

May 10, 2011
City of Erie, Pennsylvania
ZONING HEARING BOARD
1:00 P.M.

The regular meeting of the Zoning Hearing Board was held on Tuesday, May 10th, 2011 at 1:00 p.m., in the City Council Chambers, Municipal Building, 626 State Street.

- MINUTES -

THE FOLLOWING APPEAL WAS HEARD:

Appeal #11,085 by Mercyhurst College concerning property located at **501 East 38th Street (5372-100)** in an R-3 District. The appellant proposes to build an approximately 9,000 square foot building called the Center for Academic Engagement. According to Section 302 of the Zoning Ordinance, the use requires 108 parking spaces – 18 are requested.

Finding of Facts

1. The applicant Mercyhurst College was represented at the hearing by Mr. David Livingston, their vice president for student affairs, together with two witnesses who participated in drafting the site plan for the proposed building, Ms. Shelly Buehler and Mr. Tim Polaski.
2. The first witness to testify was Ms. Shelly Buehler of Buehler & Associates Architects. Ms. Buehler, along with Mr. Polaski of Urban Engineers, Inc., presented the Board two large site plans (blueprints) of the entire college campus with the proposed new building; the drafts being enlargements of the plan provided to the Zoning Office with the original application. Ms. Buehler showed the Board where the new building is planned to be located on the campus. It would be approximately 31,000 square feet counting all floors, and would include classrooms, kitchens, student facility, etc. Its primary purpose is to provide larger venues for the hospitality and intelligence majors. As the building would be transferring, not adding, staff, students and facilities from other locations, Ms. Buehler indicated that the planners felt the required parking was more than needed in practical terms; they would not be creating new uses, rather just reconfiguring existing ones. Given the limited space on the campus, she added that they could only add an additional eighteen (18) parking spaces with the new building, which will include several handicap accessible spots.
3. Referring to the larger scale drawing of the site plan, Mr. Polaski detailed for the Board the foot print of the building and the 18 parking spaces. Mr. Polaski's principle testimony and contribution to the site plan was concerning how the new building would affect the water collection and run-off. Mr. Polaski said that his company, Urban Engineers Inc., had already discussed a storm water plan a decade ago and that there has been underground piping around the site since 2002. Answering questions from Board

member Mike Hornyak, Mr. Polaski indicated that the run-off plan is in accordance with federal and state environmental standards. The storm water management plan has been approved by the City's Engineers Office, with the condition that Mercyhurst continues to inspect and keep the area clear of obstructions in the future. The permit from the federal Department of Environmental Protection (DEP) has been submitted and is currently under review. Polaski reiterated that the planners adhered to strict DEP guidelines in their drafting of the plan, and he expects the permit to be accepted.

4. Mercyhurst representative Mr. David Livingston spoke last, discussing the need for the plan, and explaining how the proposed building affects the short-term and long range plans for the school. The enlarged site is intended to enhance the quality of the classroom space for two of the most popular majors at the college: hospitality and intelligence. Currently the majority of the classrooms for these courses are located in the old Post Office building, and "Old Main," the school's oldest facility. He indicated that there are approximately 120 students in the "hospitality" major, and six full time faculty; the "intelligence" major has approximately 280-300 students (representing both undergraduate and graduate students) and 15 faculty members.
5. Mr. Livingston was questioned extensively regarding the size of the school, enrollment figures, and various parking issues, past and present, that they have encountered. He said that the college has an enrollment of approximately 2,600 undergraduate students, which the school hopes to maintain. The number of night students tends to fluctuate. Additionally, there are 550 staff and faculty, of which about 110 work at the North East campus. Parking has not traditionally been a problem. The school has made efforts to keep parking from becoming a problem. For example, freshman are not allowed to have cars, and the school has recently purchased the old "Paul Bunyan" property on the northeast corner of 38th and Pine Avenue to use for parking. After phoning to check with his staff, Mr. Livingston told the Board that the college has a total of 1,636 total off-street parking spots, including handicap spaces.
6. Mercyhurst's security and safety officials have done studies (which factor that the busiest time of the day is around 11:00 a.m.) that indicate that at any given time there are generally parking spaces available on the campus.
7. There were two Parade Street Boulevard residents who appeared to voice their concerns to the Board about the proposed building. Ms. Dolores Ulecki expressed her objection to the variance, saying that there is not enough parking as it is now on Parade Blvd. from 38th to 41st Streets. This area, she said, was a nice, quiet residential neighborhood for many years, but has recently been inundated with Mercyhurst students, employees and faculty, some who often park on the street for more than twelve hours at a time. Ms. Ulecki said that she has had to alter her schedule and make evening appointments so as to avoid the usual parking glut.
8. According to Ms. Ulecki, there are several fraternity houses on Parade Blvd. each housing about six students, and often have six or more cars per house. The impact of Mercyhurst's parking has negatively affected the Parade St. neighborhood, with bumper-to-bumper parking the norm. She suggested that if the variance is granted there should be some condition attached whereby only residents of Parade Street Blvd. would be allowed to park on the street (similar to the measures adopted by the residential areas around St. Vincent and Hamot hospitals). Ms. Ulecki admitted that this request has been attempted by neighborhood officials before, but rejected by the Parking Authority who

said that there was already odd-even alternative parking on the street. Questioned by Board member Lisa Austin regarding the testimony that the new building would not add any new students, Ms. Ulecki said that she does not believe that there would be no new students resulting from this very large investment. Additionally, she said that the parking problem is already out of hand, as teachers from Mercyhurst typically park on Parade Street to avoid the parking fee imposed by the college to park on campus.

