

## ALTOONA PLANNING AND ZONING COMMISSION MEETING

March 26, 2024

Altoona City Hall

Members Present in Person: Michelle Sloan, Dan Narber, Scott Henry, Erin Herbold-Swalwell, Jill Pudenz, Steve Moyna, Steve Chase

Members Present Virtually: None

Members Absent: None

Staff: John Shaw, Jenn Naylor (Zoom), Natalie Jacobson

Guests: Meeting was held in a virtual Zoom format and in-person; In-person and online guests included David & Libby Miller, BTW Companies, Les Lourens, Jeff and Carol Bakeris, 1-217-494-7694, Chris Higgins, David Moss, Mark Stewart, Michael Gailard, Tyler Tuttle, josborne, David Bentz, Rick Baumhover, Doug Mandernach, and others not signing in.

Chairperson Erin Herbold-Swalwell called the meeting to order at 6:31 p.m.

**1. Roll Call.** Roll call was taken. Seven commissioners were present at roll call.

**2. Perfecting and approval of the agenda.**

Motion by Henry, seconded by Pudenz, to approve the agenda.

Votes: Yes – Henry, Pudenz, Sloan, Narber, Herbold-Swalwell, Moyna, Chase. No – None. Abstain – None. Motion approved, 7-0-0.

**3. Public hearing to consider a request from Family Video Movie Club and Highland Ventures LTD to lift the zoning restrictions on 0.954 acres from Conditional C-2 (General Commercial) to Conditional C-2 (General Commercial) now permitting the use of Restaurants and Cafes.**

David Moss (Director of Property Management, Highland Ventures & Legacy Commercial Property) presented the request. They are looking at the Family Video building and looking at opportunities to connect the business district on 8<sup>th</sup>. They are excited at the possibility of a restaurant. He said they are gearing up for the International Council of Shopping Centers in May, so they can talk to national brands about coming to Altoona. They want to create more opportunity in the community. They have over 650 properties across 22 states, with nearly 50% having a food use, such as Jersey Mike's. They are looking to add restaurant use to the zoning. Pudenz asked if it would be a new building. Moss affirmed, stating they will demolish the existing building for a new café-style opportunity for the new brand that comes in. Shaw said Staff looked at their drive-up arrangement. They noted, depending on the type of use, the queuing cannot back up in front of the entrance onto 5<sup>th</sup> and potentially congest traffic. If the restaurant use restriction is waived, and they seek to have a drive-up service, they potentially need two menu boards for dual ordering and merging into a pickup lane. They can double-up their stacking ability on the north side of the building instead of queuing along the east side of the building. He stated that is a big issue that needs to be resolved. Henry stated they are not approving the site plan tonight. Herbold-Swalwell said that this came before the Commission in 2013 and asked Moss if he had a chance to talk to the neighbors or nearby landowners. Moss said they haven't been able to talk to the residents behind them, but they met with a few of the neighbors along 8<sup>th</sup>, possibly partnering with them and extending their development into the side development. They did not come up with a deal, but those owners were immediately more receptive to it, because they are also trying to develop along 8<sup>th</sup>. Before they get to the site plan stage, they want to get with each of the residents, as they are looking at it from a more conceptual standpoint.

Herbold-Swalwell opened the public hearing.

Les Lourens (702 5<sup>th</sup> Ave SW) lives next door. He thinks they should leave the property zoned the way it is. He said he is the only one who is directly involved in it, that he was one of the ones who had the zoning changed back when the video store was built. He said it has been okay. He added that the present building is triangle shaped, and it's jammed into the corner of the lot. He said because it is built that way, the wall is longer than if the building were square. His concern is if a restaurant moves in there, they have to exhaust food odors. He doesn't want that blowing in his backyard. Lourens said he didn't know if alcohol would be involved or not. He has no qualms with

alcohol, but he wouldn't want it to turn out like other places down the street. He thanked the Commission for their consideration and told them to do what they have to do.

