

Meeting Minutes
State College Borough Council
March 5, 2007

The State College Borough Council met in a regular meeting on Monday, March 5, 2007, in the State College Municipal Building Council Room, 243 South Allen Street, State College, PA. Mr. Welch called the meeting to order at 7:30 p.m.

Present: Bill Welch, Mayor
Catherine G. Dauler, President of Council
Thomas E. Daubert
Elizabeth A. Goreham
Donald M. Hahn
Craig R. Humphrey
Jeffrey R. Kern
Absent: Ronald L. Filippelli

Also present: Thomas J. Fountaine, II, Borough Manager; Terry J. Williams, Borough Solicitor; Thomas Kurtz, Assistant Borough Manager; Mark A. Whitfield, Director of Public Works; Thomas R. King, Chief of Police; Michael S. Groff, Finance Director; Carl R. Hess, Director of Planning; Amy R. Miller, Recording Secretary; Herman Slaybaugh, Zoning Officer; members of the media; and other interested members of the public.

Mr. Welch began with a moment of silence and the Pledge of Allegiance.

PUBLIC HOUR – Hearing of Citizens. There were no comments from the public on items that were not included on the agenda.

PUBLIC HEARINGS

Zoning Amendment for the Mixed Use Overlay Districts. Mr. Fountaine reminded Council they had received the initial proposal to amend the mixed use overlay regulations in September 2006 but referred it back to the Planning Commission in October with the request that the Commission give further consideration to changing the parking requirements, permitted uses, the ability to expand structures and the number of employees allowed to work at a mixed use. The Planning Commission reviewed the modifications proposed by Council and presented the revised zoning ordinance amendment that is the subject of this hearing. Following the public hearing, he said Council may:

- Direct staff to give notice for Council to act on the amendment at its regular meeting of March 19;
- Direct staff to return the amendment to the Planning Commission for further review, along with comments identifying specific issues to be considered by the Commission;
- Postpone action and schedule discussion at a future work session; or
- Move to dispose of the amendment without approval.

Mr. Fountaine reminded Council members that any modifications to the proposed amendment would require returning the entire amendment to the planning agencies for a mandatory thirty-day review period.

He noted that Council has received many written comments on this proposal, primarily via electronic communication. Those comments were distributed to Council but would not be read at the meeting, he added.

Mr. Hess presented a brief overview of the amendment, noting the locations of the mixed use overlay district and the major changes to the existing ordinance.

Robert Siebel, 510 East Fairmount Avenue, said he hoped there was a distinction made between the eastern and western properties of the overlay district. The overlay to the west has a base zoning of R3H (Residential Historical) and the eastern properties have a base zoning of R2 (Residential). There is already a distinction made in the zoning of the properties. He addressed the issue of access from local streets in the eastern portion and said he believed the additional traffic would pose a threat to the single-family homes located in this neighborhood.

Theresa Lafer, 356 East Foster Avenue, commented on the parking in the eastern portion of the mixed use overlay. She commented that Foster Avenue is a narrow street that is not straight. Additional on-street parking would create problems with safety of both pedestrians and other vehicles. She opposed any expansion of parking areas or the size of businesses currently located in the mixed use overlay zone. This was a residential area and the residents wanted to keep it that way.

George Woskob, 119 South Burrowes Street, said he had the pleasure to tour Michael Black's studio at 700 East Beaver Avenue in the mixed use overlay district and was impressed with the architectural features. His project shows how this type of development is good for State College. Much of the zoning in the overlay district should be relaxed to encourage this type of development. In an area where the primary use of property is for student rentals, the small business uses work well to complement the neighborhood.

Sam Richards, 236 Nimitz Avenue, noted that he had talked with Council several times in the past on the issues of student housing. He strongly supported the mixed use overlay district because it provides a balance between the businesses and the student housing. He said he did not believe the parking would be as much of an issue as was perceived. He supported the amendment and said it encourages a mixed use for the Borough rather than just students.

Bob Woodard, Nevens Real Estate Group, said he strongly supported the revisions to the mixed use overlay. The additional uses would provide an alternative for property owners other than student rentals. He said the changes would encourage small businesses and create an ideal buffer for private residences.

Tonya Black, 726 South Allen Street, said she understood the fear of residents that do not want to lose their community. Although the comments may appear that the changes are pro-business, she said the changes were pro-community, especially in providing a viable increase to the tax base for the Borough. She did not believe the changes would be as dramatic as perceived and felt this area could act as a buffer for the residential community. She supported the changes to the ordinance.

Wesley Glebe, 115 North Butz Street, a business owner in the community, spoke on his professional relationship with Michael Black. He noted that Mr. Black has performed and participated at such a unique level of dedication and creativity in the community and Council should recognize that and move forward with the suggestions that he has made to modify the mixed use overlay.

David Glickman, 1007 Thistlewood Way, said he is in favor of amending the mixed-use overlay. Mr. Glickman said when looking at the commitment of Mr. Black's efforts to build a beautiful building he hoped Council is as enthused as he was.

