

MINUTES

ALTOONA CITY PLANNING COMMISSION

Tuesday, March 2, 2021

MEMBERS PRESENT

Dave Albright, Vice Chair
Michael Haire, Vice Secretary
Dick Haines
Larry Bilotto

MEMBERS ABSENT

Randy Isenberg
Charles Myers

GUESTS PRESENT

Adam Long - Keller Engineers for Senior Life
Dan Beyer - EAD for Dazzling Realty
Paul Randazzo – Owner, Dazzling Realty
William Kibler – Altoona Mirror

STAFF PRESENT

Ken Decker – City Manager
Kim Carrieri – Executive Assistant

The Altoona City Planning Commission held its monthly meeting on March 2, 2021 in the City Council Chambers, 1320 Washington Avenue, Altoona. Dave Albright, Vice-Chair called the meeting to order at 3:02 p.m.

ADMINISTRATIVE ITEMS

1. Approval of meeting minutes of February 2, 2021.
The minutes were previously distributed for review. A motion was made by Michael Haire for approval of the minutes. Motion was seconded by Larry Bilotto. Motion carried unanimously.
2. Public Comment Period. – None.

SUBDIVISION AND LAND DEVELOPMENT APPLICATIONS

1. **Senior life – 2891 Fairway Drive – Introduction of the Land Development Plan** - *Senior Life is proposing to construct a new facility at 2891 Fairway Drive in the City of Altoona which will include health services for senior citizens. A special exception for this use in a Residential Urban Zone was approved on 1/21/2021 along with the granting of sign variances by the Zoning Hearing Board.*

Adam Long from Keller Engineers introduced himself and explained that they submitted a Land Development Plan for a Senior Life Facility along Fairway Drive and are proposing a 15,000 square foot 1 story building for health services functions for seniors that will consist of doctor's offices, therapy, pharmacy and other support functions. The operational hours will be 8-5. There will be 79 parking spaces with sidewalks and landscaping to meet the ordinance and stormwater management. They will be disturbing more than one acre of ground so an NPDS permit is required. They have obtained Zoning Approval for a Special Exception and some Variances for signs at the January Zoning Hearing Board Meeting.

The parking space requirement in the ordinance is 50, however the owner needs 75 parking spaces and they are providing 79. There will be a large canopy drop off in front of the building for med-van transport drop offs etc. The back of the building has about 6 parking spaces and will be the service area where the dumpster and generator are located and is where deliveries and/or trash trucks will

come into a separate driveway area and will go around the one-way drive and through the parking lot and out the other entrance.

Adam explained that the first waiver request is to eliminate an access road and easement to the basin. This is an old requirement in the City's stormwater ordinance when the basins were an acre in size and 8' deep and you needed to provide a road for pickup trucks to get down to maintain them. The new types are more like rain gardens with shallow ponding less than 2 feet and some are only a couple hundred square feet in size. They are also requesting the other three waivers of the flat bottom basin, fencing and the 1' freeboard, which goes along with the old types of stormwater basins. With the new rain gardens, the water drains down through the ground and encourages percolation. The new types of rain gardens will require maintenance; however, they are only a few feet off of the pavement and can be accessed anywhere and do not require large tools or pickup trucks. They are more of a landscape feature instead of a retention structure.

The 5th waiver is a request to eliminate sidewalks along the property line. There are no sidewalks along Fairway Drive except for one small piece from a southern neighbor.

The 6th waiver is a request to have light poles taller than 15'. The zoning district requires a maximum of 15' light poles, however, the whole neighborhood is mostly commercial and they feel that 20' to 25' tall light poles would not be obtrusive.

Ken explained to the Commission that this is the initial introduction of the plan and the goal is to make sure the commission is aware that we received it so we will have an outside engineering firm do the technical review process with stormwater etc. and then we will get all of the review comments. So as a matter of practice, if you are seeing a plan for the first time, we will call it the introduction of the plan, the next phase will be the resubmission and then when we feel like it is time for the Commission to make a decision on approval, we will list it as approval of the plan. This is the point where the Commission would grant or deny any requests of the waivers.

When we get all of the technical comments in then we can have a technical committee meeting with the developer and the engineer and walk through the comments and try to resolve as much at the staff level as possible before we bring that back to the Commission for approval. There was a sidebar conversation before the meeting because there is a sight distance issue on the road and 3 curb cuts on the project generated some discussion that we may have to dive deeper into. Since we don't have a traffic engineer that works for the City internally, we may ask a third-party engineer to take a look at the traffic dynamics. There will be a fair number of vehicles and traffic coming and going and with the operating speed of the road and the S curve it may cause some traffic concerns.

