

ATTENDANCE

Planning Commission

John O'Neill, Chairman
Kate Domico, Vice-Chairman
Bill Steudler, Secretary
Brian Rater, Alt. Secretary
Robert Prosek
Richard Schmidt

Township Staff

Doug Erickson, Township Manager
Stephen Casson, Township Engineer/Dir. Public Works
Greg Garthe, CRPA
Nicole Harter, Public Works Secretary

Audience

Bruce Kirkpatrick, Hawbaker Engineering
Robert Poole, Pinnacle Development
Michael Pratt, Keller Engineers
Justin Henry, PSU Student
Thomas Walker, PSU Student
Matthew Hughes, PSU Student
Philip Antypas, PSU Student
Colin Mottola, PSU Student
James Messina, PSU Student
Olivia Rockwell, PSU Student
S. Albright, PSU Student
Frans Padt, PSU Student
Anita Thies, Resident
Aimee Sloane, Resident
Tony Buda, Resident
Jim Payne, Resident
Dale Hershberger, Resident
Jeanne Klanchar, Resident
Brenda Walsh, Resident
Ken Walsh, Resident
Lynn Yost, Resident
Tom Fonda, Resident
Karen Kearney, Resident
Jenry McGinnis, Resident

1. CALL TO ORDER – REGULAR MEETING

The November 6, 2017 regular meeting was called to order at 7:01 PM by Chairman, Mr. John O'Neill.

2. ITEMS OF CORRECTION

There were no additions or deletions to the agenda.

3. APPROVAL OF MINUTES

Meeting minutes from the October 2, 2017 combined Regular Meeting and Work Session were brought before the Planning Commission for approval.

Mr. John O'Neill noted that he had a minor change on Page 3 of 7, Item 6, second paragraph. He asked that it should be "Patton Township has required..." rather than "Patton Township as required..."

3. APPROVAL OF MINUTES (cont.)

Mr. Bill Steudler made a motion to approve the meeting minutes with the correction as noted. The motion was seconded by Mr. Robert Prosek. The motion passed with a vote of 6-0.

4. PUBLIC COMMENTS

Resident, Ms. Anita Thies, addressed the Planning Commission with some recommendations for posting of a property when it is being considered for a rezoning. Ms. Thies is asking if the Township could post signage on the property earlier in the process rather than later so that the residents are aware of what is being proposed. Ms. Thies is also asking if the Township can simplify their website so that items can be found easier and if an item can be added for rezoning information.

Mr. John O'Neill asked Mr. Doug Erickson what the current policy was for rezoning. Mr. Erickson noted that there is no set process. Mr. Erickson noted that both College and Ferguson Township's require signage to be placed on the parcel. Mr. Erickson noted that he and Mr. Greg Garthe will look further into what other local municipalities processes are for rezoning parcels.

5. TAX PARCELS 18-301-4 AND 18-301-41B – LOT ADDITION/SUBDIVISION PLAN

Mr. Doug Erickson noted that Patton Township received the proposed plan to subdivide a 97.3 acre property (18-301-4) into four lots. The plan also combines an adjacent 4.4 acre parcel (18-301-41B) with the residual portion of Tax Parcel 18-301-4 to create a 59.9 acre lot. The remaining 41.8 acres of the property would then be divided up into three residential lots. The site is located at 5703 West Buffalo Run Road (PA 550) in the Rural A-1 zoning district of Patton Township.

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

Mr. Bruce Kirkpatrick, Hawbaker Engineering, provided a brief summary of the proposed plan.

Mr. Bill Steudler asked if the information for Parcel 18-301-4 was correct with the acreage. Mr. Kirkpatrick noted that it was incorrect and that item will be removed upon submitting the Plan to the Township for signatures.

Mr. Bill Steudler made a motion to approve the Lot Addition/Subdivision Plan for Tax Parcels 18-301-4 and 18-301-41B, upon completion of the minor/technical items as noted on Staff's comment letter and upon removing the item noting the incorrect acreage for Parcel 18-301-4. The motion was seconded by Mr. Brian Rater. The motion passed with a vote of 6-0.

