

**BELLEFONTE BOROUGH SPECIAL JOINT
COUNCIL/PLANNING COMMISSION
MEETING MINUTES**

January 29, 2018 - 6 p.m.

236 West Lamb Street, Bellefonte, PA 16823

www.bellefonte.net

CALL TO ORDER:

The January 29, 2018, meeting of the Bellefonte Borough Special Joint Council/Planning Commission Meeting was called to order at 6 p.m. by Tosti-Vasey, Council Chair.

ROLL CALL:

COUNCIL MEMBERS

PRESENT:

Mr. Randall Brachbill
Ms. Renee Brown
Mr. Evan Duffey
Mr. Jon Eaton
Ms. Melissa Hombosky
Mr. Douglas Johnson
Mr. Michael Prendergast
Ms. Joanne Tosti-Vasey
Ms. Anne Walker
Mayor Tom Wilson

PLANNING COMMISSION

MEMBERS PRESENT:

Mr. Robert Dannaker
Mr. James Mills
Mr. Mark Edwards
Mr. Nathaniel Day
Mr. Dallas Gallo

OFFICIALS PRESENT:

Mr. Ralph Stewart, Borough Manager
Mr. Donald Holderman, Assistant Borough Manager
Ms. Shannon Wright, Zoning Administrator

GUESTS:

Mr. Ken Bean, Bellefonte Area School District
Mr. Todd Smith, P.E., ELA Group

BELLEFONTE AREA SCHOOL DISTRICT PLANS FOR STADIUM-ARENA REQUIREMENTS

Mr. Todd Smith, P.E. with ELA Group and Mr. Ken Bean, Director of Physical Plant, from the Bellefonte Area School District were present to discuss the stadium-arena lighting and setback ordinance requirements. Stewart explained that this discussion may be a good way to have Council hear firsthand about the zoning amendments.

ELA has been working with the school district and putting together some plans for Rogers Stadium. At this point, a land development plan is being developed for the project. It will be a complete stadium renovation. There will be a new track and a new synthetic football field. The field will be used for various sports, not just football, as well as physical education and marching band practice. There will be a full eight lane track with high jump, long jump, triple jump, and pole vault. Additionally, there will be a complete bleacher renovation, new restrooms, and a field house for teams and officials. There will be men's and women's restrooms and a ticket booth and concession area.

Smith is requesting an ordinance amendment with additional language to allow for height for athletic lighting and setback relief for accessory buildings for an athletic facility. As the plan develops, there will be bleachers on one side. Currently, the stadium holds about three thousand spectators, and it will stay at that level. Because of adding the track to the facility, it needs to shift toward the baseball field some and toward John Miller Lane. Bleachers will be on one side, and there will be press boxes, one on each side, so that the baseball field can also be served for announcing as well. There will also be a field house on both sides. The main plaza entry will be coming off the existing parking lot. Very recently, a new parking lot was installed that was exclusively ADA parking, and it will serve the football stadium and baseball field as well. This is a continuation of the project that has been ongoing with the district over time.

The lighting for the field, to safely light the field, will be a four-pole system. Existing is probably 60-70 feet high. They are very old and are merely wooden utility poles with lights. There will be two new lights on each side of the field. Because the lights are being pushed back behind the bleachers they need to be 90 feet tall on the bleacher side and on the other side they need to be 80 feet tall. This location is in the Highway Commercial District, and the ordinance allows for arenas and stadiums, but the max height is 35 feet. It is difficult to build a stadium and light it with this height limitation.

Relative to building setbacks, the current required setback on the front yard is 50 feet. As the stadium needed to grow and shift closer to John Miller Lane, it started pushing buildings close to the lane as well. ELA is requesting relief of the 50-foot building setback for the front yard along the alley to 20 feet minimum for an accessory building for an athletic facility. The rear yard needs to be revised as well due to necessary relocation of the score board so that it is visible to spectators.

Tosti-Vasey inquired about neighboring properties. Smith explained that there is a church, single family homes and some businesses and residences on Bishop Street. The lighting is expected to trespass less than current conditions. It will be shielded and controlled. Lighting most of the time will be "filming level" which is a lower trespass than broadcast. The lights will certainly not be

shining directly on abutting properties. An example of the trespass range can be made available during the land development approval process.

There is pedestrian pole lighting at the ADA parking area. There will also be lighting under the bleachers for the access underneath and there will be full lights around the central plaza area for pedestrians.

There will also be ADA accessible seating in the bleachers. Smith showed Council and Planning Commission members the locations of this seating on the presentation. He explained that it is all along the front. There is a minimum number required plus a companion seat with those seats. The seating illustrated on the plan meets requirements.