Larry asked if they don't install a sidewalk now, would there be unused space there on the right of way to potentially add a sidewalk if future needs or change of use would require that. Adam Long stated that there is sufficient space in the right-of-way but they have to extend water, sewer and gas several hundred feet to this property and have designed it to be inside that right-of-way. They will have the water main end at the southern end of the property and will have a hydrant at the dead end. He feels there should be sufficient room within the public right-of-way for a sidewalk should the need exist.

Ken stated that the Planning Commission could ask for a dedication of a 5' pedestrian easement to approve the plans. The philosophical question is if you don't start asking for sidewalks to be installed with new development projects, then you will never get sidewalks. At what point do you start requiring sidewalks for new development and then connect existing development to have walkable communities and areas.

Dave Albright stated that the Commission has been requiring sidewalks for new development along Pleasant Valley Boulevard.

- 2. Dazzling Realty, LLC – 521 N. 4th Avenue – Land Development 2nd Resubmission -**
Dazzling Realty, LLC is proposing to construct a new commercial building at their property located at 521 N. 4th Avenue. The proposed building will consist of approximately 7,400 square feet of commercial space on the first floor with 8 residential apartments on the second floor. The property is zoned “C-CB” Central Business Commercial Zone. Access to the site will be off the existing alley at the rear of the property. An existing utility pole and guy wire will be relocated to install the driveway access. The erosion control limit of disturbance for the project is 0.60 acres. The Erosion and Sedimentation Control Plan has been submitted to the Blair County Conservation District for Approval prior to beginning any earthmoving activities. An NPDES Permit is not required for this project.

Dan Beyer from the EADS Group and Paul Randazzo, the Developer, explained the resubmission. They received comments from the first submitted plans which they addressed in the new plans. The project is a 2-story building with mixed use commercial on the first floor and apartments on the 2nd floor with 14 off-site parking spaces and a new 5' wide sidewalk along N. 6th Street (which meets ADA standards). They are asking for a waiver on N. 6th Street to keep the existing grass strip that is in between the roadway and the sidewalk to match what is existing. Plans have been submitted to PennDOT to obtain a highway occupancy permit that is required for the entrances going onto the sidewalk and to eliminate the depressed curb that would be in front of the building. The entrances going into the buildings will be flush with existing grades of the sidewalks and there will be stairs or ramps to adjust to the elevations inside the building. They are providing an on-site stormwater management facility with underground 30” storm pipes to meet the stormwater management ordinance and those will be tied into the City’s existing storm sewer system. Other waivers they are asking for is in lieu of a concrete storm pipe they are proposing a high-density polyethylene plastic pipe which is standard on most projects. They are asking for a waiver of the required parking space size of 9’ x 19’ to 9’ x 18’ parking spaces which is one foot smaller. The other waiver is the buffer requirement along the alley. Since it is facing the alley, they are asking for a waiver not to provide a landscape buffer.

Directly behind the property is a duplex rental unit. The parking spots are parallel with the alley and are facing the proposed building and the vacant lot.

They are asking for a conditional plan approval on condition that they get the approvals from PennDOT, the Blair County Planning Commission and also the utilities. They have received approval from the Blair County Conservation District. PennDOT came back with a change because the footing was one foot over the right-of-way so they are making the building one foot smaller to keep the footings on their property and the updated plans show that.

Ken inquired as to why there are a large number of comments and corrections which are pages long. Dan explained that they accidentally omitted two sheets from the original plan submission which is the reason for most of the comments. A lot of them are administrative comments that include fees and plan agreements. They usually wait to submit fees and agreements until the plans are reviewed in case items come up that need added to the plans. Once the plans are reviewed for conditional approval those agreements are taken care of and submitted.

Ken stated that moving forward he expects complete and clean plan submission so it will make it easier for staff and the Planning Commission in order to keep comments at a minimum.

Ken explained that having reviewed the package he does not have any technical exceptions for the conditional approval or the technical waivers as requested.

Michael Haire inquired as to what type of lighting there will be. All lighting will be attached to the building and will be directed into the parking lot. The Commission requested a photometric plan and a copy of the cut sheet for the wall mount lighting.

The parking in the rear is for the 9 apartments which will have 14 parking spaces. The first floor will be commercial and one ADA residential unit, the 2nd floor will have 8 residential units. It is not a day-to-day operational building. 2 of the first-floor commercial units are spoken for and the largest one will be for a catering facility and will be used when leased out, employee traffic day-to-day will be minimal to none. The 2 leased units are designed to be office spaces such as insurance, attorney's office, tax office etc. There will be on-street parking and there are extra parking spaces in the lot for the commercial rental employees.

There was a discussion on a loading area and Ken Decker stated he would review that but was not aware of a code requirement for a loading zone for this particular type of use.

Ken Decker stated that in the future we may want to be given a PDF of the plans that we can put up on the projector for everyone to see instead of someone walking around with the plans.

