

**BOROUGH OF GETTYSBURG  
TROXELL COUNCIL CHAMBERS  
59 EAST HIGH STREET, GETTYSBURG, PA 17325  
COUNCIL WORK SESSION MEETING MINUTES  
MARCH 28, 2022**

**President Wesley Heyser** called the meeting to order at 7:00 PM with the following **Councilors present:** Vice President Matthew Moon, Mr. John Lawver, Mrs. Judith Butterfield, Mr. Christopher Berger, Ms. Patricia Lawson and Mr. Chad Carr. **Staff present included:** Mayor Rita Frealing, Borough Manager Charles Gable; Assistant Borough Manager/Secretary Sara Stull; Borough Solicitor Harold Eastman, Barley Snyder; Parking Manager Rebecca Fissel; Director of Historic & Environmental Preservation Debra English; Planning Director Carly Marshall; Public Works Director Robert Harbaugh and Chad Clabaugh, Borough Engineer, C. S. Davidson, Inc. Police Chief Robert Glenney was absent.

**Others present included:** Jill Sellers, President of Main Street Gettysburg; Scott English owner 66-68 West High Street; Susan Cipperly, 314 North Stratton Street; Rosemary Meagher, 44 West High Street; Mandy Day, 142 West High Street; Jean Green, 4 Straban Court; Andrea Dolges, CFYCD/CFY, 233 West High Street; Megan Cellucci, 766 Goldenville Road; and Jamie Yeimi Gagliardi, 32 East Lincoln Avenue. Representing the press was Jim Hale with the *Gettysburg Times*; and filming by *Community Media-ACCTV*.

**Public Comment** – Restricted to Old Business and New Agenda Items (not tabled items).

**Scott English owner 66-68 West High Street** read a prepared statement that included pictures addressing the Elm Street Overlay District and his proposed use for the property which is in accordance with the Official Elm Street Plan. He also commented on areas of the review of the Zoning Text Amendment that Planning Director Marshall submitted to the Adams County Office of Planning and Development for review (see attached).

**Mandy Day, 142 West High Street** expressed her concerns regarding the event venue at the English property to include noise, alcohol, and how it will affect the ghost and battlefield tours in the area. She asked that Council take into consideration the concerns of the neighbors.

**Rosemary Meagher, 44 West High Street** read a statement addressing her concerns with the proposed amendments for the English property to include restroom facilities, handicapped accessibility, parking, etc. (see attached).

**Susan Cipperly, 314 North Stratton Street** read a prepared statement regarding her concerns with the proposed text amendment for 66-68 West High Street (see attached).

**Andrea Dolges, Executive Director of Center for Youth and Community Development (CFYCD), 233 West High Street** said that she has been working with Collaborating For Youth (CFY) for many years and expressed her concerns with the public consumption of alcohol. There are pros and cons to having open containers in public areas and would suggest the need for alcohol free zones.

**Jamie Yeimi Gagliard, 32 East Lincoln Avenue** works in prevention and substance abuse treatment and also works with the Collaborating For Youth. She expressed her concerns with alcohol and substance abuse if the open container ordinance is approved.

**Megan Cellucci, 766 Goldenville Road** said that she owns rental property on East Middle Street and has also been involved with Collaborating For Youth. She is concerned with implementing an open container law allowing alcoholic beverages to be in public areas around the youth.

## **New Business**

### **Gettysburg Gateway Connectivity Project**

**Manager Gable** explained that the Borough was awarded a Federal Lands Access Program (FLAP) grant last year for the design and engineering costs for the Baltimore Street renovations. The Borough now has the opportunity to apply for a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant, that can be used for the construction of Baltimore Street to include Lincoln Square. The Borough has been encouraged to include Lincoln Square to the plan to address concerns for better safety. The RAISE Grant application is due in April, and he asked Council if they are interested in adding Lincoln Square to the Baltimore Street Plan. Manager Gable noted that he and Mayor Frealing met with Governor Casey recently, and he is in support of the plan.

**Planning Director Marshall** said that they reviewed the history of the square and noted that it has been changed several times over the years. She pointed out that some of the safety concerns include the crosswalks and cars backing out of spaces in the circle and hitting traveling vehicles. The circle does not need to have two lanes of traffic and can be made smaller to allow for increased space for activities. She said that it would be important to receive input from citizens and plans will be to include public meetings and speak with business owners to get everyone's input.

**Borough Engineer Chad Clabaugh** said that Council is not approving any designs at this time, but to approve the submission of the grant. He noted that due to inflation the cost of the construction increased approximately two million dollars for the Baltimore Street Renovations.

**Councilman Moon** asked if electric car charging stations would be included in the plan. **Manager Gable** said yes this would enhance the plan.

**President Heyser** said that Councilors are in favor and asked that the submission of the RAISE Grant application be placed on the April agenda for approval.

## **Old Business**

### **PBS 2022-01 Budget Policy – Departmental Spending**

**President Heyser** said that there is nothing to add at this time noting that Council will need to find a mechanism to see why expenses go over budgeted amounts.

### **PBS 2022-02 Public Consumption of Alcohol Zone(s)**

**Manager Gable** said that he was in contact with Carlisle Borough who began an open container policy during COVID to allow alcoholic drinks in specific areas, and said that he had received positive responses. He submitted a public records request for information regarding open container statistics for the period of 2017 to 2021, and will report at an upcoming meeting after the responses are received. The Carlisle Borough Police Department kept records of all calls received regarding open container issues for a one-year period, and reported that there was none or very little change in police calls. He noted that he also spoke to the Manager of Zelienople Borough at the PELRAS Conference and said that they support the alcohol open container in their area.

**Manager Gable** suggested that if Council would like to try a Pilot Program first he would recommend limiting the areas for open containers and hours that would mirror the noise ordinance.

**Councilman Lawver** said that he had received several comments which was split in half in favor. Some of the comments suggested only providing open containers during special events with limited areas.

**Councilwoman Butterfield** agreed and said that people enjoy drinking during special events.

**Councilman Carr** also said that he had received comments that were split in half. He spoke with businesses around the square and along the first blocks and found that the locals prefer to stay at the bars or restaurants that they are patronizing. He would suggest trying a pilot program in designated areas and stated that the alcohol must be purchased at Borough businesses and not brought in from outside establishments. He stressed the importance of supporting local businesses.

**Councilman Moon** noted that the Borough already has ordinance regarding underage drinking that are enforceable. He said that he only had one person say that they were against the open containers and suggested doing a pilot program.

**Councilman Berger** said that he is opposed to the open container, but would be okay to allow it during special events. He noted that the Borough is a tourist community and is different from Carlisle.

**Councilwoman Lawson** said that she only had one business owner say that they were opposed, and that the others were supportive to allow it during special events. She agreed that it would be best to start with a pilot program. She noted that the public would need to be educated about the program and stated that this is not a pub crawl.

**Councilman Heyser** said that of the people he had asked they indicated that they were okay to allow it during special events. He asked staff to develop an ordinance for a pilot program for special events and to place it on the Council Work Session agenda for further discussion.

