

COLLEGE TOWNSHIP COUNCIL
REGULAR COUNCIL MEETING MINUTES
Thursday, September 4, 2014

ATTENDED BY:

COUNCIL:

L. Eric Bernier, Chair
Mary C. Shoemaker, Vice-Chair
Lynn B. Herman
Carla Stilson
D. Richard Francke

STAFF:

Adam T. Brumbaugh, Township Manager/Secretary
Kent N. Baker, Township Engineer
Michael W. Heath, Zoning Officer
Mark Holdren, CRPA Sr. Planner
Mary E. Wilson, Asst. Township Secretary

ABSENT:

Robert T. Long, Jr., Finance Director

CALL TO ORDER

Chair Bernier called to order at 8:58 PM the September 4, 2014, Regular College Township Council Meeting following public hearings on Ordinances O-14-11, Gateway Commercial Zoning, and O-14-07, Hilltop Area Rezoning.

OPEN DISCUSSION:

Mr. Bruce Pincus, Walnut Spring Lane, inquired into the Council term expiration date of Council member Rich Francke, who replied that his appointed term replacing Mr. David Fryer would terminate on December 31, 2015.

PLAN:

P-1 Fieldstone Phase 3 Final Subdivision Plan; Request for Time Extension

Mr. Kent Baker, Township Engineer, explained that there is an approved Preliminary Plan for Fieldstone Phase 3, which would allow the developer to begin development. Although an unusually long time extension was being requested, Mr. Baker confirmed that the only

hardships would be in staff's administratively tracking the time and in the developer's construction limitation of only building roads, no structures.

Mr. John Sepp, P.E., Penn Terra Engineering, Inc., representing developer S&A Homes, Inc., requested a nine-month time extension for the Fieldstone Phase 3 Final Subdivision Plan, as the developer has multiple subdivisions currently under construction. It is anticipated that Fieldstone, under the Preliminary Plan approval, will not begin until Spring of 2015. It was anticipated that surety would be posted after construction commenced.

**Mr. Herman moved to grant a nine-month time extension on the Fieldstone Phase 3 Final Subdivision Plan.
Ms. Shoemaker seconded the motion.**

Mr. Francke inquired if there was any Council concern about setting a precedent by granting this long time extension, and Ms. Shoemaker asked if there was any risk to the Township in approving this request.

Mr. Baker, Township Engineer, advised that the developer is up against the date for recording their approved Preliminary Plan. If denied, the time would expire and the developer would have to resubmit the Preliminary Plan. Mr. Baker reiterated that the developer could begin to build now, if desired; and there was no risk to the Township in the developer's receipt of the time extension, although unusual.

Motion carried unanimously.

MANAGER'S UPDATE:

Council reviewed the September 4, 2014, Manager's Update, and received clarification relative to the curbing along Linden Hall Road en route to the Oak Hall Regional Park; and Mr. Baker confirmed that, following a meeting with PennDOT, a concept was formulated for an eight-inch curb that would extend along the Smith property from the bridge to about halfway to the barn. Staff will be meeting with the Centre Region's design consultant Stahl Sheaffer to look at their design approach, costs associated with the work, and how the work will proceed in creating a final failsafe to divert the water from the front of the Smith's house.

Ms. Shoemaker wanted any design to be cognizant of any changes made in the channeling of the runoff that could make the stormwater problems worse instead of better.

CONSENT AGENDA:

CA-1 Minutes: August 21, 2014, Regular Council Meeting
CA-2 Correspondence: /1: Letter from Residents of 301 – 309 Hill Drive, dtd Aug. 8, 2014, opposing the Proposed Rezoning of 301 – 309 Hill Dr.

- /2: Letter from Richard and Cindy Alley, dtd Sep. 1, 2014, opposing the rezoning of portions of Hilltop Area to Gateway Commercial
- /3: Email from Mr. Niel Brandt, dtd Aug. 26, 2014, regarding enforcement of Thompson Woods Preserve governing documents.
- CA-3 Bid Award:** Slab Cabin Park Paving Project awarded to Eby Paving and Construction, Inc. for the total bid amount of \$24,990.
- CA-4 Resolution:** R-14-14, Bank Signature Card Authorization; Approval of

**Ms. Stilson moved to approve the September 4, 2014, Consent Agenda, as presented.
Mr. Francke seconded the motion.
Motion carried unanimously.**

OLD BUSINESS:

OB-1 Limerock Terrace Light Pole Removal

In written communication to Council, last dated August 27, 2014, Mr. Kent Baker, Township Engineer, referred to Council's April 17, 2014, action approving the removal of an existing utility pole and street light on Limerock Terrace, assuming the cost would be approximately \$1,200 to \$1,500. Following the receipt of revised estimates from West Penn Power and Verizon, based on conditions they did not foresee, Council was asked to consider the new cost of \$5,520. Mr. Baker noted that the no-cost option could be revisited that would simply have West Penn Power try to straighten the pole and replace the light fixture and requested Council's preference in dealing with this matter.