Along the property line there will be a fence. The type of shade cover on the fence is being considered. This would limit the impact to the residences.

Stewart explained that this plan will go through the land development process with the Planning Commission and then will come over to Council with recommendations. There will be time to address questions relative to the plans. He reiterated that this evening's meeting was to ponder amending the ordinance to allow for the higher lights at the stadium and setback changes. The amendments, if agreed upon, will be advertised and then a public hearing will be held at a Council meeting. Council can vote to approve any amendments. Public could voice opinions at the time of the public hearing. There are no mandated requirements under the MPC to notify the neighbors regarding the requested changes to the zoning.

Wilson interjected that he grew up near the stadium, and the people that live there understand that there is a stadium in their back yard, and they do not have a problem with it.

EMS parking and staging was discussed briefly. Other alternatives for a man station can be discussed with the school district as well. The field house will have a small area for officials, and there may be opportunity to share that facility with the EMS.

There was a question about the ordinance amendments only applying to the stadium, to make the amendments to the ordinance plan specific. Stewart said that there are several ways to address this.

Bean also stated that the school district is planning on doing a capital campaign for the field and the track. This is in the planning phase and will be rolled out soon. The district has money set aside for the bleachers and all the ADA features. Field, bleachers, and lighting is planned to be installed for this current year season and everything else finished before school begins in 2019.

Prendergast inquired about why an amendment was being sought after instead of a variance. Stewart explained that it is nearly impossible to get a variance and for this reason, he recommended the request for ordinance amendments. It is much simpler, and wording can be worked out to a 't' instead. Smith interjected that the use allows for a stadium, but the language is not in the ordinance for it to be properly lighted.

An amendment to a zoning ordinance is not spot zoning, per Stewart. Amendments can be tailored to specific needs of a particular use and is permissible. Zoning is fluid and amendments can be made as needed.

Landscaping and emergency access and impervious requirements of the turf was discussed briefly. Stormwater calculations will be worked out with the Borough engineer.

Planning will develop the amendment language, based on input from Planning Commission members; when they feel it is ready, they will recommend to Council for approval. The amendments will come through Borough Council and a public hearing will be advertised. The other Nittany Valley municipalities will be notified as well because there is a joint comprehensive plan. This has been done in the past. There are generally no comments, but notification is needed. It will be scheduled for a Council meeting, and the hearing is usually during the Council meeting. Council can modify it and vote on it or can modify it before the public hearing. The choice is Council's.

The artificial turf choice was discussed briefly. Johnson had concerns about health issues and how they clean it.

Smith explained that the land development plan will encompass the entire stadium and then individual projects will be done in phases within. They hope to submit the final plan February 19. Infiltration testing is done for stormwater and a lighting engineer is reviewing power needs. Bean stated that they hope to begin some of the work before school is over to have everything ready for when school starts next fall.

Bean and Smith thanked Planning Commission and Council for their time and assistance.

TATTOO BUSINESS PROPOSAL

The tattoo business future-owner came in to speak with Council prior, but Planning Commission has not seen this topic yet. Stewart explained that they wanted the Planning Commission to look at this as adult businesses were zoned out of the central business district. The definition does not define tattoo studios; however, it does say "adult-oriented businesses" and they were zoned out of the Borough and went to the light industrial in two other townships. Stewart stated that there was a very detailed conversation about zoning the adult businesses some time ago.

Stewart also stated that it needs to be determined if a tattoo business is an adult business and if not, how many should be permitted in the Borough and perhaps restrictions on distances between. This needs to be defined. Planning Commission needs to assist in deciphering language and if changes need to be made this is the place to do it.

Dannaker explained that he researched other ordinances, and some have little about tattoo shops and others have more information. The age of 18 defines the adult business regulations. Adult businesses may include smoking, firearms, and gambling in the Borough.

Wilson personally does not like tattoos, but he knows that it is now considered more of an art form. They have come a long way. He feels that if the Borough is to progress as a Borough in this century, it cannot be too restrictive towards things that are mainstream.

Prendergast interjected that Council concluded that this is a gray area relating to an adult business and that only the age makes it adult. Technically, you can be younger with parental consent. Wilson interjected that the owner would not allow anyone under the age of 18 to be tattooed. She mentioned this at the Council meeting. Tattooing in the Zion area is referred to as permanent makeup. Gallo mentioned there used to be a tattoo parlor on Bishop and was there for a long time.

