

ATTENDANCE:

BOARD Elliot Abrams, Chair
George Downsborough, Jr., Vice-Chair
Jessica Buckland, Supervisor
Daniel Treviño, Supervisor
Betsy Whitman, Supervisor

STAFF Betsy Dupuis, Solicitor
Stephen Casson, Township Engineer
Doug Erickson, Township Manager
Greg Garthe, Planner
Paul Christner, Assistant Engineer

ABSENT Lawrence Pegher, Finance Director
Tyler Jolley, Chief of Police

AUDIENCE C-NET (2) Scott Miller, Resident
Mary Lou Dubil, Resident Melissa Hicks, Resident
Joe Herrle, Resident Lance Shaner, Property/Business Owner
Ram Narayanan, Resident Vijaya Narayanan, Resident
Anita Thies, Resident Jim Payne, Resident
Tony Buda, Resident Kathleen Domenig, Resident
Brian Henry, Resident Pamela Robb, Resident
Michael Mark, Resident Kathy Ann Phillips, Resident
John Kirkpatrick, Resident Rich Shore, Resident
Chris Kirkpatrick, Resident Patricia McMullen, Resident
Linda Lochbaum, Resident Terry Bossert, Esq., Post & Scwell
Rick Maher, Resident Matt Patterson, Resident
Heddy Kervandjian, Resident Katarin Parizek, Resident
Richard Parizek, State College Borough Esther Benitez, Resident
Vincent Benitez, Resident Cassandra Ghinos, Resident
Jeane Singer, Resident Bob Poole, Developer
Heidi Nicholas, Developer Ara Kervandjian, Developer
Brian Shaffer, PTPD Kate Domico, Planning Commission
Bill Steudler, Planning Commission Tom Gallagher, Music Mart +1 (Sound System)

1. **CALL TO ORDER**

The June 20, 2018 Board of Supervisors meeting was called to order by Chair Abrams at 7:00 PM.

Pledge of Allegiance

2. **PUBLIC COMMENTS**

Mr. Miller stated that he is concerned about the storage containers at Wal-Mart. Mr. Erickson stated that when people renew permits, it is an administrative approval and he will get a copy of the permit to Mr. Miller.

Mr. Abrams stated that this will be on next week's Board of Supervisors' meeting agenda.

3. **PUBLIC HEARINGS AND ACTION CONSIDERATION: PATTON CROSSING REZONING**

From the [May 9th](#) Board of Supervisors Agenda:

The potential developers of tax parcels 18-012-021 and 18-012-020 first approached the Township in March 2017 with a request to change the zoning to permit a mixed use development. Over the course of the consideration of the request, this site has variously been referred to as the (former) Penn State Mobile Home Park (and adjacent properties), or 1752 North Atherton Street (and adjacent properties), or Patton Crossing.

Through the spring and summer of 2017 the Planning Commission reviewed various options provided by Staff for enacting rezoning and settled on a proposal to develop a Mixed Use 2 Overlay Zoning District (MXD2) that could be applied to parcels with C-2 (Planned Commercial) Zoning. In October the Planning Commission forwarded a recommendation to the Board of Supervisors to rezone the parcels to C-2 and simultaneously apply the MXD2 overlay.

In response to concerns raised by Park Forest residents, the Board held a special work session on Oct 19th to hear comments on the proposed project. Following that the Board established an ad-hoc Advisory Committee (see the [November 8 Board agenda](#) for the committee structure) to review the proposed MXD2 regulations and work towards compromise and/or consensus.

The Patton Crossing Advisory Committee (PCAC) met 4 times from November 14th to February 12th. The Committee concentrated their discussion on the issues of maximum building height, the setbacks to existing residential uses, and the maximum impervious coverage. At the last Committee meeting, it became clear that a consensus position was not attainable and the matter should be returned to the Board of Supervisors for a final resolution of the specifics of the proposed MXD2 zoning regulations.

