

NOVEMBER 2, 2011
MILLERSVILLE BOROUGH PLANNING COMMISSION MEETING MINUTES

The Millersville Borough Planning Commission Meeting was called to order by Michael Weidinger with the pledge to the flag followed by a moment of silence on Wednesday, November 2, 2011 at 7:00 PM in the Borough Hall at 100 Municipal Drive, Millersville Pennsylvania.

COMMITTEE MEMBERS

Michael J. Weidinger, Chairman
Edward R. Saylor, Vice Chairman
Gary G. Hess, Secretary

Linda J. Deal (absent)
Marilyn W. Sachs (absent)

OTHERS PRESENT

Justin Evans, 150 N. Queen Street, Lancaster; Lancaster County Planning Commission
Bony Dawood, Dawood Engineering, 2020 Good Hope Road; Student Lodging, Inc.
Tom Godfry, Dawood Engineering, 2020 Good Hope Road; Student Lodging, Inc.
Robert Sempsey, 21 S. George Street; Student Lodging, Inc.
Mike Coakley, 1015 Fieldstone Road; Landlord
Bill Forrey, 508 Hillview Avenue; Student Lodging, Inc.
Mike Aument, 119 N. Gay Street, Marietta
Robb H. Aument, 62 N. Duke Street, Millersville; Resident
Bob Slabinski, 411 W. Charlotte Street, Millersville; Student Lodging, Inc.
Geoff Berrs, 29 Ridgefield, Lancaster; Student Lodging, Inc.
Amos Hess, 9 N. Duke Street, Millersville; Resident
Doug Deibert, 178 W. Frederick Street, Millersville; Resident
Keith Heigel, Ligh-Heigel & Associates, Inc.; Blackford
William Labiak, 105 N. Duke Street, Millersville; Resident
Meridith Eckroat, 48 N. Duke Street, Millersville; Resident
Barb Slagle, 133 W. Frederick Street, Millersville; Resident
Jack & Ann Willett, 69 N. Duke Street, Millersville; Resident
Mary Stauffer, 73 N. Duke Street, Millersville; Resident
Dianne Kendig, 15 N. Duke Street, Millersville; Resident
Bill Blechschmidt, 127 N. Duke Street, Millersville; Resident
Tom Dukes, 113 N. Prince Street, Millersville; Resident
Karen & Paul Sirbak, 127 W. Frederick Street, Millersville; Resident
Richard & Sandra Frantz, 55 N. Duke Street, Millersville; Resident
James Frantz, 123 N. Prince Street, Millersville; Resident
Phil Gerber, Borough Council
Caroline Hoffer, Barley Snyder, Attorneys at Law; Blackford
Chris Johnston; Penn Manor School District
Nancy Chunko, 117 N. Duke Street, Millersville; Resident
George Heidig, 127-129 N. Prince Street, Millersville; Landlord
Jack Gardner, Borough Council
Rob Visniski, RAV Associates; Borough Engineer
Edward Arnold, Borough Manager

MINUTES

The Regular Meeting Minutes of October 5, 2011 were approved as printed with no additions or corrections.

SECRETARY'S REPORT

None.

CITIZENS REQUESTS AND CONCERNS (5 MINUTE LIMIT)

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None.

NEW BUSINESS

a. Consider Rezoning Request, Student Lodging, Inc. (Rear of 163 W. Frederick Street)

The rezoning request is to change the zoning from Residential (R-1) to Residential/University (R1A). Mr. Slabinski stated that over the past years the Millersville Borough Planning Commission has treated the residents very well with their decision-making and he plans to demonstrate why it is now in the best interest of the Borough of Millersville to grant Student Lodging, Inc.'s request for a change in the zoning. He added that it should be noted that the plan is consistent with the goals and objectives of the Millersville Borough Comprehensive Plan, Lancaster County Comprehensive Plan, and the Lancaster County Inter-Municipal Growing Together Plan. Over the course of the past three years approximately 41 single-family homes have been converted to rental units. The solution to that problem is the Borough of Millersville, Millersville University (MU) and Student Lodging, Inc. (SLI) working together in assisting MU to update student housing on campus, to provide housing that students desire, to ensure that students live in designated housing in areas that are well-maintained and supervised to the greatest extent possible. The growth of MU over the past 10 years has been kept to a minimum even though the State System of Higher Education has requested that the student population grow. The MU Master Plan shows 2 different areas for new student housing. The first plan involves the demolition of 4 homes of historic value and the loss of 100 parking spaces. The second plan involves the demolition of 2 historic homes and no added parking spaces. SLI has a plan that has been given the blessing of MU which involves tearing down 2 residence halls but involves development of the newly acquired 15-acre parcel to the rear of 163 W. Frederick Street. Student Lodging, Inc. respectfully requested from the Millersville Borough Planning Commission approval of the rezoning request.

