

COLLEGE TOWNSHIP COUNCIL

PUBLIC HEARING

JUNE 17, 1982

7:30 P.M. - 9:05 P.M.

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MEMBERS PRESENT: Donald E. Bailey, J. Carroll Dean, Herbert W. Stewart, Dolores A. Taricani

MEMBERS ABSENT: Gale L. Dargitz

OTHERS PRESENT: C. Thomas Lechner, Manager-Secretary

PUBLIC HEARING

Council adopts a Curative Amendment to the Zoning Ordinance (Article VII, Section 9.1.2.3). (Bailey moves; Stewart seconds.)

Vote: Unanimous agreement of 4 Council Members present - Bailey, Dean, Stewart, Taricani.

The Curative Amendment as advertised and adopted reads:

"For any lot of record at the time of adoption of this Amendment which is divided by a zoning line and also that said zoning line separates Commercial and Residential Zone, the Owner of such lot may use the area of the lot which is zoned Residential to locate the parking required or proposed for the Commercially zoned portion of the lot. If the Owner elects to use the area zoned Residential for parking, such parking area shall not be within 100 feet of any property line adjacent to the Residential zoned portion. All other parking regulations for Commercial areas shall apply."

Background. In a notarized letter to Council (dated April 28, 1982) Dr. H. C. and Joan F. Hubbard proposed the adoption of the Curative Amendment to meet their need for commercial parking. Chairman Taricani read the entire letter into the record.

The Hubbards' property lies in two different zoning categories; one lot is Residential, the other is Commercial. The Residential lot cannot be used to accommodate any of the necessary ancillary facilities for the Commercial lot -- in this case, parking. Specifically, (as the Hubbards state in their letter) "The College Township Zoning Ordinance restricts the use of the R-1 Zone portion of our lot to the extent that the College Township Planning Commission and Zoning Officer have determined that this portion cannot be used for purposes of providing parking for an allowed use on a C-1 zoned portion of the lot".

Chairman swears in witnesses: Tom Songer - Hubbards' Representative; Nancy McDonnell - Property Owner; Fred Nicholas - Developer; Clifford Craig - Engineer for Uni-Tec; and Joan F. Hubbard - Applicant.

Testimony: Tom Songer - Hubbards' Representative.

1. When reviewing the Hubbard Site Plan at its April 22nd Meeting, the Planning Commission objected only to the fact that Residential land cannot be used as a parking lot.

2. The Hubbard property previously was divided into one lot zoned Commercial, one lot zoned Residential; the property has since been resubdivided into one lot -- resulting in a single lot divided by a zoning line.

3. Songer believes that the Curative Amendment would not adversely affect adjacent Residentially zoned land because of its unique specifications: this Amendment would apply only to single lots. "If you have a Residential lot and a Commercial lot beside it, you could not develop the Commercial lot and utilize the Residential lot for parking purposes". There are no known such situations in College Township (except for Hubbard case).

4. Curative Amendment would allow Hubbards to utilize the site for its intended purpose.

5. Hubbards have designed the most feasible Site Plan for the land which would cause the least impact on adjoining lands.

Chairman Clarifies Legal Points.

1. Changes to the Zoning Ordinance cannot be made only on basis of Hubbard case. "You never change a Zoning Ordinance for a particular individual."

2. The question before Council: Is there a defect in our Zoning Ordinance? Is it fair that the Zoning Ordinance requires that parking or some other facility not be in the adjacent land as it is zoned?

3. Council must not consider the past history of the Hubbard plans in its deliberations for a Curative Amendment.

Dean Clarifies an Additional Legal Point.

1. At this Hearing, Council cannot consider the Planning Commission's recommendation; the Ordinance as advertised is the only item that can be acted upon. Council cannot modify the proposed Amendment.

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Testimony: Nancy McDonnell - Private Property Owner.

1. McDonnell does not believe that the Curative Amendment's jurisdiction over only single lots is a safeguard since other residents can request zoning changes to combine lots as the Hubbards did. (Hubbards did not request rezoning of their property at the time of the Planning Commission Hearing.)

