

**BOROUGH OF GETTYSBURG  
TROXELL COUNCIL CHAMBERS  
59 EAST HIGH STREET, GETTYSBURG, PA 17325  
COUNCIL PUBLIC HEARING MINUTES  
(ZONING TEXT AMENDMENTS-EVENT VENUES)  
MARCH 27, 2023**

**President Wesley Heyser** called the meeting to order at 6:00 PM with the following **Councilors present:** Vice President Matthew Moon, Mrs. Judith Butterfield, Mr. John Lawver, Ms. Patricia Lawson, Mr. Christopher Berger, 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; Police Chief Robert Glenney; Planning Director Carly Marshall and Public Works Director Rob Harbaugh.

**Others present included:** Jill Sellers, President of Main Street Gettysburg; Charles Strauss, Chairman of the Planning Commission; Martin Jolin, Member of the Planning Commission; Attorney Samuel Wiser, with Salzmann Hughes, 112 Baltimore Street; Scott English, owner of 66-68 West High Street; Carl Whitehill, President of Destination Gettysburg; Brandon Stone, 358 Park Street; Susan Cipperly, 314 North Stratton Street; Rosemary Meagher, 44 West High Street; Mandy Day, 142 West High Street; Shelley Knouse, owner of Fresh Boutique, 28 Chambersburg Street; Kathy Gilbert, 39 South Street; Kris Webb, 242 South Howard Avenue; Marcy Bievenour, 238 West Middle Street; Alisha Sanders, 812 Sunset Avenue; Andrew Miner, 322 Gettys Street; John Lucas, 709 Johns Avenue; Paul Kellett, 46 Middle Creek Road; and Roger and Chris Goodacre, 105 East Broadway. Representing the press was Jim Hale with the *Gettysburg Times*; and filming by *Community Media-ACCTV*.

**President Wesley Heyser** opened the meeting and said that the purpose of this public hearing is for the Borough Council to provide and receive information, to receive any recommendations from the Gettysburg Borough Planning Commission and the Adams County Office of Planning and Development, and to obtain public comment prior to taking any formal action relative to the possible enactment of proposed text amendments to the Gettysburg Borough Zoning Ordinance. The draft ordinance setting forth the proposed text amendments, if subsequently enacted by the Borough Council, would amend the text of the Zoning Ordinance in order to establish and regulate event venue uses within the Borough of Gettysburg.

**Hearing from the Public (Restricted to the proposed zoning amendment to establish and regulate event uses within the Borough of Gettysburg)**

**Paul Kellett, 46 Middle Creek Road** is a property owner in the Borough and said that he is opposed to the ordinance stating that there are no use standards, no parking requirements, no maximum number set for indoor guests, and the possibility of music playing all night. It may also present a parking issue along West High Street affecting the churches.

**Rosemary Meagher, 44 West High Street** said that she lives near the property and is opposed to the ordinance amendments. She noted that Council is removing commercial businesses in Colt Park which is a residential area and questioned why the residential properties on South Washington Street and West High Street are treated differently. She said that the ordinance was reviewed over the past several months regarding hours of operation, square footage etc., but those amendments have since been removed.

**Carl Whitehill, President of Destination Gettysburg** said that he supports the proposed changes for the event's venue and said that events in these areas can be done respectfully. He pointed out that it would bring visitors and local residents opportunities to enjoy the community and to learn the history of the area.

**Mandy Day, 142 West High Street** said that she is opposed to the event's venue and is disappointed that after months of discussion regarding the plans that it has all been thrown out. She said that everyone should be treated equally and that Council enacted a Nondiscrimination Ordinance stating that all people deserve fair and equal treatment.

**Charles Strauss, Chairman of the Planning Commission** said that the Commission reviewed the proposed zoning text amendments on several occasions and provided recommendations to Council. He said that the Commission approves of the events venue but recommended that it be a use by special exception which would require a case-by-case approval from the Zoning Hearing Board.

**Susan Cipperly, 314 North Stratton Street** said that she is opposed to the event's venue and noted that the purpose of the Elm Street Overlay was to promote development and redevelopment in a residential neighborhood adjacent to a commercial district. She noted that a petition circulated and had approximately twenty signatures that were opposed to adding an event's venue in their neighborhood.

**Scott English, owner of 66-68 West High Street** read a prepared statement requesting that Council adopt the draft ordinance as written and that it has been discussed over the past eighteen months (see attached).