Paul Randazzo explained that Mama Randazzos catering is going to occupy 3,700 square feet of space, another entity with 3 other partners is going to occupy 1,200 square feet for a brew facility. The brewery is designed for distribution on a very small scale, no retail service. They will have a brew license to distribute to local bars and restaurants.

Dave Albright entertained a motion for conditional approval requiring the owner to obtain their permits from PennDOT for the Highway Occupancy, the Utility letters, the Blair County Planning Commission letter as well as a photometric plan and lighting information for the building mounted lighting and granting the 3 requested waivers as follows:

- 620-12.C(2f) – A waiver to install smooth lined corrugated plastic pipe (SLCPP) in the municipal right of way instead of the required reinforced concrete pipe.
- 640-63.C(3a) - A waiver reducing the required parking space length from 19' to 18'.
- 640-64.A(5) – a modification for providing sidewalk width from the curb line to the street right of way. A 5' wide concrete sidewalk to match existing conditions and leaving grass strip between the curb line and sidewalk due to the location of existing utility poles and guy wires.
- 640-65.B – A waiver of the buffer yard requirements along the alley. A 3' wide grass buffer will be provided between the building and alley.

Dick Haines made the motion, Michael Haire seconded, motion carried unanimously.

3. Staff Level Reviews – None.

URBAN REDEVELOPMENT

4. Spot Blight Declaration – None.

Ken explained that there was an emergency demolition that came in too late to get on the formal agenda and past practice is to bring it to the Commission after the fact. There is room for a larger discussion on the way that this is handled. The demolitions have been done with Community Development Block Grant Funds in the past, however, that comes with a bunch of strings attached like going through SHPO (State Historic Preservation Office). We may want to talk about the process with the Council and Planning Commission to try to streamline that process. We currently have a backlog of over 20 properties that need to be razed and Council just authorized using some general fund monies to get some of those properties demolished. This will be done through 2 private contracts and once we get those torn down, we will be caught up, but more houses fall into disrepair every year than we are able to tear down. We would like to focus the Planning Commission on the highest and best use of your time.

A declaration of blight is required when using Federal monies which is why the property is brought to the Planning Commission for that declaration. There are all these additional steps when using CDBG monies such as the properties have to be vacant for at least 90 days before we can proceed with the process. According to Ken, using CDBG monies does not seem like a good fit for a demolition program because of all of the additional steps that must be taken. He would like to talk to Council and the Commission on possibly spending that money on a sidewalk program. Building a sidewalk is different than tearing down a house. There are a lot of walkability issues in neighborhoods. The possible concept would be for people who are income limited would get their sidewalk at no cost, above the income guidelines the City would pay half and the property owner would pay half but we would spread that payment out over time as an assessment on their taxes. In some neighborhoods there would be 80 or 90% of the people that would meet the income guidelines. We would then use the general fund monies to tear down houses.

Community Development has been somewhat isolated as a department and bringing in the Council and the Planning Commission into that discussion would be beneficial because we have some big projects that we could use the CDBG monies on such as the Prospect Park Pool. The Pool is failing and repairs will be a really big-ticket item. If you use Federal monies for the pool then you cannot charge admission, but if it takes a million dollars to fix, you would never recoup that revenue through admission. If you do 10 little projects it takes 10 times the administrative work than if you do one or two big projects. There really is a need in the City for more walkable neighborhoods.

There was discussion on the annual budget for the Demo Program. Ken Decker explained that there is a 2-person demo crew along with the planning staff assistance, they usually spend roughly \$250,000 a year and tear down 10 to 12 houses per year. If we do that with a private contractor it would cost about half that amount. We could bid out to private demo contractors to demolish 30 to 40 homes and use the CDBG funds but you still run into all of the Federal requirements with SHPO and occupancy etc. When we knocked down 2nd Lutheran Church on 7th Avenue, we did not use CDBG monies because we needed to get that down right away so we used general fund money. It still took a while because we needed to get a demolition easement from the adjoining property owner etc. Dave Albright remembers when the City had to tear down the old Russo building, which was a major hazard with environmental issues and was a steel and concrete structure and it was a significant cost.

Ken Decker explained that we are currently dealing with the McCrory building downtown right now because that building has been a concern since at least 2015 and nothing has been done to it and it is even worse now. The City had to previously tear down the Woolworths building downtown because it was unsafe and had a partial collapse.

We currently have a condemnation ordinance on the Council agenda for adoption which is based on a new state law which allows the condemnation order to survive judicial or upset sales which is a real benefit to us. We have people that buy properties for \$500 or \$1,000 and then they move in and we have a whole struggle to get them removed. There is also an ordinance for adoption on the Vacant Property Registry which expands the existing program to create new categories for structures so there will be more intensive inspection requirements for structures that are failing or declared unsafe.