With no further public comments, Herbold-Swalwell closed the public hearing and asked the Commissioners if they had other questions.

Henry asked if they would work with the neighbors regarding the old, existing fence if they go forward with it. Moss said they would like to do minimum 6' high masonry wall along the back to add an extra buffer, in addition to the mature trees that they would like to leave, for additional enhancements. Herbold-Swalwell asked Shaw if bars were included in the restaurants category. Shaw said the distinguishing factor is where the majority of the sales come from, food or alcohol. Pudenz said her biggest concern was traffic, especially access in and out of the site. She asked Shaw if it were a brand-new site developing, would the existing curb cut be set back from 8<sup>th</sup> Street far enough. Shaw said no, it would normally be further back. He said when Family Video was approved, it was a two-way street. Since then, it has widened to add an additional turn lane. Herbold-Swalwell added that her concern is also traffic, stating she'd be interested to see if working with other properties in the area could help improve the flow. Moss said they anticipate keeping the pass-through easement to give access along 8<sup>th</sup>, partnering with the neighboring properties to the Dollar General. Herbold-Swalwell asked if he had experienced food odor issues with residential areas in the past and how he had worked with homeowners regarding issues like that. Moss said that with knocking down the existing building and bringing in a national credit café restaurant, they'd bring the food uses far enough away with the setback. With the wall and mature trees there wouldn't be as much of the noxious fumes. They have had HVAC companies come in and direct the piping differently. They've invested in building a taller wall, up to 10' high to ease noise or smell pollution, although they don't like to ruin sightlines for neighbors. He said they'd love to work with the neighbors to find out more of their concerns and make sure they are venting and cleaning properly to set up in the best way possible.

Motion by Henry, seconded by Chase, to recommend a request from Family Video Movie Club and Highland Ventures LTD to lift the zoning restrictions on 0.954 acres from Conditional C-2 (General Commercial) to Conditional C-2 (General Commercial) now permitting the use of Restaurants and Cafes.

Votes: Yes – Henry, Chase, Sloan, Narber, Herbold-Swalwell, Moyna. No – Pudenz. Abstain – None. Motion approved, 6-1-0.

#### **4. Consideration and recommendation of the Charlotte's Kitchen Site Plan.**

Rick Baumhover (Bishop Engineering) presented this item. He explained it is a narrow 100' wide lot. Previously it had a two-story, office-type building with a parking lot. It caught fire, was torn down, and the lot has been sitting vacant ever since. Charlotte's Kitchen, a chicken tender-type business, would be a drive-thru-only type of building. The driveway comes in with required parking on the right side, and they have stacking for 12 cars. There is room for a few chairs at the front of the building, but there would be no indoor seating. There is water and sanitary sewer coming in from the north. The north side of the building would have freezer and cooler components that would be screened with a solid fence. They are adding 3,100 square feet of more surfacing. There will be a small, 2' to 3' deep detention basin in the front along 8<sup>th</sup> Street. Baumhover said they have a comment to work with the neighbors on screening. They haven't contacted them yet. The landscaping plan was displayed and discussed. He said the bank side already has mature evergreen trees. He said they'd like to not have to add screening opposite the evergreen trees. They have a few comments left to address. He said Staff asked them to move the order menu by one car for stacking. He added that the nature of Charlotte's Kitchen isn't typical fast food, that it's more made-to-order. They would like to have more time to prep the food to get it out. That's why they want the order board back as far from the pickup window as possible to allow more cook time. He said they have 12 stacking spaces.

Henry asked if there were any walk-up or walk-in at all. Baumhover said no. Henry asked Shaw if there were concerns other than the menu board. Shaw said there may be impact on the west neighbor in terms of noise or reverberation with the properties being so close. They dropped information off to the neighbor Friday and haven't heard anything back yet. There needs to be follow-through in case there is a concern and suggested perhaps a fence wall between the properties. He explained that there was a similar procedure in working with the neighbor when Walgreens installed their drive-thru aisle. There were unforeseen issues once it was up and functioning. Herbold-Swalwell asked how the vision triangle worked. Shaw explained the concept and how it is applicable city-wide. Herbold-Swalwell asked if there was a long-term plan for a stoplight there. Shaw said at this time, no. He explained

that on interchanges on all major corridors, there are traffic counts and accident reports that help determine stoplight needs. With no other Commission comments, Herbold-Swalwell asked for public comments. With no public comments, Herbold-Swalwell asked for a motion.