**Kris Webb, 242 South Howard Avenue** read a prepared statement stating that she is a business owner and supports the event's venue and the vision that Scott English has for the Gettysburg Academy (see attached).

**Attorney Samuel Wiser, with Salzmann Hughes, 112 Baltimore Street** representing Scott English asked Council to approve the amendments as drafted. He presented his comments stating that the purpose of the Elm Street Overlay was to promote businesses and preserve historic properties (see attached).

**Kathy Gilbert, 39 South Street** said that she supports the event's venue and noted that she began a small business in the Borough which thrived. The Gettysburg Academy would share the history of the area, and Scott English would be a responsible business owner.

**Shelley Knouse, owner of Fresh Boutique, 28 Chambersburg Street** said that she is in support of the event's venue stating that the English property is absolutely beautiful. She said that the event's venue would also bring more business to Chambersburg Street and throughout town.

**Marcy Bievenour, 238 West Middle Street** said that she supports the event's venue and believes that the owners would take the needs of the community into consideration and does not feel that the owners would bring chaos to the neighborhood. She noted that her father owned Redding's Hardware located on South Franklin Street and said that there is mixed uses throughout town with residents, businesses and churches.

**President Heyser** explained that the Borough Council Work Session will follow this meeting which will explore options to either keep the ordinance as written or amend the ordinance.

**President Heyser** adjourned the public hearing at 6:40 PM.

Respectfully submitted,



Sara L. Stull  
Borough Secretary

## **March 27, 2023 6:00pm Public Hearing – Zoning Text Amendment (ZTA)**

### **Event Venues – English ZTA 22001**

Good evening,

My name is Scott English, business owner at 66-68 W. High St in Gettysburg, the Gettysburg Academy. I'm requesting that the Borough Council adopt the subject DRAFT ordinance as written and without further delay. I'm excited to move forward and offer a safe, family oriented, venue that can serve locals and visitors. The amendment will allow locals and visitors to experience one of the most historic and iconic properties in the Borough by opening its doors to the community. Sharing history and bringing the positive impact of tourism is part of maintaining, preserving and sustaining both Gettysburg and Adams County – things that the Central Adams Joint Comprehensive Plan of 2019 and the Elm Street Plan both promote for a block that already has 3 churches, rehabilitation facilities and lawyer offices.

We have discussed this ZTA for more than a year and a half at over 30 public meetings and it's time to move forward. We appreciate everyone's hard work and look forward to offering unique events that create memorable and meaningful experiences that continue to bring families back to Gettysburg. This is good for Gettysburg.

Never intended to be a residence, the Gettysburg Academy was constructed as Adams County's first public school in 1813, and has served as the Lutheran Seminary, Gettysburg College, the Eyster Female Institute, the Tourist Home Motel, president Eisenhower's personal garment repair shop, and as a residence. The amendment will allow for another chapter in the Academy's history while educating visitors on the unique past of this property.

Since moving here in 1926, my family has continuously owned and operated businesses in the Borough of Gettysburg. Reuning's Pastry Shop (1929-1943), Tourist Home Motel (1933-1951), The Shoe Box (1938-1991), and the Gettysburg Academy B&B (2019- ). We are four generations of business owners in Gettysburg that are committed to the Borough's success and confident in its future. History tours and Ghost tours (through our amusement permit) brought over 500 people through the property October through December 2022 without a single complaint or any parking issues. We have over 80 Ward 3 neighbors that support events on The Gettysburg Academy property.

We're working with an architect to provide future permanent ADA accessible facilities on site.

Thank you for considering an amendment that will allow for the continued viability of unique structures and properties in this community. If we don't adapt to the changing needs in our community we jeopardize the preservation of our irreplaceable resources.

Scott English (717-334-0224)



# Council Public Hearing - 3/27/23

My name is Kris Webb

>

> I am a Business owner at 22 East Middle St. since 1988 and a resident at 242 S. Howard Ave. since 2002

> It's been an honor to call Gettysburg my hometown. I am still in awe of living in one of the greatest small towns in the United States of America.

> Chad-Alan Carr... Thank you for what you add to our town. I only saw the Elks Lodge as the "old Elks building" where I attended weddings and class reunions yet you saw a community theater.

> The old Moose Lodge... Linda Atiyeh saw a beautiful restaurant that is now called The Upper Crust.

> We had 4 significant fires that destroyed local businesses. Gettysburg Hotel, 1983

> The Ragged Edge 2000

> The Pub and Restaurant and

> Town and Campus 2001

> They all vowed to rebuild... and they did.

