

### November 3, 2015, Public Hearing

The Clarion Borough Council held a Public Hearing on November 3, 2015, at 6:30 p.m. in the Clarion Borough Offices, the purpose of the hearing was to receive testimony or comments regarding a proposed amendment to Clarion Borough Ordinance #2013-795 (Zoning) in reference to townhouses, senior housing, and multi-family dwellings as a conditional use.

A list of those people in attendance is attached to the Official File Copy of these minutes.

Dr. Sanders Dédé, Chair of the Housing and Zoning Committee, called the hearing to order at 6:30 p.m.

Dr. Sanders Dédé reported the purpose is to consider amendments to the Zoning Ordinance to include senior housing, multi-family dwellings, and townhouse dwellings, and asked Mr. Sharrar to explain.

Mr. Sharrar stated Council wanted to make an amendment to the ordinance to permit as a conditional use in the Mixed Use District senior housing and multi-family dwellings and to permit as a conditional use in an R-1 Residential District townhouses if the owner meets certain stipulations. Council will have to approve the conditional request.

President Lapinto asked for an elaboration on the stipulations.

Mr. Sharrar commented the average lot size in Clarion Borough is about ¼ to 3/10 acre. The amendment requires for a townhouse to be located in an R-1 District, the minimum lot size would be 2 acres, which is about 6-8 lots. This means a developer would have to own a 2-acre lot or acquire lots, demolish the buildings, and combine the lots to create a 2-acre lot. Currently, there are only certain areas that could accommodate a townhouse right now. Mr. Sharrar stated the developer would have to apply for a conditional use in order to put in a townhouse and meet the requirements set in this Ordinance. The Committee didn't want to overpopulate the area. A developer would not be able to put more than 6 units on a 1-acre lot, so with Council's requirement of a 2-acre lot for townhouses, this means 12 units. Mr. Sharrar reported the parking requirement for a senior high rise is increased as well as certain other stipulations like a buffer around the property, landscaping/greenspace, a public facility for the tenants, height limits, and setbacks.

Dr. Sanders Dédé asked if there would be any benefit to the Borough if these changes are approved?

If senior housing, multi-family housing, and townhouses were built in Clarion, Mr. Sharrar commented it could increase the population, bring families into the Borough, and create tax revenue. Currently, there are several vacant lots that have potential for these buildings.

President Lapinto pointed out being honest Council is referring to 2 specific lots.

Mr. Sharrar stated that's correct. Several calls have been received with interest on the vacant Fifth Avenue lot discussing the possibility of senior or multi-family housing developments. The other location is on Second Avenue. There has been an expressed interest for townhouses on that lot. Again, anyone developing the properties would have to apply for a condition use and meet the requirements. Council would be the body to handle the request.

Dr. Sanders Dédé inquired if the buildings at Second Avenue and Main Street are townhouses?

Mr. Sharrar commented no. The buildings at Second and Main are rented apartments.

Dr. Sanders Dédé asked if there is much of a difference between those buildings and a townhouse?

Mr. Sharrar stated townhouses won't be rented. There will be 6 townhouses in a row on the Second Avenue lot, meaning 6 families. He/she will own them, and the property owner will still be responsible for the maintenance and upkeep of the landscaping and property.

Mr. Colosimo thinks another benefit is the Borough would be offering additional housing choices to different demographics, which is important. All three of these housing types really click with the Borough's idea of land use and what it wants to achieve as far as bringing a more diversity of people.

Dr. Sanders Dédé verified this is not housing for students?

Mr. Sharrar agreed. These are family units that will cost \$150,000 or more. Again, these units will be sold and not rented.

Dr. Sanders Dédé asked if any citizens wish to comment on these proposed changes?

Mr. Tom DiStefano asked if it is appropriate to change a zoning ordinance relating to the entire Borough for a specific entity or project and thought the Borough Code forbid this type of change.

Mr. Sharrar commented this isn't spot zoning.

Mr. DiStefano doesn't mean spot zoning but thought there was legislation involved to benefit a specific entity or project.

Dr. Sanders Dédé commented these changes will be a conditional use in certain districts if all the requirements can be met and if approved by Council.

Mr. DiStefano doesn't think that answers the question.

Solicitor Marshall understands the area is not one specific property, but the conditional use would be authorized on any property in those specific zones.

Mr. DiStefano feels Council is considering this amendment because of specific projects that have been suggested.

Solicitor Marshall agreed. This is never a problem as long as it isn't specific to one lot. The townhomes can be located in any R-1 zoning district as long as the requirements are met. It just so happens that these lots are empty. If somebody wants to build a townhouse in another R-1 area and can meet the requirements, that is okay as well.

