

Meeting Minutes
State College Borough Council
Work Session
April 29, 2005
12:00 p.m.

The State College Borough Council met in a work session on Friday, April 29, 2005, at 12:00 noon in the State College Municipal Building Council Room, 243 South Allen Street, State College, PA. Mr. Daubert called the meeting to order at 12:05 p.m.

Present: Bill Welch, Mayor
Thomas E. Daubert, President of Council
Catherine G. Dauler
Janet K. Knauer
Jeffrey R. Kern
Craig H. Humphrey
Elizabeth Goreham

Also present: Thomas J. Fountaine, Borough Manager; Mark A. Whitfield, Director of Public Works; Carl R. Hess, Community Development/Planning Director; Michele Nicolas, Director of Human Resources; Cynthia S. Hanscom, Recording Secretary, members of the media; and other interested members of the public.

Public Hour. There were no comments made by members of the public.

Commercial Incentive District. Mr. Fountaine explained the State College Planning Commission has completed its work on the draft of the Commercial Incentive District (CID) ordinance. Council requested the Planning Commission develop this proposed ordinance following Council's hearing and discussions of an earlier proposed zoning district called the Atherton Corridor Overlay zone. The areas included in the earlier proposal as well as the proposed CID are planning areas 7 and 8 as identified in the Downtown Vision and Strategic Plan. Council directed the Planning Commission to devise a set of regulations that more closely followed existing development standards with incentives added to encourage property owners to redevelop sites in this area of downtown in uses recommended in the Downtown Plan. The CID district contains a set of development standards (e.g., setbacks, height restrictions, permitted uses), called the base or underlying zoning, and a set of incentives that allow a property owner to increase building height and floor area ratio (FAR) of residential uses above that permitted under the base zoning, and to decrease the amount of parking provided below that required under the base zoning.

Council discussed the proposed schedule for review. Mr. Hess presented slides of the proposed schedule:

April 29	Council work session to discuss base zoning
May 2	Approve the schedule and set a public hearing for June 6
May 9	Council work session to discuss incentives
May 12, 13, 18, 20	Public meetings with property owners, developers, Penn State officials and neighborhood representatives
June 3	Council work session to complete review
June 6	Public hearing
June 20	Report to Council on comments received to that point
July 12	Council work session to discuss recommendations for changes to the ordinance
August 1	Public hearing on ordinance with changes
August 8	Council work session to update proposal
August 15	Authorize notice of intent to adopt

Mr. Hess noted that this schedule would provide adequate opportunity for residents and the community to be involved. Ms. Knauer asked if this would allow for cancellation of meetings. Mr. Hess replied it would not but explained a second hearing would only be necessary if there were substantial changes to the ordinance.

Ms. Goreham asked who would conduct the public meetings. Mr. Hess said both himself and the Manager will be available. Council discussed the amount of time it would take to get through the process. Mr. Kern said Council should take the time to get all the information out to citizens and get public comment back.

Council then discussed the base zoning for the Commercial Incentive Zoning. Mr. Hess presented a map of the area and explained the uses would be the same as in the existing Commercial zone with two exceptions. Motor Vehicle Oriented Businesses (due to the amount of pedestrian traffic) and Adult Businesses would not be permitted. Ms. Knauer asked if video movie rentals of adult films would be included in the adult business exclusion. Mr. Hess indicated the amount of sales in adult films would be the basis for an establishment to qualify as an adult business.

Mr. Humphrey noted the Downtown Vision Plan lists this area for residential uses; he asked if that correlated with the proposed zoning. Mr. Hess said, with the incentives, the goal was to encourage owner-occupied residential uses. The objective was to keep the base zoning very close to existing zoning but with incentives to redevelop owner-occupied residential uses. Ms. Knauer asked if the base zoning could be changed to get those uses. Mr. Hess explained it was difficult to restrict certain types of residential uses, such as rentals, in the base zoning.

Mr. Humphrey asked if Elm Street Project Funds could be used to encourage residential uses in this area. Mr. Hess said the Department of Community and Economic Development (DCED) distributes those funds; Elm Street Project Funds are used to rejuvenate neighborhoods within a half-mile of downtown areas, which would not apply in this case.

Mr. Hess explained the front setback for non-residential uses would be 15 feet and 25 feet for residential uses and parking. Any building over 40 feet high would have to be set back an additional 25 feet. Side and rear yard setbacks would be 10 feet but sides adjacent to an alley could be reduced to 5 feet with the installation of a sidewalk.

Ms. Knauer asked how the setback requirements would be applied to outside seating for restaurants. Mr. Hess noted the 15-foot setback would make it difficult to put in seating. A developer would need a minimum of 10 feet to get any kind of outside seating. He noted there is language that allowed for a varying setback, and that could be utilized to provide for outdoor seating areas. Ms. Knauer suggested the setbacks be revised to facilitate outdoor seating areas.

Mr. Hess indicated proposed floor area ratio (FAR) was set at 2.0, which was down from the existing 2.5.

