General Meeting Information
College Township offers both in-person and virtual meeting attendance for all public meetings. To attend in-person, meetings will be held at 1481 E. College Avenue, State College PA, 16801, 2nd floor meeting room. To attend virtually, please see the information below.

To Attend the LIVE Meeting Via Zoom on Computer or Smart Phone:
- Click here to REGISTER for the meeting via Zoom. Once registered, you will receive a confirmation email containing information about joining the meeting.

To Attend the LIVE Meeting Via Phone:
- Dial: 1 (646) 558-8656  ● Meeting ID: 894 3326 8228  ● Passcode: 208888

*Click Here for detailed instructions on how to participate via zoom.

VIRTUAL PUBLIC COMMENTS: Please use the raised hand feature to participate. The moderator will recognize those with their hands raised (either by name or phone number).

WRITTEN PUBLIC COMMENTS: For specific Planning Commission agenda items and for items not on the agenda, written public comments may be submitted in advance by emailing smeyers@collegetownship.org by noon the day of the meeting.

CALL TO ORDER:

ZOOM MEETING PROTOCOL:

OPEN DISCUSSION (items NOT on the agenda):

CONSENT AGENDA:  CA-1  May 2, 2023 Meeting Minutes (Approval)

PLANS:

OLD BUSINESS:

NEW BUSINESS:  NB-1  Residential Rental Ordinance

REPORTS:  
- R-1  DPZ CoDesign Update & Pre-Charrette
- R-2  Council Update
- R-3  Centre Region Planning Commission Summary Report
STAFF INFORMATIVES:  

**SI-1** Council Meeting Minutes  

**SI-2** Zoning Bulletin  

**SI-3** What is a Charrette & Charrette Flyer  

**SI-4** Memo to Council – Zoning Amendment Consideration  

OTHER MATTERS:  

ANNOUNCEMENTS:  

Next regular meeting will be Tuesday June 27, 2023 at 7:00pm  
Charrette will be held the week June 19th  

ADJOURNMENT:
COLLEGE TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING MINUTES
In Person and Via Zoom

May 2, 2023 7:00 p.m.
1481 East College Avenue, State College, PA 16801
www.collegetownship.org

PRESENT: Ray Forziat, Chair
           Peggy Ekdahl, Secretary
           Matthew Fenton
           Robert Hoffman
           Noreen Khoury
           Ash Toumayants, Alternate

EXCUSED: Ed Darrah, Vice Chair
         Bill Sharp

STAFF PRESENT: Don Franson, P.E., P.L.S., Township Engineer
               Lindsay Schoch, AICP, Principal Planner
               Mark Gabrovsek, Zoning Officer
               Sharon Meyers, Senior Support Specialist – Engineering/Planning

GUESTS: Robert Myers, Hawbaker Engineering

CALL TO ORDER: Mr. Forziat called the meeting to order at 7:00 p.m.

ZOOM MEETING PROTOCOL: Mr. Forziat verified there were not people present via Zoom and review of Zoom protocol was not necessary.

ROLL CALL: Mr. Forziat verified Mr. Darrah and Mr. Sharp were not present and excused from the meeting.

OPEN DISCUSSION: None presented.

CONSENT AGENDA:
Mr. Fenton moved to approve the April 18, 2023 meeting minutes as written. Ms. Ekdahl seconded. Motion carried unanimously.
PLANS:

P-1  Summit Park Subdivision Sketch Plan
Ms. Schoch introduced the plan and Mr. Myers, the engineer from Hawbaker Engineering. She added that staff had requested a sketch plan for this project in order to help with the process. Mr. Myers introduced himself and the Summit Park Subdivision Sketch Plan. He explained how the parcel is to be subdivided and discussed the Industrial Revitalization Area (IRA).

Mr. Toumayants asked if there would be a timeline set for the development of sidewalks. Mr. Franson stated the Township would most likely treat this project much like a residential project for the development of sidewalks. He explained that it would be counterproductive to install sidewalks prior to the development of each lot. Mr. Franson added the Township most likely recommend sidewalks not be built until a certain percentage of development is completed.

Mr. Fenton requested the Township stay as consistent as possible, ie sidewalk development timeline or percentage, when it comes to the various developments throughout the Township. Mr. Franson stated that he had no major concerns and he agrees with the idea of setting a percentage of development to be complete before requiring sidewalks to be installed. He also asked that the developer be cognizant of emergency access to all lots in the development.

Mr. Forziat asked if there would be a connection made between lots one and twelve. Mr. Myers explained there would not as there is an elevation change of about twenty feet between the lots. Mr. Toumayants asked if the development of this area would cause a bottleneck issue on College Avenue. Mr. Myers stated that it would be difficult to know until it is determined what is to be developed in each lot. Mr. Franson stated that with the development of each lot there would be a traffic count and possible traffic impact study to determine how the development will impact local traffic patterns.

Mr. Forziat asked about the area of open space on the plan and if it would remain a green open space or be developed in any way. Mr. Myers explained the area designated as open space is a former landfill and no development can be done in that area and it will probably remain a green open space. Mr. Forziat also asked about the lot sizes and how they were determined. Mr. Myers explained that the lots vary in size due to the nature of possible development. Ms. Schoch explained the IRA and the requirements involved with this area. One requirement is that fifty-one percent of the area needs to remain an industrial use while the remaining forty-nine percent needs to be non-industrial. The Planning Commission then discussed the area and how this plan is heading in the right direction for development.

