to allow room for growth. The species, sizes and locations of plantings proposed to be used shall be shown on development plans.

(4) Any required buffer shall also meet the standards in § 149-922 of the Code.