

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
Ken Soder, Zoning Officer
Greg Garthe, CRPA
Nicole Harter, Public Works Secretary

Audience

Michael Pratt, Keller Engineers
Frank Peno, Action 4 Autism
Adam Fernsler, Action 4 Autism
Rod Stahl, Stahl Sheaffer Engineering
Mark Torretti, Penn Terra Engineering
Josh Troxell, Oakwood Presbyterian Church
Rich Franke, UPPC
Walt Wise, Resident
Carole Wise, Resident
Anita Thies, Resident
Jim Payne, Resident
Jeanne Klanchar, Resident
Carol Falke, Resident
Julia Nelson, Resident
Rick Maher, Resident

1. CALL TO ORDER – REGULAR MEETING

The December 4, 2017 regular meeting was called to order at 7:00 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 November 6, 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 with the correction as noted. The motion was seconded by Mr. Bill Steudler. The motion passed with a vote of 6-0.

4. PUBLIC COMMENTS

Resident, Ms. Anita Thies, requested that the Patton Township adopt an ordinance for the posting of properties with signage that are under development review. Ms. Thies also requested that such a sign be placed on the Patton Crossing site by mid-January 2018.

Mr. Doug Erickson noted that drafting an ordinance and holding a public hearing would need to be done and that the earliest that a public hearing could be held would be late January or February.

4. **PUBLIC COMMENTS**

The Planning Commission discussed whether they wanted to draft a new ordinance or use the Ferguson Township’s model for the proposed ordinance.

Mr. Robert Prosek made a motion to recommend that the Planning Commission draft an ordinance for posting properties under development reviews by using the Ferguson Township model. The motion was seconded by Mr. Richard Schmidt. The motion passed with a vote of 6-0.

Resident, Ms. Jeanne Klanchar, speaking on behalf of herself and 27 residents along Leawood Lane and Chateaux Circle, disagree with the Township’s determination of Home Occupation. Ms. Klanchar believes that a resident is in violation of the current Home Occupation regulations.

Mr. Erickson advised Ms. Klanchar that they seek legal counsel to challenge the Township’s determination of Home Occupation.

Mr. Erickson extended his gratitude to Mr. John O’Neill for his years of service on the Planning Commission, noting that this will be his last meeting serving on the Commission.

5. **SELF-STORAGE FACILITIES IN THE PLANNED AIRPORT DISTRICT**

Mr. Greg Garthe noted that in 2016, the owners of two parcels near the intersection of Bernel Road and Fox Hill Road requested that the Township allow the use of self-storage facilities that would be leased to the general public. The use, or anything similar, is not currently permitted in the district. The properties lie within the Mixed-Use and Non-Residential areas of the PAD.

From the November 8, 2017 Board of Supervisors meeting agenda:

Three Board members requested that this item be included on the agenda. The use is currently not permitted in the PAD and was the subject of discussion earlier this year. In May of 2017, the Board held a public hearing on this matter. After a motion to deny the request failed on a 2-2 vote, and no further motions were offered, the matter “died” due to lack of action.

Due to the very short notice now provided on this matter, the Manager recommends that the Board, at this time, focus on process rather than the proposed use. Discussion on the proposed use can be held at future Board meetings.

The Board has two options on proceeding with the matter in accordance with Section 609, “Enactment of Zoning Ordinance Amendments” of the Municipalities Planning Code (MPC):

1. The matter can be referred to the Patton Township Planning Commission with a request to review and provide a recommendation. A recommendation would be returned to the Board, and following review of the recommendation, the Board would schedule a Public Hearing for a future meeting date. This is the process the Township follows when requests are received from property owners.

5. **SELF-STORAGE FACILITIES IN THE PLANNED AIRPORT DISTRICT (cont.)**

2. Section 609 (c) of the MPC provide the Board the option of developing the amendment to the Zoning regulations themselves and then submitting the amendment to the Patton Township Planning Commission, the Centre Regional Planning Commission, and the County Office of Planning and Community Development. These bodies must be given at least 30 days to return comments to the Board. This process has been used once previously in the Manager's tenure.

The Board should consider which of the above options to follow.

End of agenda materials

At their November 8, 2017 meeting the Board set a December 13, 2017 public hearing to consider action on the ordinance.

For background, the Planning Commission recommended approval of this ordinance at their April 3, 2017 regular meeting, and it has be previously reviewed by the Centre Regional Planning Commission (CRPC) and Centre County Planning and Community Development Office (CCPCDO). The CRPC will again review this item at their meeting on December 7, 2017 and provide any additional comments to the Patton Township Supervisors. The ordinance has also been provided to the CCPCDO for any additional comments.

The ordinance provided at the December 4, 2017 meeting has not been revised since the May 24, 2017 public hearing.

No additional comments were provided by the Planning Commission.