OLD BUSINESS: None presented

NEW BUSINESS: None presented

REPORTS:

R-1  DPZ CoDesign Update
Ms. Schoch reported on her correspondence with DPZ CoDesign. She has been developing a stakeholder group for the Dale Summit Area. Ms. Schoch stated that the Charrette is to be held week of June 18th and a Pre-Charrette with stakeholders will be held sometime at the end of May. She explained what the Charrette is and the process. Mr. Forziat asked if the Planning Commission will see the memo to Council on the rezoning of the area on Shiloh Road. Ms. Schoch explained that the memo will not be seen by the Planning Commission, however, it will include the process the Planning Commission went through as well as their recommendation.

R-2  Council Update
Mr. Hoffman reviewed the briefing provided. Mr. Forziat asked if the briefing report is replacing the Council minutes previously submitted as a staff informative. Ms. Meyers explained that the report is not replacing the minutes, however, Council minutes must be approved by Council prior to adding them to the Planning Commission packet.
STAFF INFORMATIVES:

SI-1   Zoning Bulletin
       Mr. Forziat explained the zoning bulletin and how educational it can be.

OTHER MATTERS:

OM-1   Potential Change of Date for June 20th Meeting
       Ms. Schoch stated the reasoning behind the request to change the meeting date. The Charrette is scheduled for that week and there is an open design study scheduled for evening of June 20th. The Planning Commission agreed that June 27th would be an acceptable alternative to meet.

ANNOUNCEMENTS:

       Mr. Forziat announced the next meeting will be WEDNESDAY, May 17, 2023 at 7:00 p.m. Ms. Schoch confirmed the joint meeting with Council will be held on Tuesday, May 30th at 7:00 p.m.

ADJOURNMENT: Mr. Hoffman moved to adjourn. Mr. Fenton seconded. Motion carried.

Meeting adjourned at 7:49 p.m.

**Draft**

Sharon E. Meyers
Senior Support Specialist – Engineering/Planning
MEMORANDUM

To: College Township Planning Commission

From: Adam Brumbaugh, Township Manager

Re: Council Remand: Residential Rental Ordinance

Date: May 26, 2023

At their meeting on April 20, 2023, College Township Council heard a presentation on staff observations and public concerns received pertaining to Chapter 160 - Residential Rentals Ordinance, which was enacted in December 2020. Council noted that there appeared to be some lack of clarity in the existing Ordinance’s Intent Statement that may have some influence on the ordinance administration and the concerns being voiced publicly.

Subsequently, at their May 18th meeting, Council worked through revisions to the Intent Statement that may serve to clarify any potential misrepresentations.

At the conclusion of their deliberations, Council approved remanding to Planning Commission a review of the Residential Rental Ordinance, utilizing the following as the guiding principles for development of any potential recommended revisions to the ordinance text:

- The observations of staff and public concerns; and,
- The revised Intent Statement that reads as follows:

The Residential Rental Ordinance is intended to protect the distinctive qualities of single-family neighborhoods and the availability of affordable housing within College Township, through the regulation of two types of residential usages: short-term rentals and long-term rentals.

The Residential Rental Ordinance will hereby:

- Establish the regulations, procedures and standard for the review and approval of all both short-term and long-term residential rental units in the Township;
- Preserve and foster the public health, safety, and general welfare, and to aid in the harmonious and orderly development of the Township in accordance with the Regional Comprehensive Plan;
- Establish a review process that is efficient in terms of time and expense; effective in addressing the impacts of rental units; and equitable with regard to regulations and procedures, while respecting the rights of property owners;
- Ensure the safety of structures that are used as either short-term or long-term rentals and the well-being and safety of residents and visitors in these dwellings, penalties are established for any violations of the regulation;
- Prioritize fairness, protect the rights and interests of all involved parties, including the ability to operate short-term and long-term rentals as specified in the ordinance and allow for accessory dwelling units; and,
- Promote transparency and accountability in the enforcement of the ordinance.
Council is asking that Planning Commission provide their recommendations within forty-five (45) days from the date of this remand letter.

Council appreciates Planning Commission lending its experience and expertise to this matter and looks forward to reviewing your recommendations in the near future.

End memo
MEMORANDUM

To: College Township Planning Commission

Thru: Adam Brumbaugh, Township Manager

From: Lindsay K. Schoch, AICP | Principal Planner

Re: Chapter 160 – Residential Rental Ordinance – Intent Statement Review

Date: May 31, 2023

Introduction:

In early 2020, the College Township Planning Commission began their work on updating the Intermittent Rental Ordinance, now known as the Residential Rentals Ordinance, which regulates both short-term and long-term rentals. The Planning Commission and staff took time over a few meetings to prepare an ordinance that would preserve the single-family neighborhoods by regulating short-term rentals. Discussions held included number of nights considered for a short-term rental, owner-occupied short-term rentals, proper rental insurance, requirements for permits and inspections through College Township and Centre Region Code Agency. These considerations protect the property owners and guests visiting the area.