Rick Schumann, 525 E. Foster Avenue, said as an ABC member he was involved in reviewing the design for the Black Sun Studio and the studio epitomizes what the downtown vision is. When you improve the character of a neighborhood, it contributes to tax base. He asked Council to consider the worst that could happen in the overlay district before making their decision on the mixed-used overlay. He also said he agreed with the relaxed parking regulations.

Allan Darr, Market Insight at 112 W. Foster Avenue, commented that he moved here from New York and purchased Market Insight in 1992 then moved the business to downtown State College in 1993 and was the first commercial occupant in the overlay zone. He said he has seen a lot of change in the area and liked being downtown; however the business grew and had to expand elsewhere. Mr. Darr said when the company was in the overlay district, parking was not an issue. Now that his company is located at 112 W. Foster Avenue, he said he still does not have problems with parking. Mr. Darr added that very few of his customers are local; therefore parking is not an issue and supports the overlay district.

Richard Virgil, 620 E. Foster, said there needs to be effective control of building size because a 9,500 square foot building in the overlay district is too large. He added there are at least 8 or 10 single family homes in this area which represents the size of most of the buildings and the solution should not be replication of such large sized buildings in the mixed use overlay district. Buildings should be kept at the same scale for the neighborhood. He asked Council to find such effective language and apply it to the ordinance for the overlay district. In addition, parking standards should be consistent within in the Borough; parking should be satisfied in the business district and not in residential neighborhoods. Mr. Virgil concluded asking Council to consider lowering the limit on the number of employees from the number that is currently proposed. He said a buffer zone is needed for protecting residences.

Akemi Benton, 1194 Westerly Parkway, said she previously lived in the mixed use overlay district, which was not an appropriate place to raise her daughter. She noted that if the ordinance is adopted it would increase the overall property value, improve curbside appeal, and encourage single-family home purchases creating a good mixed-use neighborhood that exists in the perimeters of many small cities.

Michael Black, owner of Black Sun Studio at 700 E. Beaver Avenue, said he would not repeat his previous comments because Council members have heard the same comments before. He said many recommendations have come from the Borough staff, the Planning Commission as well as the Centre Council of Government and residents supporting the ordinance. He asked Council to make the right choice for the overlay district.

Kevin Gombotz, 331 E. Foster Avenue, said living in the Borough has been an asset because he is close to his work and feels a part of the community. He also said that residential offices could be a good thing as well. He said he would not like to see a building built strictly destined to be an office building; he would prefer that if needed or wanted the building could go back to residential use.

Ms. Goreham moved to continue discussion of the mixed-use overlay at a work session; Mr. Humphrey seconded the motion. The motion passed unanimously.

Zoning Amendment for Pedestrian Oriented Uses. Mr. Fontaine noted that Council received a proposed amendment to the pedestrian oriented frontages section of the zoning ordinance (in the General Commercial district regulations) that is the subject of this

hearing. He explained the existing ordinance mandates pedestrian-oriented uses within buildings on lots with frontage along the south side of the 100 blocks of East and West College Avenue, both sides of the 100 blocks of East and West Beaver Avenue, and both sides of the 100 block of South Allen Street. The change would extend the boundaries on College Avenue to Burrowes Street on the west and to Garner Street on the east. It also includes the north side of Calder Way from Burrowes Street to Garner Street. A 10' minimum depth is established for pedestrian oriented uses in the section of Calder Alley that is included in the amendment. (A 20' minimum depth is currently required for pedestrian oriented uses along street frontages.) The ordinance also changes the name from pedestrian oriented frontages to pedestrian oriented uses, which better reflects what is being regulated.

Mr. Fountaine said notice was given for Council to receive public comment on the amendment this evening. After considering public comment, Council may:

1. Direct staff to give notice for Council to act on the amendment at its regular meeting of March 19;
2. Direct staff to return the amendment to the Planning Commission for further review, along with comments identifying specific issues to be considered by the Commission;
3. Postpone action and schedule discussion at a future work session; or
4. Move to dispose of the amendment without approval.

Mr. Fountaine asked Council to keep in mind that any modifications to the proposed amendment require returning the entire amendment to the Planning Agencies for a mandatory thirty day review period.

Mr. Hess said there have not been changes in the amendment since its discussion at the previous work session. The areas included have been redefined, the language has been changed for easier reading and a minimum 10' depth has been established along the north side of Calder Alley. The proposed changes also extend the limitation on medical and professional offices to encourage uses that make use of the street after normal business hours.

Teresa Sparacino, Director of the Downtown Improvement District, said it is important the language of the ordinance be coordinated with the Commercial Incentive District (CID) zone language so that businesses continue to receive an incentive in the CID.

Geogre Waskob, 119 South Burrowes Street, suggested that a comprehensive review and rewrite be planned for the zoning ordinances.

There were no additional comments from the public and Mr. Welch closed the public hearing.

Mr. Kern moved to direct staff to submit the ordinance to the Planning Commission for further review and Mr. Humphrey seconded the motion.

Mr. Kern offered three comments in support of his motion. (1) The inclusion of the north side of Calder Way should be reconsidered because there are currently no sidewalks, (2) The loss of pedestrian use in the Foster/Beaver/Burrowes area could be a detriment to the Borough, and (3) To make sure the ordinance remains proportionate with the zoning & planning of the rest of downtown.