6. **OAKWOOD PRESBYTERIAN CHURCH BUILDING ADDITION – FINAL LAND DEVELOPMENT PLAN**

Mr. Greg Garthe noted that the Final Land Development Plan for the Oakwood Presbyterian Church Building Addition proposes to construct a building addition to the Oakwood Presbyterian Church, located at 1865 Waddle Road. The two acre site is located to the east of the intersection of Strouse Avenue and Waddle Road, and is within the Planned Community and I-99 Interchange Overlay zoning districts. The existing general purpose facility attached to the rear of the sanctuary will be demolished and replaced with a new 11,700 square foot building addition. Additional demolition includes landscaping elements and sidewalks, and several utilities will be abandoned or replaced. In addition, several gravel areas adjacent to the structure will be enclosed to increase the size of the sanctuary. No new parking spaces are proposed, however three ADA spaces are being relocated closer to the entrance of the building addition. It is expected that the parking needs of the facility will continue to be met through the use of offsite parking spaces at the adjacent Oakwood Centre by way of a shared parking agreement. In 2016, the Township approved a land development plan for the construction of 37 additional parking spaces at Oakwood Centre, between the Oakwood Church and the Texas Roadhouse restaurant, which are included in the shared parking agreement.

6. **OAKWOOD PRESBYTERIAN CHURCH BUILDING ADDITION – FINAL LAND DEVELOPMENT PLAN (cont.)**

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

Mr. Rod Stahl, Stahl Sheaffer Engineering, provided an overview of the proposed addition. Mr. Josh Troxell, representing Oakwood Presbyterian Church, reviewed the interior renovations.

Mr. John O'Neill question if there was adequate parking. Mr. Troxell noted that there is a shared parking agreement with the adjoining businesses. Mr. Ken Soder added that there is ample parking.

Mr. Robert Prosek made a motion to approve the Final Land Development Plan for the Oakwood Presbyterian Church Building Addition, upon completion of the minor/technical items as noted on Staff's comment letter. The motion was seconded by Mr. Brian Rater. The motion passed with a vote of 6-0.

7. **RELOT OF TAX PARCELS 18-002-029M & 18-002-029L**

Mr. Greg Garthe noted that the Replot of Tax Parcels 18-002-029M and 18-002-029L proposes to replot the property line between Lots 2 and 3 of the Nittany Valley Sports Centre. The site is located near the intersection of Bernel Road (SR 3003) and Fox Hill Road (SR 3005) in the Mixed-Use and Residential areas of the Planned Airport District. Lot 2 will increase from 2.248 to 3.276 acres and be designated as Lot 2R, while Lot 3 will decrease from 3.909 to 2.881 acres and be designated Lot 3R. A nursing home facility, approved in April 2017, is currently under construction on Lot 3. Proposed Lot 2R and 3R will enter into an access and parking agreement to share access onto Bernel Road and to provide future development on Lot 2R.

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, provided an overview of the proposed replot.

Mr. Bill Steudler made a motion to approve the Replot of Tax Parcels 18-2-29M and 18-2-29L, upon completion of the minor/technical items as noted on Staff's comment letter. The motion was seconded by Ms. Kate Domico. The motion passed with a vote of 6-0.

8. **SUBDIVISION PLAN – GRAY'S WOODS PLANNED COMMUNITY OPEN SPACE LOT #3**

Mr. Greg Garthe noted that the Subdivision Plan for the Gray's Woods Planned Community Open Space Lot #3 proposes to subdivide approximately 150 acres from the Gray's Woods Planned Community master tract for conveyance to Patton Township for use as public open space land conservation. The Township is purchasing this property as a result of the work of the Open space Task Force, which conducted a search for appropriate open space properties in 2015 and 2016. This was one of five properties provided in a recommendation to the Board of Supervisors. The proposed open space lot is partially within Halfmoon Township and Patton Township, and is located adjacent to the future Gray's Woods Park in the Planned Community zoning district. The plan was also submitted to Halfmoon Township for review. Halfmoon Township Planning Commission will review the plan at their December 5, 2017 meeting and the Centre Regional Planning

8. **SUBDIVISION PLAN – GRAY’S WOODS PLANNED COMMUNITY OPEN SPACE LOT #3 (cont.)**

Commission will review the plan at their December 7, 2017 meeting. Any comments will be provided to the Board of Supervisors at their December 13, 2017 meeting.

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

Mr. Doug Erickson announced that he would be recusing himself from all discussions.

Mr. Michael Pratt, Keller Engineers, provided an overview of the proposed subdivision plan.

Mr. Robert Prosek made a motion to approve Subdivision Plan for the Gray’s Woods Planned Community Open Space Lot #3, upon completion of the minor/technical items as noted on Staff’s comment letter. The motion was seconded by Mr. Richard Schmidt. The motion passed with a vote of 6-0.

9. **ORDINANCE TO REVISE THE DEFINITION OF A HOME OCCUPATION**

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:

- Amend **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.
- Amend **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 Mr. 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 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

9. **ORDINANCE TO REVISE THE DEFINITION OF A HOME OCCUPATION (cont.)**

stricter regulations could help to mitigate future situations like the one the Township is presented with currently.