Ordinance Administration and Granicus:

After the Planning Commission made a recommendation to Council to approve the newly prepared ordinance, Council adopted the ordinance in December of 2020. Staff worked with the ordinance for about a year and a half until Council requested a reevaluation of the Ordinance to ensure it is working. Between the time the ordinance was updated and administered, the Township came under contract with a Host Compliance company, Granicus. Granicus is a new software that can pinpoint short-term rentals on many different platforms (Airbnb, VRBO, Craig’s List, Rent like a Champion, etc.), allowing the Township to obtain exact addresses of short-term rentals. Prior to inception of Granicus, the Township had approximately 40 registered short-term rentals; we now have nearly 100 registered short-term rentals and are still utilizing Granicus to ensure the remaining unregistered rentals are identified and in compliance. The image above is the Granicus dashboard that staff utilizes daily to track the short-term rentals in the Township.
Ordinance Intent under Review:

The intent of the Residential Rentals Ordinance has always been to “protect the integrity of the single-family neighborhoods” by ensuring outside investors are not purchasing the affordable homes and turning them into investment properties / game day rentals. Although this was the intent, the actual language did not make it into the ordinance language; therefore, Council reevaluated the Intent prepared by staff and has acknowledged the following as the Intent of the Residential Rental Ordinance:

The Residential Rental Ordinance is intended to protect the distinctive qualities of single-family neighborhoods and the availability of affordable housing within College Township, through the regulation of two types of residential uses: short-term rentals and long-term rentals.

The Residential Rental Ordinance will hereby:

- Establish the regulations, procedures and standard for the review and approval of both short-term and long-term residential rental units in the Township;
- Preserve and foster the public health, safety, and general welfare, and to aid in the harmonious and orderly development of the Township in accordance with the Regional Comprehensive Plan;
- Establish a review process that is efficient in terms of time and expense; effective in addressing the impacts of rental units; and equitable with regard to regulations and procedures, while respecting the rights of property owners;
- Ensure the safety of structures that are used as either short-term or long-term rentals and the well-being and safety of residents and visitors in these dwellings, penalties are established for any violations of the regulation;
- Prioritize fairness, protect the rights and interests of all involved parties, including the ability to operate short-term and long-term rentals as specified in the ordinance and allow for accessory dwelling units; and,
- Promote transparency and accountability in the enforcement of the ordinance.

Next Steps:

Now that Council has had the opportunity to review and confirm the Intent of the Residential Rental Ordinance, the Planning Commission is now charged with ensuring the ordinance continues to meet the intent. Staff is requesting the Planning Commission carefully review the above intent statement and compare it with the regulations found within the ordinance. During the Planning Commission meeting, staff will be reviewing elements of the ordinance to ensure consistency with the intent. If the Planning Commission feels changes are necessary, staff will make those changes and review them with the Planning Commission at a later meeting.
Chapter 160
Rental Property

[HISTORY: Adopted by the Township Council of the Township of College as indicated in article histories. Amendments noted where applicable.]

Article I
General Provisions

[Adopted 6-21-2012 by Ord. No. O-12-01; amended 12-3-2020 by Ord. No. O-20-09]

§ 160-1 Title.
This chapter shall be known and may be cited as the "College Township Residential Rental Ordinance."

§ 160-2 Purpose and intent.
A. To establish the regulations, procedures and standards for the review and approval of all rental units in the Township;
B. To preserve and foster the public health, safety, and general welfare, and to aid in the harmonious and orderly development of the Township in accordance with the Regional Comprehensive Plan;
C. To establish a review process that is efficient in terms of time and expense; effective in addressing the impacts of rental units; and equitable with regard to regulations and procedures, while respecting the rights of property owners;
D. To ensure the safety of structures that are used as rental units and/or short-term rentals; and
E. There are two types of dwellings regulated in this article: short-term rentals and long-term rentals. If in violation of this article, penalties exist to ensure compliance to protect the health, safety, and general welfare of the residents of College Township and those utilizing the dwellings described herein.

§ 160-3 Applicability.
No person, firm, or corporation shall rent or lease to another, or advertise for rent or lease, or provide for residential occupancy, any dwelling unit, rooming unit, or portion thereof, until the regulations contained herein have been met and a residential rental permit has been received.

§ 160-4 Definitions.
Unless a contrary intention clearly appears, the following words and phrases shall have the meaning given in this section, as well as those terms defined in Chapter 152, Property Maintenance Code. All words and terms not defined herein shall be used with meaning of standard usage.

CENTER FOR DISEASE CONTROL AND PREVENTION
A national resource for information regarding the cleaning and sanitizing of areas to prevent the spread of diseases that arise.

DESIGNATED AGENT
A licensee who has been assigned by a principal or supervising broker to represent a client while a different client in the same transaction is represented by another licensee affiliated with the same principal or supervising broker in a transaction. A designated agent provides full representation to his or her client. Also named, person-in-charge or responsible party.
LONG-TERM RENTAL
Any dwelling unit, or portion thereof, that is offered for rent or lease as a living facility in increments of
more than 14 consecutive nights.

NONOWNER OCCUPIED
The owner does not occupy the property, as the principal residence.

OWNER OCCUPIED
Lived in by the owner. Owner of the property occupies the dwelling as the principal residence.

PENNSYLVANIA DEPARTMENT OF HEALTH GUIDELINES
The current guidelines set forth by the PA Department of Health (DOH) for cleaning, sanitizing, and
disinfecting standards.