Mr. Weidinger explained to the audience that the plan that was presented by SLI is only conceptual. The issue to be addressed at this meeting is rezoning of 163 W. Frederick Street Rear. Mr. Weidinger asked SLI representatives if they were aware that the subject parcels were zoned R-1. Mr. Slabinski replied that they were aware of the R-1 zoning. Mr. Weidinger asked if there were any commitments by Borough Official, either elected or appointed or by staff regarding any changes of zoning prior to you purchasing any of the stated properties. Mr. Slabinski replied that no commitments were asked for and none were given. Mr. Weidinger asked if there was ever any attempt by Millersville Borough to conceal the process or the zoning of these properties. Mr. Slabinski replied that there was absolutely not. Mr. Weidinger stated that in the written narrative there are several mentions made to the Millersville Borough Comprehensive Plan and the Growing Together Comprehensive Plan. There is no mention of the Millersville Zoning Ordinance (MBZO) or the process made to develop the MBZO or the current zoning map and also the future land development and use map within the MBZO; were any of those things considered prior to the presentation. Mr. Slabinski is sure there was consideration to those items, but didn't understand the question. Mr. Weidinger further explained that there was no narrative made of the future land use map in the MBZO.

Mr. Weidinger then referenced MBZO Section 380-28 in regards to dimensional requirements in each district and item B of the same subsection in regards to height provisions shall apply, unless specifically stated otherwise for a specific use. The maximum height for structures shall be 3.5 stories or 40 feet, whichever is more restrictive except as follows: Section C Within the R1A District, college or university buildings may have a maximum height of nine stories or 100 feet, whichever is more restrictive...meaning a nine-story building could be constructed on the subject property. Mr. Slabinski replied that that statement was correct, but that SLI was willing to discuss that issue with the Borough and the Borough Solicitor amending that statement. Mr. Hess asked Mr. Slabinski why he would ask to change the regulation. Mr. Slabinski replied that if it would appease the Commission and Council then he would be willing to concede to an agreed maximum height requirement, correct. provided that all portions of the building greater than 40 feet in height are located a minimum of 200 feet from each of the following: (1) Any lot zoned R1 or R2 District, (2) Any lot occupied by a primarily residential use that is not owned by the college/university or an affiliate corporation.

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Mr. Weidinger reference Section 380-34 Additional requirements for specific principal uses. Subsection 12 College/university/school outdoor athletic uses. If a facility is within an R1, R2 or R3 District, the applicant shall prove to satisfaction of the Zoning Hearing Board that the lighting will be located, engineered and directed to minimize nuisances for nearby residents. The Zoning Hearing Board may also place reasonable limits upon the hours of operation. Mr. Weidinger added that this regulation does not apply to the R1A District, which means university athletic fields would be a permitted use by right in the R1A District. So the protection presented to the neighborhood by that section of the ZO would not apply. Mr. Slabinski agreed that the statement was correct. He also added that SLI would be willing to negotiate regulations pertaining to that particular Section of the ZO. Mr. Weidinger emphasized that regardless, if the property was rezoned to R1A, then the use would be permitted.

According to the ZO Permitted Uses Table, permitted uses in R1A District, Institutional Uses include college or university uses with sub-uses for educational and customary support uses and recreation and athletic uses. Mr. Weidinger added that if student housing was not constructed, there would be a permitted use to build, for example, a football stadium, a building similar to the Student Memorial Center or a building as tall as Ganser Library, because the property would be zoned R1A. Mr. Hess assured Mr. Slabinski that he is not concerned with the relationship that the Borough has with SLI, he is concerned with the fact that if the subject property is not used for student housing, there will be no way to stop MU from building any one of the previous items mentioned if the zoning is changed from R1 to R1A. Mr. Hess added that it has always been the intention of the MBPC that student housing not cross Prince Street.

