

**Meeting Minutes**  
**State College Borough**  
**Planning Commission**  
**April 18, 2018**

The State College Borough's Planning Commission (PC) met on Wednesday, April 18, 2018, in the Municipal Building, 243 South Allen Street, State College, PA. Chairman Boniface called the meeting to order at 7:00 p.m.

**Members Present**

Zoe Boniface, Chairman; Anita Genger, Vice-Chairman; Scott Dutt; Jon Eich; Richard Kalin; and Michael Roeckel

**Members Absent**

Charles Dumas

**Others Present**

Ed LeClear, Director of Planning; Anne Messner, Planner/Zoning Officer; Jenna Wargo, Planner; John Wilson, Zoning Officer; Judy Altieri, Office Manager; and other interested parties.

**Approval of Minutes**

Mr. Eich indicated he had submitted corrections, via email, for the April 4, 2018 meeting minutes. He then motioned to approve the meeting minutes as amended; Mr. Dutt seconded the motion. The amended meeting minutes were unanimously approved.

**Chair Report**

Ms. Boniface indicated she presented the PC's first quarter report to Borough Council (BC) on April 9, 2018.

**Public Hour - Hearing of Citizens**

No one spoke during the public hour.

**Community Planning**

Zoning Map Amendment for 401 South Pugh Street from ROA to C

Herman Slaybaugh, a consultant working with the HFL Corporation, introduced the topic to the PC. HFL Corporation, owner of the convenience store known as Fresh-n-Fill, was requesting a proposed change to the zoning map. The property owner would like to redevelop the lot and his plans would require a change to the C (Commercial District); the lot was currently zoned ROA (Residential Office A).

Mr. Slaybaugh continued, providing the following details:

- Fresh-n-Fill was a small convenience store, original built in 1974 as a gasoline station
- Lot size – 120' x 100'
- Originally zoned commercial, but rezoned ROA in 1998 (with C boundary line collapsing to the center of Nittany Avenue)
- Limited development options under ROA zoning
- Fresh-n-Fill business was diminishing
- If rezoned to C, option to build four stories with commercial (15,000 SF) on first floor, with three floors (14,820 SF) of 24 apartments (one or two-bedroom spaces)

- Lot size would limit going much higher than four stories; because they would not be able to accommodate parking requirements. There were 18 planned parking spaces, one of which would be ADA van accessible. The formula for parking requirements, one space for 800 SF of residential, by his calculation, only 17 spaces were required.
- Current development plan was economical and feasible for the lot size
- Inclusionary units would be included – two 2-bedroom units

Michael Haluga, the projects architect, briefly presented highlights of the early building design. He noted, initially, they were thinking about doing something very similar in concept as the South Atherton Street project (inclusionary housing for the Metropolitan).

- Majority of the ground area would be used for onsite parking, with some landscape screening.
- Building 100 feet wide x 65 feet in depth
- Columns (rear elevation drawing) would be on the south side of the building
- Ten (10) parking spaces would be located on the east side of the building
- Curb cuts would be located on Pugh and Nittany; main access from Nittany Avenue
- Commercial space (retail or office space) would be visible from the Pugh Street side of the building.
- Common lobby area, elevator and emergency exits located in the core of the building

Troy Knecht, Project Manager for HFL Corporation, briefly described the building façade and the plan for full glazing along Pugh Street. He highlighted most of the parking would be concealed at the rear of the building. He noted the area had seen a lot of four-bedroom development and they were exploring downsizing the number of bedrooms to accommodate the affordable units, the elderly, etc. He noted they were considering expanding the inclusionary housing requirement (currently required to create 10%).

Mr. Kalin asked several questions related to the buildings orientation on the street. Mr. Haluga indicated the rear parking area would be larger to accommodate two rows of vehicle parking.

Mr. Roeckel and Ms. Genger asked what options were available for development if the zoning was not changed. Mr. Slaybaugh indicated ROA only allowed for a maximum of three floors, and three units, and the property owner had determined a limited project would not be cost effective.