RENT
Compensation paid for the use of a dwelling unit or portion thereof, including, but not necessarily
limited to: money, services and/or property. As a verb, the term "rent" means to get or give the use of a
dwelling unit or portion thereof in return for such compensation or any combination thereof. The term
"rent" does not include arrangements where there is no compensation such as but not limited to money,
services, and/or property provided.

SHORT-TERM RENTAL
Any dwelling unit, or portion thereof, that is offered for rent or lease as a living facility in increments of
14 consecutive nights or less, and no more than 45 nights per calendar year.

§ 160-5 Permit fees.
Fees for permits required under the provisions of this chapter shall be set by resolution of the Township
Council.

§ 160-6 Hazard and liability insurance.
All property owners renting or leasing a dwelling unit or portion thereof for occupancy in the Township,
including short-term residential rentals, shall obtain and maintain minimum insurance coverage as indicated
below.

A. General liability insurance in the amount of $100,000 in minimum coverage;
B. Insurance declaration shall clearly indicate coverage specifically for rental or include written
acknowledgement of same from insurance provider.
C. Applicant shall notify the Township of any changes in insurance policies.

§ 160-7 Permit required.
A. No person, firm, or corporation shall rent for any duration of time or advertise for rent without first
applying for and receiving a residential rental permit from College Township.
B. Residential rental permits are not transferable upon change of ownership. An updated application for a
residential rental permit shall be received from the new owner/applicant each time there is a change in
ownership of any residential rental.
C. The College Township Zoning Officer shall approve or deny any application for a residential rental
permit within 30 days of receipt of a complete application.
D. No person, firm, or corporation shall be granted a residential rental permit if they have unpaid violations
related to this chapter and/or Chapter 152, Property Maintenance and Fire Code, for the residential

tenant unit in question.

E. Upon municipal approval of the proposed rental unit, a person, firm, or corporation shall be required to
obtain a renewable rental housing permit from Centre Region Code Administration (CRCA), as required
by Chapter 152, Property Maintenance and Fire Code.

§ 160-8 Application for short-term and long-term residential rental permits.

Applications for residential rental permits shall be made in writing to the College Township Zoning Office
by the owner of the rental dwelling unit(s) or his/her designated agent. The application shall include:

A. The name, address, and telephone number of the dwelling owner, the owning partners, if a partnership;
and/or that of the corporate officers, if a corporation;

B. The name, address, and telephone number of the person in charge,

C. The legal address of the dwelling;

D. The type of dwelling, as defined by Chapter 200, Zoning;

E. A visual representation of the property showing the dimensions of required off-street parking being
provided as defined by § 200-11D;

F. Proof of insurance. The applicant shall provide a copy of the insurance certificate for the residential
rental dwelling unit(s), as required in § 160-6;

G. A signed statement (provided as part of the application) acknowledging that the owner is aware of all
rules and regulations contained herein and that failure to follow said requirements may result in the
denial of the residential rental permit for the affected property;

H. An acknowledgement that the person in charge has read and understands the contents of this article,
Chapter 152, Property Maintenance and Fire Code, and Chapter 200, Zoning; and

I. Application and permit fees are due on submission.

§ 160-9 Long-term residential rental permit renewals.

Upon receiving a long-term residential rental permit from the Township and Centre Region Code
Administration, the owner of a residential rental property shall continue to renew the Centre Region Code
residential rental Permit as per Chapter 152, Property Maintenance and Fire Code. In addition, owner(s) of
residential rental properties shall also be responsible for submitting the following additional information to
College Township if any of the following occur:

A. The owner of a residential rental shall be required to provide information regarding any changes to the
items provided to the College Township Zoning Office at the time of initial application for the
residential rental Permit;

B. The owner of a residential rental property shall notify the Township if a current long-term residential
rental changes to a short-term residential rental or vice versa via a new application process as set forth in
§§ 160-8 and/or 160-10; and

C. Failure to maintain rental inspections through Centre Region Code Administration will be cause for
denial of renewal.
§ 160-10 Short-term residential rental permit and renewal requirements.

A. Short-term residential rentals shall be owner occupied. Short-term rentals shall operate in increments of 14 consecutive nights or less, and no more than 45 cumulative nights per calendar year.

B. Permits for nonowner-occupied short-term rentals granted prior to the official date of the enactment of this article, December 7, 2020, shall remain nonconforming until such time as there is an official change in ownership. Failure to maintain short-term rental status shall constitute abandonment of the nonconforming use.

C. The occupancy of a short-term residential rental dwelling may exceed the occupancy restrictions listed in § 200-11Z on the condition that the overall occupancy will not exceed that listed in Chapter 152, Property Maintenance and Fire Code, § 401, Occupancy Limitations, as amended. A short-term residential rental may not advertise an occupancy greater than that established by Centre Region Code based on Chapter 152, Property Maintenance and Fire Code.

D. Short-term residential rental permits shall be renewed annually by providing the following prior to reissuance of a rental permit:

   (1) Proof of insurance specifically for rental;
   (2) Proof of registration for hotel tax;
   (3) Phone number and name of responsible party available 24/7; and
   (4) Record of all dates the dwelling was used in the previous year as a short-term rental property. Failure to provide accurate records or providing fraudulent records will constitute the first violation of the renewal period.
   (5) In addition to the declared short-term rental dates, property owners are required to keep a detailed schedule/calendar that provides all rental periods that include extended stays beyond 14 consecutive nights. The schedule must be available for inspection upon request.

