

**Public Hearing
Zoning Ordinance Amendments
February 27, 2008**

A public hearing regarding proposed amendments to Gettysburg Borough Zoning Ordinance was called to order by Council President, Dick Peterson at 4:05 pm on Wednesday, February 27, 2008. Councilors present were: Susan Naugle, John Butterfield, Ted Streeter, Holly Giles, Robert Krummerich, Alice Estrada, Caroline Smith along with Mayor William Troxell; John Lawver, Borough Manager; Harry Eastman, Borough Solicitor; Merry Bush, Borough Planner; Ramona Overton, Finance Director and Tom Comitta, Thomas Comitta Associates, planning consultant. Members of the press present: Erin Jones, *Evening Sun*; Max Stevens, WGET/WGTY Radio; Scot Pitzer, *Gettysburg Times*. See the attached list of others present.

Harry Eastman explained the reason for the hearing and the procedures that would be followed. Borough Council will not take any action at this meeting. The earliest Council could authorize advertising for adoption would be in March at its next public meeting and then take action in April. Mr. Eastman then went over the agenda thoroughly.

Tom Comitta gave an overview of the process so far after indicating that his firm has worked for 44 municipalities including 30 Boroughs over the past 30 years. Mr. Comitta then distributed a summary of changes to the Zoning Ordinance. There were also some suggested changes at a February 11, 2008 workshop.

Public Comments on the Proposed INS-2 Institutional Overlay

Tom Comitta explained how this overlay had been proposed. In reaction to the elimination of student housing from both the Residential Office (RO) and Moderate Density Residential (R-2) Districts, Gettysburg College proposed an Institutional Overlay that would allow for some student housing and auxiliary uses adjacent to the college on N. Washington Street. Once aware of this proposal the Lutheran Seminary also requested an overlay east and southeast of its campus.

After receiving comments from property owners within the proposed overlay near the Seminary, Mr. Comitta, on February 6, recommended removal from the 12th Draft the overlay proposed in the Low (R-1) and Moderate Density (R-2) Residential Districts surrounding the Seminary. Property owners were particularly concerned about references to 45 to 60-foot-high buildings.

Gary Hartman and John Spangler spoke on behalf of the Seminary. They said that the Seminary had never proposed that lot requirements of the Institutional District be carried over into adjacent districts. They agreed in a letter to Tom Comitta dated January 28, 2008 that the overlay should follow the lot requirements of the underlying district. Mr. Hartman said, that after receiving an email from the Borough zoning enforcement official explaining the difference between student housing and apartments owned by an institution, the overlay was only necessary to allow for apartments and conversion apartments. The Seminary has no interest in building dormitory-style student housing.

Next spoke Peter North and Daniel Konstalid from Gettysburg College. They too agreed that lot requirements of the underlying zoning district should be followed in the Institutional Overlay.

The College wishes for a clear definition of student housing; it was never the intention of the College to build dormitory-style housing in the overlay district. The

College wishes to maintain the overlay district in keeping with the character of the existing buildings.

Bill Lewis, 42 N. Howard Ave, spoke next. Mr. Lewis formerly lived on Water Street near the College campus. He said that there were other interests in the room besides those of the College and the Seminary. Mr. Lewis said that he and his neighbors were interested in preserving the physical characteristics and community dynamic in the neighborhood surrounding the Seminary. From personal experience, Mr. Lewis said that college students' behavior often has a negative impact on the neighbors. While living on Water Street he had damaged cars and broken windows among other things. Mr. Lewis recommended that less student housing be allowed in the neighborhoods.

Dominic Picarelli, 106 N. Howard Avenue, is an environmental planner and is almost done with his Master's Degree in Community and Regional Planning. Mr. Picarelli is opposed to the Overlay District. There are 17 children and seven new homeowners in the neighborhood. Mr. Picarelli and his neighbor have just purchased the last two rental properties in the community, and he wants the chance to get to know his neighbors. The Overlay District would allow transitional housing in the community, essentially an expansion of the Institutional Districts. Mr. Picarelli said that the Institutional District and the Residential Districts should remain separate districts. Mr. Picarelli said that property values would go down.

Dan Keyes relocated to 145 Seminary Avenue five years ago because he liked the feeling of community here. He owns two properties in the neighborhood, one where his family resides and the other where his father lives. Mr. Keyes spoke out against the proposed Institutional Overlay.