Motion by Henry, seconded by Moyna, for recommendation of the Charlotte's Kitchen Site Plan, subject to deficiencies.

Votes: Yes – Henry, Moyna, Sloan, Narber, Herbold-Swalwell, Pudenz, Chase. No – None. Abstain – None. Motion approved, 7-0-0.

#### **5. Motion to reconsider Stonebridge Development Plan amendment.**

Motion by Henry, seconded by Chase, to reconsider Stonebridge Development Plan amendment. Votes: Yes – Henry, Chase, Sloan, Narber, Herbold-Swalwell, Pudenz, Moyna. No – None. Abstain – None. Motion approved, 7-0-0.

#### **6. Consideration and recommendation of a request from Cramer and Associates to amend the Stonebridge Development Plan to change the bulk regulations for 108 lots to create smaller lots.**

Doug Mandernach (Civil Design Advantage) presented the request. They have made some modifications since the last meeting. They went before City Council and discussed it with them. City Council wanted it brought back to the Planning & Zoning Commission to discuss the new modifications. He said they are asking for 60' lots, and the 41 lots would increase to 48 lots. It still gives the builder what they are looking for while trying to minimize impact to the overall site. He showed on a display which lots would be affected, including increased greenspace. Pudenz asked if they received anything that showed lot widths. Mandernach explained which lots were which widths. He also said there was a comment about the driveway space from the garage to the front property line near the sidewalk. He said they aren't asking anything other than standard zoning on that. Henry asked Shaw if he had any comments. Shaw reiterated why this was back before the Commission and what the applicant was requesting. Herbold-Swalwell asked the Commission for further comments and asked if anyone in the public had any comments or concerns. Hearing none, she asked for a motion.

Motion by Pudenz, seconded by Herbold-Swalwell, for recommendation of a request from Cramer and Associates to amend the Stonebridge Development Plan to change the bulk regulations for 108 lots to create smaller lots.

Votes: Yes – Pudenz, Herbold-Swalwell, Sloan, Narber, Henry, Moyna, Chase. No – None. Abstain – None. Motion approved, 7-0-0.

#### **7. Consideration and recommendation of a request from BTW Companies LLC to amend the Altoona Zoning Map to change 4 parcels totaling 4.194 acres from their respective zoning districts of C-2 (General Commercial), R-2 (One and Two Family Residential), R-2 (One and Two Family Residential), and R-3 (Multi-Family Residential) to C-4 (Village Commercial).**

David Bentz (Bishop Engineering) presented the request. He explained the site is between the Family Video and the Dollar General on 8<sup>th</sup> Street. They are proposing to tear down the existing structures between and construct a five-story building. The bottom floor would be podium parking and commercial in the front. The top four floors would be residential. There will be a coffee shop in the southeast corner. He said there is good circulation with parking all around the facility. They have connected to the east and west, as well as the main access out to 8<sup>th</sup> Street. Bentz said at their first presentation, there were parking garages along the north side. Those have been removed, allowing them to shift the building a little to the north. There is parking along the coffee shop. Parking along the north is against the church property, which will require a buffer. They will work with the church to place plantings on the church property. There is residential to the east, and they will work with those neighbors to comply with what they want to see to the east. Bentz explained that one of the issues they have is parking requirements. They are currently 39 stalls short. He doesn't feel that 1.25 stalls for studio apartments is what they need. They are requesting one stall per studio apartment. He said if two couples occupy a two-bedroom apartment, only two parking stalls are required. He said if he put a wall down the center to create two studio apartments, he would then need three stalls. He said they could meet the parking requirements if they could get the studios down to one stall each. He also thinks they will comply with the building height, or they might be close.