E. To operate as a short-term residential rental, the following conditions shall apply:

   (1) Guest vehicles shall not park on public street or shared private street but shall be parked wholly on the rental property;
   (2) Maximum allowable occupancy shall be clearly posted on the property;
   (3) Information such as rules, nuisance ordinances, parking restrictions, maximum occupancy, phone number for police/fire/EMS, and responsible party shall be clearly posted in a conspicuous place in addition to any other rules; and
   (4) Residential rental permit shall be clearly posted on the property.

F. Separate fee shall be charged for registration or annual renewal of the short-term residential rental permit.

G. All parties operating a short-term residential rental must participate, upon request, in random audits requested by College Township or their monitoring company. Failure to comply shall result in revocation of the rental permit.

H. All parties operating a short-term residential rental shall follow the cleaning and sanitation guidelines set forth by the PA Department of Health and/or the Centre for Disease Control and Prevention.
§ 160-11 Violations and penalties; revocation of residential rental permit.

A. Revocation. Any owner of a property covered by this article shall be subject to the provisions of §§ 804 to 806 of Chapter 152, Property Maintenance and Fire Code, which may result in the revocation or suspension of a residential rental permit pursuant to the above referenced code.

B. Violations. Any residential rental property owner of a dwelling unit or portion thereof who rents or advertises for rental of a dwelling unit without first receiving a residential rental permit pursuant to this article, or without renewing said permit pursuant to renewal sections of this article shall be considered to be in violation of this chapter and shall be subject to the following.

(1) Upon discovery of a violation of this article, the Township shall notify the property owner of the violation by written notice sent certified mail or delivered in person. If delivered in person, a signature of receipt shall be obtained.

(2) The property owner who is in violation of this article shall be given 30 days to remedy the violation by applying for or renewing the residential rental permit with the Township.

(3) Upon expiration of the aforementioned 30 days, the property owner shall be subject to penalties for each day beyond 30 days shall constitute a new violation and subject to additional penalties.

C. Violations and penalties for short-term rentals. Any violations of criminal laws, nuisance laws, or ordinances in any calendar year/permit cycle shall result in penalties and/or fines.

(1) First offense. Written warning/notice of violation sent via certified mail or hand delivered with signature of receipt;

(2) Second offense. Minimum $500 fine; and

(3) Third offense. Increased fine of a minimum of $1,000, and calendar year/permit cycle suspension of rental permit.

D. Any person so convicted shall have the right of appeal as provided in other cases of summary convictions under the laws of the Commonwealth of Pennsylvania.
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<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Status</th>
<th>Next Steps</th>
<th>Staff/Others</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Week ending May 5, 2023</td>
<td>Planned Residential Development Ordinance</td>
<td>Work-in progress.</td>
<td>Staff to continue evaluation of DPZ recommendations to the PRD Ordinance.</td>
<td>Lindsay – Marina – Mark G.</td>
<td>N/A</td>
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<td></td>
<td>Amending Zoning in Dale Summit to Permit more uses, including R3.</td>
<td>Staff preparing memo to Council outlining PC recommendation (denial) for upcoming meeting.</td>
<td>Presentation for May 18 College Township Council Meeting</td>
<td>Adam - Mike - Lindsay</td>
<td>Township Offices</td>
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<td></td>
<td>Community Engagement</td>
<td>Reached out to Stakeholders</td>
<td>Gathered approximately 30 Stakeholders for the “Pre-Charrette” Meeting. Sent Doodle Poll to establish date for “Pre-Charrette”. Narrowed down the Stakeholders list to six people who will be called for Key Person Interviews “Pre-Charrette” is an all-virtual meeting per the request of the consultant.</td>
<td>Lindsay – Jennifer Hurley</td>
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Upcoming meetings:

**May 9, 2023**: Lindsay Schoch, Mike Weich (DPZ), and Marina Khoury (DPZ) to discuss the existing analysis work Max from Gridics (3D Mapping) has prepared.
<table>
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<tr>
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<tbody>
<tr>
<td>Week</td>
<td>Interim Zoning Changes in Dale Summit</td>
<td>Amend ordinance to permit R-3 uses in the PRBD per outcome of 5/18 CTC meeting</td>
<td>Discussion at Joint Council and PC meeting on May 30, 2023</td>
<td>Adam - Mike - Lindsay</td>
<td>Township Offices</td>
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<tr>
<td>Ending</td>
<td></td>
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<td>Staff to make changes to ordinance</td>
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<td>May 19,</td>
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<tr>
<td>2023</td>
<td>Community Engagement</td>
<td>Stakeholder Interviews</td>
<td>Held Interviews – DPZ to submit overviews of interviews to staff</td>
<td>Lindsay – Jennifer Hurley – Mike – Michelle</td>
<td>Township Offices</td>
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<td>Pre-Charrette scheduled for May 24 – Zoom meeting.</td>
<td>Conduct Pre-Charrette</td>
<td></td>
<td>Zoom/Virtual Meetings</td>
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<tr>
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<td>Charrette Scheduled June 19 – 23</td>
<td>Conduct Charrette</td>
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<td></td>
<td>Continue to contact community members to notify of Charrette</td>
<td>Social Media Blast – place flier advertising Charrette on Social Media and Township Website</td>
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<td></td>
<td>Mapping – Gridics</td>
<td>On-Going</td>
<td>Work with staff to ensure everyone is able to access the program.</td>
<td>Marina – Mike – Max – Lindsay – Shane – Frank – Susan – Mike – Adam</td>
<td>Zoom/Virtual Meeting</td>
</tr>
</tbody>
</table>
Briefing Paper – DPZ CoDesign Form-Based Code in Dale Summit  
Prepared by: Lindsay K. Schoch, AICP | Principal Planner