The building height was set at 65 feet. Building front facades over 50 feet in length could not be flat, and must be at least two segments with varying setbacks. This would be applied only on the street side with a commercial emphasis on the first floor. He noted there was a requirement for 60 percent glazing (windows) for front setbacks; this would encourage window displays.

Ms. Dauler asked about bank machines. She noted PNC bank has four automated machines with 60 percent dead space. Mr. Hess said the ordinance can limit the number of bank machines; currently pedestrian oriented frontages limit banks to one-third of a block face. Ms. Knauer suggested the automated tellers be placed inside the glass frontage.

Council next discussed the parking requirements. Mr. Hess explained the residential requirements were changed from one space required for each 800 square feet to a system based on the number of bedrooms. Non-residential uses would continue to meet the 800 square feet per space requirement.

Mr. Hess explained the effects of the base zoning would reduce the allowable gross floor area because of changes in the setback. The floor area ratio would be reduced and the number of parking spaces required would increase. By making these changes, the incentives would look more inviting to a developer.

Council discussed the amount of parking required as part of the base zoning. Mr. Hess explained the business community may comment that the requirement is too high; the demand by tenants is less than that required. Mr. Welch said there is a public interest in requiring some parking onsite. Residential uses should provide parking because people want to park close to where they live. Ms. Knauer believed the population was different here in that people may not need to park where they live. Mr. Hess noted that remote parking could work if transit service is available; however, many of the students that come to State College are used to living in the suburbs where cars are readily available. Council discussed other problems with students bringing their vehicles in town and driving each other to and from class.

Ms. Dauler commented that it was difficult to envision the effects of the proposed ordinance on redevelopment projects. She suggested drawings be used to illustrate how buildings might be designed using the incentives. The standards could produce a building with a 15-foot setback for the first floor and then a flat roof before the building is set back further; this is what is proposed for the Nicholas Tower II project. She questioned whether or not this is what Council would want to see in the downtown. She asked why the step back was proposed. Mr. Hess indicated stepping back the building would avoid the canyon effect. Ms. Dauler suggested the side setbacks also be stepped.

Teresa Sparacino, Executive Director of the Downtown State College Improvement District (DID), commented that stepping back the setback after four stories was reasonable; however, she believed the 25-foot setback was excessive and suggested it be changed to a gradual step back.

Council discussed the setbacks and ways to encourage outdoor seating. Mr. Hess noted the minimum sidewalk was 10 feet, which would leave 5 feet to put tables. Ms. Goreham asked about a report done by Penn State on College Avenue. Mr. Hess explained there was a recommendation from that report which encouraged outdoor seating for restaurants, but the setback recommended in that report was 30 feet. Ms. Knauer suggested removing the on-street

meters from the south side of College Avenue. Mr. Daubert said this had been discussed in the past but, because the street is higher than the sidewalk, the roadway would need to be rebuilt.

Mr. Meyer stated there should be more commercial space. Mr. Hess explained the concern for the Planning Commission was a first floor solid brick wall with parking. A requirement was made to add glazing; the Commission did not feel comfortable requiring commercial space on more than the first floor. Ms. Sparacino noted that requirement for commercial space would significantly add to the cost of the building; it would increase the amount of parking to be provided as well as the additional construction costs for space that may not be marketable. Ms. Goreham endorsed the requirement for commercial space.

Council discussed the parking incentive to reduce required parking by 30 percent. Mr. Daubert commented that that number could be doubled; rather than 10,000 square feet, it could be 20,000 square feet. Council discussed using the incentive for commercial and office spaces only. The issue was raised that if parking is reduced enough, another public parking facility may be needed.

Mr. Daubert asked why the rear setback abutting an alley could be reduced to 5 feet. Mr. Hess said this would provide more developable space and get the developer to provide a sidewalk. Mr. Daubert said Nicholas Towers has balconies on the alley side; there are incidents of tenants throwing items from the balconies into the alley. If the building were moved back, items would not be thrown into the alleyway but on the property.

Tom Smith, North Atherton Street, questioned the need for an owner-occupied resident to have this as their primary residence. He felt this would be damaging to the aims of the downtown. It is an artificial restriction that would not work. It is very difficult to get owner-occupied people in the apartments. He mentioned a place in Hummelstown, PA, next to Hershey, where units are made available on a short-term basis for doctors on visiting rotation. This same concept could be applied to professors here on a sabbatical. If the ordinance requires the units be primary residences, a potential market opportunity would be lost. Ms. Knauer noted there were two competing goals by encouraging owner-occupied units. First, the residents would be adult and provide less of an impact on the community in terms of services. Second, owner-occupied residents would help to stabilize the tax base. Transient renters would not provide the tax base stabilization. Ms. Goreham said that "market-rate housing" is better for the community than dormitory-style housing. Ms. Sparacino said she could see alumni wanting a unit as a second home.

Council discussed the condominium agreements that would limit renting a unit to students. Ms. Knauer noted this wasn't always a protection. It is the responsibility of the condominium association to enforce the rules.

Council concluded their discussion of the base zoning and asked the schedule for review be placed on Council's May 2 agenda for approval.

There being no further business, the meeting adjourned at 1:55 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Recording Secretary