

REGULAR MEETING / WORK SESSION

1. **CALL TO ORDER – REGULAR/ORGANIZATIONAL MEETING**

The February 6, 2017 regular meeting was called to order at 7:01 PM by Mr. John O'Neill. Members Richard Schmidt, Kate Domico, Bill Steudler, Brian Rater, Paul Silvis, and Robert Prosek also attended. Staff members present were Doug Erickson, Township Manager; Ken Soder, Zoning Officer; and Greg Garthe, Centre Regional Planning Agency. The audience included Tony Fruchtl and Mark Torretti, PennTerra Engineering; Doug Hill, Wooster & Associates; Bob Poole, S & A Homes; Jon Williams, Williams & Associates; Derek Hutchison and Jim Bob McElroy, Landmark Properties.

2. **ITEMS OF CORRECTION**

There were no additions or deletions to the agenda.

3. **APPROVAL OF MINUTES**

Meeting minutes from the January 9, 2017 combined Regular Meeting and Work Session were brought before the Planning Commission for approval.

Mr. Robert Prosek made a motion to approve the meeting minutes as submitted. The motion was seconded by Mr. Brian Rater. The motion passed with a vote of 7-0.

4. **PUBLIC COMMENTS**

There were no public comments at this point in the meeting.

5. **REVISED MASTER PLAN – TOFTREES PLANNED COMMUNITY**

Patton Township received a revision to the approved Master Plan on December 6, 2016. The proposed revisions involve parts of Toftrees East currently referred to as Pinnacle Development Sections 11, 13, 16, 17, 19, and 25. These areas are located on the north side of Toftrees Avenue, and are bordered by the Woodledge Drive Development, Squirrel Run Apartments, and the Toftrees golf course. On the currently approved Master Plan, the area is planned for a mix of single-family homes and multi-family apartments. The revised Master Plan proposes the following amendments:

- Elimination of proposed single-family units in Pinnacle Development Sections 11, 13, 16, 17, 19, and 25;
- Construction of a multi-family development known as *The Station*, which would feature a variety of housing unit types including detached residential cottages and duplex cottages, and attached multi-unit cottages and stacked townhomes;
- Construction of onsite amenities including an outdoor recreation area with a pool and clubhouse, and several other potential recreational facilities.

A Traffic Impact Study (TIS) for the proposed *The Station* project was submitted along with the Master Plan revisions. Based on the anticipated dwelling unit occupancy of *The Station*, the study provided the following conclusions:

- The development is projected to have negligible impact on the surrounding roadways and intersections as compared to the development proposed by the approved 2014 Master Plan;
- Traffic in the area is projected to maintain a Level-of-Service "B" or better;

5. **REVISED MASTER PLAN – TOFTREES PLANNED COMMUNITY (cont.)**

- An eastbound left turn lane is warranted at the Toftrees Avenue/Cricklewood Drive intersection under existing traffic conditions;
- A number of trees vegetation, and an embankment along the north side of Toftrees Avenue should be removed to improve sight distance for motorists utilizing the proposed site driveway.

The eastbound left turn lane on Toftrees Avenue at the Cricklewood Drive intersection will be installed by the developer.

On January 9, 2017, the Planning Commission reviewed and discussed the plan and referred it to the Centre Regional Planning Commission (CRPC) for comments.

On January 27, 2017, the project engineer submitted an updated version of the Master Plan to address a number of outstanding items from the Staff comment letter.

One outstanding item was the addition of notes to the master plan related to a number of anticipated public safety concerns associated with common areas in future developments where increased occupancy may be permitted. The Township met with personnel from the Centre Region Code Agency, Regional Fire Protection Program, and Office of Emergency Management, as well as the Patton Township Police in an effort to identify ways to mitigate negative impacts early-on in the planning stages. The requested notes on the master plan relate to occupancy limits of, and separation between, communal gathering areas, as well as additional conditions related to parking requirements and visual design and character.

The CRPC reviewed the master plan at their February 2, 2017 meeting and has provided the Township with their comment letter.

Township Staff finds that the Plan meets all Township regulations upon completion of all items noted on Staff's marked up comment letter.

Mr. Jon Williams, Williams & Associates, provided a presentation of the proposal for Toftrees Planned Community Master Plan and a concept plan for *The Station*.