Mr. Weidinger mentioned that when the most recent zoning map was created in 2003, two MU representatives were part of the discussions for R1A zoning. The two representatives, Bernice Rydell and Bob Thomas no longer work at MU. What those two representatives suggested to the MBPC was to square off Frederick Street and Prince Street and change the zoning from R1 to R1A. The MBPC agreed as long as the area at Prince and Cottage was squared off where the parking garage and baseball field is located, which was R1A. The changes were not made at that time and the two vice presidents of MU stated that there would be no more requests for R1A zoning. In conclusion, with the changing of time and administration, projects and priorities change and MU cannot guarantee that they will do what is in the best interest to the Borough residents and that is the concern of the MBPC. Mr. Slabinski expressed that there is a difference between SLI and MU. At MU, administration comes and goes. Mr. Slabinski was with SLI for 40 years and his replacement is continuing in the same philosophy regarding student housing. Staff at SLI has lasted for decades and SLI is willing to make agreements with Borough Council to restrict the use of the subject property.

Mr. Saylor mentioned that Mr. Slabinski stated that SLI is paying taxes voluntarily, but that at any time SLI could decide not to pay taxes. Mr. Slabinski agreed that the statement was true however SLI and the Borough are working on a PILOT (payment in lieu of taxes) Agreement that would guarantee tax payments from SLI for the next 20 years. Mr. Saylor asked Mr. Slabinski about his comments that the proposed student housing would reduce traffic in the Borough and that students living in Student Lodging housing are not permitted to drive to campus. Mr. Slabinski stated that it includes most of Student Lodging housing, but not Brookwood Court Apartments as it is too far away from campus for the student to walk. Mr. Saylor added that a student bus goes through the complex and could pick the students up for classes and his concern is that students in the proposed student housing would be permitted at some point to have driving to campus privileges and would increase traffic in the Borough. Mr. Slabinski stated that it is the intent of SLI that no residents would have driving privileges.

Mr. Hess would like SLI to look into expanding Brookwood Court Apartments or finding other land within R1A for construction of student housing instead of rezoning land in the R1 zoning district. Mr. Hess added that he would be willing to recommend more three-story buildings in the area of Brookwood Court Apartments just so student housing would not infiltrate further into the Borough. Mr. Slabinski stated that SLI has looked into other options in at Brookwood, but is not prepared to expand housing there at this time. Mr. Hess adamantly restated that SLI needs to find a place in their current R1A zoning District to building student housing instead of rezoning a residential property. He suggested building somewhere on Creek or Centennial Drives. Mr. Weidinger added that the last time

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MU built student housing was around 1974 when they built Gage Hall. Since that time they have not added any housing to their campus, but in fact have eliminated student housing from the campus. Because of the lack of housing for students on campus, MU is responsible for pushing the kids out into the community thus creating more rental units and they should be responsible for providing student housing for their student population on campus; since 1975 there has not been any construction of student housing. Mr. Weidinger also added that what would be best for Millersville Borough would be residential housing, where people raise their families, pay their taxes, keep their yards looking nice, their kids go to the schools, and then become active members of the community making the community stronger and better, not student housing. Residential housing, not student housing would be the better choice for Millersville Borough.

Judy Rankin, 58 N. Duke Street, Millersville, stated that she has watched Millersville Borough go from a pristine community to a nightmare and does not want more student housing infiltrating into the Borough.

Robin Archibald, 122 W. Frederick Street, Millersville, stated that as a Millersville Borough resident, she does not feel that SLI's proposal is in the best interest of the Borough or the students. She strongly feels that the student population should be closer to the MU campus.

Robert Aument, 62 N. Duke Street, Millersville, stated that he has lived at his address since 1949. Students have been parking their cars and trucks in his back yard and the church parking lot in order to attend drinking parties and it has become a major problem. He has called police and reported these incidents.

Mary Stauffer, 73 N. Duke Street, Millersville, stated that in the 10 years that she has lived in Millersville she has seen the quality of life decline due to students living off campus. She expressed her concerns about student housing moving into a residential area due to the partying that takes place and the aftermath that results from it such as students vomiting, urinating and vandalizing her property. She added that she is afraid to take walks in Millersville because of all the intoxicated students on the streets.

