

Meeting Minutes
State College Borough Council
Public Meeting
May 18, 2005
7:30 p.m.

The State College Borough Council met in a public meeting on Wednesday, May 18, 2005 in Council Chambers at 243 South Allen Street, State College, Pennsylvania. Mr. Daubert called the meeting to order at 7:30 p.m.

Present Thomas E. Daubert
 Elizabeth A. Goreham

Also present: Thomas J. Fountaine, Borough Manager; Carl R. Hess, Director of Planning/Community Development; Debra Felice, Recording Secretary; and other interested members of the public.

Mr. Hess explained the purpose of the meeting was to present the proposed Commercial Incentive Zoning district. Public comments and questions would be addressed through a series of four meetings, this being the third public meeting on the subject. Mr. Hess gave an overview of the Commercial Incentive District.

When asked the definition of an owner-occupied residence, Mr. Hess explained it was a primary residence, such as condominium. The citizen believed developers would not invest in owner-occupied apartments.

The citizen continued to ask questions about condominium agreements and how to avoid a parent buying the condominium for his child and six of his friends to live in while attending Penn State. Mr. Hess explained that a rental housing permit would be required if charging for rent. He noted that in his thinking, that would be violating the requirement of primary, owner-occupied resident. Covenant agreements could prohibit this from happening, but they are more difficult to challenge in the courts. When asked about a proven case of hardship in case a unit could not be sold or rented to non-students, Mr. Hess replied that he could not answer that question; it would be up to the courts to determine if a case of hardship can be shown.

The question arose on whether or not a professor could rent a unit if away on sabbatical for a year. Mr. Hess said the Planning Commission had discussed this issue and the Borough Solicitor indicated that a condominium agreement could single out a class that would permit a professor to rent a unit for a limited time.

The question of the Borough's right to go to court for violation of covenant agreements was raised. Mr. Hess said that, traditionally, Council has always supported the enforcement of regulations.

The issue was raised on corner lots and the 25-foot setback required for two sides of the property, which would severely limit the amount of buildable area. Mr. Hess noted that non-residential uses require a 15-foot setback. Depending on the location of the lot, the setback may be 18 feet. He understood that it was difficult to develop small corner lots but that is the case under existing regulations.

Questions were raised on the viability of the downtown. Mr. Hess indicated the proposed zoning encouraged non-residential uses. The best possible scenario would be to have first floor retail, second floor office space, and owner-occupied residential above. He noted the Allenway building at 333 South Allen Street was successful in providing this mix.

One citizen asked about changes in the parking incentives. Mr. Hess explained Council was discussing doubling the parking incentive for commercial uses. Ms. Goreham noted that Council wanted to entice businesses to the downtown. She believed the most effective way to encourage such uses is to let the developer decide how much parking is needed based on the market. A comment was made that this would indirectly encourage people not to drive downtown – to break the addiction with the automobile. It was noted that in Denver people park at one end of the downtown and then use a trolley system, cabs and buses to get from one area to another. This created the impression of vibrant street life. There are ways to enliven an area without accommodating the automobile.

When asked about the proposed boundaries of the district, Mr. Hess explained the Downtown Vision Plan laid out 11 unique areas. The Planning Commission was currently focusing on two of those areas (areas 7 and 8).

One comment was made on the small size of the lots within the zone. Many of the lots may require consolidation for redevelopment. Mr. Hess agreed; he noted the consolidation of properties was taken into consideration to limit or encourage certain uses.

A question was raised on the requirement for the Leadership in Energy and Environmental Design Green Building Rating system (LEED). Mr. Hess explained this was a way of offsetting the incentives, particularly for student housing. If someone wanted to build student housing, the trade off would be that the Borough would get an environmentally designed building in exchange for additional FAR. A citizen commented it would be progressive thinking to have the LEED certification as part of the base zoning. Another citizen commented that the bonus for FAR and the LEED should not be linked; it gives the wrong motivation.

When asked about land costs, Mr. Hess estimated it would be \$30 to \$40 per square foot in the downtown. One citizen noted that it is important to consider land costs in adjacent areas. In the Urban Village, land has sold for \$50 per square foot. Even with cheap transportation, the costs would increase in the downtown. White Hall Commons in Ferguson Township was being built to accommodate weekend football fans. Developers would be hard pressed to do this in the downtown where the estimated cost was about \$150 per square foot. In addition, it is estimated that the rental housing market is about 15 percent overbuilt. Mr. Hess said the high cost of developing in the downtown has been discussed and is of some concern.

When asked why parking requirements were tied to the number of bedrooms, Mr. Hess explained that market studies show that students want their own bedroom. Large apartments with few bedrooms would require less parking but would be more difficult to market.

One resident expressed concern about the height restriction and that the planning seems to be based on the supposition of flat land. Elevation changes create looming buildings or buildings that face hillsides.

One citizen felt that this was spot zoning and it should be broader to accommodate the area to the west. Height limits could vary and be brought down to scale if the zone is continued south to Foster Avenue. The citizen believed it was a convoluted set of regulations and development would not occur according to the desires of Council.

There being no further business, the meeting adjourned at 9:45 p.m.

Respectfully submitted

Cynthia S. Hanscom
Assistant Borough Secretary