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</tr>
</thead>
<tbody>
<tr>
<td>Week Ending May 26, 2023</td>
<td>Interim Zoning Changes in Dale Summit</td>
<td>CTC remanded PRD changes to the PC. CTC requested R3 changes to PRBD be presented at upcoming meeting</td>
<td>PC to discuss recommendations DPZ made to PRD Ordinance. Joint Meeting of the PC and CTC</td>
<td>Adam - Mike – Lindsay – Mark – Don</td>
<td>Township Offices</td>
</tr>
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<td></td>
<td>Community Engagement</td>
<td>Pre-Charrette held 5/24 Website Updated with a new Dale Summit Area on the Homepage</td>
<td>Notify the community of the Charrette (Facebook, Fliers, Word of Mouth)</td>
<td>Dale Summit Stakeholders</td>
<td>Township Offices</td>
</tr>
<tr>
<td></td>
<td>Mapping – Gridics</td>
<td>On-Going</td>
<td>Work with staff to ensure everyone is able to access the program.</td>
<td>Marina – Mike – Max – Lindsay – Shane – Frank – Susan – Mike – Adam</td>
<td>Zoom/Virtual Meeting</td>
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<td>Economic Development</td>
<td>Met with new VP of Economic Development of CBICC</td>
<td>Work together to get the word out about the Redevelopment Planning Effort.</td>
<td>Lindsay – Todd Dolbin</td>
<td>Township Offices</td>
</tr>
</tbody>
</table>

Links:

DPZ Power Point Presentation  
Recording of Pre-Charrette  
Township Dale Summit Webpage
A RENEWED VISION & CODE FOR THE DALE SUMMIT AREA

COLLEGE TOWNSHIP PRESENTATION: May 24, 2023

GRIDICS | HURLEY-FRANKS & ASSOCIATES | WEITZMAN ASSOCIATES
Introduction to the Dale Summit Redevelopment Plan

Lindsay K. Schoch, AICP
Principal Planner
College Township
Dale Summit Background

• Currently comprised of 10 Euclidian zoning districts
  • Rigidly regulated on land use

• Compounding impacts on area’s “defining developments”
  • Corning Plant closure
  • Nittany Mall decline consistent with national retail sector

• New development has been slow and fragmented
  • Impacting sense of place and vitality

• Efforts undertaken to understand and address:
  • 2004: Economic Impact Study of Shiloh Road Land Use Options
  • 2017: 4Ward Planning Study (Industrial & Commercial Zoning)
  • 2021: DRAFT Dale Summit Area Plan
  • Present: Preparation of Form-Based Code
Visual Preference Survey Results
SWOT Analysis

Strengths
- access available land beneficial reuse centralized location
- college township staff commercial industrial zoning connection
- corning creativity existing infrastructure gateway
- good sight distance hub infill development at the mall
- interstate ninety nine location low crime nittany mall opportunities
- live work play proximity to downtown size of area
- proactive staff tourism recreational facilities university vibrancy vision statement well known area

Weaknesses
- abundance of paving car focused cemetery lots limit development circulation
- closed minded to new college connection to ninety-nine from ccrca creative types of development
- decline of the mall dependence on the university distinction between industrial and commercial zone
- economic development champion fear for buses high adt incentives inflexible ordinances regulations

Opportunities
- accessibility alignment of interstate building an ecosystem using central location civic space
- connections coming entertainment growth incentives
- indoor year-round recreation industrial infill development interstate location size mixed-use development multi-functional recreation center ninety ninety-nine business attraction tools
- opportunity for more services quality of life resiliency retirement community
- room for restaurants senior housing start ups street scale sustainability sustainability opportunity and tax incentives think outside of the box think outside the box three-twenty-two tourism town center
- transportation rail line younger people

Threats
- adt bus circulation casino centre region code concerns for mistakes demand density digital retail doing nothing empty mall forgotten haphazard development height impervious increase in crime lack of economic development efforts lack of pedestrian facilities lack of transit amenities land location long term loss off industry no high rises no man not attractive ordinances to allow developers to be creative pandemic setbacks smart-development stressed area surface threats uaja odor problem
“To transform Dale Summit into The Gateway to College Township. Establishing Dale Summit as an attractive and instantly recognizable PLACE within the context of the larger Township, Region and County.

The community envisions an activity hub that is vibrant, economically prosperous, socially equitable and environmentally sustainable.