**Councilman Carr** encouraged the public to reach out to Councilors to voice their opinions. He said that it is discouraging that they do not hear from the public more often.

#### **Scott English Zoning Text Amendment Request**

**Planning Director Marshall** reviewed the outline she submitted to Borough Council regarding the Zoning Text Amendments (see attached). She noted that the Planning Commission completed a preliminary review submitted on December 19, 2021 and that they recommended some minor revisions. The text was also submitted on February 17, 2022 to the Adams County Office of Planning and Development for an informal review, and another informal review was again requested on March 19<sup>th</sup>.

#### **Public Comment** (open to items not on the agenda)

There were no public comments at this time.

**President Wesley Heyser** adjourned the meeting at 9:45 PM.

Respectfully submitted,

Sara L. Stull  
Borough Secretary



Good evening,

In response to Ms. Marshall's draft text amendment, we have the following comments for discussion on Monday:

#### **Page 5 of 10 - Tent Limits**

- \* Our initial request through the Planning Commission and to the Borough Council specified a maximum number of 150 guests requiring a tent size of 40'x60', and as was depicted in our original package submittal.
- \* In response to community and Borough Council input, we have reduced the maximum number of guests from 150 to 100 which would require a minimum tent size of 35'x40'.
- \* In the draft text amendment, a 20'x20' tent was noted as an *alternative* - for a size perspective this would fit two parked cars. This would be an unreasonable size restriction for our requested use.
- \* With our lowered guest number of 100 and tent size 35'x40' would satisfy any larger events which we limited to no more than two times per month. For example, the council chamber is roughly 35'x45' in size.
- \* Working with Council & public input we limited the maximum number of guests to 100 as well as the maximum number of events to two events per month to reduce the concerns of larger events every weekend.
- \* Along with other commercial and institutional buildings that make up the majority of our block within the Elm Street Overlay (ESO) district; and the size and character of the Gettysburg Academy building measuring 30'x60', a tent size of 35'x40' would not be out of character.

A tent size of 35'x40' to facilitate 100 people is not out of character with the property's existing structure and fits nicely on the almost acre lot. Along with the other business and institutional buildings that characterize our mostly non-residential High St. block, in the mixed-use ESO district, the *considerations* noted that the consistent scale of existing residences of 20' to 30' in width is more common within the R2 district outside of the ESO District.

Restaurants are permitted within the ESO District and many restaurants within the Borough limits have taken advantage of outdoor dining due to Covid and were not limited on tent sizes.

#### **Page 5 of 10 - Portable Restrooms**

- \* Any portable restrooms will be screened from public view.

#### **Page 7 of 10 - Parking Requirements**

- \* Our goal is to increase foot traffic in Gettysburg and for guests to stay at other Borough accommodations and walk to The Gettysburg Academy bringing new commerce to town. Those not staying at other local accommodations, parking is available at the Methodist Church parking lot. As a third option, guests could park at the town garage or metered parking along the town square and shopping district which would also generate Borough income.

We're committed to working with the Borough staff and Council to come up with a positive outcome that enables the Third Ward community to thrive and bring revenue into the Borough.

Thank you.

Scott English  
410.937.6953

3-28-22

**ELM STREET OVERLAY District:** My proposed Zoning Text Amendment is 100% in the spirit of the Olde Getty Place and reinforces the purpose of the Gettysburg Borough Code of Ordinances, Chapter 27 (Zoning), Part 5A (Elm Street Overlay District) stating: "The purpose of this part is to promote the development and redevelopment of context-sensitive mixed-use neighborhoods in accordance with the Official Elm Street Plan of the Borough of Gettysburg."

**Community Support:** I continue to receive OVERWHELMING community support and many words of encouragement as I visit with Ward 3 residents and clear up a number of misconceptions regarding the events venue. With over 52 signatures of residents (majority along Washington and High Streets) and with over 47 visitors to our 3 open houses, we continue to receive very positive support and encouragement. I have addressed concerns of the neighborhood, by reducing the number of guests, we have a parking plan, and we have designated hours for any events. Here's a map showing red dots where those that support me live.

**Parking:** My goal is to increase foot traffic in Gettysburg and for guests to stay at other Borough accommodations and walk to The Gettysburg Academy bringing new commerce to town. For those not staying at other local accommodations within walking distance, parking will be available at the Methodist Church parking lot. As a third option, guests could park at the town garage or metered parking along the town square and shopping district which would also generate Borough income. I checked with the Borough parking manager and there have been no complaints to date regarding regular High Street closures for events as seen in these pictures – Events at The Gettysburg Academy will not close any streets.

**Local Economics:** Increased income to the Borough and the County - property/school taxes, pillow taxes (5% of gross receipts), parking revenue meters/garage for the Borough, parking income for the church, foot traffic revenue for local businesses.

**Energizing Tourism:** Gettysburg has been a tourist destination for many generations. Tourists visit Gettysburg for many reasons, and they return for many reasons. Creating destinations for tourists in America's favorite small town is essential for sustaining Gettysburg as a destination into the future. Tourism boosts the revenue of the economy, creates jobs, develops the infrastructure, and plants a sense of cultural exchange between visitors and citizens. I, and many Ward 3 residents, feel that fostering a special events venue two blocks from the square would be a great addition to the tourism sustainability plan for the Borough.

**Unique Block - Unique Property:** Three churches, existing and future rehabilitation facilities, offices, soup kitchen, a few residences, and the largest open green space lot within 2 blocks of the Gettysburg square that's not part of the College or Seminary - This is not a common block within the Borough and not a common block within the Elm Street Overlay district. This is a unique property with almost an acre lot and a building with over 5000 square feet.

## **Page 5 of 10 - Tent Limits:**

**Sources:** Internet website tent size calculator (30x40) & Gettysburg Rental Center (35x40) to facilitate 100 people

\* In the draft text amendment, a 20'x20' tent was noted as an *alternative* - for a size perspective this would fit two parked cars. This would be an unreasonable size restriction for our requested use.

\* A tent size of 35'x40' to facilitate 100 people is not out of character with the property's existing structure and fits nicely on the almost one-acre lot. For perspective, the council chamber is roughly 35'x45' in size. Along with the other business and institutional buildings that characterize our mostly non-residential High Street block, in the mixed-use ESO district, the *considerations* noted that the consistent scale of existing residences of 20' to 30' in width, which is more common within the R2 districts outside of the High Street.

\* Our initial request through the Planning Commission and to the Borough Council specified a maximum number of 150 guests requiring a tent size of 40'x60', and as was depicted in our original package submittal.

\* In response to community and Borough Council input, we have reduced the maximum number of guests from 150 to 100 which would require a minimum tent size of 35'x40' while also limiting the number of larger events to no more than two times per month.