Mr. Robert Prosek expressed concern with the Traffic Impact Study, asking how having multi-family housing with more pedestrians and more vehicles in the area could have a negligible impact? Mr. Williams noted that with the anticipated CATA service to the development, there are reduced trips.

Mr. John O'Neill asked about the left turn lane on Toftrees Avenue at Cricklewood Drive. Mr. Doug Hill, Wooster & Associates, noted that that intersection now meets the warrant for a left turn lane and with the existing pavement on Toftrees Avenue, there is room for the left turn lane and it can be established with pavement striping.

Mr. Greg Garthe reviewed the additional plan notes that Township staff requests to be added to the Master Plan notes, and reviewed a comment letter from the CRPC. Mr. Jon Williams addressed the Planning Commission's comments and questions regarding both items. One comment, pertaining to bicycle traffic was addressed. Mr. Tony Fruchtl, PennTerra Engineering, noted that a bike lane is currently on Toftrees Avenue on both sides of the street, going in both directions.

5. **REVISED MASTER PLAN – TOFTREES PLANNED COMMUNITY (cont.)**

In addition, residents can connect to the Bellefonte Central Rail-Trail through The View apartments.

Mr. Paul Silvis made a motion to recommend approval of the Revised Master Plan for the Toftrees Planned Community upon completion of minor/technical items as noted on the staff comment letter and additional items noted on the additional marked up letter provided by the project engineer, the inclusion of the additional master plan notes proposing conditions for future multi-family developments in the Toftrees Planned Community and those subject to increased occupancy limits, consideration of comments provided by the CRPC, and the approval of the proposed change in occupancy regulations by the Board of Supervisors. The motion was seconded by Mr. Brian Rater. The motion passed with a vote of 7-0.

6. **REQUEST TO CONSIDER CHANGE TO OCCUPANCY REGULATIONS**

*From the December 14, 2016 Board of Supervisor meeting agenda:*

A request has been submitted asking the Township to consider amending occupancy regulations to permit the development of a proposed multi-family development. As stated in the letter, “The request is to add language to the ordinance to allow up to five (5) unrelated persons to occupy a single residential unit.”

Along with the request, regulations adopted by College Township in 2011 were provided as a sample of how the occupancy regulation could be amended to apply to a limited class of developments. (see Section “Z” on the second page of the regulations). In College Township, the occupancy limit applies to The Retreat community on Waupelani Drive.

The Manager recommends that the request be forwarded to the Planning Commission for study and recommendation, along with direction to investigate additional limitations where this occupancy level could be utilized.

The developers have also submitted an amendment to the Toftrees Master Plan for the proposed multi-family development, which is under review by the Planning Commission.

*End of Board meeting agenda material*

The Board of Supervisors referred the request to the Planning Commission for study and a recommendation. The Planning Commission discussed the request at their January 9, 2017 meeting and received questions and concerns from several residents including whether the increase in occupancy would apply to nearby existing developments such as The Village at Penn State, with traffic impacts could be realized from such a development, how noise effects on abutting residential properties could be mitigated, standards for aesthetics of buildings and landscaping areas, and methods of enforcing occupancy in the dwelling units and any communal gathering areas.

6. **REQUEST TO CONSIDER CHANGE TO OCCUPANCY REGULATIONS (cont.)**

Upon conclusion of the discussion, the Planning Commission directed staff to draft an ordinance that would amend the Township's Planned Community zoning regulations to permit the increased occupancy for a limited class of developments in the Toftrees Planned Community only.

The draft ordinance proposes regulations containing provisions related to the applicability of the increased occupancy, and additional conditions on fire protection, minimum/maximum lot size, building ownership, and rental arrangements. The Township has proposed that developments subject to increased occupancy would be permitted only in areas with an allowable density of no greater than 9.00 units per acre, and no more than 35% of the total number of units could be 5-bedroom units. The developer has requested an exception to this to allow such developments in areas with a permitted density of 9.01 to 15.00 units/acre if the total number of 5-bedroom units were limited to 25% of the total. Staff neither endorses nor objects to its inclusion, so the appropriate language has been written into the draft for consideration. The draft ordinance included this exception for the Planning Commission's consideration.