A place, which through proactive planning and well-tailored regulations, strikes a sound balance between encouraging business and industry expansion, while remaining respectful to important community livability factors such as improving housing affordability, providing sufficient public services, and lessening traffic congestion through improved connectivity for all transportation modes.”
TEAM
• All scales of design: region, neighborhood, street, and building
• All places: rural, suburban, and urban
• All types: Smart growth, traditional neighborhood development, conventional, and hybrid
• Private sector greenfield/redevelopment master plans
• Public sector redevelopment plans and regulations
• Creating value through high quality urbanism and design Leaders in innovation: TND, SmartCode, LU, etc.
A leader in the field of urban development through constant innovation and research

VANGUARDS OF URBANISM
**Phase 1**
Baseline Review

1. Project Initiation
2. Interactive Review of Background Materials + Zoning Analysis
3. Update Market Analysis
4. Revisions & Adjustments
5. Draft Master Plan & Form-Based Code
6. Final Master Plan & Form-Based Code
7. Final Dale Summit Area Plan
8. Final Presentation
9. Technical Support
10. Presentation Aids
11. Public Hearings
12. Training Sessions
13. Guidebook of the FBC & Zoning Map

**Phase 2**
Master Plan + Code

**Phase 3**
Adoption Process

**Phase 4**
Implementation

Months 1-4

Months 4-9

Months 9-11

Month 12

Community Engagement

Community Engagement

Community Engagement
PHASE 1: Initiation & Baseline Review & Analysis
Dale Summit Vision

“The overarching Vision of this Area Plan is to transform Dale Summit into The Gateway to College Township. Establishing Dale Summit as an attractive and instantly recognizable PLACE within the context of the larger Township, Region and County. The community envisions an activity hub that is vibrant, economically prosperous, socially equitable and environmentally sustainable. A place, which through proactive planning and well-tailer regulations, sticker a sound balance between encouraging business and industry expansion, while remaining respectful to important community livability factors such as improving housing affordability, providing sufficient public services, and lessening traffic congestion through improved connectivity for all transpiration modes.”
Dale Summit Vision

"The overarching Vision of this Area Plan is to transform Dale Summit into The Gateway to College Township. Establishing Dale Summit as an attractive and instantly recognizable PLACE within the context of the larger Township, Region and County. The community envisions an activity hub that is vibrant, economically prosperous, socially equitable and environmentally sustainable. A place, which through proactive planning and well-tailed regulations, sticker a sound balance between encouraging business and industry expansion, while remaining respectful to important community livability factors such as improving housing affordability, providing sufficient public services, and lessening traffic congestion through improved connectivity for all transpiration modes."
DALE SUMMIT ASSESSMENT

- Establish general framework for areas of focus, commercial nodes and neighborhoods
- Plan for streets, safety and connectivity
- Inventory strong and weak links
- Maximize Dale Summit’s assets and untapped opportunities, and resolve conflicts
- Create mixed-use vision for Dale Summit
- Provide regulating plan that supports master plan vision
- Assist with path forward
## Kick-Off Meeting

### Kick-Off Schedule

<table>
<thead>
<tr>
<th>2/27</th>
<th>2/28</th>
<th>3/1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MONDAY</strong></td>
<td><strong>TUESDAY</strong></td>
<td><strong>WEDNESDAY</strong></td>
</tr>
<tr>
<td>8:00 AM</td>
<td>DPZ Team Breakfast Meeting</td>
<td>DPZ Team Breakfast Meeting</td>
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<tr>
<td>8:30 AM</td>
<td>Lunch Break</td>
<td>DPZ Team Breakfast Meeting</td>
</tr>
<tr>
<td>9:00 AM</td>
<td>General Kick-Off Meeting (Team to Team)</td>
<td>DPZ Technical Site Tour (as needed)</td>
</tr>
<tr>
<td>9:30 AM</td>
<td>Goals &amp; Objectives Existing Conditions Base Material</td>
<td>General Kick-Off Meeting (Team to Team)</td>
</tr>
<tr>
<td>10:00 AM</td>
<td>Break Out Topic Meetings #1 (as needed)</td>
<td>Goals &amp; Objectives Existing Conditions Base Material</td>
</tr>
<tr>
<td>10:30 AM</td>
<td>Lunch Break</td>
<td>Break Out Topic Meetings #2 (as needed)</td>
</tr>
<tr>
<td>11:00 AM</td>
<td>DPZ Team travel to College Township</td>
<td>Break Out Topic Meetings #2 (as needed)</td>
</tr>
<tr>
<td>11:30 AM</td>
<td>Site Tour (on bus)</td>
<td>DPZ Depart</td>
</tr>
<tr>
<td>12:00 PM</td>
<td>Meet at Disre New York, 2298 East College Avenue</td>
<td>Wrap Up &amp; Next Steps</td>
</tr>
<tr>
<td>12:30 PM</td>
<td>Lunch Break</td>
<td>Consultant Team Departs</td>
</tr>
<tr>
<td>1:00 PM</td>
<td>Site Tour (on bus)</td>
<td>Wrap Up &amp; Next Steps</td>
</tr>
<tr>
<td>1:30 PM</td>
<td>Lunch Break</td>
<td>Consultant Team Departs</td>
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<tr>
<td>2:00 PM</td>
<td>Site Tour (on bus)</td>
<td>Consultant Team Departs</td>
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<td>2:30 PM</td>
<td>Site Tour (on bus)</td>
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<td>3:30 PM</td>
<td>Site Tour (on bus)</td>
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<td>4:00 PM</td>
<td>Site Tour (on bus)</td>
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<td>4:30 PM</td>
<td>Site Tour (on bus)</td>
<td>Consultant Team Departs</td>
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<tr>
<td>5:00 PM</td>
<td>Site Tour (on bus)</td>
<td>Consultant Team Departs</td>
</tr>
</tbody>
</table>