Dorothy Puhl, 231 Springs Avenue, said that her community, east of the Seminary, is one of the few remaining R-1 Districts in the Borough and would hate to see that change. When she and her husband moved to Springs Avenue, there were many non-conforming uses within the neighborhood including apartments, dentist offices and a photography studio. These uses are now gone. Mrs. Puhl said that she would hate to see any of these houses purchased and turned into apartments.

Phillip Glenn lives at 124 Springs Avenue in a 107-year-old home. He noted the beauty and history of the community and the need to preserve our past. He asked the Council to consider the Hippocratic Oath and do no harm—think about the unintended consequences and potential harm of the proposed Institutional Overlay. Mr. Lewis also asked Council to consider taxable vs. non-taxable properties; the Borough can't afford an increase above the 51 percent of non-taxable properties we currently have.

Carol Miller, 47 N. Hay Street, presented a petition with 28 signatures of residents requesting that the Institutional Overlay be removed from the proposed Zoning Map. Ms. Miller said that during a recent meeting the Seminary proposed structures to be built on the campus itself. The proposed Institutional Overlay is not necessary and would be financially detrimental to the Borough.

John W. Phillips has lived at 251 Springs Avenue for 37 years. He begged the Council to leave the R-1 District as it is—without an overlay. He endorses an amended map presented to Borough Council on February 11, 2008 so that the overlay does not extend into the R-1 District. Mr. Phillips said that he did not want apartments or conversion apartments to be allowed in the R-1 District. Continuing, he said that this was one of the oldest R-1 Districts in the Borough.

Ed Puhl agreed with all that have spoken—Jack [Phillips], his wife, neighbors and Dominic Picarelli. He has lived in his home, 231 Springs Avenue, for 18 years. The house was built in 1913 by Abdell Wentz, president of the Seminary from 1940 to 1950. Mr. Puhl said that the argument against the overlay is an equal protection issue—distinction between private and institutional. An Iowa Supreme Court student housing case has been appealed to the U.S. Supreme Court. Mr. Puhl said that students are less likely to get involved with the local community. This is an R-1 Low Density Residential neighborhood and you are grafting on a high density use. Mr. Puhl gave the case as “Ames Rental Property vs. City of Ames Iowa.”

Suzanne Christianson of 109 Seminary Avenue said that this is the second home she has renovated in the community. She returns the homes to single family homes.

Erika Crist spoke of the home she and her husband, Tom, moved into five years ago in the neighborhood Tom grew up in. The 1902 Queen Anne was once the home of Dr. Valentine, president of both Gettysburg College and the Lutheran Seminary. The house needed much work and they spent a year on its rehabilitation and some work remains. Mrs. Crist said that the neighborhood has had a rebirth in the five years since they moved to the Borough.

The Reverend Dana Eynon, 37 N. Howard Avenue, said that the proposed Institutional Overlay would impact 90 houses, 46 within the R-1 District. These homeowners, according to Reverend Eynon, pay between \$3800 and \$5000 in property taxes to the Borough each year. These are working professional people, Rev. Eynon said, who pay income taxes. The overlay district has the potential to increase traffic and cause financial loss to the owners.

Bill Monahan, 114 W. Broadway, said that expanding the definition of student housing is not appropriate. There is a need to draw students back to the campus.

Caroline Smith lives at 149 W. Lincoln Avenue in a mixed community located directly across from Gettysburg College. She said that property values have increase over the past 20 years and it is one of the best investments she has made.

Peter North, Gettysburg College, said that it is the difference between supervised and non-supervised student housing.

Public Comments on the Proposed Streetscape Enhancement Overlay and Elm Street Overlay

Tom Comitta explained the purpose of the two overlays. The purpose of the Streetscape Enhancement Overlay is to maintain and improve the Streetscape within the Old Town District and the neighborhoods throughout the Borough, which have a traditional block pattern; and street and alley network. The purpose of the Elm Street Overlay is to promote the development and redevelopment of a residential neighborhood adjacent to a commercial district according to the Elm Street Project Plan.

Suzanne Merkey, 131 S. Washington Street, and a member of the Third Ward Concerned Neighbors wants to maintain the neighborhood’s character. She expressed her concern with the number of apartments that have been created in the neighborhood over the years.

Mary E. Patrick, 261 S. Washington Street, does not want zoning to perpetuate the neighborhood’s existing problems. Why is everything here?

Brian Allen, a former Council member, who now works for the Third Ward Concerned Neighbors as they search for a site for the proposed Black History Museum wants to make sure that the Elm Street Overlay allows for a museum. The answer is yes.

