

SPECIAL SUPERVISORS MEETING
HELD ON AUGUST 1, 1974

The meeting was called to order at 4:05 by Chairman Elwood Williams with Mr. Trotter and Mr. Ziegler also in attendance.

The reading of the Minutes of previous meeting was suspended.

The following business was transacted:

(1) Two bids were received for constructing three (3) Township Roads, TR 333, TR 651, and TR 761.

	<u>Total Bid</u>
Glenn O. Hawbaker, Inc.	\$34,837.20
Herbert R. Imbt, Inc.	\$32,335.13

After consideration of both bids and individual items, Mr. Trotter moved, Mr. Ziegler seconded, all supported acceptance of low bid from Herbert R. Imbt, Inc.

Mr. Williams will take care of forwarding the bids to the State Office at Clearfield along with two copies of advertisements and two copies of Resolution. He will also return Hawbaker's bid bond along with a cover letter advising him of Board's decision.

(2) Received from Penn State Engineering, Inc. (Frank Welsh) plans covering additions at Hills Shopping Plaza:

- a. Peoples' National Bank Building
 - b. Western Auto Accessory Building
- for Planning Commission consideration.

(3) Supervisors should consider Mayberry Lane Extension with Highway Funds unused for three roads covered in (3) above.

(4) Approved replot of Lots 1 and 2 for Farmer's National Bank, formerly a portion of the J. Kenneth Walker farm across from Township Building. Moved by Mr. Trotter, seconded by Mr. Williams and unanimously passed.

(5) Moved by Mr. Williams, seconded by Mr. Trotter, unanimously passed to extend, for an additional 60 days, the period in which recording of Mt. Nittany Terrace Plans may be made.

(6) The Herbert W. Stewart decision was rendered unanimously. Request for Rezoning was denied - see attached decision.

(7) Zoning Ordinance to be rewritten to include all amendments. Jeff Roush will be asked to do this then propose review by the Zoning Hearing Board. College Township needs one Ordinance with references to amendments. Check editorial changes, i.e., Board of Adjustment becomes Zoning Hearing Board.

(8) College Township Park and Recreation Board be updated. Indicate who, when to meet, and functions.

The meeting adjourned at 5:00 P.M.

Respectfully submitted,

John H. Ziegler
Secretary

BOARD OF SUPERVISORS

COLLEGE TOWNSHIP

1481 EAST COLLEGE AVE.

STATE COLLEGE, PA. 16801

RESOLUTION

At a Special Supervisors Meeting held on August 1, 1974 at 4:00 P.M., bids were opened for the paving of the following Township Roads: TR 333, TR 651, and TR 761.

Two bids were received: one from Herbert R. Imbt, Inc. in the amount of \$32,335.13, and the other from Glenn O. Hawbaker, Inc. in the amount of \$34,837.20.

Mr. Ziegler proposed and Mr. Trotter seconded a Resolution that the Board award the bid to Herbert R. Imbt, Inc. for the above road improvements. The Resolution was unanimously approved.

Respectfully submitted,


John H. Ziegler
Secretary

BOARD OF SUPERVISORS

COLLEGE TOWNSHIP

1481 EAST COLLEGE AVE.

STATE COLLEGE, PA. 16801

IN THE MATTER OF A REQUEST FOR A
ZONING CHANGE BY:

TO THE SUPERVISORS,
COLLEGE TOWNSHIP, CENTRE COUNTY,
PENNSYLVANIA

HERBERT W. STEWART

August 1, 1974

APPLICANT: Herbert W. Stewart

LOCATION OF PROPERTY: Immediately South of and
adjacent to Route 26 in
the Vicinity of Dale Summit

OWNER: Herbert W. Stewart
Box 256, R. D. 1
Bellefonte, Pa. 16823

OPINION

A request was filed in the above matter on April 8, 1974 in which the Applicant requested the rezoning of 17.475 acres of his land situated along Route 26 adjacent to lands now or formerly owned by Jay D. Struble and lands now or formerly owned by Russell H. Kline. This land is currently zoned I-RD (Light Industrial, Industrial Research and Development). The Applicant requested rezoning to C-1 (General Commercial).

REVIEW

The Applicant stated that his request was not related to any desire on his part to expand his current auto salvage yard operation. He further stated that recent decisions by the Zoning Hearing Board and the Court have seriously interfered with his right to conduct his business and thus he decided to consider other areas. He also stated that the present I-RD zoning effectively prohibits his use and improvement of the land under consideration.