6. STATUS ON PENDING ITEMS

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

7. REPORTS

Mr. Greg Garthe reported to the Planning Commission on the establishment of a Special Working Committee for the rezoning of Patton Crossing. The Board of Supervisors are looking for two to three volunteers from the Planning Commission to serve on the Committee. Ms. Kate Domico, Mr. Richard Schmidt, Mr. Bill Steudler, and Mr. Robert Prosek all volunteered. Mr. Doug Erickson noted that he would inform the Board of Supervisor on November 7, 2017 in regards to the selection for the Committee.

Residents, Ms. Aimee Sloane and Ms. Anita Thies asked for clarification on the path that the Board of Supervisors is taking. Mr. Erickson noted that the Board of Supervisors asked that start with the matrix that the Planning Commission had been working on.

Resident, Ms. Lynn Yost, expressed concern with the rezoning and asked that there be more time spent on it.

Resident, Mr. Ken Walsh, expressed his opposition with the recommendation to rezone the site for Patton Crossing, specifically the overlay for the zoning classification.

8. OTHER BUSINESS

There was no other business brought before the Planning Commission.

9. ADJOURN – REGULAR MEETING

The meeting was adjourned at 7:34 PM.

10. CALL TO ORDER – WORK SESSION MEETING

The November 6, 2017 work session meeting was called to order at 7:34 PM by Chairman, Mr. John O’Neill.

11. REQUEST TO AMEND REGULATIONS ON HOME OCCUPATIONS

Mr. Greg Garthe noted that during the public comment period at the October 2, 2017 Planning Commission meeting, Ms. Jeanne Klanchar, speaking for herself and on behalf of 14 other residents that live along Leawood Lane and Chateaux Circle in Park Forest Village, voiced concerns about the actions of a neighboring homeowner. She indicated that the resident has been operating a business in which he repairs and sells automobiles and automotive parts out of his home in a residential neighborhood. The Township has received a number of complaints in the past regarding the individual storing and working on vehicles in the public street.

The Board of Supervisors has previously taken two related actions in response to the complaints received:

- Amended Chapter 107: Nuisances to remove the 72-hour warning period for repeat violations within a 90 day period, and to clarify that violations must be abated in addition to paying a fine.
- Amended Chapter 167: Vehicles and Traffic to establish a prohibition on performing vehicle repairs or maintenance work on Township streets except for emergencies.

Ms. Klanchar indicated that the situation has persisted despite these two regulatory changes, and asked the Township to consider revising the regulations on “home occupations” to make them stricter in order to prevent such activities as those occurring presently. Township Manager, Doug Erickson, noted that the actions of the homeowner are on the edge of what he is legally allowed to do, and even if the regulations on home occupations were changed to make them stricter, the resident would be “grandfathered” into the current regulations. Per the Pennsylvania Municipalities Planning Code (MPC), this particular home business would not be subject to the newly enacted regulations and would be considered a “nonconforming use”, which is a use that was lawfully in existence prior to the enactment of a zoning ordinance or amendment. However, Mr. Erickson noted that stricter regulations could help to mitigate future situations like the one the Township is presented with currently, so the Planning Commission can certainly consider revising the definition of a home occupation.

Patton Township permits home occupations as an accessory use in a number of zoning districts, including the Low Density Residence (R2) district, which includes the majority of properties in Park Forest Village. The Township Code provides the following definition:

11. **REQUEST TO AMEND REGULATIONS ON HOME OCCUPATIONS (cont.)**

HOME OCCUPATION

A “home occupation is an accessory use which is clearly incidental or secondary to the residential use of the dwelling unit, and is customarily carried on within a dwelling unit or accessory building by one or more occupants of such dwelling unit; does not permit selling articles produced elsewhere than on the premises, having exterior displays of goods visible from the outside or making external alterations which are not customary in residential buildings; and includes the following occupations: professional offices such as for the practice of medicine, dentistry, architecture, law and engineering; artists, beauticians, barbers, veterinarians (excluding stables or kennels) and other occupations which do not create objectionable noise, glare, smoke, odor, vibration, electrical interference, fire hazards, substantially increased traffic or other nuisances and does not permit the full-time employment of more than two persons not living on the premises; does not use more than 25% or 500 square feet, whichever is less, of the total floor area of the dwelling; and provides adequate off-street parking if needed.