The Board of Supervisors, at their March 28th meeting, considered the proposals put forth by the Residents of the Advisory Committee and the Developers for the issues of maximum building height, the setbacks to existing residential uses, and the maximum impervious coverage. The Board took action to finalize the proposed MXD2 regulations and scheduled Public Hearings for May 9th for said regulations and for rezoning the parcels to C-2 (Planned Commercial) with the MXD2 (Mixed Use 2) overlay.

From the [May 23rd](#) Board of Supervisors Agenda:

On [May 9th](#) the Board of Supervisors conducted a Public Hearing on the proposed Mixed Use 2 Overlay Zoning District (MXD2) Regulations.

A motion to approve the proposed Ordinance was offered and seconded, but failed to pass on a 2-3 vote.

3. **PUBLIC HEARINGS AND ACTION CONSIDERATION: PATTON CROSSING REZONING**
(Continued)

From the May 23rd Board of Supervisors Agenda (Continued):

Following the meeting, the Board Chair directed the Manager to place the item on this [i.e. May 23rd] agenda for discussion related to the affordable housing requirements contained in the proposed ordinance. The proposed ordinance requires that a minimum of 5% of the residential dwelling units on a MXD2 site must be affordable housing units for tenants earning less than 65% of the area median income of Centre County. Rental rates are capped at 30% of a tenant's income and the units must remain affordable for 50 years from the date of initial occupancy.

The Manager offers a potential change for the MXD2 regulations to encourage the inclusion of more affordable housing units (would be added to Section J(1) on page 19 of the draft ordinance):

For every additional Affordable Housing (AH) unit above the 5% base requirement, up to an additional 5% (for a total of 10% AH units), the following incentives may be incorporated into a project:

- One additional market-rate unit shall be permitted for each additional AH unit, and
- Both the additional AH unit and the additional market-rate unit shall be exempt from the residential density limit, and
- The impervious coverage limit shall be increased by 1,500 square feet for each additional AH unit.

From the May 23rd Board of Supervisors Minutes:

The Planner has quantified the effect the above change would have on the Patton Crossing project -- [without change / with change]

| | |
|---|----------------------|
| Total Affordable Housing dwelling units on site | 9 to 18 / 36 |
| Total Market-Rate dwelling units on site | 168 to 336 / 354 |
| Total dwelling units on site | 177 to 354 / 390 |
| Residential density on site (du / ac) | 6.25 to 12.5 / 13.74 |
| Maximum impervious area on site | 75% / 77.2% plus 5%* |
| *for green roofs and pervious pavement | |

3. PUBLIC HEARINGS AND ACTION CONSIDERATION: PATTON CROSSING REZONING (Continued)

From the [May 23rd](#) Board of Supervisors Minutes (Continued):

Mr. Trevino moved to add to the Mixed Used 2 District Ordinance the Manager's suggestion for up to 5% more affordable housing. Seconded by Ms. Whitman, the motion passed 5-0.

Mr. Downsborough moved to relocate Paragraph K7 to Section J. Seconded by Ms. Whitman, the motion passed 5-0.

Ms. Buckland moved to schedule the Patton Crossing – Mixed Use 2 District Public Hearing on July 11, 2018. Seconded by Mr. Downsborough, the motion passed 5-0.

End of Board of Supervisors Agenda/Minutes materials

The following format is suggested for this evening's discussion:

Introductions

1. An introduction and overview by Planning Commission representative(s) and the Township Planner,
2. A review of the Concept Plan by the development team,

Adoption of Mixed Use 2 Overlay Zoning District (MXD2) Regulations

3. The Board should open the Public Hearing on the regulations and accept comments from the audience,
4. The Board should close the Public Hearing on the regulations
5. The Board may discuss and consider action on the regulations, or defer until the next Public Hearing is concluded

Rezoning Tax Parcels 18-012-021 and 18-012-020 to C-2 (Planned Commercial) with the MXD2 (Mixed Use 2) overlay

6. The Board should open the Public Hearing on the rezoning and accept comments from the audience (*audience members who commented during the first Hearing regarding the rezoning proposal do not need to repeat their comments a second time.*)
7. The Board should close the Public Hearing on the rezoning
8. The Board should discuss and consider action on the MXD2 regulations and/or the rezoning.