Mr. Stewart reported that there are only three buildings immediately adjacent to the property and a commercial use could be less objectionable than an industrial use, especially since the land was never intended for industrial purposes Mr. Stewart reported that at the time the Zoning Ordinance went into effect (1965) all land in the area which was being used for commercial purposes was zoned Commercial except his. The land in question has been in his family since 1941, and under his control and management since 1960. He also indicated that at no time was he ever consulted as to what his wishes might be and this fact has resulted in a continuous series of legal difficulties and expenses, and endless harrassments.

Request for Zoning Change
by Herbert W. Stewart

Page 2

Review (Continued)

Mr. Stewart also indicated that the land under consideration is immediately to the Southeast of the Commercial land in the "Nittany Mall", and is of sufficient size in his opinion to forestall a charge of "spot zoning". In the event that spot zoning becomes the reason for denying this request, Mr. Stewart indicated he would make application to rezone the entire 65.77 acre tract of which this is a part.

Mr. Stewart's original request was forwarded by the Supervisors to the College Township Planning Commission for review and recommendations as required by the Zoning Ordinance. The College Township Planning Commission considered this request at their regular meeting on May 16, 1974, and responded to the Supervisors under date of May 28, 1974. The Planning Commission voted unanimously to recommend to the Supervisors that the request for rezoning to C-1 (Commercial) be denied for the following reasons:

1. To rezone the subject acreage C-1 is contradictory to the recent amendment to the Zoning Ordinance where the intent was to reduce the amount of C-1 property in the Township;
2. The subject acreage would subtract from the only I-RD acreage in the Township (a total of 141.5 acres, 13.4 developed), where the access to the railroad indicates that the highest and best use would be either I-RD or I, certainly not C-1;
3. The subject acreage splits the I-RD Zone, thus reducing development versatility for the remaining I-RD acreage;
4. The subject acreage is not adjacent to, or even near, other C-1 property, and would be in fact and theory "spot zoning".

In addition to the above reasons, the Planning Commission believed it to be highly questionable as to the success of this property as C-1. Its use would be limited to only a few of the permitted uses since many of the permitted uses could not hope to compete with the Nittany Mall businesses nearby and across the street. (It should be noted that the Application did not specify any particular use.)

The Planning Commission also reported that the Applicant's Surveyor stated that the land had been purchased by the Applicant in full knowledge that it was zoned I-RD. This is at variance with the Applicant's letter of application unless the letter is referring to other property owned by the Applicant. There are also several other non-factual statements in the Application.

On July 16, 1974, at the regular meeting of the Supervisors of College Township, a Hearing was held on Mr. Stewart's rezoning request. All correspondence received by the Supervisors relative to this request was reviewed. No sworn witnesses came forth to present material either in support or against Mr. Stewart's request. The Supervisors noted that they still did not receive any indication of Mr. Stewart's planned use for the land when rezoned to C-1.

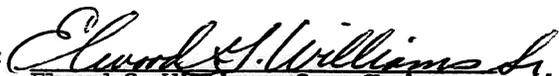
Request for Zoning Change
by Herbert W. Stewart

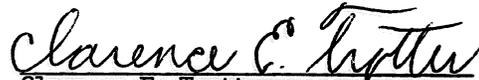
Page 3

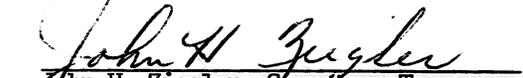
DECISION

The Supervisors of College Township hereby refuse the request by Herbert W. Stewart to rezone 17.475 acres of his land from I-RD to C-1 and in support of their decision render those reasons given by the College Township Planning Commission under date of May 28, 1974, as reported herein. The Supervisors would also note that, as mandated by law, at the time of adoption of the current Zoning Ordinance, all landowners were afforded the opportunity to publicly object to the zoning proposals. There appears to be no record that Mr. Stewart did so. The Supervisors also believe that any and all requests for rezoning should be accompanied by a strong indication of intended use and based on good and just cause both of which are lacking in this case.

SIGNED:


Elwood G. Williams, Sr., Chairman


Clarence E. Trotter


John H. Ziegler, Secretary-Treasurer

cc: Zoning Hearing Board
College Township Planning Commission
Jeffrey A. Roush, Zoning Officer
Centre Daily Times
Pennsylvania Mirror
Reed McCormick, Solicitor