> Wallace's moved to our town and have brought us 3 great businesses

> Lark 2011

> Nerd Herd 2016

> Oh, Man! 2021

> With giving their son Nick at 16 years of age the greatest experience to become an entrepreneur and showed their son what it was like to be a business owner of the Nerd Herd.

> They moved to Gettysburg and made their dreams come true.

> Every business owner has a story!

> Our town is made very special by each one of these owners, who took a chance, and said yes, and because of their yes, we reap the benefits of such wonderful businesses that line our borough streets.

> Every small business owner sacrifices everything to begin a business. There's no retirement, no health insurance... you have to create everything yourself.

> I believe small businesses are what makes America dynamic.

> In 1863, following the battle of Gettysburg, this changed our town forever. We became a community in 1863 that learned to thrive when tragedy was on every street of Gettysburg.

> May we never forget the power of working together.

> On behalf of Scott English and The Gettysburg Academy on W. High St. Let us support our visionaries that make Gettysburg streets attractive to all... Our small businesses remind me of Michelangelo:

> A slab of marble sat for 25 years. Two artist said it was useless and full of imperfections. This slab of marble remain neglected till Michelangelo was called to duty. He was 26 years old, a gifted artist of his time. He was a year old at the time of this neglected marble that sat waiting for him. He accepted the challenge with enthusiasm, as 2 others said it was useless. He created the statue of David, one of his most breathtaking masterpieces that still remains today. Michelangelo spoke of the slab of marble in these quotes :

> " I saw the angel in the marble and carved until I set him free"

> " The sculpture is already complete within the marble block before I started my work. It is already there... I just have to chisel away the unnecessary material."

> " I created a vision of David in my mind, and simply carved away everything that was not David."

> " Every block of stone has a statue inside it, and it is the task of the sculptor to discover it."

> Visionaries called small businesses have made Gettysburg what we are today and what we will be tomorrow.

> Pete Monahan, saw Federal Point in the old Meade School building.

> Roger Lund saw The Christmas Haus and The Gettysburg Chocolate Market.

> We are blessed by housing the beautiful campus of The Gettysburg College in our borough.

> The Majestic, I remember as a young girl going to this old theater that needed a lot of tender loving care... and now look at our masterpiece we get to call The Majestic Theater... the list goes on and on.

> No building in Gettysburg should sit neglected when an owner can see the angel within their property.

> The vision others have that are to be chiseled by their dreams is what makes great ideas become a reality.

> I believe on this hallowed ground of Gettysburg is a land that awakens the creativity in people who dare to try.

- > I believe we are at a crossroad as a people. We need to once again ask our neighbor for a cup of sugar. Neighbor knowing neighbor again. Let's not hold back the dreamers of our town, they are what boost our economy.
- > Following the three day battle in 1863... We were marked as a town for tourism and will always be a town millions come through every year. You can't change this... So let's make our town an exceptional place to live and receive visitors.
- > We are a special people, and we have a special town... Let us not hinder the owners who can see the angel within their property any longer.
- > If all zoning ordinances are in order... Let's end this 14 month delay of Scott English's ability to see the angel within his slab of marble, called The Gettysburg Academy. He has preserved one of our historic buildings in our town. His tender care of this building has made it his masterpiece.
- > Thank you borough council for your tireless work in making our town a remarkable place to call home.
- > Our borough ordinances and laws, hold every resident and business owner to a high level of order and accountability.
- > I have trusted in this process as a borough resident and a borough business woman, and it has never failed me. Let us put trust in our town and its ordinances and believe in the endeavors of our fellow neighbors.
- > Thank you
- >

March 24, 2023

*Via email (gettysburgacademy1810@gmail.com)*

Scott English  
1210 Pumping Station Road  
Gettysburg, PA 17325

**Re: Comments regarding Adams County Office of Planning and Development  
Review of the Zoning Text Amendment for Event Venue Uses**

Dear Mr. English:

You requested that I review the Adams County Office of Planning and Development's Review of the Zoning Text Amendment for Event Venue Uses (the "County Review") and provide feedback. I will provide feedback on the County Review in the same order that the Planning Office offered its comments.

*A. Event Venue Use Definition:* We offer the following comments regarding the proposed definition for Event Venue Use.

1. We feel that the definition as proposed could benefit from including additional clarifying language. It is not fully clear whether this use would include those events/venues frequently held/used by certain institutions in the Borough. For example, would this include certain venues used by the schools and colleges in the Borough, the park, or the hospital to hold events? Are these types of institutional uses to be included in this definition or impacted by these standards at all, or are they included under the definition of Commercial Auditorium? Some additional clarification could potentially be provided to make clear whether these uses are included or excluded from the proposed standards.