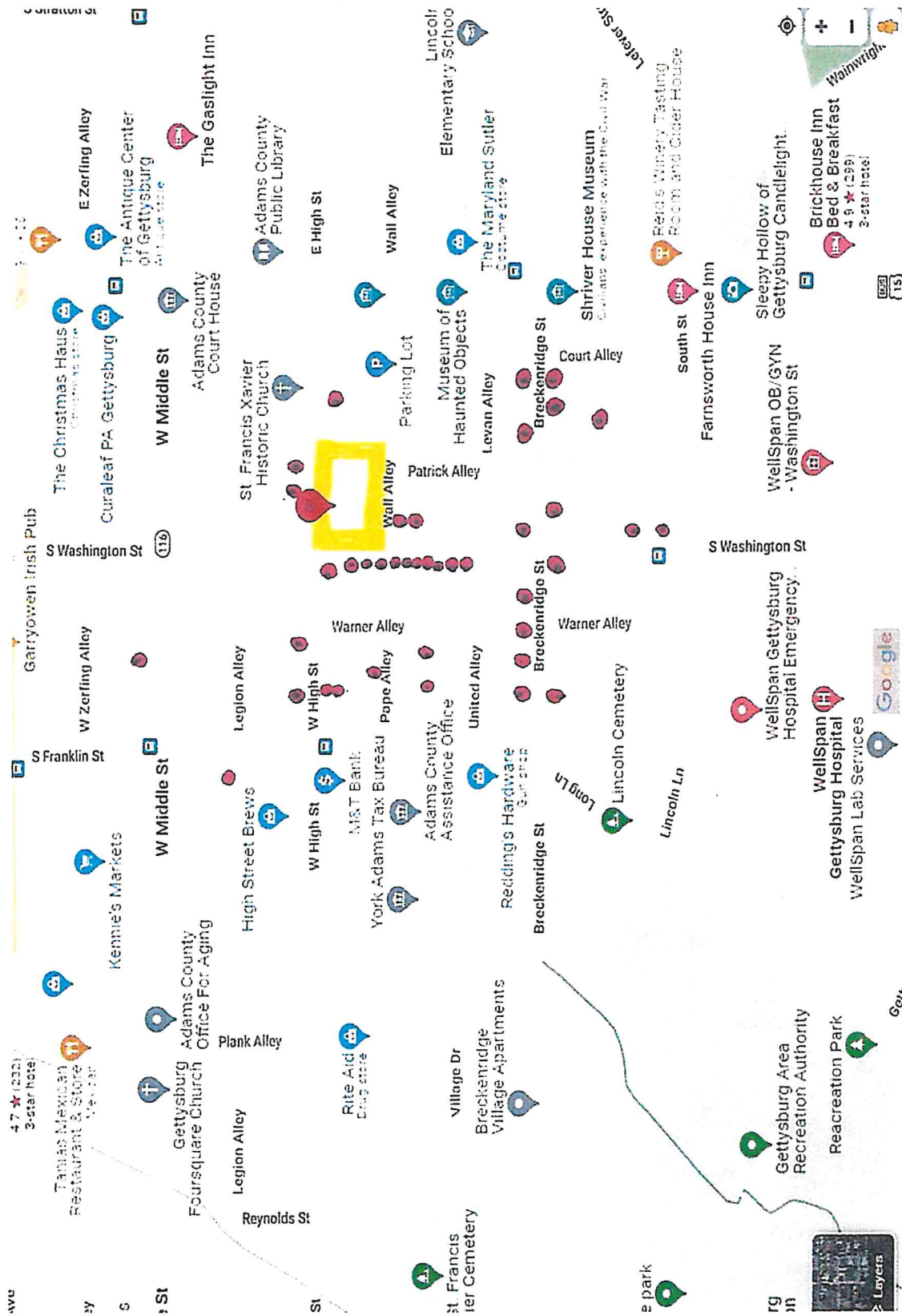
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Restaurants are permitted within the ESO District and many restaurants within the Borough limits have taken advantage of outdoor dining due to Covid and were not limited on tent sizes.

## **Page 5 of 10 - Portable Restrooms**

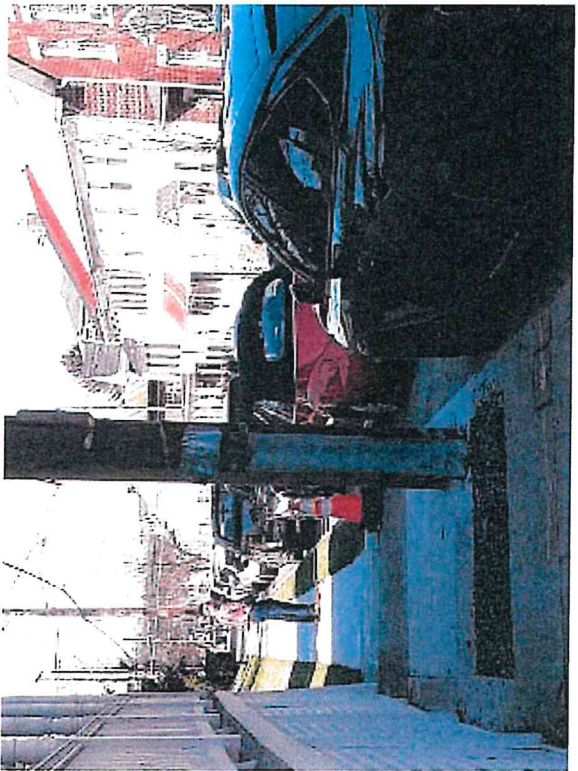
\* Any portable restrooms will be screened from public view.

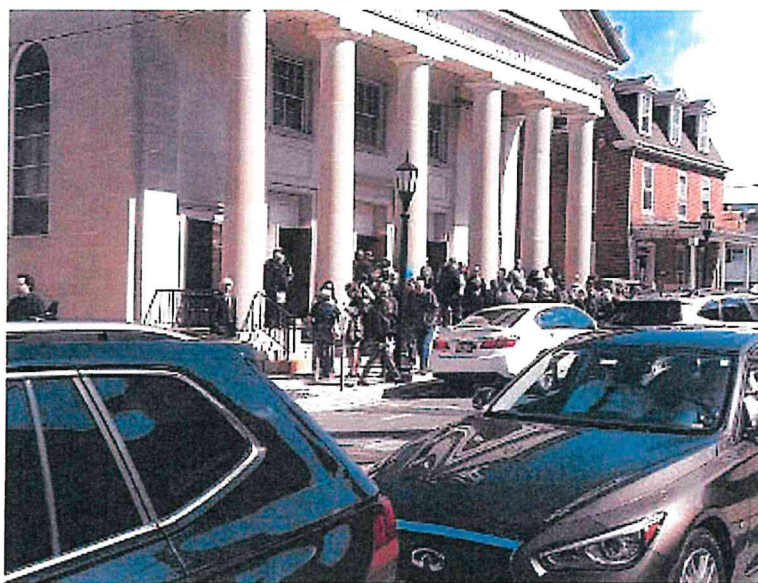
We're committed to working with the Borough Council and staff and to come up with a positive outcome that enables the Ward 3 community to thrive. We would like to invite the Borough Council and our supporters of the Gettysburg Academy special events venue to a community picnic co-sponsored by the United Methodist Church in early May - date and time to be announced. We will be available to address questions and concerns. Our petition will be available for signatures.