9. The other opposing witness was Parade Street Blvd. resident Tim Kuzma, a former Mercyhurst-North East employee himself. Mr. Kuzma told the Board that he agrees with Ms. Ulecki with respect to the existing parking problem on Parade Blvd. He said that Mercyhurst's policy itself must be changed, as currently many if not most faculty members avoid the parking fee imposed by the college to park on campus, and instead park in the residential spaces. Mercyhurst, Kuzma said, could work better with the community on the parking situation. Like Ms. Ulecki, Mr. Kuzma said that he does not believe that Mercyhurst is giving the full story, and that he believes that the overall college goal is to increase enrollment; this, he says, is the real reason for the proposed new facility.
10. Although the parking situation is important, Mr. Kuzma told the Board that his most important concern is with the water run-off that will result from the new construction project. He said that a couple of years ago, during a severe storm, every backyard in the neighborhood was flooded. (One house on Briggs Avenue actually collapsed, although it was never proven that the run-off from the campus was the actual cause.) Kuzma said that there used to be a retention pond by the high school, but that it had been filled in many years ago and a field erected on the site. He said that the college needs to address the current water problems before expanding further.
11. After hearing the neighbor's concerns, Board members Ron Desser and Lisa Austin had several questions for the witnesses who testified on behalf of the project. Mr. Tim Polaski, the engineer hired by Mercyhurst to assist in drafting the site plan, reiterated his previous testimony that the City of Erie has storm water management ordinances in place which are consistent with D.E.P. guidelines. He added that the site plan for the new project is in strict conformity with those guidelines, and that the City Engineer has approved the plan.
12. Mr. David Livingston added to his previous testimony by discussing for the Board both the school's short term and long range plans. Currently the college is moving its maintenance building to an area near Interstate 90 and Route 8. This temporary facility will house trucks and large equipment, store large deliveries etc. The tentative long-term plan is to build a new maintenance facility on the campus, the location as yet to be decided, but they are considering the area around the old Post Office on Reed Street. There are, however, no plans to put the maintenance building on Parade Blvd., as the neighbors had feared.
13. With respect to the parking situation on Parade Street Blvd., Livingston said that he is not willing at this time to commit the college to any proposal. He said that legally the college cannot prohibit its staff from parking on Parade Street. Mercyhurst, he said, has tried and will continue to try to be a good neighbor with the residents and look for solutions to the parking and other concerns of the neighbors. In the future, Mercyhurst is willing to submit its parking plans to the Zoning Office.

14. Addressing the question of the enrollment and future growth of the college, Mr. Livingston said that the school is already at full capacity in its living spaces. More importantly, he said, it is that if the school were to add any additional students, they could lose the small liberal arts college atmosphere that makes the school so attractive to potential students in the first place. To get an accurate picture of the size of the school, Livingston stressed the difference between daytime and evening class students. He reiterated that the size of the regular, full-time students will remain at the 2,600 level. However, efforts to increase the classes and enrollment of night classes – many of whom are adult – will not affect the parking problems discussed. If the school were to add an additional one hundred full-time students, they would consider adding more on-campus parking.

Conclusions

1. The proposed new building is intended as an upgrade in the facilities, rather than an expansion, for two of the school's more popular majors: hospitality and intelligence. There will be no new or additional students enrolled in either of the majors.
2. The site plan has been approved by the City of Erie Engineer's Office (conditional on Mercyhurst's continued maintenance of it), and is in strict compliance with state and federal water run-off regulations.
3. The college maintains a full-time enrollment of approximately 2,600 students, making its parking requirements stable. The occasional addition of night students has little or no effect on the parking situation on the campus.

Decision

By a unanimous 5-0 vote, the Board approved the applicant's request for a variance to construct its new building without the required 108 parking spaces. Board member Glenn Duck said that according to the plan the parking situation on the campus can be adequately policed by the school's own security staff. Mike Hornyak agreed, adding that he felt that the school has done its homework prior to submitting the application. Members Lisa Austin and Ron Desser both voted in favor of the variance, but added their concerns regarding the parking situation on Parade Street Boulevard. Ms. Austin said that the reason for her vote was based on the testimony from Mercyhurst officials, who indicated that the new project will not increase the number of students or staff, and therefore not increase the demand for parking. Likewise Mr. Desser said that he recognizes the advantages to the college and the community of the project, however, he hopes that Mercyhurst will be more sensitive to the concerns of its neighbors in the future with respect to the parking problems. Board chairman Richard Wagner rounded out the unanimous vote, indicating that he feels that the school itself can address the problems that have been expressed by concerned neighbors, without official intervention. He said that he looks forward to the new building, and the future growth and contribution of Mercyhurst in the community.

It is So Ordered.