Council agreed that the current location is a safety hazard, as the road currently is situated.

Ms. Grayce Amick, Limerock Terrace, strongly urged Council to approve the cost for the removal of the one pole erected on her property by the road, as the pole is cracked, is leaning and is a safety hazard. Ms. Amick further offered an overview of prior contacts with the Code Office that have caused her great frustration over the years. Ms. Amick advised that, failing an acceptable response to her request, she would consult with an attorney.

Ms. Kerry Wiessmann, Limerock Terrace, complained about not having been notified of when this matter would be on Council's agenda, and considered it a lack of respect on the part of Council that Ms. Wiessmann hoped would be remedied. Ms. Wiessmann supported Ms. Amick's request for the pole removal.

In response to Council's question into any degradation of the pole, Mr. Baker stated that the two utility companies do not believe there is any problem requiring action; however, West Penn Power expressed that they would be willing to replace the light fixture, which has dimmed since the pole guywire was hit last year.

Ms. Shoemaker took exception to the comment that Council was not being responsive, evidenced by each Council member personally driving up Limerock Terrace numerous times to evaluate the pole and returning the matter to another Council agenda.

Following discussion, Council directed staff to approach the utilities about this project's revised cost and to procure a cost for simply relocating the light closer to Duck's Sheet Metal Shop. If no reduction in cost is possible, staff was further directed to place this in the 2015 – 2019 Capital Improvement Program (CIP) or add it to the 2015 Township Budget.

Mr. Baker agreed to look into edge lines being painted on Limerock Terrace and added that the Township does have a right of way for the road and easements are in place for the utilities.

OB-2 Ordinance O-14-11, Gateway Commercial Zoning District; Consideration of Approval

Following a duly advertised public hearing held this date on Ordinance O-14-11, Gateway Commercial Zoning District, Council considered the presented public hearing comments and held discussion prior to taking any action on this matter. This ordinance proposes to amend the Gateway Commercial Zoning District to restrict buildings to no more than 35 feet in height within 150 feet of a single-family home within the Zoning District.

Chair Bernier confirmed that Council received a request from HFL for an amendment to this proposed ordinance that would remove the proposed height restrictions on the north side of E. College Avenue, limiting it to the south side, in order to reduce impacts to HFL properties.

Staff will return to Council with a draft ordinance that will offer some amendment options, including the Planning Commission's recommendation to allow a waiver of building height restrictions and HFL's request for exclusion from the proposed height requirements on the north side of E. College Avenue.

**Ms. Stilson moved to adopt Ordinance O-14-11, Gateway Commercial Zoning District, as presented.
Mr. Francke seconded the motion.**

Chair Bernier offered an opportunity for any additional public comment, and received no responses from the audience.

Motion carried unanimously.

OB-3 Ordinance O-14-07, Hilltop Area Rezoning; Consideration of Approval

Following a duly advertised public hearing held this date on Ordinance O-14-07, Hilltop Area Rezoning, Council considered the presented public hearing comments and held discussion on this ordinance prior to taking action. This ordinance proposes to amend the College Township

Zoning Map to rezone lands in the Hilltop Area to Gateway Commercial (GC) and Open Space Recreation Conservation (OSR). Affected properties are as follows.

<u>Tax Parcel Number</u>	<u>Property Owner</u>	<u>Existing Zoning</u>	<u>Proposed Zoning</u>
19-013-,024-,0000-	Richard Koval	MHP	R-1
19-013-,025-,0000-	Eli and Lauren Walters	R-2	GC
19-013-,044-,0000-	John H. Mitchell, Jr.	MHP	GC
19-013-,048-,0000-	Kenneth Franklin Mayes II	MHP	GC and OSR
19-013-,051A,0000-	Barn Brewing LP	R-1	GC
19-013-,065-,0000-	Rodney J. Hendricks	R-2	GC
19-013-,066-,0000-	Rodney J. Hendricks	R-2	GC
19-013-,067-,0000-	John H. Mitchell, Jr.	R-2	GC
19-013-,068-,0000-	Hill Drive Townhouses	R-2	GC
19-013-,069-,0000-	Rodney J. Hendricks	R-2	GC
19-013-,070-,0000-	Rodney J. Hendricks	R-2	GC
19-013-,071-,0000-	Rodney J. Hendricks	MHP	GC
19-013-,072-,0000-	Rodney J. Hendricks	MHP	GC
19-013-,073-,0000-	Rodney J. Hendricks	MHP	GC
19-013-,076-,0000-	Kenneth Franklin Mayes II	MHP	GC
19-013-,077-,0000-	Kenneth Franklin Mayes II	MHP	GC
19-013-,078-,0000-	Kenneth Franklin Mayes II	MHP	GC
19-013-,079-,0000-	Kenneth Franklin Mayes II	MHP	GC
19-020-,249-,0000-	State College Borough	R-1	OSR
19-020-,241-,0000-	College Township	R-1	OSR