Wilson offered that the owner has plans for the facility that go beyond tattoos. She plans to include a lot of local art work, and plans for social functions. Wilson thinks it would be an asset. He does agree that there needs to be language that would restrict the number of tattoo parlors for the Borough but as far as banning, he thinks it would be a mistake.

Dannaker stated that there was a bill from the State in 2013 to regulate tattoos and it was, as of 2017, considered tabled. Some of the other communities with zoning took wording from the proposed bill and put it into an ordinance where the artists are certified. Tosti-Vasey agreed with this.

With any future use changes, getting over this hurdle could mean bigger ones ahead.

Stewart explained that the Borough is under the comprehensive plan. Each municipality has their own zoning ordinance. Ordinance is law. If changes are made, changes need to be presented to the other municipalities.

Tattoo parlors may need to be taken out of the adult business category and redefined, per _____ (male); i.e., body art. Tosti-Vasey would like the Planning Commission to compare the other local ordinances regarding this topic and clear up definitions of the other items as well.

Hombosky inquired why a gun shop is allowed but not a tattoo parlor. Stewart explained that there is NO definition for a tattoo studio but there is a definition of retail; i.e., gun shop.

Before the permit is issued, Stewart wants to make sure everything is correct and everyone is on the same page. It is important to do this prior to issuance of a permit.

Walker pointed out that the ordinance says that adult-oriented businesses shall not be permitted. Permitted uses are art studios and galleries. Body art could be a consideration.

Prendergast agreed that this is complicated but needs to be looked at and worked out. Tosti-Vasey confirmed that the Planning Commission will look at this issue, clarify some things and get back to Council.

(talking amongst members)

CENTRE CREST USE

Centre Crest needs to be looked at for use. Centre Crest is moving, and possible rezoning of those parcels were discussed. Ideas of what do with the property in the future needs to be discussed further and definitively.

Stewart gave an overview of the location and zoning of the current structure. R-4 encompasses Centre Crest and the property next door. Informal talks with the County have taken place, and residents have voiced concerns about potential re-uses. Dannaker had a conversation with Bob Jacobs, Centre County Planning, which revealed that nothing is going to happen for five years, and they plan to go ahead with the parking lot that was approved. When Centre Crest leaves, the County may move some offices there, but he does not think they can fully occupy that building with County offices. The building would need to be rezoned to allow offices. Offices that may exist in the district already have been grandfathered in.

Tosti-Vasey offered that Centre Crest is high density housing. If the use was changed, high density housing could continue. Per Stewart, down zoning and changing the zoning would lock the structure into doing whatever the zoning allows. If the community wants more multi-family housing, then the zoning should be left as is. If it is deemed that there is enough of this type of housing, then the zoning needs to be changed for that district. According to statistics from the Nittany Valley Joint Planning Commission, it is obvious from the data that the Borough has a lot of multi-family.

Prendergast offered that high-density housing may not be the issue but the type of housing that goes in that cannot be controlled. Most of the multi-family housing is owned by the County or the Housing Authority. There is potential for reuse of the building, but the County may have other plans than the Borough does, per Stewart. He also stated that it would be nice to have zoning in place before something does occupy this building. Down zoning was discussed.

Centre Crest is surrounded by R-1 and R-2. The R-4 could be zoned down to one of those two districts and the use stays as is if a nursing facility is there. If the structure changes use, the number of units would have to decrease. This is NOT spot zoning, but incorporating it into one of the already existing zoning districts.

The concern is if Centre Crest would become apartments, there will be a lot of apartments there and it may impact the community. Stewart offered some examples of down zoning and adding conditional uses. These requests would need to go through Council for approval. Amendments can always be done if something really appealing comes in. This is the only way to control this. After the occupants come in, it is too late. Zoning changes need to be made before any application for reuse comes in. Zoning can be changed now even though Centre Crest still occupies the building. The community can be planned out through zoning and this is an opportunity to do that. (*talking amongst members*). The vacant lots behind Crestview were discussed briefly. The intention of the lots is unknown.

Prendergast suggested Village Commercial as a zoning district. The Planning Commission will look at this. They can review permitted uses and go from there. Stewart mentioned that this

would not be spot zoning. It can be considered. Spring Township may have Village Commercial.
(talking amongst members)

Johnson would like the Planning Commission to review down zoning the area. Prendergast agreed with this proposal. Stewart reiterated that to protect things, changes need to be made now so that the zoning is in place. If something changes later, it can be amended. He also reiterated the public hearing procedure for zoning amendments.

This will put on the next Planning Commission meeting agenda.

ADJOURNMENT:

Brachbill moved to adjourn the meeting;
Eaton seconded the motion;
Motion carried.

Meeting adjourned at 7:30 p.m.