Upon discussion of the draft ordinance, Mr. Robert Prosek made a motion to recommend approval of increasing the occupancy regulations within the Toftrees Planned Community. The motion was seconded by Mr. Bill Steudler. The motion passed with a vote of 7-0.

7. **NITTANY VALLEY SPORTS CENTRE – REVISED MASTER PLAN #2**

Patton Township staff received a revision to the approved Master Plan for the Nittany Valley Sports Centre on December 6, 2016. The site is 60.68 acres located to the northwest of the Fox Hill Road/Bernel Road intersection in the Planned Airport District (PAD). The revised Master Plan proposes the following amendments:

- **Revised Phase 1 development area (area north of Champion Drive)**
  - Revised Phase 1a scope
    - Development of a 68,473 ft<sup>2</sup> indoor sports facility (decrease of 16,093 ft<sup>2</sup>)
    - Decreased the number of parking spaces in the phase to 231 (moved the remaining 99 spaces to Phase 1b)
    - Shifted the outdoor multi-purpose turf field with lights to Phase 1c and the additional outdoor multi-purpose turf field to Phase 1d
  - Revised Phase 1b
    - Development of a 64,625 ft<sup>2</sup> indoor sports expansion (increase of 27,965 ft<sup>2</sup>)
  - Revised the development on Lot 3
    - Proposed a 20,400 ft<sup>2</sup> community center as Phase 1f of development
    - Adjusted the location of the shared driveway access at Bernel Road (driveway now entirely on Lot 3)
- **Revised Phase 2 development area (area south of Champion Drive)**
  - Subdivision of existing Lot 5 into individual lots for Phases 2a (Lot 6), 2b (Lot 8), 2e (Lot 9), and 2f (Lot 7) and renames the residual tract (Phases 2c and 2d) to Lot 5R

7. **NITTANY VALLEY SPORTS CENTRE – REVISED MASTER PLAN #2 (cont.)**

- Relocation of the access driveway to the duplex development on proposed Lot 6 (Phase 2a). The driveway now connects directly to Champion Drive and the private internal connection road between the duplex development and the adjacent Phase 2b lots has been eliminated. In its place, a pedestrian walkway/emergency access path has been provided to connect the duplex site to the adjacent future development areas.

The CRPC reviewed the master plan at their February 2, 2017 meeting and have provided a comment letter to the Township.

Staff finds that the Plan meets all Township regulations upon completion of all items noted on Staff's marked up comment letter.

Mr. Mark Torretti, Penn Terra Engineering, presented a brief overview of the revised Master Plan and answered any questions or concerns from the Planning Commission.

Mr. John O'Neill asked about traffic impact with developments of each lot. Mr. Mark Torretti noted that under the current traffic study, the sports center would not involve reconstructing the intersection. With the proposed duplexes and other future development activities anticipated, it may require realignment of the intersection. Mr. Torretti noted that his client is currently working on this so that it does not delay the project.

Mr. Brian Rater questioned the entrance to the site. Mr. Doug Erickson noted that with the traffic study, site distances have been checked and were found to be adequate.

Mr. Bill Steudler made a motion to recommend approval of the Nittany Valley Sports Centre Revised Master Plan #2 upon completion of minor/technical items as noted on the staff comment letter. The motion was seconded by Mr. Brian Rater. The motion passed with a vote of 7-0.

8. **NITTANY VALLEY SPORTS CENTRE – REVISED PHASE 1A FINAL LAND DEVELOPMENT PLAN**

Mr. Mark Torretti, Penn Terra Engineering, presented the Nittany Valley Sports Centre Revised Phase 1A Final Land Development Plan. The plan proposes construction of a 68,473 ft<sup>2</sup> indoor sports facility and an outdoor multi-purpose field on Lot 1R. The shared access road, Champion Drive, will also be constructed and offered for dedication to the Township. The plan proposes to provide 231 onsite parking spaces (8 ADA) for guests and employees of the facility. Development of this lot was included in Phase 1 of the Master Plan.

Township Staff finds that the plan meets all Township regulations upon completion of all items noted on staff's marked up comment letter.

Mr. John O'Neill asked if there were any sinkholes located on the property. Mr. Torretti noted that during planning for the Second Mile construction there was one located on the back corner of the property, but verification from a geotechnical engineer noted that it had been plugged or capped.