3. PUBLIC HEARINGS AND ACTION CONSIDERATION: PATTON CROSSING REZONING (Continued)

The Manager recommends that separate motions be considered for the two actions, with consideration of the MXD2 regulations preceding the rezoning decision.

The latest concept plan from the developers is included on the next page and in the agenda materials.

Written comments from the public, received since May 23rd and prior to Noon on July 6th, are included in the agenda materials. Comments received between Noon, July 6th and noon, July 10th will be included in an agenda update.

a. Adoption of Mixed Use 2 Overlay Zoning District (MXD2) Regulations

The potential developers of tax parcels 18-012-021 and 18-012-020 first approached the Township in March 2017 with a request to change the zoning to permit a mixed use development. The Township did not have an existing zoning designation that would permit a development of this nature, with a mix of retail and residential uses, on a 28 acre site.







Building on the 2014 MXD regulations, adopted to apply to smaller (generally 3 acres or less) commercial parcels, the proposed MXD2 (Mixed Use 2) overlay was developed to potentially apply to larger commercial parcels that are, or would be, zoned C-2 (Planned Commercial). As currently proposed, the MXD2 overlay could only be placed on C-2 parcels that are 20 acres or larger.

As noted, the Planning Commission (PC) recommended adoption of the regulations in October 2017. Following review and revisions to the PC recommended version of the regulations by the PCAC and the Board of Supervisors, the current version (v7.0) of the proposed MXD2 overlay district regulations are the subject of this Public Hearing.

As required by the Pennsylvania [Municipalities Planning Code](#), this proposed amendment to the Township's zoning regulations has been provided to the Township Planning Commission, the Centre Regional Planning Commission (CRPC) and the Centre County Office of Planning and Community Development



BUILDING TYPE LEGEND:

-  Grocery Store
-  Commercial / Office
-  1st Floor Commercial - Residential above
-  Hotel
-  Residential
-  Clubhouse

CONCEPTUAL MASTER PLAN
PATTON CROSSING
State College, PA

THIS MASTER PLAN IS PRELIMINARY AND INTENDED FOR CONCEPTUAL PURPOSES ONLY. THE LAYOUT AND LANDSCAPING REPRESENTATIONS BELIEVE THE RIGHT TO MAKE ANY CHANGES TO THE PLAN, INCLUDING, BUT NOT LIMITED TO, BUILDING AND STORE LOCATIONS, SIZE, MEASUREMENTS, CIRCULARS, PROPORTION, TYPING, SPACING, ENTRANCES, PARKING, AND OVERALL SITE CONFIGURATIONS. THE CLIENT SHALL TAKE NO ACTION BASED ON THIS PLAN. HAND-DRAWN OR IN ANY OTHER MANNER NOTED. WORK SHALL BE PROTECTIVE TENANT TO BELT ON THE SAME.

3. **PUBLIC HEARINGS AND ACTION CONSIDERATION: PATTON CROSSING REZONING (Continued)**

- a. **Adoption of Mixed Use 2 Overlay Zoning District (MXD2) Regulations (Continued)**
(County) for advisory comments. The CRPC comments are included with the agenda materials; the County comments will be distributed prior to the hearing. The Patton Township PC had no comments.

(1) **Public Hearing**

The public hearing has been advertised for this meeting. The Board should convene the hearing and receive comments on the proposed Mixed Use 2 Overlay Zoning District (MXD2) Regulations. The proposed Ordinance 2018 -590 “**Mixed-Use Overlay District 2**” is included with the agenda materials. A plain-language Summary of the proposed regulations is also included with the agenda materials.

The Board convened the Public Hearing on the proposed Mixed Use 2 Overlay Zoning District (MXD2) Regulations at 7:06PM.

Ms. Hicks stated that the density issues of this proposal have not been addressed. She asked the audience who is against this proposal and stated that there are 300 signatures on a petition against this.

Ms. Buckland stated that she is taking in all the information from everyone before making a decision and taking the decision very seriously.

Ms. Whitman stated that that Board is listening to everyone’s comments and doing research in other areas.