It was asked what happens to properties once they are demolished, does the City own them. Ken Decker explained that if the City has to demolish a property, we lien the property for the cost of demolition but we do not take ownership of that property. If you stop paying taxes on that property it eventually goes to tax or upset sale and it eventually ends up in the County Repository. We currently have a property where the owners are deceased and there is no will and we don't know who owns that property. We will have to go to the court for some type of determination. If we do find heirs and we can go through the legal process that's great but if the property owes \$50,000 and its only worth \$25,000 no one will want to claim that. We have a whole subchapter of weird property ownership stuff that maybe we can have Rebecca come in and do a brief overview of the weird places

that properties end up. We own and mow a lot of vacant lots in the City and we have these orphan parcels that are hard to convey because they aren't buildable lots. There may be some types of technologies with manufactured or modular construction that would allow some kind of productive use of these properties. A 25' x 100' lot is not buildable and the cost of construction to build a small house would not be worth what it cost to build.

INFORMATIONAL ITEMS

5. Staff Reports – None.
6. GAEDC Report – None.
7. Blair County Planning Commission Report – None.
8. Commissioner Forum – None.

9. Discussion Item – “Recovery Houses”

Ken explained that we received an application from an individual interested in buying a property to open a recovery house which some call three-quarter houses rather than a halfway house. Some municipalities in Pennsylvania have adopted ordinances for what they call sober living houses whereby our zoning ordinance does not address this as it only mentions group homes which have very specific federal protections. Group Homes are, for example, a home for developmentally disabled adults who may not be related by blood or marriage but are able to live together and it pre-empts our local zoning laws and Halfway Houses are lumped into the same category. Recovery Houses are a hot topic in the PA legislature and how they should be regulated by the State. The big issue from a Land Use standpoint is how does the Commission, and also Council, feel as should these be regulated differently than halfway houses, what kind of provisions do you want addressed such as off-street parking etc. He has sent a link to the Commission with an ordinance adopted by another PA Municipality for review. What does the Commission want to do?

It is not truly a boarding house or a multi-family dwelling unit and it has more of a staffing component and doesn't really fall within the definitions we have in the code.

Are there specific zones you would want them to be permitted in and what performance standards? If you have a home that has 8 people and 2 staff people where do you park possibly 10 vehicles for that one home?

Dave Albright stated that there is a group home beside his for physically and mentally disabled adults and they have 24-hour staff and it is very busy with the staff coming in and out, hanging out outside, garbage day looks more like a hotel than a house and it doesn't fit well in a residential zone, but they are permitted. The City has limited how many you can have per block or per area. If it is a residential occupancy according to the code, then we can look at it from a zoning standpoint of where to be located, then we can have requirements for off-street parking, garbage facilities, hours of noise etc.

Ken asked the Commission to look at the ordinance that he forwarded to them and give your input as to what you would like to include in our regulations. We can also bring in our Solicitor to talk about how it would fit within the structure of the current zoning ordinance.

Michael Haire wanted to point out that it is the Planning Commission's 105th Anniversary.

10. Additional Public Comment

11. Questions from the Media

Bill Kibler – Altoona Mirror Reporter

Asked why not use the regulation for Halfway Houses for the Recovery Houses. Ken explained that we do not have regulations listed for Halfway Houses we just have them listed as a permitted use

and they are federally protected so we can't restrict them to a certain zone. We can require certain regulation for Recovery Houses to pre-empt any problem later. The commonwealth of PA sees Recovery Houses as different than Halfway Houses and they are trying to set regulations, so we should also set our own regulations.

Dick Haines stated that we should rely on an expert. Ken stated that he would like to have a plan put together on what we want to see and then run that through an expert to see if it is possible. An application does not vest their right, we can put requirements in place before an application is approved. We could also bring in a third-party expert for their advice. You may not know what kind of legal challenges may come up. We can see what kind of legal challenges other municipalities have faced with their laws that are on the books.

Bill Kibler asked if Council creates regulations for Three Quarter (Recovery) Houses would they also create regulations for Halfway Houses at the same time. Ken explained Halfway Houses have protections that Recovery Houses do not currently have. They are not the same thing and part of it is defining what is different about them and then making sure that we are not running against any kind of preemption at the state or federal level. We may have less space to regulate something at the City level.

Bill Kibler asked what the buildability of small lots is. Didn't the City approve a change in the ordinance to have smaller setbacks. Michael Haire explained that they reduced the setback from 6' to 2' and you can build on them but to build a house it will cost more than what the house is worth in those neighborhoods. The setback requirements all depends on the zoning district.

Ken Decker stated that we need to have a dialogue with builders and see what can be changed to facilitate new construction on these types of lots. What kind of market is there for small one-story homes in the City? The houses people want to buy aren't these types of houses or the houses we currently have in the City.

- 12. Adjournment** – Motion to adjourn by Dave Albright and seconded by Dick Haines, motion carried unanimously. The meeting was adjourned at 4:40 PM