Public Comment on the Proposed Extension of the Old Town District North to Water Street

Tom Comitta noted that the 12th Draft of the amendments to the Zoning Ordinance proposes to extend the Old Town District north to Water Street but on February 11, 2008 Mr. Comitta suggested that Old Town be extended north only to Delap Avenue. Since then, a letter dated February 21st was received from Realty Leasing and Management suggesting that Old Town be extended along N. Washington Street to Delap Avenue, east on Delap, north along Monument Alley to Kuhn Alley, north on Kuhn to W. Water Street, extend one property depth along E. Water Street, follow Strickhouser Alley south to the railroad tracks and west to Carlisle Street.

Lynda Cockle, 170 Carlisle Street, said that she was in favor of the expansion of Old Town since she wants to retain retail on Carlisle Street.

Brian Allen, spoke on behalf of the owner of the Gettysburg Photo Shop, 168 Carlisle Street, who is in favor of the extension of the Old Town District.

Stan Clark, current owner of a property east of Monument Alley, said that the increase in density could increase the viability of businesses on Carlisle Street. Mr. Clark also said that there was no incentive in the existing zoning to bring in outside development.

Jeff Zigler and Gary Hartman spoke on behalf of David Sites, Realty Leasing and Management, which is in favor of the extension of Old Town. Mr. Hartman asked why so much discussion about this one area. "It's being proposed for Mr. Sites," Mr. Hartman said. Does it make any difference if the density increases? Mr. Hartman continued. The downtown area of Gettysburg must be flexible to allow for economic development. The expansion of the Old Town District allows for this flexibility without causing damage to any neighborhoods. Jeff Zigler said that 14 out of the 25 properties have existing businesses, a complimentary use to the proposed Residential Office Redevelopment District.

Raye Passmore, 202 Carlisle Street, said that she was okay with the proposed expansion of Old Town. Ms. Passmore also owns 31 W. Water Street.

Public Comment on the Proposed Residential Office Redevelopment (ROR) District

Scott Hill, 124 N. Stratton, is a neighbor to the future REDDI project. He expressed concern that his neighbor's property was included in the proposed ROR District. The area is currently zoned Residential Office. Mr. Hill also said that the Sheads House should not be in the ROR District. Mr. Hill expressed his opposition to allowing four story buildings in the ROR District.

Public Comment on the Proposed Zoning Map Change of Properties in the Industrial District to the General Commercial District.

No comments were received.

Public Comment on Proposed Text Amendments to the Zoning Ordinance

Susan H. Cipperly has lived at 314 N. Stratton Street for nine and a half years. She is a professional land use planner. Ms. Cipperly said that she is “particularly mindful” of the physical factors that give a place its character. She expressed her concern over the proposed 60-foot height in the Old Town District.

Ms. Cipperly had noticed the combination of architecture and materials that give Gettysburg its character. She mentioned the rooflines, the scale of the buildings and how they relate to each other making Gettysburg the unique place that it is. She noted that new construction or additions “have blended in through the use of appropriate materials and staying within the current height restrictions. Structures of two to four stories are the predominant features of the Borough’s 19th century landscape, with the church steeples and the courthouse tower providing landmarks.” The Gettysburg Hotel is 66 feet tall and is the exception. Because the hotel is located on the square the open space balances the extra height, said Ms. Cipperly. The proposed maximum height of 60 feet conflicts with the legislative intent in the Streetscape Overlay §5B, which says “smaller footprint, two story to four story buildings are intended to continue along the major corridors and in the Old Town District,” Ms. Cipperly continued. She also expressed concern with the proposed increase in height across all districts.

Susan Cipperly was also concerned with the “build-to line” concept and how it would be implemented. She also asked for clarification in the measurement of the build-to line—is it measured from the curb line or the right of way.

Ms. Cipperly also asked for a definition of story.

Questions and Comments by Members of Borough Council

Caroline Smith asked that further discussion of the amendments take place on another day. Alice Estrada said that it was great that so many people attended.

Bob Krummerich suggested that the definition of apartment include a financial transaction. Ted Streeter said that there should be no expansion of student housing into the Residential Office or R-2 Moderate Density Residential District. He also said that the expansion of the Old Town District was a great idea.

John Butterfield noted that work on the Zoning Ordinance update began 22 months ago. Six months ago the Planning Commission recommended that Borough Council adopt the 10th Draft. Continuing, Mr. Butterfield reported that \$40,000 was budgeted for these updates but the Borough has spent \$60,000 with several outstanding invoices. Mr. Butterfield counted six competing groups and recommended prompt action. He recommended that Council meet with the Planning Commission to discuss the differences between Drafts 10 and 12 and why they recommended as they did. Susan Naugle echoed John Butterfield’s comments. Ms. Naugle said that the Institutional Overlay is responsible for the outpouring of comments today. She recommended that the student housing be pulled back to campus.