As written, the amendment specifies that the Event Venue Use is "[t]he *commercial* use of a building and related facilities..." (emphasis added). Commercial Use is a defined term in the Gettysburg Zoning Ordinance, and such use clearly does not include school, college, Borough, or GARA uses. The Hospital use is a separately defined use, is conducted in Health Care District, and hospital events are accessory to the primary hospital use. The definition in the Amendment is sufficiently clear as to its application.

B. *Districts Proposed to Allow Event Venue Uses:* We offer the following comments regarding the Zoning Districts proposed to allow Events Venue Uses.

1. Elm Street (ES) Overlay District: The purpose of the Elm Street Overlay District is to, “promote development and redevelopment of *context sensitive* mixed-use neighborhoods in accordance with the Official Elm Street Plan of the Borough of Gettysburg.” The plan emphasizes the revitalization of older, historic neighborhoods in this area that have historically housed, and still include, much of the Borough’s minority and low-income population. The plan also encourages supporting land uses and programs that assist in fostering a sense of community in that renewed residential setting. This includes a range of land uses such as institutions, smaller commercial uses such as cafes, and other community centered uses.

*In the interest of conserving space, the balance of the County Review comments under B.1. are omitted.*

I will address the County Review themes under B.1. in the order in which they are presented.

- A. **Purpose of Elm Street Overlay District.** The best evidence of the purpose of the Borough’s Elm Street District is to look at the uses that the Borough has decided to permit by right in the District. These uses include bed-and-breakfast, cultural center, museum, historical/interpretive facility, and restaurant to name a few of the uses that are similar to the use proposed in the Amendment.

The stated objective of the Elm Street Overlay District is to serve as a transition zone between the Borough’s downtown and the surrounding mixed-use, residential, and commercial areas. In the Gettysburg Elm Street Plan prepared by Derck & Edson, one of the identified strategies for the Elm Street area is to increase mixed use development with the neighborhood to create a sustained level of activity within the neighborhood. The Amendment fosters that goal.

As further evidence of the purpose of the Elm Street Overlay District, the Gettysburg Borough Elm Street Mission statement includes the promotion of “new business and expansion of existing businesses.” This key goal of the Elm Street Overlay District was noted by the Borough’s former Elm Street Manager.

Unfortunately, it appears that the Planning Office did not consider the Central Adams Joint Comprehensive Plan (the “Plan”) in developing its comments regarding the Amendment. Had the Planning Office included such consideration, the Planning Office would have noted that a portion of the properties located with Elm Street Overlay District are intended to be rezoned to be within the Downtown Core area and the Neighborhood Mixed Use area. This planned zoning designation is on the Future Land



Use map of the Plan. As stated in the Plan, the Downtown Core is the “historic heart” of the Borough and is the site of commercial, civic, office, and residential uses. As the Comprehensive Plan notes, these uses often occur “within a single property or building.” Properties in this area are meant to be used efficiently, while “**promoting creative reuse** or redevelopment projects”. The Plan provides that “[f]lexibility should be provided in terms of the use of buildings and a mixture of neighborhood-oriented residential and nonresidential uses should be encouraged.” In the Downtown Core, “efforts should focus on ensuring that existing properties are used in the most efficient means possible.”

The comprehensive plan is to guide the consideration of zoning amendment initiatives. It is what should be examined when considering the viability of a zoning amendment request. “It is not unusual for a zoning change to be made on request of a landowner, and such change is not invalid if made in accordance with a comprehensive plan.” *Donahue v. Zoning Bd. of Adjustment of Whitmarsh Twp.*, 194 A.2d 610 (Pa. 1963).

- B. Special Exception. It seems the Planning Office would prefer that the use be listed as a special exception. As I have previously relayed, classifying the use as a special exception is of no substantive benefit. A special exception is a permitted use, subject to express conditions stated in the ordinance. There is no benefit to the use being a special exemption when the amendment already sets forth comprehensive criteria for the use. Borough Council did a commendable job of laboring over all of the criteria that may have an impact on the neighborhood and incorporated the result of that discussion directly into the enumerated standards of the Amendment. A special exception requirement in this circumstance would only add additional cost and time to the request, as well as create a false sense of discretion in granting the use.