Red pin icon = PETITION SUPPORT OF EVENT VENUE













DATE: February 23, 2022

As a resident of the 3<sup>rd</sup> ward I am in full support of the property located at 66-68 W. High Street being utilized as a B&B and special events venue. This will bring much needed viability to our neighborhood I support this request. THANK YOU!

NAME	ADDRESS	PHONE
Dawn Gilbert-Brown	270 S. Washington St	717-253-0638
<del>Mary de la Rosa Brown</del>		
PAULINE K. BELL	123 BRECKENRIDGE ST	717-398-6494
Pauline K. Bell		
Jasmine Kennedy	129 Breckenridge St	717 715-41586
<del>Juan</del>		
<del>Joselynn</del>		
Mary E. Galofy	143 Breckenridge St	717-334-2396
<del>Ignacio</del>	144 A Breckenridge St	717-398-6677
<del>Erica Johnson</del>	340 S. Washington St	717 357-7948
Carrie Reich	340 S Washington St	717-778-8285
<del>Carrie Reich</del>		

DATE: February 23, 2022

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NAME	ADDRESS	PHONE
C Shultz / carli Shultz	230 S. Washington St Gettysburg PA 17325	717-752-7797
Douglas Keckler	same as above	717 650 9154
Dawn Brutton	201 S. Washington St Gettysburg PA 17325	717 650 9156
DAVE PALLEY	334 S. Washington St Gettysburg PA	717-337-3943
Dave Palley	55 W High St Gettysburg PA 17325	717-512-7896
TAI LEE	270 S. Washington St Gettysburg PA 17325	717-253-7777
Zhi Zhi	1150 Breckinridge St Gettysburg PA 17325	240-625-5295
Shirley A. Doherty		
Doreen A. G. Kerst		
Valerie L. Williams		
Valerie L. Williams		

04 MAR 22

DATE: February 23, 2022

As a resident of the 3<sup>rd</sup> ward I am in full support of the property located at 66-68 W. High Street being utilized as a B&B and special events venue. This will bring much needed viability to our neighborhood I support this request. THANK YOU!

NAME	ADDRESS	PHONE
Carl & Steinar	43 Breckenridge Street Gettysburg Pa 17325	334-1281
Georgann Humphreys George M. MUSEHAM P	26 Breckenridge Street Gettysburg PA 17325	717-253-6315
Michelle Miller	64 Breckenridge St Gettysburg, PA 17325	717-676-5935
Michelle Huber	303 S. Washington St Gettysburg PA 17325	717- <del>558</del> 578-9282
John A Edwards	249 S. Washington St. Gettysburg	(717) 965-1932
Louis A Edwards Kyler Winston	241 S. Washington St. Gettysburg	717 963 6865
Sonyia Copacetic	231 S. Washington Street Gettysburg	717.977.8414
Antuan Young	233 S Washington St.	
Guillermo Gonzalez Guillermo Gonzalez	227 S Washington St Gettysburg	717 357-6958
Wanda Lopez		

DATE: February 23, 2022

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NAME	ADDRESS	PHONE
Gladelle Schubert G. R. Schubert Rick Steynor	993 Sunset Ave Gettysburg PA 43 BRECKENRIDGE ST GETTYSBURG	717 334-5547 717-334-1281
Donna Ballenger	25 Breckenridge	717-334-6180
Edward M. Hall Don Hart	34 Breckenridge St	717-338-9968
Don Hart Nancy L. Smith Taylor Nancy L. Smith Taylor Cassandra May	225 S. Washington St 221 S. Washington St 225 S. Washington St	717-420-7054 717-398-9310 717-398-5252
Richard Taylor Richard Taylor	221 S. WASHINGTON ST	717-398-9308
Kim Curll Kim Curll	138 W. HIGH ST.	717-825-8771

04 MAR 22  
DATE: February 23, 2022

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This will bring much needed viability to our neighborhood I support this request. THANK YOU!

NAME	ADDRESS	PHONE
Rose Tesse	214 S. Washington St.	
Wm. Wm.	450 South Washington St	
Rafaela Pook	417 Baltimore E	
Paula Ray	253 S. Washington St	717 420 2104
Ernest	211 S. Washington St.	654 mom 924 @ her email, com
Kelly Messer	141 West High St	
Jim Arnold	141 West St.	
Tom Young	129 W High St.	
EMELDA BAILEY	55 PARK AVE.	

DATE: February 23, 2022

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NAME	ADDRESS	PHONE
Angela Carbaugh	49 E. Water St, Gettysburg (Home)	
	47 W. High St. Gettysburg (work)	(717) 778-7333
	56 E. Hammer St. Gettysburg (H)	717 334-7682
	47 W. High St. Gettysburg (W)	717-337-3754
	47 W. High St.	
	6577581 AL, PA 17325	717-337-3754
Kerry M. H	140 west high st.	484-264-8088
	gettysburg, PA 17325	
	150 Pope 17325	202-445-3161
	Letitia Gump	
Teresa Foster	238 S. Franklin St	—
Carol Ann Barker	130 PA DE AVE	717-357-7235
CINDY SILVER	130 PA DE AVE	717 321 0430



Questions:

Has the Gettysburg Academy been approved as a B&B? By design, there is a person on site and in charge whenever guests are present. When was it approved?

Has the Gettysburg Academy been approved as a Vacation Rental? (airbnb or VRBO). Owner not present; Guests are on their own. My understanding is that this type of rental is not authorized in this neighborhood. If it was, when was it approved?

What is the financial benefit of this venue to the Borough? The Lodging tax (or bed tax) is 5%; 4.5% to the county treasurer and the remaining .5 % split with the Borough receiving 12.5%. (\$100=\$.62 to the Borough). Is there an additional Borough Tax on an Events Venue that I am not aware of?

If not a big financial boost, explain to me specifically, how this will benefit this neighborhood? I see more car and foot traffic, crowd noise, lighting, smoke. What are the liabilities? What is the "plus"?

If you can't find a plus specific for this neighborhood, but this plan is being entertained because it will benefit the entire Borough, why are we not considering this zoning change in all of the R-1 residential zone for the good of the Borough?

A statement was made at the last meeting that the churches in the neighborhood often have weddings and funerals. Clarification: Yes they do, however, these activities are inside the building. None of the church properties have outdoor lawns for gatherings. This is not a reasonable comparison.

What are the Borough regulations regarding restroom facility access to large crowds in an outdoor venue? ADA (Americans with Disabilities Act) compliant?

Does the Borough have regulations regarding tour buses? Parked, engine running?

What restrictions does the Historic Architectural Review Board (HARB) enforce regarding parallel fences between properties? Who is responsible for maintaining the center ground? Clearing weeds, vines, trash, etc.