Township Staff notes that, by using terms such as “customarily” and “other occupations”, the definition naturally lends itself to a certain level of interpretation. However, it also provides for a fairly broad range of home based businesses, as long as they do not produce objectionable noise, odor, and glare, among other negative impacts.

If the Planning Commission wishes to revise the definition and more narrowly define what a home occupation is, one avenue may be to make the definition more consistent with the MPC definition of a “no-impact home-based business”. The MPC grants property owners the right to operate such a business out of their home when it meets certain requirements and mandates that municipal zoning ordinances “*permit no-impact home-based businesses in all residential zones of the municipality as a use permitted by right, except that such permission shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a common interest ownership community.*” Section 107 Definitions, provides the following definition and related requirements:

NO-IMPACT HOME-BASED BUSINESS

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

11. REQUEST TO AMEND REGULATIONS ON HOME OCCUPATIONS (cont.)

- (4) There shall be no outside appearance of business use, including, but not limited to, parking, signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (8) The business may not involve any illegal activity.

The Planning Commission had asked if Township had looked into parking along the streets of Leawood Lane and Chateaux Circle. Mr. Erickson noted that he has reached out regarding the parking and has received no response. Mr. John O'Neill had asked how a survey could be done. Mr. Erickson noted that a resident would need to request for the survey and that the Township would send surveys to each parcel along the two streets.

Resident, Ms. Jeanne Klanchar, disagrees that the parcel is not in violation of the current regulations. Mr. Erickson noted that the Zoning Officer makes the determination and that presently the parcel is at the limit of what can be done. Ms. Klanchar asked if any health inspection had been done, as she had requested. Mr. Erickson noted that it had been done and no violations had been found.

Mr. Brian Rater provided the Planning Commission and Township Staff with his suggestions on a revised ordinance from that of the MPC definition.

Mr. John O'Neill suggested striking a majority of the definition. The following is a rough draft of what the Planning Commission requested:

~~NO-IMPACT HOME-BASED BUSINESS~~ **HOME OCCUPATION**

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling ~~and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.~~ The business or commercial activity must satisfy the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no ~~employees other than~~ **more than one non-family member in addition to** family members residing in the dwelling.

11. **REQUEST TO AMEND REGULATIONS ON HOME OCCUPATIONS (cont.)**

- (3) There shall be no display or sale of retail goods. ~~and~~ There shall be no stockpiling or inventory of a substantial nature **visible outside.**
- (4) There shall be no outside appearance of business use, including, but not limited to, parking, signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood. **(add internet connectivity)**
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (8) The business may not involve any illegal activity.
- (9) No more than four cars parked at any one time in a two hour period on the street in relation to the business use.**

Mr. Erickson noted that he and Mr. Greg Garthe will continue to work on the proposed regulations and it will be brought back for the regular Planning Commission Meeting on December 4, 2017.

12. **REQUEST TO CONSIDER AMENDING PORTIONS OF THE REGULATIONS FOR THE GRAY'S WOODS PLANNED COMMUNITY**

From the October 25, 2017 BOS Meeting:

The Gray's Woods Partnership is requesting consideration regarding two elements related to the 'town center' or Phase 6 portion of the community. The Partnership is preparing concept plans for this area of Gray's Woods in order to potentially propose certain revisions to the 2012 conditionally approved land development plan for Phase 6.

The conditionally approved 2012 plan, illustrates the following:

- 137 townhomes
- 13 single-family lots
- 150 total units
- A modest amount of unspecified commercial space – 8,500 square feet

The current revised concept plan, results in the adjustment of proposed townhome building footprints and an expansion of the overall proposed phase area, and has the following:

12. **REQUEST TO CONSIDER AMENDING PORTIONS OF THE REGULATIONS FOR THE GRAY'S WOODS PLANNED COMMUNITY (cont.)**

- 157 townhomes
- 48 single-family lots
- 205 total units

The Partnership requests consideration towards amending certain zoning requirements:

1. Commercial use requirement: The Gray's Woods Planned Community regulations require that "a town center shall be specifically delineated on the master plan" but does not otherwise mandate a minimum amount of required non-residential use (commercial, office, school, church, utility, etc.). The 2012 plan includes a 8,500 square foot reservation for commercial development.