Merry Bush, Borough Planner, recommended that the amendments be adopted as soon as possible as it is costing not only the Borough but others as well. Gettysburg College has had to apply for a zoning variance for the expansion of the Athletic Center due to the delay.

Gary Hartman said that Council had been well served by the Planning Commission and recommended that Council make the final decision and take action.

A Council workshop was set for Thursday, March 13 at 4 pm. Harry Eastman will advertise.

The hearing adjourned at 7:15 pm.

Respectfully submitted,

Merry V. Bush
Assistant Borough Secretary

List of Those Attending the Public Hearing February 27, 2008

Raye Passmore
202 Carlisle Street

Ann Lipscomb
3rd Ward Concerned Neighbors
337 Village Drive

Suzanne Merkey
3rd Ward Concerned Neighbors
131 S. Washington Street

Mary Lee Patrick
3rd Ward Concerned Neighbors
261 S. Washington Street

Lynda Cockle
170 Carlisle Street

Melva Cockle
170 Carlisle Street

Ethel E. Crist
2 Elm Street

Thomas C. Crist
114 Springs Avenue

Erika G. Crist
114 Springs Avenue

Barbara Benton Meistrich
144 Springs Ave

Roberta Cooke
Third Ward Concerned Neighbors

Jean Green
3rd Ward Concerned Neighbors
2636 Emmitsburg Rd, Unit 2

Dominic Picarelli
106 N. Howard Avenue

Brian Allen
Gettysburg Photo
3rd Ward Concerned Neighbors
150 Jackson Drive

Harold Ecker
166 Seminary Avenue

Elwood W. Christ
212 N. Howard Avenue

Susan Kowalski
167 Seminary Avenue

Dan Keyes
145 Seminary Avenue

Curvin Krout
115 Seminary Avenue

Tony Tebbutt
36 N. Howard Avenue

James Scott Hill
124 N. Stratton Street

Stephen Kowalski
167 Seminary Avenue

1040 Long Lane

Carol Miller
47 N Hay Street

Darlene Brown
PICPI-ACHA
40 E High Street

Susan H Cipperly, AICP
314 N. Stratton Street

Gerald Shealer
230 Springs Avenue

Suzanne Shealer
230 Springs Avenue

Jane Scott
237 Springs Avenue

Bernadette Atkins
2636 Emmitsburg Road

Robert Campbell
Campbell & White
112 Baltimore Street

Phillip Glenn
124 Springs Avenue

Stan Clark
915 Fairview Avenue

Ruth Crawley
ACHRC
425 College Avenue

C.W. Brown
21 Echo Lane

John Spangler
Lutheran Theological Seminary
61 Seminary Ridge

Jan Tebbut
36 N. Howard Avenue

Bea Savage
Borough of Gettysburg

Elizabeth Poje Glenn
124 Springs Avenue

Mary Margaret Stewart
706 W. Middle Street

John Toggas
72 Springs Avenue

“MJ” Toggas
72 Springs Avenue

Gary Hartman
Hartman & Yannetti
126 Baltimore Street

Jack Phillips
251 Springs Avenue

Peter North
Gettysburg College

Jim Biesecker
Gettysburg College

Tom Kellam
910 Fairview Avenue

Bill Monahan
114 W Broadway

J.B. Kloze
109 Springs Avenue

R. Barber
127 N. Washington Street

Bobbie Phillips
251 Springs Avenue

Dorothy Puhl
231 Springs Avenue

Ed Puhl
231 Springs Avenue

Robert W. Weaner, Jr
35 N. Hay Street

Suzanne Christianson
109 Springs Avenue
Stacey Green
Zoning Hearing Board
357 W. High Street

Chris Welshonce
161 Seminary Avenue

Mary Alice Nutter
Third Ward Concerned Neighbors
2 Spring Creek Court

Richard Noble
202 Carlisle Street

Charles Suhr
Stevens & Lee
17 N 2nd Street 16th Fl
Harrisburg PA 17101

Kathy Gilbert
39 South Street, home
221 Chambersburg Street, work

Jeff Zigler
KPI Technology
143 Carlisle Street

Judie Butterfield
999 Sunset Lane

Kristin Stuempfle
273 Springs Avenue

Dana Enyon
37 N. Howard Avenue