Will there be alcoholic beverages available to guests? What are the Borough, County, and/or State requirements regarding alcohol on the property? Will it require a license? What are the liabilities?

When can expect to see a detailed Marketing Plan for this business in writing. The Marketing Plan should be specific regarding hours of operation, types of events, limits on size of the crowd, days of the week, parking, buses, fire pits, smoke, restroom facilities, handicap accessibility, and liquor licenses, if necessary. A flyer was distributed recently in the neighborhood listing the events as "weddings, anniversaries, family reunions, murder mystery dinners, baby showers and such". Does this mean Remembrance Day and re-enactors have been dropped from the list? And hopefully, pit fires?

When can we expect the Marketing Plan to be made available for public comment? And will it be available PRIOR to the Borough Council vote to update the zoning?

Rosemary Meagher  
44 West High Street  
410-271-3504

## Public Comment – S. English Zoning Text Amendment

Borough Council Workshop 3/28/2022 Susan Cipperly

### Draft Ordinance & materials

First – The use of “/”, as in “Bed & Breakfast/Vacation Rental” and “temporary/accessory structures” is not useful. In each case, these are two different defined items. For instance, B&B requires someone on site, and Vacation Rental does not. Building code requirements are also different. Vacation Rentals are prohibited in the Elm Street Overlay as of October 2021. Temporary structures are just that, accessory structures are more permanent and should not be given the same requirements as temporary. Why are accessory structures in a Special Exception at all? (See 27-1503 Accessory Buildings and Structures)

Second – If the Special Exception has to be granted by the Zoning Board of Appeals, it seems like the renewal should also be under the purview of the ZBA. Otherwise, there is no chance for input from the public. The proposed text states that the Code Enforcement Officer will report to the Zoning Officer, who may renew the Special Exception. Not very transparent.

27-5A04 should be “**27-5A05 Additional Standards.** 1. Nonresidential uses shall be limited to a maximum floor area of 2,000 square feet when overlaying the R-2 District.” This appears to have been an attempt to preclude larger commercial buildings, as inappropriate for the neighborhood. It needs to be reworked so as not to preclude the re-use of existing buildings while restricting the footprint size of new or expansion projects. Note that this applies to the building footprint, not the outdoor area. *The footprint of the English house seems to be roughly 2,000 s.f. based on mapping software measurement.*

**Third – important** – There is no limit on number of events or attendance per day. The text says events over 75 people would be limited to 2 per month, but other than that, this is not addressed. There could be more than one event of 50 people, for example, or a continuous flow of people from 9:00 a.m. – 10:00 p.m. for public events. If this code is being developed as the criteria for all Special Event Venue special exceptions, it needs to be better defined.

♦♦ Special Event Venues in other Zoning districts – Refer to photo pages.

**The Elm Street Overlay area is a neighborhood**, which seems to be lost in the discussion. Comments have included:

- “fantastic ‘downtown’ base for history-themed programming”
- “I work within the borough....I am excited for the positive opportunity this space could bring to the 3<sup>rd</sup> ward”
- “walking through the neighborhood, very appealing, milling around, walking around, opening up this neighborhood” (Ward 1 Council Member Lawson)

Most of the comments came from folks who do not live in the neighborhood, or even the Borough. What would they be saying if it was going to be next door to them, or even a block away? I know from experience in the College area that sound carries. Groups of people walking through the neighborhood crowd can be disconcerting, and alcohol makes for a noisier crowd. Neighbors and I have had to call the police on several occasions. Outdoor burning can be an annoyance and a health and safety hazard. I suggest it be prohibited in Special Event Venues.

Bottom Line: The Elm Street Overlay is supposed to support a mixed-use neighborhood – which it already is. There is nothing in any of the descriptions that says it should have tentacles of Baltimore Street reaching into it and creating a tourist mecca in its midst. If the Council wants to help this area, it should get the Elm Street Program activated so the original purpose of neighborhood revitalization can be accomplished, instead of expecting the residents to surrender the enjoyment of their outdoor space so that outsiders can be entertained.

It’s about magnitude, and this use is just too big for this neighborhood. Do no harm.



### Special Events Venue in other districts

#### Heritage Center -- Steinwehr Avenue

##### Tourist Commercial (TO)

Make Special Events Venue (SEV) an accessory use with no attendance limitations. There is parking behind the building and on street. Pedestrian traffic is normal in tourist area.

History of outdoor events.



#### Quality Inn -- Steinwehr Avenue

##### Tourist Commercial (TO)

Make Special Events Venue (SEV) an accessory use with no attendance limitations. There is parking on site and street. Pedestrian traffic is normal in tourist area.



#### Rupp House -- Baltimore Street

##### Residential Office (RO)

Make Special Events Venue (SEV) an accessory use with no attendance limitations. There is parking in back and on street. Tourist area.

Has a history of outdoor events.



**West High at South Washington – R-2 Residential district with Elm Street Overlay**



68 W High Street  
Looking east toward  
44 W High St.

This day there was a  
funeral at St. Francis  
church, hence cars  
parked on both sides  
and W. High closed.

Front and side lawns  
are indicated as site  
of Special Events







Across the alley at the rear of 68 West High Street on So. Washington are townhomes, with owners, and a fairly densely built neighborhood.

In the one block between W. High and Breckenridge, there are 37 properties.

RPP parking, but non-permitted vehicles can park for two hours. Not all properties have parking off the alley.





Gettysburg Planning Department  
59 East High Street  
Gettysburg, PA 17325  
www.gettysburgpa.gov

**To:** Gettysburg Borough Council

**From:** Carly Marshall, Borough Planning Director

**CC:** Scott English, Applicant  
Adams County Office of Planning and Development

**Date:** March 24, 2022

**RE:** ZTA-220001 English  
Special Events Use & Maximum floor area for nonresidential uses in the Elm Street Overlay District where it overlays the R-2 District

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**A. BACKGROUND**

1. **Description:** The applicant requests a zoning text amendment to remove the 2,000 SF commercial use restriction in the Elm Street Overlay (ESO) District, and
2. **Submission Date:**
  - a) Original Submission: December 19, 2021
  - b) Revision 1: February 9, 2022
  - c) Revision 2: February 23, 2022

**B. REVIEW AGENCIES**

1. **Planning Commission Review:** The Planning Commission completed a preliminary review of the zoning text amendment application submitted on 12/19/2021, and recommended Council approve the application with several minor revisions to the original application (reflected in Revision 1 dated 2/9/2022).
2. **Adams County Office of Planning and Development (ACOPD) Review:** The text was submitted to ACOPD for informal review on February 17, 2022 and a review meeting was held with the Gettysburg Planning Director on Tuesday, March 8 2022. Additional informal review was again requested March 18, 2022.

**C. REQUESTED AMENDMENT, ALTERNATIVES, AND CONSIDERATIONS**

The following details the standards requested for addition or amendment to the Zoning Ordinance, and provides potential alternatives and considerations based on public comment received, Borough Council discussions, and input from planning officials at Adams County Office of Planning and Development.