The County Review comment that an Applicant for a Special Event Venue “would never be able to demonstrate that this standard [consistency with the purpose of the Elm Street Overlay District] can be met, and ultimately never achieve special exception approval” is a conclusory statement regarding a legal determination that is within the jurisdiction of the Zoning Hearing Board. The comment is based on a misunderstanding of the purpose of the Elm Street Overlay District, as well as a lack of understanding of the law. If the Borough adds the Special Event Venue use as a special exception use, it is by law presumed to be consistent with the purpose of the district, as determined by Borough Council.



2. Residential Districts: We generally do not support event venue uses in primarily residential zoning districts, even if permitted by special exception. In township

*In the interest of conserving space, the balance of the County Review comments under B.2. are omitted.*

The Borough's desired designations for the Special Event Venue use as set forth in the Amendment is a result of proper planning objectives. The statement in the County Review relies on a predisposition that a special event venue is a burden and not an amenity to the selected districts.

3. Institutional (INS-1) and Health Care (HC) Districts: If the implication of the definition of Event Venue Use is that various existing "event venues" in these districts would be included, we are unsure why an event venue use would not be permitted in the Institutional and Health Care Districts. If these particular uses in these districts are excluded from the proposed definition, this comment may be disregarded.

As stated above, this is not an issue.

1. Proposed Section 27-1524.VV(2): This proposed standard states that outdoor events should occur with less frequency than indoor events. This does not seem to be enforceable. Additionally, by not specifying the number of days per week/month/year events are allowed to be held, this would essentially enable event venues to hold events every single day if the property owner desires to do so. When considering this amendment proposes event venues would be permitted in residential areas, we do not find this to be appropriate. The borough should be more specific on the permitted timing of events.

Just like many other general standards in the Zoning Ordinance, the Zoning Officer has the ability to reasonably enforce the standard included in the Amendment. It would be more burdensome for the Zoning Officer to keep track of number of days that events are held per week/month/year. At times, general standards are necessary and appropriate in zoning ordinances. Borough Council has already discussed this standard at length.

2. Proposed Section 27-1524.VV(3)(b): This standard proposes that outdoor tents must be removed at least 48 hours after an event. If the number and frequency of events are not regulated, this would technically permit outdoor tents to remain standing at all times. We recommend that this standard, in addition to the standard regulating the frequency of events be revisited.

Borough Council has already discussed this standard at length and it is appropriate and enforceable.

3. Proposed Section 27-1524.VV(5)(e): As this section references amplified sound; it may be beneficial to cross-reference any related standards in the Borough's Nuisance Ordinance to make clear any additional requirements that may apply that are not listed within this amendment or the current zoning ordinance text.

The Chapter 6, Part 10 of the Code of the Borough of Gettysburg applies whether it is cross referenced in this section. If a cross reference is necessary (which it is not) then the entirety of the zoning ordinance should be amended to cross reference the multitude of other code provisions which are applicable to all potential uses in the Zoning Ordinance.

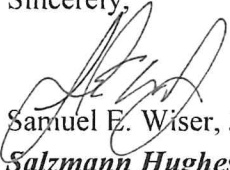
4. Proposed Section 27-1524.VV(6): This standard says that vehicles transporting guests cannot be parked in spaces reserved for the residential parking program. Additionally, transport vehicles cannot park in alleys or streets. How would this work logistically if event venues are to be permitted within residential districts? It seems that this would naturally leave no room available for transport vehicles to park to drop off guests, unless there is parking already on the property, the property owner has an agreement with another property owner to utilize existing parking area on a separate lot, or the property owner proposes to develop their own parking area. This continues to support the idea that event venues should not be permitted in residential districts.

Borough Council engaged in robust discussion regarding this provision and is intimately familiar with parking challenges within the Borough. The well-reasoned standard is appropriate.

The County Review lacks consideration of the Plan, which should be a guiding document in review of a zoning amendment. The County Review fails to note that not only does the Elm Street Overlay District include portions of the existing Old Town District, but also includes the expanded Downtown Core area and Neighborhood Mixes Use area as delineated in the Plan. The County Review also includes incorrect assertions regarding special exception use standards. The County Review is purely advisory. The County Review was prepared in the absence of being present for the robust discussions that Borough Council has engaged in regarding the Amendment. Borough Council should consider the Plan in reviewing the Amendment and make a determination as to what is in the best interest of the Borough.

Please feel free to let me know if you have any additional questions regarding the County Review.

Sincerely,



Samuel E. Wiser, Jr.  
*Salzmann Hughes, P.C.*