

Meeting Minutes
State College Borough Planning Commission
January 23, 2020

The State College Borough Planning Commission (PC) met on Thursday, January 23, 2020 at the Municipal Building, 243 South Allen Street. Zoe Boniface, Chair, called the meeting to order at 7:00 p.m.

Members Present

Zoe Boniface, Jon Eich, Mary Madden, Scott Dutt, and Ron Madrid

Members Absent

Mallory Meehan and Anita Genger

Others Present

Ed LeClear, Planning Director; Greg Garthe, Planner/Zoning Officer; John Wilson, Zoning Officer; Isabel Storey, Planner; Mark Torretti, PennTerra Engineering; Herman Slaybaugh, consultant for Pan Michaleris; Scott Rawson, Executive Director Center Life Link EMS; Deanna Behring; and Esther Matthews, Administrative Assistant

Approval of Minutes

A motion was made by Ms. Madden and seconded by Mr. Eich to approve the January 8, 2020 meeting minutes. The vote was unanimously in favor.

Chair Report

Ms. Boniface welcomed members of a Penn State class which were in attendance.

Public Hour

No comments or concerns were heard during the public hour.

Community Planning

Request to Rezone a Portion of Tax Parcel 36-26-223 (732 E Marylyn Ave)

Mr. LeClear stated policy has always been when they have a text or map amendment request, that they allow the applicant to make their presentation, give a sense of what they are looking for from a change standpoint, without staff necessarily giving recommendations at the meeting. The goal is to hear from them and then at the next meeting, a recommendation from staff would be given to PC.

Mr. Torretti's presentation included:

- Center Life Link is requesting a rezoning of a portion of their property on the University Drive extension.

- The site includes an extension of Marylyn Avenue, which is currently a paper street.
- When the property was originally developed, it was zoned R-2 along with some adjacent areas and a single-family dwelling.
- When Center Life Link was built, it was zoned public activity along with the single-family house being utilized for their staff.
- Center Life Link is requesting to subdivide the single-family home from the parcel, which is no longer needed, along with what remains of the Marylyn Avenue right-of-way back to R-2.
- The remaining Center Life Link property would remain public activities.

PC's Comments:

- Mr. Eich inquired about Marylyn Avenue being a paper street, asking for clarification if it meant the road had a driveway running down it, but it had never been offered for dedication. Mr. Torretti responded the road was not a part of Center Life Link's property, but it was show as a right-of-way even though there was no actual street there.
- Mr. Eich then suggested if it serves no purpose, the Borough may want to look at vacating it. Mr. LeClear pointed out there have been staff conversations of resurrecting an effort to look at vacating a number of properties and also noted Public Works had been identifying potential properties to be vacated, but that he would forward his suggestion to Public Works.
- Mr. Eich noted an offset between the paper street portion of Marylyn Avenue and the rest of the road; the driveway to the back of CVS lines up with E Marylyn Avenue. He then asked if the subdivision process goes through, would the access to the property be off of the CVS driveway or would they need to utilize the E Marylyn Avenue right-of-way. Mr. Torretti replied there was an access easement off of the CVS driveway, which would likely be maintained and would make for a safer intersection.
- Ms. Boniface asked if that would require turning part of the CVS driveway into a street and Mr. LeClear interjected not as long as they have an access agreement. Mr. Torretti responded they do have an access agreement for the part on CVS's property.
- Mr. Eich asked if the easement was recorded and Mr. Torretti replied yes, it was shown on the land development plan.
- Ms. Boniface remarked the single-family home would have commercial property on one side, public service activity on the other side, and residential property behind it.
- Mr. Garthe inquired if there were still mobile homes there and Mr. Torretti said yes.
- Ms. Boniface asked if anyone would like to make a motion and received no response, she said they would send the request to staff for their thoughts. Mr. LeClear said to look for their response at the next meeting.

Request to Amend the Zoning Ordinance to Allow Four-Car Garages at Single Family Dwellings

Mr. Slaybaugh's presentation included:

- Mr. Slaybaugh reviewed a memorandum from the request he made to PC on behalf of Mr. Michaleris in the fall of 2017 when the Borough was in the process of rewriting their Zoning Ordinances with the help of a consultant.
- PC was sympathetic to the request at the time, referring it to the consultant and recommended the change be made as requested, but the consultant could figure out the language to put it in there.