Henry asked Shaw about the neighbors. Shaw said the church is to the north, residential is to the east behind Family Video, and to the west is Dollar General. Herbold-Swalwell asked if they approve the rezoning and allow the proposed variances, if they needed to recommend a conditional site plan. Shaw said that this is a very dense, mixed-use development and has a dynamic parking situation with the residential versus commercial, which has more repeat use at different times of the day. He said it is very complementary. He said in some of the larger complexes, the parking requirements seem a little heavy, especially for one bedrooms and efficiencies. They are looking at tweaking it a bit. Shaw said if you look at other large complexes, like the one east of the racetrack, at any given time of the day, half of the parking lot is empty. Henry stated that the developer wants to rent all the units, and if he's having a problem with parking, he's going to be the first one to try to figure out what to do. He can't rent them if there are no parking stalls. Shaw suggested assigned parking stalls, like college towns have. He also said the way they show the parking stalls, they are 9.5' wide. If they went to a 9' width stall on the residential side, common around the metro, and kept the commercial at 9.5' wide, they would have more parking available. Shaw further added that when you consider the vehicles of people who live in apartments who are just starting out or later in life, they tend to be passenger cars rather than dually trucks, so a 9' parking stall width is not an issue. While C-4 is more flexible, there is no on-street parking on 8<sup>th</sup> Street. Shaw said in years past, the church has expressed interest in having a direct access off of 8<sup>th</sup> Street, so there is the possibility that the church parking lot could be expanded, and they could connect to and share the church's parking lot. Additionally, there is pass-through parking through Family Video with access out to 8<sup>th</sup> Street.

Bentz said that 9.5' x 18' is what is shown on the exhibit for parking stall size. They are asking to go to 9' x 17' in certain areas. He said they would like a wider walk between the building and the parking lot. The building hasn't been fully designed yet, so it may fluctuate a little bit. He added that 9' x 17' is common around the whole metro, especially with a 2' overhang. He said if on the east side, at least one side could be 17', they could add 2' to the sidewalk. Bentz said there is a trash enclosure on the north side adjacent to the church property. They moved it over to provide access if needed. Henry said he is not against the smaller stalls but recommends they get with Staff and negotiate where and how. Bentz said there's give and take, but a wider sidewalk around the building would be nice. Pudenz asked Shaw what the applicant's steps would be if they aren't able to keep it under the max allowed height. Shaw said we would potentially have to amend the Ordinance. Henry said he wasn't aware there was a max. Shaw said every zoning district has them.

Herbold-Swalwell asked if there were any public comments or additional Commission comments. Henry asked if the apartments will be going up at the same time as the coffee shop or vice versa. Bentz said they didn't know yet, but there is also a contract signed with the coffee shop.

Motion by Henry, seconded by Moyna, for recommendation of a request from BTW Companies LLC to amend the Altoona Zoning Map to change 4 parcels totaling 4.194 acres from their respective zoning districts of C-2 (General Commercial), R-2 (One and Two Family Residential), R-2 (One and Two Family Residential), and R-3 (Multi-Family Residential) to C-4 (Village Commercial), subject to deficiencies.

Votes: Yes – Henry, Moyna, Sloan, Narber, Herbold-Swalwell, Pudenz, Chase. No – None. Abstain – None. Motion approved, 7-0-0.

## **8. Minutes of the February 27, 2024, meeting.**

Motion by Sloan, seconded by Pudenz, to approve the minutes.

Votes: Yes – Sloan, Pudenz, Henry, Herbold-Swalwell. No – None. Abstain – Narber, Moyna, Chase. Motion approved, 4-0-3.

No vote to adjourn. Meeting adjourned 7:21 p.m. Next regular meeting is April 30, 2024, at 6:30 p.m.

Respectfully submitted,  
Jennifer Naylor  
Office Assistant