The Partnership believes there may not be any interest "in any such proposition from the commercial community such that anything would actually develop. Therefore, the Gray's Woods Partnership is requesting elimination of this non-viable ordinance requirement."

2. Sidewalk requirement: The Gray's Woods Planned Community regulations require "sidewalks shall be provided on both sides of streets within the defined town center perimeters". The Partnership is requesting consideration of allowing placement of public sidewalks on only one side of the residential streets within the Phase 6 area.

The Partnership believes such an allowance would still provide for "adequate pedestrian circulation in this denser part of Gray's Woods while resulting in the reduction of impervious cover, etc."

The Partnership request that the Township consider adopting the requirements for the Toftrees Planned Community whereby "alternate pedestrian circulation may be considered by the Township in appropriate locations.

An e-mail from the Partnership's engineer provides additional detail on the request, and is included with the agenda materials.

The Manager recommends the request be forwarded to the Planning Commission for review and recommendation.

End of 10/25/17 BOS Agenda Materials

12. REQUEST TO CONSIDER AMENDING PORTIONS OF THE REGULATIONS FOR THE GRAY'S WOODS PLANNED COMMUNITY (cont.)

At their October 25, 2017 meeting, the Board referred the request to the Planning commission for a recommendation. In addition, the Board and several residents provided comments on the matter.

The Planned Community (PC) zoning district is implemented through a master plan process which provides flexibility in land use planning by providing criteria that allow a mix of uses in a growth area to be served by public utilities. The intent of the PC district is to achieve the following purposes:

- A. Provision of a means for determination, review and mitigation of potential community and environmental impacts.
- B. Provision of adequate and well-designed open space for the use of all residents and general public.
- C. Provision for an orderly and creative arrangement of all land uses with respect to each other within the development, those on adjoining properties and to the entire community.
- D. Assurance that, to the maximum extent possible, the community is afforded the opportunity to participate in the review of master plans for proposed development in the district.
- E. Provision for innovative design and the use of density zoning that allows the clustering of buildings, structures and open space which preserves natural features, woodlands and prevents soil erosion.
- F. Encouragement of innovative strategies to reduce transportation impacts from proposed development that will improve safety, reduce congestion, provide adequate access and promote the use of transportation demand management strategies.

In order for the revised Phase 6 development to occur as conceptually proposed, the following actions would need to occur:

- Amendment of **§175-23.1 Area, bulk, open space and parking requirements for Gray's Woods Planned Community and other planned communities except Oakwood and Tofrees Planned Communities** as requested by the developers
- Approval of a revised master plan for the Gray's Woods Planned Community
- Approval of a revised land development plan for the Gray's Woods Planned Community Phase 6

12. **REQUEST TO CONSIDER AMENDING PORTIONS OF THE REGULATIONS
FOR THE GRAY'S WOODS PLANNED COMMUNITY (cont.)**

Mr. Michael Pratt, Keller Engineers, provide a brief summary of the existing Phase 6 that was conditionally approved in 2012 and where the changes are being proposed.

Mr. Doug Erickson provided a summary to the Planning Commission on the reasoning of having town centers in the Planned Community districts.

Ms. Kate Domico would like the idea of having a small store that residents are able to purchase some grocery items rather than driving into town. Other Planning Commission members liked the idea but were not sure if it would be viable in that location.

Mr. Robert Poole, Pinnacle Development, noted that no viability study had been done.

The Planning Commission agreed that sidewalks need to be placed on both sides of the street.

Mr. Erickson noted that the proposed amendments would be brought back for further review.

13. **ADJOURN – WORK SESSION MEETING**

The meeting was adjourned at 9:05 PM.