- The consultant encountered several issues at the time and to date, no changes have been made to the Zoning Ordinance; in the interim, a least two other zoning amendments have come forward yet were not referred to the consultant.
- Being that it has been two years and will be at least another year or two until the rewrite would be complete, Mr. Slaybaugh would like PC to consider this request separately.
- Mr. Michaleris built an addition to his house on Penfield Road in the R-1 zone a few years ago, intending to make it a four-car garage, but the Zoning Ordinance does not allow it.
- The Borough Zoning Ordinance defined a private garage as an accessory building, meaning detached from the main house for the storage of motor vehicles as an accessory use.
- The ordinance specified the space cannot exceed a certain capacity depending on the type of dwelling, with a single-family dwelling being limited to three vehicles total, only one of which may be a non-passenger vehicle.
- Mr. Slaybaugh went on to discuss the potential reasoning behind the restrictions set forth by the current ordinance, citing the case of a detached garage accessory building as an example of how it was likely written to ensure the size of accessory buildings do not overwhelm the size of the main building on a given lot.
- In 1959 when the ordinance was drafted, Mr. Slaybaugh speculated the number of vehicles used per dwelling was much lower than it was today, so it was a reasonable restriction to place on both attached and detached garages.
- In College Heights and a lot of other older neighborhoods in State College, an alley system exists in which the alley runs parallel to the street in front of the house and allows for a detached garage at the rear of a property with a five foot minimum set back from the rear boundary of a property.
- In the R-2 zone, the main building and anything attached to it is required by the ordinance to have a minimum rear setback of 24 feet on a 150-foot lot and an eight-foot setback on the sides. In the R-1 zone, the minimum rear setback is 40 feet.
- The current ordinance restricts the total area of a building and any accessory buildings of a lot to be no more than 20 – 30% of the total lot area.
- The restrictions for detached garages and other accessory buildings makes sense, but not for attached garages that would be otherwise restricted by the total building footprint to lot size ratio provision.
- Mr. Slaybaugh recommended the restriction on the number of vehicles remain in place for the case of a detached garage or accessory building but need not exist with regards to an attached garage.
- The proposed amendment states an accessory building or part of the main building used for the storage of the vehicles as an accessory use to the primary use of the lot. The ordinance language regarding detached garages would remain as is.
- Mr. Slaybaugh noted the ordinance also lacks a more definitive metric for what constitutes a three-car garage or standard vehicle size. To clear this up, Mr. Slaybaugh suggested adding the metric of 12' x 24' for a standard parking space in a garage, which would then be capped at three times that for a total square footage of 864 for a single family dwelling; 1,152 square feet for duplexes; and for any other residential use, 288 square feet per dwelling unit.
- These size limits would not apply to private garages when attached to the main building, which must comply with the required yard depths, lot coverage heights, and all other requirements applicable to the main building on the lot.

PC's Comments:

- Mr. Dutt asked how close Mr. Michaleris's garage was to the property line, if it satisfies the limits for the attached or detached garage, and Mr. Michaleris responded attached. Mr. Slaybaugh added ten feet would be the minimum setback.
- Mr. Dutt noted when Mr. Michaleris's home was constructed, it was originally constructed with a carport or detached garage, which was later closed in. He then asked if this made it possible for someone to construct a detached garage with the minimum five-foot setback required and then eventually attach it to the main building.
- Mr. Slaybaugh replied you would not be allowed to connect it in that case because it would then not have the required minimum ten-foot setback from the sides of the property for an attached garage; it would not be grandfathered in. He also added in this particular zoning district where Mr. Michaleris's house was located, the rear set back was 40 feet.
- Mr. LeClear suggested someone could also remove five feet of the detached garage or accessory building prior to attaching it to the main building in order to meet the ten-foot setback.
- Mr. Slaybaugh commented it was within a person's right to build a house right up to the ten-foot setback and reasoned it should not matter if that portion was a garage or not.
- Ms. Boniface asked if the current dimensions of Mr. Michaleris's home met the ten-foot minimum setback and Mr. Slaybaugh replied yes.
- Mr. Eich remarked many in the community would strongly caution against the proposed changes as it could be used for the creation of a student dwelling, rental of parking bays or seen as an opportunity to do other things not allowed in residential districts, such as vehicle maintenance. Mr. Slaybaugh responded regardless of the number of bays a garage has, these kinds of activities would be illegal. Mr. LeClear reiterated there have been at least three such cases brought before the zoning hearing board that supported borough action.
- Mr. Wilson clarified that in borough residential districts, renting of garage spaces or parking spaces on private lots was not allowed. He went on to add the zoning ordinance allows for a property owner to have an attached three-car garage as well as multiple accessory buildings, provided the lot size was large enough, with each accessory building allowed to each have up to three bays for vehicles. Mr. Wilson recommended a cap be placed on the total number of garage spaces allowed on a given lot, regardless of whether the garage was attached or detached.
- Ms. Madden asked why there was concern over the number of bays in a garage when there were stipulations for lot coverage size, configuration, etcetera when Mr. Michaleris could park six vehicles at his home right now, some being in the garage and some not, but most people would rather have their vehicles parked inside. She asked what public purpose it serves to say that you can park six cars at a residence, but only three of them can be parked inside. Ms. Madden agreed that while she understand the intent behind the proposed amendment as it relates to Mr. Michaleris, she was unsure if it was the best way to clear up the issue for the general population and suggested putting it to staff to try to remedy.
- Mr. LeClear said staff plans to look at the amendment and its unintended consequences before the next meeting.
- Mr. Slaybaugh cited examples from the surrounding townships and suggested adding a cap on the number of accessory building per lot as well as limiting how many of those accessory buildings could be used as a detached garage. He also agreed with Ms. Madden, saying the cap was unnecessary for attached garages.