Mr. DiStefano questioned if this would have come up without these particular projects being proposed?

Solicitor Marshall stated probably not, but this happens everywhere. Towns rezone properties in order to grow.

Mr. DiStefano just wondered why this is coming up at this particular time and realizes now it sounds as though the Borough has been approached by particular individuals. Also, for the townhouses, the amendment is referring to the R-1 zones, but there is no proposal to add them to an R-2 zone.

Mr. Sharrar stated a townhouse is already a conditional use in R-3 area.

Mr. DiStefano noted but not in an R-2 area. That's why the amendment seems a little specific.

Mr. Aaron commented Mr. DiStefano keeps saying project specific but new ideas about new possibilities for building in the Borough; something has to get the ball rolling.

Mr. DiStefano understands that and stated they sound like good proposals. Senior or multi-family housing in a Mixed Use District is appropriate but voiced concern with townhouses in R-1 zones. This amendment would not just be on Second Avenue but any R-1 area in the Borough.

Mr. Sharrar reported that's why the Committee requires such a large lot, because it will only apply to certain areas of the Borough, like behind Owens-Illinois and the Second Avenue lot.

Mr. DiStefano stated in his neighborhood as well and doesn't see what would stop a developer from coming down Seventh Avenue, buying 3 lots, tearing them down, and constructing townhouses. The lots on Seventh Avenue are closer to 1-acre lots.

Mr. Aaron understands the number of dwellings will be limited to the size of the lot. It won't be really different than if someone would come in, purchase that size of a lot, divide it up, and build that many houses that didn't have shared walls.

Mr. DiStefano stressed this will make for a very different neighborhood, because a townhouse would need a 12-space parking lot. This is not appropriate for an R-1 area.

Mr. Aaron commented 6 houses would need 2 spaces, or 12 altogether.

Mr. DiStefano pointed out 6 driveways are a lot different than a 12 space parking lot, which will change the character of the neighborhood.

Mr. Sharrar informed everyone the parking lot is to be hidden behind shrubbery, or a buffer, so it's would fit in with the R-1 area.

Mr. DiStefano continued that will be a large asphalt area though. Earlier Mr. Sharrar commented the townhouses would be owner-occupied. Mr. DiStefano asked if the ordinance amendment is prepared that way.

Mr. Sharrar stated that was agreed with a couple of the people that voiced interest in constructing townhouses that they are to be bought and sold and are not rental units.

Mr. DiStefano commented that might be for that specific project, but what's to keep someone from putting in rental townhouse in some other R-1 area in the future?

Mr. Colosimo stated rentals are allowed in R-1 now.

Mr. DiStefano understands that. The problem with rentals is Clarion Borough already has too many and adding an opportunity for more rentals seems counter-productive.

Mr. Sharrar reported the Borough is trying to promote more business and development.

Mr. DiStefano wonders if there is another way to achieve this without changing the ordinance controlling all the R-1 areas in the Borough.

If the Borough does this for just one property, Mr. Sharrar stated it's considered spot zoning, which is illegal.

Mr. DiStefano inquired if the zoning district line could be moved?

Mr. Sharrar stated no, because that would be considered spot zoning and that is illegal.

Mr. DiStefano feels this sounds like a spot ordinance.

Mr. Sharrar commented it is a conditional use in one district for the whole Borough.

Mr. DiStefano pointed out it affects his neighborhood as well.

As this ordinance amendment is written, Mr. Aaron agrees it could happen in Mr. DiStefano's neighborhood, but the developer would still have to apply to Council. At the public hearing, citizens would have a chance to voice concerns and comments. Council will take all that into consideration before making a decision.

Having been around a long time, Mr. DiStefano has seen this happen before; and despite public comments, the request had still been granted.

President Lapinto asked if Mr. DiStefano honestly can picture someone coming down on Seventh Avenue, buying up a bunch of houses, tearing them down, and putting in a townhouse?

Mayor Walters cannot.

Mr. DiStefano stated yes. It just speaks to the idea that people with enough money will come in and do things that may or may not benefit the community.

President Lapinto stressed Council, as a body, cannot dictate who can sell his/her property. And, if it falls within the guidelines, then it goes.

Mr. DiStefano agreed and stated that's why he'd like to keep the R-1 restrictions from eroding.

Mayor Walters commented the Borough has had to make a lot of zoning changes, because of the demographics of what this town has changed to. As Mr. Zerfoss would say, Clarion doesn't want to see boards over the windows. Clarion Borough has to change with the times, or it will not grow.