Ms. Messner noted the C district was different from CID (Commercial Incentive District) and there was not a requirement for commercial space on the ground level.

Mr. Slaybaugh described the current neighbors, consisting of a fraternity, apartment building, several houses were converted to office space with residential units, and several homes as you moved further away from downtown. He noted the area had been rezoned ROA to allow for the conversion of the use of several of the homes for office/commercial space.

He confirmed if the request to rezone to C was granted, there was no plan to request any variances.

Mr. LeClear noted any additional height would increase the parking requirement and the developer would need to dig down to gain the extra parking area. Mr. Slaybaugh confirmed the property owner was not interested in going any larger than what they were proposing.

Ms. Boniface asked about permeable space and storm water issues. Mr. Haluga indicated he had spoken to the Borough Engineer who indicated because the property was currently 100% paved, they would be exempt from water retention, but they were considering allowing for something in the parking area.

Ms. Genger stated the property was removed from the C district 43 years ago and she was not in favor of rezoning to max out the profit for a private property owner.

Ms. Messner described the rezoning process, indicating the final decision would be made by Council. If BC decided to pursue the request, a public hearing would be scheduled before their vote.

Mr. Slaybaugh indicated the lot should have retained the C zoning and redevelopment of the site would be very limited. He noted it would have been acceptable to retain the boundary lines along the property lines to keep to the initial convention. He suggested PC look at Section 1101 of the RO zone. He noted there was some over reach during each rezoning phase. The redevelop project was within scale of its surroundings and would remove an unattractive building.

Lastly, he indicated the property was only 50 feet away from the existing commercial district and the Downtown Master Plan (DMP) called for high-quality architectural designs. He noted HFL was exploring all options and student housing would be permitted in the area. He said the student housing market was very strong. He suggested the PC not use the rental option for students as an excuse not to do something. He noted the development would also help to free up single-family homes in the neighborhoods.

Ms. Boniface wondered if the timing of the request had anything to do with the Borough's zoning rewrite project. Mr. LeClear indicated the ZRAC (Zoning Rewrite Advisory Committee) would be meeting once a month and he did not expect to see the final draft until sometime in September or October. He added if the decision was delayed, the development would be governed by the new zoning ordinances.

Mr. Roeckel suggested granting the request was spot zoning. He noted if the request was granted, and the property owner sold the property, the next person could build up to seven stories.

Mr. Eich suggested the housing market was already saturated with student housing and he liked the idea of making all the units affordable housing. He asked staff if the rezoning request was approved, could the Borough enforce that requirement?

Ms. Messner noted staff asked for a land development concept, and once the request was approved, the developer could choose to do something different if it was allowed within the zoned district.

Mr. Slaybaugh indicated he appreciated the comments, but they were presenting a plan in good faith.

Mr. Dutt suggested the PC look at the request when the zoning rewrite project was complete.

Mr. LeClear stated the zoning rewrite project was developing and the language was being tackled first and the drawing of boundaries would come much later in the project. He suggested Allen Street would be another corridor to/from downtown and the area currently being discussed would be a transitional zone.

Mark Huncik, 505 E. McCormick Avenue and Highland Civic Association President, wanted to make the point the area being discussed was not downtown and it was part of a residential neighborhood. He added the neighborhood plan (NP) was not the DMP. He suggested the development team review the NP. He continued, indicating once the area was rezoned, the developer could do anything they wanted in the transitional area and the C zoning was old code. He noted the developer should consider the surrounding properties and expand the opportunity by creating something more diverse. He said student housing was important, but there was plenty of it and the area might not be the place for it. He added the current state of disrepair did not automatically make it more reasonable to accommodate the request. He noted the ZRAC committee had discussions and had several conceptual ideas of what the transitional zone should look like. He noted the plan to build a multi-unit housing would likely change the traffic pattern. He suggested the property owner and development team listen to the feedback from the community.