Barb Slagle, 133 W. Frederick Street, Millersville, has lived in Millersville for 20 years. The first person to try to develop the land was George Desmond who wanted to construct low-income housing, which was not approved. The next developer wanted to build high-density student housing, which was not approved. She added that the property has never been considered for single-family residential housing. Mrs. Slagle asked Mr. Slabinski if SLI is paying school taxes, county taxes and municipal taxes. Mr. Slabinski replied that SLI is paying all of those taxes. Mrs. Slagle asked Mr. Slabinski if SLI submitted a proposal to Lancaster County to waive the taxes. Mr. Slabinski replied, "Yes". Mrs. Slagle added that it appears to be bribery; that SLI will pay Millersville Borough to change the zoning to R1A for the proposed property. Mr. Slabinski noted that SLI currently pays \$300,000 to Penn Manor School District yearly and over \$100,000 to Millersville Borough yearly for taxes. Mrs. Slagle then stated that she spoke to a Council Member who told her "it's a done deal". Mrs. Slagle's understanding was that an applicant addresses the Planning Commission, the Planning Commission makes a recommendation to Borough Council and then Borough Council makes a decision based on the recommendation of the Planning Commission. She added that she was told that the votes are there to pass the rezoning request, that the Mayor is for it and the majority of Borough Council will vote in favor of the rezoning request. She emphasized that each resident present needs to contact the Borough Council Members to express their concerns.

Mr. Weidinger encouraged the audience members to attend the next Borough Council meeting and express their concerns.

Craig Rankin, 58 N. Duke Street, Millersville, expressed that MU has a responsibility to the Borough residents to maintain the civility in the Borough. Traffic studies and impact studies are not the only studies that need to be conducted. There needs to be foot-traffic studies in the middle of the night with all the students traveling up and down the street going to and from MU.

Mike Coakley, Borough property owner, stated that MU needs to take care of their student housing problem by building high-rise dorms on existing MU land and keep the student housing out of the community.

Bill Blechschmidt, 127 N. Duke Street, Millersville, expressed his concerns regarding the increase of traffic the project would create.

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James Frantz, 123 N. Prince Street, Millersville, thanks the Planning Commission for trying to keep MU students on campus. He also does not agree with only 20 years for SLI to pay taxes to the Borough.

Tom Dukes, Borough property owner, stated that of the 41 properties that Mr. Slabinski had quoted as being purchased for student rentals over the past 3 years, SLI purchased 2 of those. He asked Mr. Slabinski how many properties SLI owns in the Borough. Mr. Slabinski named 5 properties owned by SLI within the Borough. Mr. Dukes stated that since SLI is claiming to be non-profit, he would like to see a Profit and Loss Statement from SLI. Mr. Slabinski said they were available at the SLI offices.

Sandra Frantz, 55 N. Duke Street, Millersville, lives directly across from the proposed entrance of the subject property. She has had to call the police on several occasions because of disorderly students drinking and partying at all hours of the night.

Paul Sirbak, 127 W. Frederick Street, Millersville, stated that he is against student housing but would encourage single-family residential housing.

Richard Frantz, 55 N. Duke Street, Millersville, stated that MU created their own housing problem and the Borough residents should not suffer because of that.

Mr. Weidinger explained that the reason the R1A Zoning District was created was to give MU the ability to do what they needed to do within that land. That is how the Millersville Borough Planning Commission, Millersville Borough Council, Borough Engineer, Borough Manager and Borough Staff have treated it. He encouraged the audience to contact their Council Members and come to the next Council Meeting on Tuesday, November 22nd.

A Saylor/Hess motion that the Millersville Borough Planning Commission recommend to the Millersville Borough Council that the zoning request from Student Lodging, Inc. to rezone the said approximately 14.5 acres from R1 to R1A be denied passed unanimously.

b. Review of Sketch Plan for Comet Field (Corner of Barbara Street and Route 741)

Planning Commission members reviewed and discussed the Comet Field Sketch Plan with Engineer, Keith Heigel from Light-Heigel & Associates, Inc. and Attorney Caroline Hoffer from Barley Snyder.

c. Consider Amendment to Zoning Ordinance Section 380-30, H Historic Preservation Overlay District

Historic Property Review tabled until the next meeting to wait for Phil Gerber's, Historic Chairman, explanation.

OLD BUSINESS

None.

BOROUGH MANAGER

None.

ADJOURNMENT

The meeting was adjourned at 9:40 PM.

Respectfully submitted,

Gary G. Hess,
Secretary

EJA/lg