At the November 6, 2017 Planning Commission meeting, Mr. Greg Garthe presented the Township's existing definition of a "home occupation", and the PA Municipalities Planning Code (MPC) definition of a "no-impact home-based business" for discussion. Mr. Brian Rater provided some suggestions for a revised definition, and Mr. John O'Neill suggested striking a majority of the existing Township definition of a home occupation. Ultimately, the Planning Commission directed staff to prepare an ordinance to revise the definition of a home occupation to more closely align with the MPC definition of a no-impact home-based business, and to also incorporate the suggestions from Mr. Rater.

Ms. Klanchar, speaking on behalf of herself and 27 residents along Leawood Lane and Chateaux Circle, take issue with a property along Leawood Lane being "grandfathered" in, as they feel that the property is in violation of the current ordinance.

Ms. Kate Domico asked for clarification on a description of motor vehicle. Mr. Erickson noted that any licensed, registered vehicle, i.e. car, truck, motor home.

Ms. Klanchar asked how many cars are too many. Mr. Erickson noted that 13 would be too many. If found that there were too many vehicles, the residents are asked to call in and the Township will investigate. If the Zoning Officer finds a violation, a warning will be issued first. If the problem persists, a citation will be written.

The Planning Commission questioned the possibility of no parking. Township advised if the request is made to the Board of Supervisors, it can be done, but it would affect all residents on the street.

The Planning Commission was not ready to forward the ordinance onto the Board of Supervisors and tabled the discussion and has asked Mr. Greg Garthe to research College Township and Ferguson Township to see what they do.

10. **ORDINANCE AMENDING NONRESIDENTIAL DEVELOPMENT REQUIREMENTS IN THE GRAY'S WOODS PLANNED COMMUNITY TOWN CENTER**

Mr. Greg Garthe noted that at the November 6, 2017 Planning Commission work session, Mr. Michael Pratt, Keller Engineers, presented a request on behalf of the Gray's Woods Partnership to revise two of the town center requirements of the Gray's Woods Planned 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 request included:

- **Elimination of required minimum amount of nonresidential uses that must be provided in the town center.** The Partnership believes there may not be any interest from the commercial development community and nothing would actually develop in the town center, and so the ordinance requirement is not viable.

10. **ORDINANCE AMENDING NONRESIDENTIAL DEVELOPMENT REQUIREMENTS IN THE GRAY'S WOODS PLANNED COMMUNITY TOWN CENTER (cont.)**

- **Modification of requirement for sidewalks to be provided on both sides of the streets within the defined town center perimeters.** The Partnership believes that providing public sidewalks on one side of the residential streets in the town center will provide for adequate pedestrian circulation in this denser part of Gray's Woods while resulting in the reduction of impervious cover, etc. The Partnership asked the Township to consider adopting the requirements of the Toftrees Planned Community whereby "alternate pedestrian circulation may be considered by the Township in appropriate locations."

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.

The Partnership presented a preliminary concept for a revised Phase 6 development, which includes the town center. In order for the development to happen 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 Toftrees Planned Communities** as requested by the developers.
- Approval of a revised master plan for the Gray's Woods Planned Community.

10. **ORDINANCE AMENDING NONRESIDENTIAL DEVELOPMENT REQUIREMENTS IN THE GRAY'S WOODS PLANNED COMMUNITY TOWN CENTER (cont.)**

- Approval of a revised land development plan for the Gray's Woods Planned Community Phase 6.

At the November 6, 2017 Planning Commission meeting, Mr. Pratt reviewed the request and provided a brief summary of the existing Phase 6 that was conditionally approved in 2012 and noted the changes being proposed.

The Planning Commission directed staff to develop an ordinance that would remove the nonresidential requirement in the town center, but make no changes to the sidewalk requirement.

The PC zoning regulations applicable to Gray's Woods require a town center area to be specifically delineated on the master plan. The proposed ordinance does not change that requirement but would remove the specific provision for the construction of nonresidential uses in the town center area, which is based on the number of residential units constructed. Overall, a minimum of 5% of the total Gray's Woods community must be designated as nonresidential or mixed-use areas on the master plan. This ordinance does not change that requirement.

The Planning Commission requested that further information be provided. Mr. Greg Garthe will do further research.

11. **STATUS ON PENDING ITEMS**

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

12. **REPORTS**

Mr. Garthe mentioned that the Patton Crossing Advisory Committee had met on November 14 and 29, 2017, and that summaries of both meetings were included for the Commission's information. He noted that at the first meeting, Manager Mr. Erickson reviewed a number of topics related to the Township's authority related to land use regulations. At the second meeting, Mr. Garthe gave an overview of the maximum amount of development that could occur on the site under existing zoning, and compared it to the proposed rezoning to Mixed-Use Overlay District 2. The next meeting will occur on December 12, 2017 and will include a discussion on the most contentious issues brought forth by residents, including setbacks, impervious coverage, and building height.

13. **OTHER BUSINESS**

There was no other business brought before the Planning Commission.

14. **ADJOURN – REGULAR MEETING**

The meeting was adjourned at 9:08 PM.