Ms. Hicks stated that she appreciates the need of affordable housing in the area.

Mr. Narayanan stated that he is concerned about the traffic on Atherton Street.

Mr. Walsh stated that this is the wrong project for this property. He stated that the developer should be presenting the facts about the problems this development is going to cause. He asked that Ms. Buckland abstain from voting due to having a preplanned agenda.

Ms. Buckland asked the Solicitor if she needs to abstain. Ms. Dupuis answered “No”.

Ms. Thies stated that the Committee asked if the hotel could be moved closed to Atherton Street and this has not been addressed. She feels there was a break down in good faith discussions. She would encourage the

3. **PUBLIC HEARINGS AND ACTION CONSIDERATION: PATTON CROSSING REZONING
(Continued)**

a. **Adoption of Mixed Use 2 Overlay Zoning District (MXD2) Regulations (Continued)**

(1) **Public Hearing (Continued)**

Supervisors to revisit the comments residents made when this plan comes to the Final Land Development Plan.

Mr. Abrams stated that he has reservations about the height of the hotel and that will be address if/when the plans come in.

Mr. Miller stated he is concerned about the current drainage system in the Woodycrest Area. He stated that he is concerned about the added traffic to Clearview Avenue.

Ms. Perizek is concerned about the geology and runoff causing more sink holes in the area.

Mr. Shaner stated that this Board has opened negotiations between residents and the developer and suggest that it is premature to pass this change. He is concerned about massive density on properties in residential areas. He asked the Board to not approve so the Board can restrict building height and density in the area.

Mr. Maher stated that the MXD2 was tailored with the Patton Crossing development in mind. He stated that this item should be tabled and should be tackled by the Planning Commission or Board of Supervisors as a work session.

Ms. Whitman stated that she referred to the Comprehensive Plan in regards to affordable housing. She suggested residents attend the COG Transportation Land Use meetings to listen to the discussion of affordable housing.

Ms. Domenig stated that there are two questions; (1) is mixed use a good idea and (2) is it a good idea for here. She stated that she is concerned about the traffic in area and affordable housing. She asked the Board to table this proposal.

Mr. Bossert asked if the Board is looking at an amendment of an ordinance or preapproving a plan for a developer.

Mr. Henry stated he is concerned that there is no language that protects the free speech of the public on the property in the ordinance.

3. **PUBLIC HEARINGS AND ACTION CONSIDERATION: PATTON CROSSING REZONING
(Continued)**

a. **Adoption of Mixed Use 2 Overlay Zoning District (MXD2) Regulations (Continued)**

(1) **Public Hearing (Continued)**

Ms. Buckland asked the Solicitor about the public streets in the area. Ms. Dupuis stated that public rights-of-way are available for public demonstration but if the property is owned by the developer they get to control it, not the township.

Ms. Singer stated she is here to support the mixed used and sees this as a desirable place for residents. She stated that the developer is trying to help meet the needs of the residents.

Mr. Marx asked the Board if they serve the residents or the developers.

The Board took a 15 minute break.

Mr. Schaffer stated that he is in support of this MXD2 and thinks it is a good start.

Ms. Swonacheck stated that she supports this project because she has a teenage daughter and it would be a nice place for her to spend time with her.

Mr. Shore suggested putting this on the November ballot.

Mr. Mark asked the Board to make the review process better and to evaluate what the consequences of this plan is.

Mr. Abrams stated he is open to having a watch dog committee to help review plans on a volunteer basis.

Mr. Patterson stated that once the zoning is set the looks of the building can come from this. He stated that this is a better solution than another student housing development.

Mr. Perizak stated he is concerned about the drainage from this development.

Mr. Poole stated that there is not a contract to clear cut the trees and that he needs to do a complete traffic study that is set by PennDot. He stated that there is a full process for the storm water management for the property.

Mr. Downs brough moved to close the Public Hearing on the proposed Mixed Use 2 Overlay Zoning District (MXD2) Regulations at 9:43PM. Seconded by Mr. Trevino, the motion passed 5-0.