- Mr. Madrid noted Mr. Michaleris's property was not your standard, average lot compared to the rest of the Borough, but also remarked there was no norm anymore, suggesting going by square footage. He stated he was hesitant to make a recommendation due to the potential ramifications of ruling based on one property that was unique to the borough, requesting that staff look at it and provide their own draft of the ordinance.
- Mr. Madrid asked if they could grant a variance instead and Mr. Slaybaugh replied no because there is no hardship present in this case which would prevent the owner from reasonable use.
- Ms. Madden wanted to clarify her earlier comments, stating the context and configuration in R-1 was very important, but said in the context of the rest of the borough, the overall configuration needs to be treated differently.
- Ms. Boniface brought up Mr. Wilson's earlier comment regarding how someone could potentially use additional parking bays to service vehicles, asking what would stop someone from using the space for other kinds of business and Mr. LeClear responded the ordinance already has provisions for home-based, low-impact businesses.
- Mr. Dutt asked if vehicle maintenance falls into that category and Mr. LeClear replied he made note of it to check the ordinance, but believed it was prohibited.
- Mr. Michaleris stated he understands there are rules and regulations, but what they proposed was a more than reasonable improvement to the current ordinance and there would always be difficult cases.
- Mr. LeClear summarized they need to develop a more specific metric when it comes to garage and vehicle sizes, limiting the number of accessory detached garages and/or the use of accessory buildings, look at setback requirements and the ratio of building area to lot size.
- Mr. LeClear said staff would work with Mr. Slaybaugh on drafting something before the next meeting in February.

Official Reports and Correspondence

Borough Council (BC): Mr. Garthe reported on the item below:

1. Conditional Use Application for Core Spaces Signature Development
On January 13, 2020 Council conducted a public hearing for the Core Spaces Signature Development conditional use proposal. Council would review and vote on the written decision at an upcoming meeting.

Zoning Hearing Board (ZHB): Mr. Garthe reported on the item below:

1. Appeal of Zoning Officer's Determination - 704 McKee Street
On December 10, 2019 the ZHB heard an appeal of the Zoning Officer's determination on a slight encroachment of a fence into the public right-of-way. A de minimis variance for the encroachment was granted at the January 14, 2020 ZHB meeting.

Upcoming Land Development Plans: Mr. Garthe reported on the items below:

1. Final - 706 and 708 South Atherton Apartments (formerly 430 W. Irvin Avenue)
2. Final – Pennsylvania State University (PSU) West Campus Substation
3. Preliminary - PSU West 2 Building
4. Final – PSU Field Hockey
5. Preliminary – Western side of the old Autoport property

Staff Updates:

Mr. LeClear reported a joint meeting between PC, Council and Zoning Revision Committee on March 19th from 7 - 8:30pm had been proposed to address the need for more specific, updated policy language as it pertains to the downtown master plan, including future land use, density, FAR & height.

Centre Regional Planning Commission (CRPC): Mr. Eich had nothing to report.

Adjournment

With no further business to discuss, Ms. Boniface adjourned the meeting at 8:00 p.m.

Respectfully submitted,

Esther Matthews
Administrative Assistant