In response to Council's inquiry into stormwater issues affecting the Hilltop area and differences between when Hilltop was developed and now, Mr. Baker, Township Engineer, stated that 1) the Hilltop area was developed before stormwater regulations were initiated in 1992, and since revised to tighten the requirements; 2) the decades-long stormwater problems observed in the area along E. College Avenue actually cover over 3,000 acres in College Township, State College Borough, Penn State University, and Ferguson Township; 3) any developer of the Hilltop area would have to comply with current stormwater management regulations; reiterated that required stormwater facilities in a redeveloped Hilltop area would likely improve the overall stormwater condition in the area, rather than make it worse, regardless of what type of zoning is applied to the area.

Council inquired into 1) allowable uses in the General Commercial (C-1) Zoning District compared to Gateway Commercial (GC) Zoning; 2) any loss of rights that property owners might experience when being rezoned from R-2 to GC; 3) Hill Drive property owners being notified of inclusion in the rezoning; 4) why PC and CRPC recommended the inclusion of additional properties in the rezoning; 5) building height restrictions against R-2 vs. GC; 6) the future of the Hilltop roadways; 7) whether or not a swimming pool would be permitted in the OSR area; and 8) staff's feedback relative to the public comment on the zoning map being incorrect relative to Lots 19 and 20.

Staff replied that, 1) in the GC Zone, individual retail establishments are limited to 35,000 square feet, with no size limitation on C-1 uses; 2) property owners of R-2 properties rezoned to GC will see no changes to their usage of those properties other than experiencing increased buffer protections; 3) Hill Drive property owners were notified three weeks prior, but were not advised earlier about their adjacent properties being rezoned, as it was not required by regulation; 4) additional properties were recommended for inclusion to avoid any spot zoning and having been determined appropriate to establish contiguous zoning; 5) building height restrictions are greater against GC residential properties compared to the same properties zoned as R-2; 6) the future of the Hilltop roads will be determined during plan development, however, those on the western side of the parcel no longer serve a purpose; 7) a recreational structure could be permitted, but it is questionable that would include a pool; and, 8) Lots 19 and 20, Thompson Woods Preserve (TWP), were correctly reflected on the map as currently zoned R-1. Regarding the latter, staff emphasized that nothing is permitted to impact the Preserve's restrictive covenants, regardless of the Preserve's applied zoning designation.

Council held discussion in conjunction with staff relative to complaint-driven enforcement of Preserve use regulations; intents on improving Preserve signage; noted that other area parks having student housing nearby, such as Tudek Park, have not experienced above-average incidents; and stressed that one of the purposes of supporting the TWP was for its educational opportunities it provides to the public.

Ms. Jasmin Ruback, President of Vallamont Neighborhood Association, requested clarification on the perceived error on the zoning map reflecting Lots 19 and 20, Thompson Woods Preserve, as being zoned R-1. Staff confirmed that the current R-1 zoning for both lots of the Preserve is correct, further confirming that the portion of Walnut Spring Park in College Township is also currently zoned R-1, although not part of the rezoning. Regarding Ms. Ruback's public hearing comment on future installation of sidewalks/bike paths along E. College Avenue, staff advised that Centre LifeLink is required to fill in the sidewalk when adjacent property develops.

In response to the Chair's request, staff advised that affordable housing is required for all residential development that has a density of more than five dwelling units per acre. This would mean that Hilltop's development would be restricted to approximately 125 dwelling units on the approximately 25 acres, if staying below the trigger for the affordable housing requirement.

In reply to a public hearing comment about how this rezoning might be good for the Township, Mr. Francke stated that 1) Council must be responsible to the entire Township by establishing priorities for the entire Township; 2) the rezoned GC gives the Township the best opportunity for the redevelopment of the E. College Avenue properties; redevelopment brings in job locations and job opportunities, which help reduce or eliminate the need for the raising of taxes; and in-filling properties prevents sprawl. Mr. Francke thanked and commended those present who participated in this democratic process.

Ms. Stilson, in supporting the possibility of properties on Hill Drive remaining R-2, asked if there was any Council support for the properties on Lot 9 on the proposed zoning map not being rezoned to GC. The balance of Council offered no serious objection to the concept of the townhomes remaining R-2, but discussion on pros and cons continued.