8. **NITTANY VALLEY SPORTS CENTRE – REVISED PHASE 1A FINAL LAND DEVELOPMENT PLAN (cont.)**

Mr. Robert Prosek made a motion to recommend approval of the Nittany Valley Sports Centre Revised Phase 1A Final Land Development upon completion of minor/technical items as noted on the staff comment letter. The motion was seconded by Mr. Bill Steudler. The motion passed with a vote of 7-0.

9. **DECIBEL DUPLEXES – SUBDIVISION PLAN FOR TAX PARCEL 18-002-029E**

Mr. Mark Torretti, PennTerra Engineering, presented the Subdivision Plan for Tax Parcel 18-002-029E. The plan proposes to subdivide off a portion of the existing Lot 5 of the Nittany Valley Sports Centre site to create a new lot. The new lot, Lot 6, would be 9.64 acres and would prepare the site for the proposed Decibel Duplexes development. Development of this lot was included in Phase 2 of the Master Plan.

Staff finds that the plan meets all Township regulations upon completion of all items noted on staff's marked up comment letter.

Mr. Bill Steudler made a motion to recommend approval of the Decibel Duplexes Subdivision Plan for Tax Parcel 18-002-029E upon completion of minor/technical items as noted on the staff comment letter. The motion was seconded by Mr. Brian Rater. The motion passed with a vote of 6-0. (Mr. Robert Prosek recused himself from the discussion as he is involved with the Decibel group.)

10. **DECIBEL DUPLEXES PRELIMINARY/FINAL LAND DEVELOPMENT PLAN – NITTANY VALLEY SPORTS CENTRE PHASE 2A**

Mr. Mark Torretti, PennTerra Engineering, presented the Decibel Duplexes Preliminary/Final Land Development Plan for Phase 2A of the Nittany Valley Sports Centre. The plan proposes the Decibel Duplexes development on Lot 6 of the site. Development of this lot was included in Phase 2 of the Master Plan. Construction activities will involve 12 duplex units and a related clubhouse. A total of 63 onsite parking spaces (2 ADA) will be provided for residents and guests. In addition, a 10' wide asphalt walkway/emergency access path will be built to provide connectivity to neighboring lots where future development is proposed.

Staff finds that the plan meets all Township regulations upon completion of all items noted on staff's marked up comment letter.

Mr. Brian Rater expressed concerned for not having adequate parking or pull-off areas for delivery trucks, such as FedEx or UPS.

Discussion regarding a sidewalk on the property along Bernel Road took place. The Planning Commission is requesting a sidewalk along Bernel Road so pedestrians can access Bernel Road Park from the lots of the Nittany Valley Sports Centre. Mr. Torretti noted that if the Planning Commission is requesting an external sidewalk along Bernel Road, then the developer will not additionally install an internal sidewalk within the site, as proposed by this land development plan.

Mr. Paul Silvis made a motion to recommend approval of the Decibel Duplexes Preliminary/Final Land Development Plan upon completion of minor/technical items as noted on the Staff's comment letter, inclusion of the sidewalk along Bernel Road, and with the installation of interior cement sidewalk through the driveways.

10. **DECIBEL DUPLEXES PRELIMINARY/FINAL LAND DEVELOPMENT PLAN – NITTANY VALLEY SPORTS CENTRE PHASE 2A (cont.)**

The motion was seconded by Mr. Richard Schmidt. The motion passed with a vote of 6-0. (Mr. Robert Prosek recused himself from the discussion as he is involved with the Decibel group.)

11. **PLANNING COMMISSION WORK TASKS**

At the January 9, 2017 Planning Commission meeting, a list of potential work tasks for 2017 and beyond was provided for discussion. The goal was to determine the Commission's top work priorities and to provide a recommendation to the Board. The work tasks were as follows:

**Review of Master Plan Requirements (new)**

Several zoning districts in the Township (PC, PAD, OBD2, RHMP) require subdivision and land development to be conducted pursuant to approval of a master plan. The intent of the master planning process is to permit flexibility in land use planning by providing criteria that allow a mix of uses in a growth area to be served by public utilities. Additionally, master planning seeks to identify and mitigate potential community, environmental, and transportation impacts from the proposed development, encourage innovative design and variety in the layout of buildings, structures, and open spaces, and ensure that the community is afforded the opportunity to participate in the planning process. Specific details related to each subsequent phase of development would be provided as part of the individual subdivision and land development submissions. During several master plan reviews in 2016, it was noted by staff that the required master plan content in the Township Code contains a number of items that are not consistent with the level of detail needed in a master plan and limit design flexibility in each development area. These include items such as "the approximate location and use of buildings and other structures" and "offer of dedication signature block" that would be required with a detailed land development plan submission. This work task may result in revisions to the Code to ensure that the content requirements are more consistent with the intent of the master planning process.