2. McDonnell is concerned that the Amendment would set a bad precedent, that it would promote "Commercial sprawl", and that it might permit more intensive development of the existing Commercial lot.

Dean Clarifies a Statement by McDonnell.

There is a limit on the density of Commercial property development.

Testimony: Fred Nicholas - Developer.

1. Curative Amendment would violate "good zoning practice" which dictates the maintaining of "buffer zoning" between Commercial and Residential properties.

2. Curative Amendment would set a detrimental precedent; it would not be an acceptable solution to Commercial development adjacent to a Residentially zoned property.

Cliff Craig - Uni-Tec, Clarifies the Amendment's Jurisdiction.

The Commercial-Residential Zone split of a single lot must be a lot of record at the time of passage of the Amendment. After adoption of the Amendment, "someone could not combine their lots into a single lot and do this again".

Dean Identifies a "Complicating Factor" to this Issue.

"That portion of the property which is in R-1, in effect, is land-locked; there is no access to it from any side except through another piece of property. Therefore, in order to use that land, in whatever form that's permitted, you must provide access. Unless some access is provided the use of that land is lost to the owner."

Hearing is adjourned at 8:20 P.M.

CORRESPONDENCE

1. Council is invited to participate in an Office Technology Workshop.

M.P.O. EXPLAINED BY TOM KURTZ.

1. The Metropolitan Planning Organization (M.P.O.) is a replacement for CRATS.
2. M.P.O. would have responsibility to make decisions for Centre Region on priorities for PennDOT projects.
3. M.P.O. Membership As outlined in the Agreement is representative of each Township, the Borough of State College, the University, CATA, etc.
4. In terms of approving funding, the M.P.O. will have the same responsibilities as CRATS, plus "doing some of the work that PennDOT used to do".
5. M.P.O. has budgeted \$3,750.00 as the local share matched by 9 times that of Federal money.

Council Approves the Signing of the M.P.O. Agreement.

(Dean moves; Bailey seconds.) Vote unanimous approval by all Council Members present - Dean, Bailey, Stewart, and Taricani.

PENN HILLS PRD PLAN

Council approves the Preliminary and Final Plan for Resubdivision of Lots #13 and #14, Penn Hills PRD - Section II, dated June 8, 1982, with no revisions, conditional on obtaining the signature of Betty Knauff.

Vote: Unanimous approval by Council Members present - Bailey, Dean, Stewart, Taricani.

This Resubdivision rectifies a problem caused when a contractor constructed a driveway that extended beyond the original property line by a few feet.

OTHER MATTERS

1. Council received correspondence from PennDOT that the Struble Road & Benner Pike Traffic Signal has been bid at \$35,871.73.
2. RE: Potential for severe consequences for Centre Regional Housing Development caused by the new designation of the State College Area as "Urban", Council informally agrees to:

- a. write to Mr. Clinger, Mr. Specter, and Mr. Heinz informing them of Council's concern about potential cutbacks in Farm Home financing for the Centre Region, and the general inequity for communities such as Houserville, Penn Hills, etc. as being included within State College Urban Area.
- b. research the facts
- c. pursue this issue and attempt to rectify the situation.

3. Manager will draft a letter in Council's name requesting that Elwood Williams, Sr., continue in the role of College Township Coordinator for the Emergency Management Agency (formerly called Civil Defense).

4. Cemetery Road issue is "almost resolved"; Jack Mitchell will correct drainage problems that State College Borough receives; Borough will construct the rest of the road.

5. Status Report on Park Road Abandonment: Dean met with Mr. Schuckers and Miller of the Penn State University; most feasible plan decided would be for College Township to vacate Park Road; Park Road would then revert to Penn State University; Penn State University would then deal with it as a full property owner, which gives the University a better over-all package to deal with the State.

ADJOURNMENT

The meeting adjourned at 9:05 p.m.

Respectfully submitted,
C. Thomas Lechner
Secretary

CTL:mc:bh