Mr. DiStefano reported that's true, but there's another side to the coin. There are people, including him, that would rather buy and live in a protected R-1 District. If the R-1 zone erodes, this may also discourage a certain type of person or landowner from moving into the Borough. Over the years, Mr. DiStefano has witnessed the R-1 zones get smaller. Also, Council has granted conditional use requests in the R-1 zones before, which didn't really protect the area. Mr. DiStefano pointed out this was in the past when other administration and boards were in charge. An example is when Clarion County bought the old hospital for office uses. Council granted a conditional use request with conditions on that property; however, the conditions were never met. This was 15 years ago. Mr. DiStefano thinks Mr. Sharrar is a little better than previous administrations; but judging on history, this makes him a little nervous that enforcement would not happen.

Mayor Walters stated he only knows what happened over the last 6 years. Every time Council handled a conditional use, it was reviewed to make sure the conditions were met. For instance, the Agway property received a lot of concerns about townhouses being constructed there. The Borough stayed on top of that, and none of the citizens' concerns came true. Mayor Walters trusts Mr. Sharrar will keep on top of any requests and conditions set.

Mr. DiStefano brought these concerns up, because he just wanted assurances.

Mayor Walters commented the Agway owner informed him it was between bankruptcy and selling the property. These are tough decisions but are necessary in order to move forward. As everyone can see, it turned out to be a very good project. Living on the same street as Mr. DiStefano, Mayor Walters understands his concern. The Borough has to allow more uses, and the key is to keep on top of them to make sure they follow through on what they have to do. Fifth Avenue has been vacant for so many years. It would be great to see something be developed there. Same goes for Second Avenue.

Mr. DiStefano agrees with the conditional use of senior and multi-family housing in the Mixed Use District along Fifth Avenue. It makes a lot of sense. However, Mr. DiStefano still doesn't think that eroding R-1 areas for a particular project makes any sense.

From a business standpoint, Mayor Walters doesn't believe someone is going to come in, buy several lots, tear down the existing structures, and construct townhouses. It just doesn't seem like a feasible plan right now.

Mr. DiStefano stated there are two houses a block from his house that are both for sale. The lots there are close to an acre. There are a lot of things that don't make sense to some, but people with a lot of money do illogical things. It would be possible with this amendment.

President Lapinto noted the request would still have to be approved by Council.

Mr. DiStefano realizes that, but there might be a different group of Councilmembers and Mr. Sharrar may not be here. This amended ordinance will last into the unforeseeable future. Mr. DiStefano pointed out he's not predicting disaster but wanted all these concerns to be raised.

Mr. Sharrar voiced one of the problems in the R-1 area is there are a lot of vacant rentals but the owners won't sell them. Families need places to live, and this is a way to provide that for them in the Borough.

Mr. DiStefano stated some of the empty rentals may be worth buying bargain basement to put up townhouses in the R-1 areas.

Mr. Sharrar reported the problem is the landlords don't want to sell. One of the slumlords, who has the poorest houses, won't sell because he is hoping the college's enrollment will increase and students will rent from him in the future. This makes it difficult for a single family to find a home in the Borough.

Mr. DiStefano commented everyone's doing pretty well beating all his arguments back. It wasn't that many years ago Council shifted some of the R-1 zones to R-2, which was a fairly

small change. Spot zoning wasn't raised then. However, moving a line on Second Avenue now would be.

Mr. Sharrar stated the difference is the entire area around this piece of property is R-1. If you cut just this one lot out and make it R-2 or R-3, that is considered spot zoning.

When the Borough redid the zoning, Mayor Walters commented so many positive things were done and another goal was to make it user friendly. The rules need changed because of the demographics.

Mr. DiStefano stated all his comments are in an effort to protect and maintain the R-1 areas.

President Lapinto verified all of Mr. DiStefano's concerns and questions were answered.

Mr. DiStefano thinks so and thanked everyone for his/her patience.

Dr. Sanders Dédé commented the Borough's Planning Commission met on the 13<sup>th</sup> and did not recommend the townhouses in the single-family residential zoning district but do recommend the inclusion of senior and multi-family housing in Mixed Use Zoning District.

Secretary Hall added the County Planning Commission met to consider the amendments and recommended everything as presented.

Hearing no further comments or questions, Dr. Sanders Dédé adjourned the Public Hearing at 7:00 p.m. with action to be taken at the Council Meeting to follow.

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Mark E. Hall, Borough Secretary