1. **§27.5A05.1 Nonresidential uses shall be limited to a maximum floor area of 2,000 square feet when overlaying the R-2 District.**

*Request:*

This application requests the limit be increased to facilitate events on properties with sufficient indoor and outdoor space, to "encourage more visitors and businesses in the Elm Street Overlay District."



- Alternative(s):* (1) Status Quo – no revisions to this section and require those with conflicts to follow the Variance process.  
(2) Council could consider removing §27.5A05.1 altogether.

*Considerations:*

We do not have specific information on the origin of this particular standard, but limiting the size of commercial businesses was likely a way to further the purpose of the Elm Street Overlay District (adopted 5/5/2008), which is “to promote the development and redevelopment of context-sensitive mixed-use neighborhoods in accordance with the Official Elm Street Plan of the Borough of Gettysburg.” It may also have been a reaction to more suburban-style development nearby, such as that seen at 231 West St (Rite Aid), 236 West Street (York Adams Tax Bureau) – both built between 2006 and 2008. We have not received substantial public comment objecting to a change in this provision relating to this application.

The Zoning Hearing Board approved a Variance from this standard for High Street Brews on October 27, 2021. 68 W. High Street would need to get a Variance from this standard as well, but with two applications within a year Council may wish to consider making a policy decision relating to this standard.

Other nonresidential buildings in the Elm Street Overlay District/R-2 District with over 2,000 SF area used or available for nonresidential purposes include, but are not limited to:

- CenturyLink, 266 S. Franklin St.
- Agape II Worship Center, 278 S. Franklin St.
- Gettysburg Soup Kitchen, 22 W. High St.
- Gettysburg United Methodist Church, 30 W. High St.

Interestingly, with the exception of High Street Brews and CenturyLink, it appears that most nonconforming uses in relation to this ordinance are religious institutions, and though the language would include them in the 2,000 SF limit, it would be surprising if that was the intention.

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**2. Zoning Text amendment proposing the addition of Special Events Venue as a use, defined, and permitted by-right or by Special Exception in several zoning districts, with additional standards specific to this use.**

**A. DEFINITION**

*Request:* **Special Events Venue:** A primary or accessory use, the primary function of which is the hosting of community gatherings, educational events, historically interpretive functions, family weddings, art shows, parties, bridal showers, culturally significant assemblies, and other similar events where large groups of people are gathered, generally involving food, drink, and music.

*Alternative:* **Events Venue:** The commercial use of a building, part of a building, or land for assembly for the purpose of meetings, cultural or celebratory gatherings, family gatherings, artistic and educational functions, and similar gatherings and functions excluding sporting events, functions that are solely outdoor music performances or concerts, and uses that meet the definition of Commercial Auditorium or Places of Worship.



## B. PROPOSED DISTRICTS

Request:

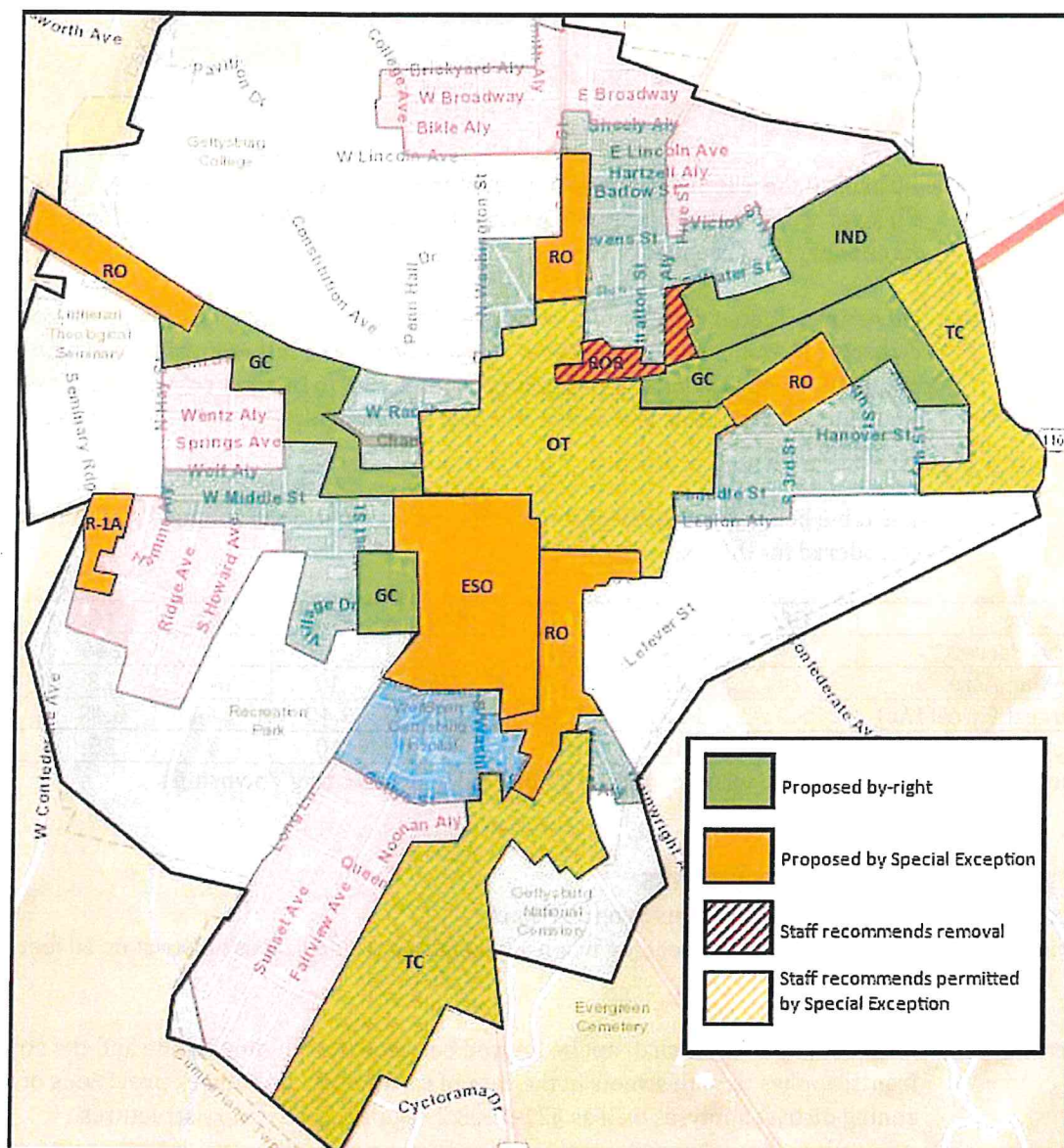
Use	GC	HC	I	IND	OT	R1	R1A	R2	RO	ROR	TC	ESO
Events Venue	P			P	P		SE		SE	SE	P	SE

\*P = permitted by right, SE = permitted by Special Exception

Alternative(s):

Use	GC	HC	I	IND	OT	R1	R1A	R2	RO	ROR	TC	ESO
Events Venue	P			P	SE		SE		SE		SE	SE

\*P = permitted by right, SE = permitted by Special Exception



*Considerations:* Lot and building sizes in the GC and IND Districts are *generally* larger than that of the OT, RO, and TC Districts, and there is more distance separating buildings. More densely developed zoning districts, or those with more residential uses may benefit from additional review through the Special Exception process.