**Medical Marijuana: Ordinance (new)**

The PA State Legislature passed the "Medical Marijuana Act" (Act 16 of 2016) in April 2016. The act established a legal medical marijuana program, provided for patient and caregiver certification and for medical marijuana organization registration, imposed duties on various state government departments, provided for taxation, established the Medical Marijuana Program Fund, established the Medical Marijuana Advisory Board, established a research program, and provided for academic clinical research centers and for penalties and enforcement. A local ordinance may attempt to regulate land use activities related to the growth, processing, storage, transport, and dispensing of the substance.

**Large Scale Solar: Ordinance**

Alternative energy is an increasingly popular means of producing energy, both on an individual and commercial level. Solar energy facilities are becoming more common. Although small solar panels and roof-top systems can be regulated in a land-use ordinance; large scale, commercial solar energy production contains attributes that perhaps require more attention as it relates to siting, scale and

11. **PLANNING COMMISSION WORK TASKS (cont.)**

other land use matters. There are model ordinances that provide a good basis for drafting an ordinance for the Township.

**Review of the Planned Airport District**

The Planning Commission should consider review of the Planned Airport District (PAD). During the review of the Nittany Valley Sports Centre Master Plan, staff noted that the developer and consultant had difficulty with several provisions in the ordinance, including limitations on percentages of land area that could be developed in each phase and other requirements. Staff recommends that the Planning Commission discuss potential amendments to the PAD, while continuing to protect operations at the University Park Airport.

**Review of Existing Conditional Uses**

The purpose of this project would be to review the existing conditional uses of each of the zoning districts in an effort to determine their consistency with the stated intent for development in that district. The uses should also be reviewed in relation to the updated Comprehensive Plan.

**Reorganize/Reformat Telecommunications Regulations**

The regulations governing telecommunications facilities are currently located in the Supplemental Regulations of Chapter 175, Zoning. Because there are multiple pages containing the pertinent standards, a separate section could be created to contain the telecommunication regulations rather than including them in the Supplemental Regulations where a variety of topics are addressed.

**Interpretation Guidance Manual**

Staff has discussed a means by which to address portions of the existing regulations that can be difficult to understand. Often times there is some degree of staff interpretation of those regulations in the process of enforcement and development plan review. A guidance manual would consist of explanations of the various topics addressed by the aforementioned regulations and how staff applies the requirements in daily activities.

**Outdoor Furnaces: Ordinance**

In recent years, the PA DEP published new regulations pertaining to the operation of outdoor furnaces. The regulations restrict the type, location, and acceptable fuel for such devices. Township staff is not aware of any current problems relating to the use of these furnaces.

The Commission members discussed the tasks and submitted individual priority rankings to the Planner. The results were tabulated to arrive at the following ranked list of priority work tasks:

1. Large Scale Solar: Ordinance\* and;
1. Review of the Planned Airport District
2. Medical Marijuana: Ordinance
3. Review of Master Plan Requirements
4. Reorganize/Reformat Telecommunications Regulations
5. Interpretation Guidance Manual
6. Review of Existing Conditional Uses

11. **PLANNING COMMISSION WORK TASKS (cont.)**

7. Outdoor Furnaces: Ordinance

The Planning Commission was in agreement with the rankings of the work tasks, which will be presented to the Board of Supervisors at a future meeting.

12. **STATUS ON PENDING ITEMS**

There were no comments from the Planning Commission on the pending work task items.

13. **REPORTS**

No additional reports were given.

14. **OTHER BUSINESS**

There was no other business brought before the Planning Commission.

15. **ADJOURN – REGULAR/ORGANIZATIONAL MEETING**

The meeting was adjourned at 9:15 PM.