Mr. Jon Vickers-Jones, Hill Drive, expressed concern for the possible isolation of three adjoining properties behind Lot 9 should Lot 9 be rezoned to GC and, instead, supported the creation of a mixed-use village feel among the Hilltop properties reflecting their townhome section as an exclusive residential area, with inclusion of Lots 6, 7, 8, 9, 10, and 11 and Mr. Walters' property, Lot 2.

Mr. Pat Ward, President of Uni-Tec Consulting Engineers, stated that client Mr. J. Mitchell, owner of Lot 8 on the proposed zoning map, always wanted his parcel to be rezoned to GC.

Mr. Eli Walters, Pennsylvania Avenue, clarified that property owners in Lot 9, Hill Drive townhomes, are not helped in any way by remaining R-2; and Mr. Walters reiterated that he supports his property being rezoned to GC and did not want to remain R-2 now that the Gateway Commercial Zoning District has been modified.

Ms. Stilson stated that 1) while not favoring the all-GC rezoning as depicted, GC could benefit the community as a whole better than could R-1 or R-2; 2) stressed that residents should not confuse rezoning and land development, and the Township will consider these impacts during the land development plan review phase; 3) the amended GC now offers reduced residential density, buffering restrictions at the TWP, building height restrictions, and better stormwater management, which are all good for the community, as well as the possibility of both moderately priced housing units and some affordable housing. Ms. Stilson advised that she felt comfortable with moving forward on the belief that this is as good as this is going to get.

Chair Bernier opened the floor for public comment.

Mr. Bob Cheschini, Shamrock Avenue, inquired into any possible property tax increases that may be associated with a change in zoning.

Mr. Brumbaugh, Township Manager, advised that property taxes are not based on zoning; however, the land value portion of the Centre County assessment calculation will likely cause an increase on properties being rezoned at the time that Centre County reassesses property. Mr. Francke added that property values are oftentimes affected by the prices of the adjoining land.

Mr. Paul Takac, Shamrock Avenue, referenced the 35,000-square-foot building limit on retail establishments in the GC and hoped that, if rezoned, there would not be a big box store, such as Walmart. Mr. Francke stated that the new CVS Pharmacy on S. Atherton Street is a reference for an acceptably sized building.

Mr. Bruce Pincus, Walnut Spring Lane, expressing concern for the existing trees along the TWP boundary, asked about the buffer that borders the Preserve and about what could affect that buffer area.

Mr. Holdren, CRPA Sr. Planner, advised that a 55-foot-tall structure could be constructed as close as 30 feet to the TWP property line. College Township's landscape buffering requirements measure from 15 to 30 feet wide between zoning districts and certain non-compatible uses. Wider buffers require less landscaping, and existing trees may be counted toward a developer's landscape requirement.

Ms. Tamara Fatemi, Walnut Spring Lane, expressed concern with an increased number of students going through Thompson Woods Preserve.

Mr. George Otto, Oak Pointe Circle, in referencing the OSR Zoning District, stated that there could be a problem if there is nothing in the language that regulates intensity.

Ms. Stilson requested an official review of the tax question posed earlier by Mr. Cheschini.

Mr. Francke opposed the Hill Drive townhomes being dropped from the rezoning request and being left as R-2.

Council expressed an overall willingness to hear a rezoning request from the homeowners of Lot 9, Hill Drive townhomes, at a future date.

Mr. Francke moved to adopt Ordinance O-14-07, Hilltop Area Rezoning.

Mr. Herman seconded the motion.

Motion carried 4 – 1 (Stilson voting nay).

NEW BUSINESS:

No *New Business* was presented.

STAFF AND ABC INFORMATIVES:

No *Staff and ABC Informatives* were presented.

COUNCIL/STAFF OTHER MATTERS:

Chair Bernier requested staff to send out a Doodle poll to help Council establish a date for the review of the Proposed 2015 Capital Improvement Program (CIP).

COMMITTEE REPORTS:

Human Resources Committee, September 3, 2014: Mr. Herman reported that the HR Committee approved the job description for the new Human Resources Officer position.

Public Safety Committee, September 2, 2014: Mr. Francke reported that the Public Safety Committee reviewed the Code, Fire, and Emergency Management portions of the draft 2015 Detailed Budget. No significant changes were made other than dropping the proposed Deputy Code Director position.

ADJOURNMENT:

Hearing no Council objection, Chair Bernier declared the September 4, 2014, Regular Meeting of the College Township Council adjourned at 11:40 PM.

Respectfully submitted,

Adam T. Brumbaugh

Adam T. Brumbaugh
Township Manager/Secretary