The R-1A District is a very different district, but with a purpose statement that includes the following: “to provide for certain areas of the Borough that contain large residential dwellings to be maintained as single-family dwellings, but to allow bed-and-breakfast uses to be conducted in those buildings as a way to provide income to maintain the large dwellings without conversion to other uses that are not owner-occupied, such as conversion apartments.” We have had inquiries about one of the houses in this district being used as a B&B/Events Venue in the past.

### C. LOT REQUIREMENTS

#### Minimum Parcel Size

*Requested:* .50 ac

*Alternative(s):* .50 acres if there is an outdoor component to the venue.  
.50 acres when in the Elm Street Overlay District or where there is an outdoor component to the venue.

*Considerations:* There are a limited number of parcels over .5 acres in several of the proposed zoning districts, several of which are religious institutions. The intention of providing a minimum lot size is both for buffering purposes, and to prevent conversion of very small lots, such as attached homes, or other smaller lots not suitable for commercial assembly uses.

The table below is an overview of the lots and lot sizes in the zoning districts being considered for this use.

District	GC	IND	OT	R1A	RO	ROR	TC	ESO
Total Parcels*	83	19	313	4	155	8	144	179
Median Acre	.24	.25	.12	.76	.12	.63	.23	.12
Largest Parcel (Ac)	3.5	10.77	1.14	1.55	3.48	1.44	6.45	1.63
# over .5 Acres	20	6	16	3	10	4	25	8

\*Excludes large parcels shared with and primarily located in neighboring Townships

### D. ACCESSORY STRUCTURES & TENTS

#### Accessory and Temporary Structures Front Setback

*Requested:* 15 or 10 feet with screening when adjacent to a residential use district or 10 feet with screening.

*Alternative(s):* Accessory structures shall not be located between the building façade and the street it fronts, applies to both streets in the case of corner lots. All setback provisions of the zoning district apply, as well as §27-1503.2 regulating accessory structures.

*Considerations:* The permanent structures associated with the parcel should be the focal point of the property, even when active events are occurring. Allowing tents and other accessory structures to locate in front, or partially in front of the permanent structures of the lot also could detract from the natural 'feel' of whatever neighborhood the use is located in.

**Accessory and Temporary Structures Side Setbacks**

*Requested:* 15' or 10' with screening when adjacent to a residential district or use.

*Alternative(s):* 20' if when adjacent to a residential use.

*Considerations:* The original application submitted by Mr. English requested 20' front and side setbacks. The Planning Commission recommended reducing the setbacks from 20 feet to 15', or to 10' with screening. Part of the intention of providing a minimum parcel size for uses is to ensure the lot is large enough to provide some buffer to neighboring lots, so reducing the buffer may be counter-productive. It's important also to remember this is a limit specifically for *structures*.

**Tent Limits**

*Requested:* N/A

*Alternative(s):* No tents or other temporary accessory structure shall exceed 20'x20', and only one tent shall be erected at any given time, and must be removed within 24 hours after the cessation of the event it was erected to serve.

*Considerations:* Tents should be used for temporary purposes only, and should not be left on-site for long periods. Limiting tents to 20'x20' keeps them consistent in scale with surrounding neighborhoods, 20'- 30' is a common house width in the Historic District.

**Portable Restrooms**

*Requested:* N/A

*Alternative(s):* Any portable restrooms shall be completely hidden from view beyond the property line.

*Considerations:* Traditional port-o-pots should be avoided to the greatest degree possible, especially in the historic district. The use of portable restrooms as a long-term solution for restroom access should be strongly discouraged.

**Dumpsters & Waste Containers**

*Requested:* N/A

*Alternative(s):* Dumpsters and waste containers shall be suitably screened from view.

*Considerations:* This is consistent with SALDO standards and with zoning standards for restaurants.

**E. OPERATIONAL REQUIREMENTS**

**Hours of operation**

*Requested:* Events would be held between 9AM – 10PM to include set up and clean up.

*Alternative(s):* All outdoor activities must cease by 9:00 PM Sunday through Thursday and 10:00 PM on Friday and Saturday.

*Considerations:* The original application requested from 7:00 am-10:00 pm, and was modified to 9:00 am – 10:00 pm in response to public comment.

### **Employee Presence**

*Requested:* N/A

*Alternatives:* There shall be employee presence during all times in which there is client or customer presence, during all loading and setup activities, and throughout all events.

*Considerations:* Employee presence during events is important to prevent issues that may create a disturbance. It may also be prudent to require employee presence to avoid any issues that may arise during setup, loading, unloading, etc. to ensure neighboring properties are not affected by any confusion or miscommunication on the part of clients, guests, or vendors.

### **Maximum Attendance for outdoor events**

*Requested:* 100 people

*Alternative(s):* ( ) people

*Considerations:* The original application requested 150 people and was reduced to 100 in response to public comment. Maximum occupancy standards are difficult to enforce, however they convey the intention to limit the intensity of the use.

### **Event Frequency**

*Requested:* Events over 75 people would be limited to 2x a month at a maximum, and scheduled on a Friday, Saturday, or Sunday.

*Alternative(s):* Outdoor events with greater than 75 people in attendance are limited to twice a month at a maximum, and may only be held on Fridays, Saturdays, or Sundays if the venue is located in the ESO, R-1A, RO, and TC Districts.

Outdoor events with greater than 75 people in attendance are limited to twice a month at a maximum, and may only be held on Fridays, Saturdays, or Sundays if the venue is located adjacent to a residential use or district.

*Considerations:* Standards such as maximum number of events per year, and especially those tied to numbers in attendance are very difficult to enforce, however they do convey the intention to limit the intensity of the use.

### **Noise**

*Requested:* All events shall be gauged with current zoning text for noise control.

*Alternative(s):* No music shall be played outdoors after 8:00 pm on Sunday through Thursday and after 10:00 pm on Friday and Saturday.

*Considerations:* Noise disturbances can be controlled both through the zoning ordinance and through the noise ordinance. The Borough zoning ordinance has very strict noise regulations for all uses, while the noise ordinance provides an exemption to public and private events until 11:00 pm. Since noise was one of the most frequent public comments relating to this use, clear guidance should be provided to operators.

The following are standards in Borough ordinances that regulate noise:

Zoning §27-1519.1.B A use or activity shall not create any noise or vibration exceeding the average intensity of noise or vibration occurring from other sources at the property line.

Noise Ordinance §6-1004.2.A(1) The following acts and the causing thereof are declared to be noise disturbances and are, therefore, in violation of this Part: Radios, televisions, musical instruments and similar devices operating, playing or permitting the operation or playing of any radio or audio equipment (including from a vehicle), sound amplifier, television, musical instrument, or similar device which produces, reproduces or amplifies sound at any time and in such a manner as to cause a noise disturbance across a property line (boundary).