Mr. Daubert said he agreed and added that many store fronts in Calder Alley are ugly. He said whether the store fronts are for pedestrian use or not, they should be made attractive.

Mr. Hahn said he understood the vision of the Planning Commission; however, he said there are alternatives to amending the ordinance. He added that codifying a vision may be considered one of the more troublesome ways of achieving it.

The motion passed with a 7-0-0 vote.

CONSENT ITEMS

Upon motion by Mr. Kern and second by Mr. Humphrey, Council unanimously approved the following consent items:

- A. Special activity to conduct the Annual Street Bazaar on Saturday, June 30, 2007, on South Allen Street between College and Beaver Avenues, from 6:00 a.m. to 6:00 p.m.
- B. Special activity to conduct a Jazz Festival on Saturday, July 21 2007, on South Allen Street between College and Beaver Avenues, from 6:00 a.m. to 7:30 p.m.
- C. Special activity to conduct a car show and competition on Saturday, July 28, 2007, on Allen Street between College and Beaver Avenues, from 4:00 p.m. to 10:00 p.m., to benefit the Centre County Youth Services Bureau.

Upon motion by Mr. Kern and second by Mr. Humphrey, Council unanimously approved the following consent items:

- D. Carol G. McAdams shall be appointed to fill the unexpired term of Richard McCarl on the Centre County Airport Authority (12/31/2010).

- E. Richard Stehouwer is recommended to the Centre County Commissioners to fill the unexpired term of Robert Custard on the Centre County Solid Waste Authority (12/31/2009).

Mr. Daubert noted that Mr. Custard resigned from the Solid Waste Authority.

PLANNING AND COMMUNITY DEVELOPMENT

Subdivision Plan for 228 South Allen Street. Mr. Fontaine noted that the Borough of State College owns 234-236 South Allen Street which has been redeveloped with a surface parking lot and linear park. Ralph Heimer owns the adjacent lot to the north at 228 South Allen Street, which is slated for future redevelopment. The Heimer redevelopment scheme proposed to raze the existing buildings and construct a new 4-story building with parking in the rear. To coordinate development between the two sites in a unified way, it is advantageous to shift the lot line. Mr. Fontaine recommended that Council approve the subdivision plan.

Mr. Kern moved to approve the subdivision plan for 228 South Allen Street; Mr. Humphrey seconded the motion. The motion passed with a 7-0-0 vote.

Mr. Humphrey questioned the rental property behind the Heimer property, and asked what would happen to this property. Mr. Welch said the property would no longer exist. Mr. Slaybaugh said the proposed building would include 18 residential apartments.

PUBLIC WORKS

State College Area School District Westerly Parkway Storm Basin Agreement. Mr. Fontaine said Council is asked to approve two agreements with the State College Area School District and authorize the President of Council to sign an application for a Department of Environmental Protection Growing Greener Grant. The first agreement is to permit SCASD to expand the capacity of the existing Westerly Parkway Reservoir for storm water detention/retention/infiltration required for their storm water management plan for the school district project. The second agreement is to permit the SCASD to construct a wetland in the Westerly Parkway Reservoir. This project is included in the 2007-2011 Capital Improvement Plan and would include \$100,000 of 2008 funds. Staff is proposing to apply for a Growing Greener grant for matching funding for this project. Mr. Fontaine recommended Council authorize the President of Council to execute the two agreements with the SCASD; and authorize the President of Council to sign an application for a Department of Environmental Protection Growing Greener Grant on behalf of the municipality and the State College Area School District.

Ms. Goreham moved to authorize the President of Council to execute the two agreements with the SCASD and an application for a Growing Greener grant. Mr. Kern seconded the motion.

Mr. Daubert asked what would happen if there was a big storm during construction. Mr. Whitfield said expanding the basin would be the first priority and does not contemplate problems during the construction phase.

The motion passed with a 7-0-0 vote.

OFFICIAL REPORTS AND CORRESPONDENCE

Mayor's Report. Mr. Welch said he was pleased to report that the new refurbished McDonald's on College Avenue will reopen on Wednesday, March 7.

Secondly, Mr. Welch reported that between 7 and 8 am on Friday, March 2, the unofficial "State Paddy's Day", there was no public drunkenness, unlike last year. He added that citations occurred later in the day. He praised the bars that followed through in not opening early and hopes they will open late on the real St. Patrick's Day as well.

President's Report. Ms. Dauler announced that Council held two executive sessions, on February 23 and March 2, to discuss personnel matters and litigation. She also announced the cancellation of the March 12 and 23 Council work sessions.

Staff/Committee Reports. Mr. Daubert said he and Mr. Fontaine would be in Harrisburg for the Pennsylvania Legislative Committee meetings next week; after which they would provide Council with a follow-up report.

ITEMS OF INFORMATION. Ms. Dauler said the March 12 Council meeting would be canceled because Council members will be attending the National League of Cities (NLC) conference in Washington, DC during that time.

There being no further business Council adjourned at 8:49 pm.

Respectfully submitted:

Cynthia S. Hanscom
Assistant Borough Secretary