Eric Boeldt, 400 S. Gill Street, noted he would not reiterate Mr. Huncik's comments, but he was in general agreement. He said nobody in the district wanted to see another seven-story building go up. He suggested future development of the lot fit the scale and historic nature of the neighborhood. Mr. LeClear indicated the lot was not within the historic district nor would it be dictated by the HARB.

Mr. Eich suggested possible redevelopment of the store, making it more suitable for shopping within the neighborhood.

Mr. LeClear indicated staff would have their recommendation available for the PC at the next meeting. He added the Borough Manager was looking for a PC recommendation for Council's May 16 meeting.

Ms. Genger indicated she was troubled because the PC could not ask for figures on possible net gain. She suggested the PC members at least think about it. She had a hard time believing rezoning was necessary to make a project more economically feasible.

Mr. LeClear noted if members of the PC felt strongly, they could make a recommendation that evening.

Ms. Boniface suggested the item be table until the next meeting, so they could review staff comments.

## **Official Reports and Correspondence**

### Borough Council

Mr. LeClear noted BC would be reviewing the design guidelines for the historic districts at their meeting on May 14. He noted the information would be available on the Borough's website. He added HARB appointments were forthcoming and there would be a community forum scheduled soon.

### Land Development Plans (LDP)

Ms. Messner noted LDP's would be forthcoming for the Pattee Library and Foxdale Village at the May 2 meeting. She also noted a conditional use permit was coming for 1700 S. Atherton Street (KFC Creekside Shopping Center).

### Staff Updates

Mr. LeClear noted the Planning Department had recently launched an interactive map on the website that showed current LDP plans. He added once the property was occupied, the project would come down. He indicated there was no room to add/load plans, but staff was always willing to review project plans in the office.

Mr. Dutt suggested completed and occupied projects be moved to another area versus totally coming down off the Borough's website.

Mr. LeClear then introduced Jeffrey Grim, a faculty member from IUP (Indiana University of Pennsylvania).

Mr. Grim thanked the PC for allowing his planning law class and members of the Indiana Office of Planning and Development access to their meeting. He noted the class had an assignment to attend a municipal meeting and write about the law issues that come into play when making zoning and development decisions.

Several of Mr. Grim's students came to the podium to ask questions:

One of the students asked if an applicant for a development project could apply for a variance based upon economic hardship. She also asked about spot zoning. Mr. LeClear suggested the hardship would be hard to prove and they would have to appear before the Borough's Zoning Hearing Board. Ms. Messner added the hardship could not be self-created, i.e., not filling rental units., etc.

Mr. LeClear suggested there was a long history of case law on spot zoning and the Borough's Solicitor had repeatedly stated you never know what was going to happen when you sit in front of a judge.

Another student noted downtown development could only go up and that development area had a border around it. He noted if the PC changed the zoning for the developer, it might create a domino effect from other developers. He noted that was likely not the intention of the zoning.

Ms. Boniface stated zoning was a crude way for a municipality to attempt to get what they wanted. She also noted PCs throughout PA had a long history of wanting one thing and getting something else.

Another student asked the PC members what their vision or preference for development might be since it was in a transitional zone.

Ms. Boniface suggested something like what was done along East Foster Avenue, where one side was a student complex and the other side was a photography studio. She noted something like that was a good buffer between the commercial district and the residential area.

Ms. Genger suggested the developer create two-story condos, as it would be a good fit for professionals who want to live and work in State College.

Mr. Eich reiterated the development of affordable housing. He noted a lot of people work downtown in retail and the one or two-bedroom units would fit well in the neighborhood.

### **Upcoming Meetings**

Wednesday, May 2, 2018, at 12 p.m.

### **Adjournment**

With no further business to discuss, Chairman Boniface adjourned the meeting at 8:39 p.m.

Respectfully submitted,

Judy Altieri  
Office Manager