Noise Ordinance §1005.B The provisions of this Part shall not apply to the following: Events such as but not limited to concerts, block parties, carnivals, festivals, fireworks, or other performances or similar activities publicly or privately sponsored and presented in any public or private space outdoors, provided that such activities do not occur between the hours of 11:00 p.m. and 6:00 a.m.

#### **Lighting**

*Requested:* At no time during the event shall lighting levels at the property boundary produce glare beyond property boundaries. Lighting will be used to illuminate walkways and for safety of pedestrian traffic.

*Alternative(s):* Defer to existing glare standards in the zoning ordinance.

*Considerations:* The existing glare standard in the zoning ordinance is as follows:  
§27-1519.1.D. A use or activity shall not produce any objectionable heat or glare beyond the property line.

#### **F. PARKING REQUIREMENTS**

##### **Minimum Parking**

*Requested:* N/A

*Alternative(s):* 1 space for every four guests allowed on site and one space for each employee.

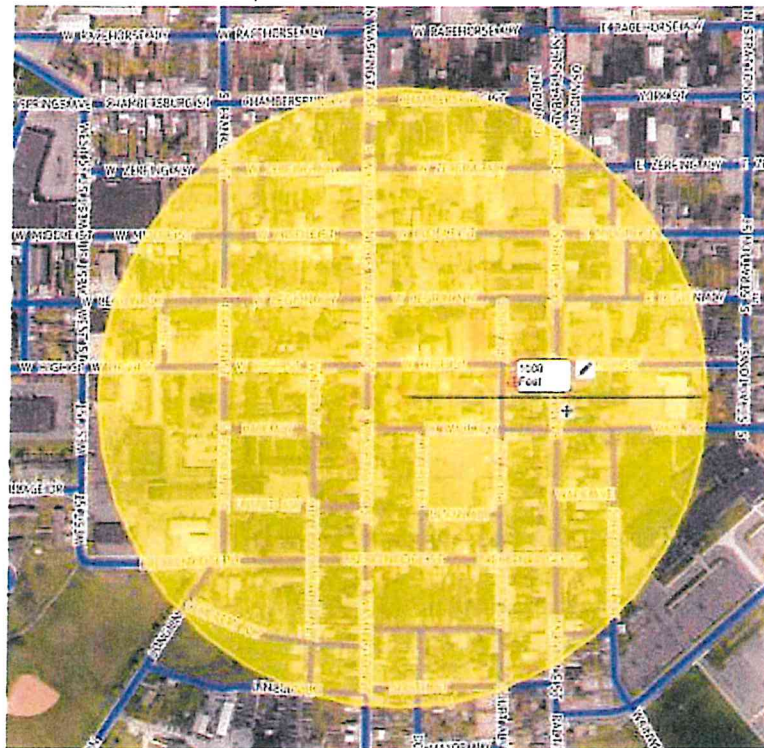
*Considerations:* Parking has been a common point of discussion with this application, as there is very little on-site parking available at 58 E. High Street, and there is no public parking facility



available within the 1,000 foot distance permitted in the zoning ordinance for off-site parking (below).

*§27-1301.1 Required off-street parking spaces shall be provided on the same lot as the principal use unless the applicant demonstrates to the Commission that a guaranteed long-term method of providing the spaces is available using an area of an adjacent or nearby lot located within 1,000 feet of the entrance of the principal use being served. If said off-premises lot does not share the same owner as the principal use, a Borough off-premises parking agreement form must be completed by the owners of both properties. Off-premises parking agreements are not subject to the shared parking calculation of the number of the required parking spaces to be made pursuant to § 27-1308 hereof.*

All uses have the ability to utilize this provision to meet the parking requirements in the Zoning Ordinance. Parking arrangements with facilities located more than 1,000 feet from the property would require a Variance from the Zoning Hearing Board. The image below depicts a 1,000 foot radius from 68 W. High St.



### Standing Vehicles

Requested: N/A

Alternative(s): Any vehicles used to transport or shuttle attendees may only make temporary stops on the public Right of Way to load and unload passengers. Parking of transport and shuttle vehicles on the alley, street, or in street parking spaces dedicated for the Residential Parking Program shall be prohibited.

*Considerations:*

**G. ANNUAL MANAGEMENT PLAN**

*Requested:* In addition to the above requirements, the applicant shall submit a management plan annually for review and approval by the Borough Zoning Officer. The plan shall include the following:

1. Hours of operation and maximum attendance
2. Proposed parking location, layout, surface material and demonstrate ADA compliance for on-site parking.
3. Location and proposed use of off-site properties for parking or other support facilities. Copy(s) of all off-site parking agreements and transport plan for shuttle service to off-site parking areas.
4. Provisions for security, sanitation, refuse disposal and emergency care.
5. Off-site and on-site management measures and procedures, including directional signage.
6. Noise and lighting control measures
7. Certificate of Insurance

The Event Management Plan may be renewed annually by the Zoning Officer upon receipt of a report from the Code Enforcement Officer that activities at the special event venue site have been conducted in compliance with the conditions attached to the permit and all other relevant provisions of the Gettysburg Code of Ordinances. Said renewal may be denied due to the applicant's non-compliance with the conditions of zoning or other local ordinances. Operation of the Special Event Venue site may be suspended if unresolved issues have not been corrected by the property owner.

*Alternative(s):* In addition to the above requirements, the applicant shall submit a management plan annually for review and approval by the Borough Zoning Officer. The plan shall include the following:

1. Hours of operation and maximum attendance
2. Site layout with locations for temporary structures, loading areas, restrooms, refuse, and all other appurtenances applicable to outdoor activities held at the site.
3. Location and proposed use of off-site properties for parking or other support facilities. Copy(s) of all off-site parking agreements and transport plan for shuttle service to off-site parking areas.
4. Provisions for security, sanitation, refuse disposal and emergency care.
5. Off-site and on-site management measures and procedures
6. Noise and lighting control measures

The Event Management Plan shall be renewed annually by the Zoning Officer upon receipt of confirmation from the Code Enforcement Officer and the Gettysburg Police Department that activities at the event venue site have not been in violation of relevant provisions of the Gettysburg Code of Ordinances. Said renewal may be denied due to the applicant's non-compliance with the conditions of zoning or other local ordinances. Operation of the Special Event Venue site may be suspended for a period of up to 12 months per suspension if unresolved issues have not been corrected by the property owner.



#### **H. ADDITIONAL REVIEWS / APPROVALS**

*Requested:*

1. Review of the event management plan shall be submitted for review to the local fire department
2. Approval by GMA

*Alternative(s):*

1. The initial event management plan shall be submitted to the local fire department for review and comment.
2. The initial zoning application shall be submitted to Gettysburg Municipal Authority for review regarding water and sewer capacity at the site.

*Considerations:* Comment from GMA and the fire department on the original application should be sufficient.