3. **PUBLIC HEARINGS AND ACTION CONSIDERATION: PATTON CROSSING REZONING
(Continued)**

a. **Adoption of Mixed Use 2 Overlay Zoning District (MXD2) Regulations (Continued)**

(2) **Action Consideration**

If the public hearing is closed, the Board may consider action on the proposed Ordinance 2018 -590 “**Mixed-Use Overlay District 2**” or identify revisions or additional information needed before further consideration. Substantive revisions will require re-advertisement and a new Public Hearing.

Mr. Trevino moved to approve the Mixed Use 2 Overlay Zoning District (MXD2) Regulations. Seconded by Mr. Downsborough, the motion passed 5-0.

Ms. Whitman stated that she is concerned about the affordable housing and would like to have more permeable pavement.

Mr. Trevino stated that the Board has been considering this project since last year and that the Board will be careful about approving the master plan.

Ms. Whitman stated that this is not a perfect ordinance but she is in support of it. She stated her concerns are traffic, affordable housing,

b. **Rezoning Tax Parcels 18-012-021 and 18-012-020 to C-2 (Planned Commercial) with the MXD2 (Mixed Use 2) overlay**

The potential developers of tax parcels 18-012-021 and 18-012-020 first approached the Township in March 2017 with a request to change the zoning to permit a mixed use development. A location map for these parcels is included with the agenda materials.

As noted previously, in October 2017 the Planning Commission (PC) recommended adoption of MXD2 overlay district regulations and rezoning these parcels to C-2 (Planned Commercial) with the MXD2 (Mixed Use 2) overlay.

Adoption of the MXD2 overlay district regulations was the subject of the prior agenda item. If the Board does not take action to adopt those regulations, action on this item must be deferred.

3. **PUBLIC HEARINGS AND ACTION CONSIDERATION: PATTON CROSSING REZONING (Continued)**

b. **Rezoning Tax Parcels 18-012-021 and 18-012-020 to C-2 (Planned Commercial) with the MXD2 (Mixed Use 2) Overlay (Continued)**

As required by the Pennsylvania [Municipalities Planning Code](#), this proposed amendment to the Township's zoning regulations has been provided to the Township Planning Commission, the Centre Regional Planning Commission (CRPC) and the Centre County Office of Planning and Community Development (County) for advisory comments. The CRPC comments are included with the agenda materials for the MXD2 hearing; the County comments will be distributed prior to the hearing. The Patton Township PC had no comments.

(1) **Public Hearing**

The public hearing has been advertised for this meeting. The Board should convene the hearing and receive comments on the proposed rezoning of these parcels to C-2 (Planned Commercial) with the MXD2 (Mixed Use 2) overlay. The proposed Ordinance 2018 -591 "**Rezoning of Tax Parcels 18-012-021 and 18-012-020 from R-3 AND C-1 to C-2 with the MXD2 Overlay Zone for the Patton Crossing Development**" is included with the agenda materials.

Mr. Downsbrough moved to open the Public Hearing for Rezoning Tax Parcels 18-012-021 and 18-012-020 to C-2 (Planned Commercial) with the MXD2 (Mixed Use 2) Overlay at 10:00PM. Seconded by Ms. Whitman, the motion passed 5-0.

Mr. Walsh stated that people would be better prepared if comments were taken at the next meeting.

Mr. Schaffer stated that he encourages the Board to vote on it right now.

Ms. Buckland moved to continue the Public Hearing on July 18, 2018. Seconded by Ms. Whitman, the motion passed 4-1, with Mr. Downsbrough voting no.

(2) **Action Consideration**

If the public hearing is closed, the Board should consider action on the proposed Ordinance 2018 -591 "**Rezoning of Tax Parcels 18-012-021 and 18-012-020 from R-3 AND C-1 to C-2 with the MXD2 Overlay Zone for the Patton Crossing Development**" or identify revisions or additional information needed before further consideration. Substantive revisions will require re-advertisement and a new Public Hearing.

4. **OTHER BUSINESS**

There was no other business.

5. **CONTINUANCE**

At 10:07 pm the Public Hearing was continued until July 18, 2018 at the Patton Township Building.