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[Image: A highway as seen from a drone, showing roads, trees, and surrounding buildings.]
TASK 2: EXISTING CONDITIONS ASSESSMENT
Study Area
1,487 ac.
State Owned Roads
Zoning
# Zoning Analysis

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Minimum Lot Width</th>
<th>Minimum Lot Size</th>
<th>Impervious (max.)</th>
<th>FAR (max.)</th>
<th>Density</th>
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</thead>
<tbody>
<tr>
<td></td>
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<tr>
<td><strong>Rural Residential (RR)</strong></td>
<td></td>
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<tr>
<td>• Aircraft sales, service and rental</td>
<td>300’</td>
<td>10 acres</td>
<td>10% buildings</td>
<td>0.1</td>
<td>n/a</td>
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<tr>
<td>• Airports and landing strips</td>
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<tr>
<td>• Animal Kennels and pet grooming</td>
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<tr>
<td>• Commercial cemeteries</td>
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<tr>
<td>• Country clubs, golf courses and driving ranges</td>
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<tr>
<td>• Mining and quarrying</td>
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<tr>
<td>• Sanitary landfills</td>
<td>150’ at the building set back</td>
<td>1 acre</td>
<td>100’</td>
<td>50’</td>
<td>n/a</td>
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<tr>
<td>• Animal hospitals, veterinary offices</td>
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<tr>
<td>• Hospitals and clinics</td>
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<tr>
<td>• Medical and dental offices</td>
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<tr>
<td>• Neighborhood food stores</td>
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<tr>
<td>• Places of assembly</td>
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<tr>
<td>• Utility Facilities</td>
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<tr>
<td>• Radio and television studios</td>
<td>300’</td>
<td>5 acres</td>
<td>100’</td>
<td>50’</td>
<td>n/a</td>
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<tr>
<td><strong>General Commercial (C1)</strong></td>
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<tr>
<td>• Permitted uses (Office Commercial District § 200-27B)</td>
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<tr>
<td>• Adult business, bottle clubs</td>
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<td>• Ambulance, fire and police services</td>
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<td>• Amusement enterprises</td>
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<tr>
<td>• Arenas, stadiums, and commercial auditoriums</td>
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<tr>
<td>• Bus and train passenger stations</td>
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<tr>
<td>• Eating and drinking establishments</td>
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<td>• Gaming establishments</td>
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<tr>
<td>• Hotels, motels, inns and similar public lodging</td>
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<tr>
<td>• Motion picture and live theaters</td>
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<td>• Public utility facilities</td>
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<tr>
<td>• Veterinary office and clinics</td>
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<tr>
<td>Zoning</td>
<td>Minimum Lot Width</td>
<td>Minimum Lot Size</td>
<td>Setbacks (min.)</td>
<td>Height (max.)</td>
<td>Impervious (max.)</td>
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<tr>
<td>Rural Residential (RR)</td>
<td>50'</td>
<td>10 acres</td>
<td>60'</td>
<td>75'</td>
<td>75'</td>
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</tr>
<tr>
<td>General Commercial (C1)</td>
<td>300'</td>
<td>5 acres</td>
<td>150'</td>
<td>150'</td>
<td>75%</td>
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<tr>
<td>General Industrial (I1)</td>
<td>300'</td>
<td>5 acres</td>
<td>150'</td>
<td>150'</td>
<td>75%</td>
</tr>
</tbody>
</table>

Rural Residential (RR):
- Aircraft sales, service and rental
- Animal research and testing laboratories
- Animal kennels and pet grooming establishments
- Commercial cemeteries
- Country clubs, golf courses and driving ranges
- Mining and quarrying
- Sanitary landfills
- Animal hospitals, veterinary clinics
- Hospitals and clinics
- Medical and dental offices
- Neighborhood food stores
- Places of assembly
- Public utility facilities

General Commercial (C1):
- Adult business, bottle clubs
- Ambulance, fire and police services
- Amusement enterprises
- Arenas, stadiums, and commercial auditoriums
- Bus and train passenger stations
- Eating and drinking establishments
- Gaming establishments
- Hotels, motels, inns and similar public lodging
- Motion picture and live theaters
- Office uses
- Radio and television studios
- Research and engineering
- Solar energy systems
- Utility facilities
- Vocational/technical schools
- Warehousing, wholesaling, distribution and freight movement/handling facilities
- Wireless communications facilities
- Bulk storage of petroleum derivatives; explosives
- Intensive manufacturing facilities
- Power generation facilities

General Industrial (I1):
- Auto wrecking, junk, scrap
- Bulk storage of materials
- Business services
- Commercial parking lots
- Commercial and fleet vehicle wash
- Construction equipment
- Data center
- Freight handling
- Industrial services
- Manufacturing facilities
- Mini storage/self-storage
- Motor vehicle fueling stations
- Motor vehicle maintenance/repair and storage
- Office uses
- Radio and television studios
- Research and engineering
- Solar energy systems
- Utility facilities
- Vocational/technical schools
- Warehousing, wholesaling, distribution and freight movement/handling facilities
- Wireless communications facilities

- Bulk storage of petroleum derivatives; explosives
- Intensive manufacturing facilities
- Power generation facilities

The minimum lot size shall be determined on the basis of the minimum width, maximum coverage, yard setback, parking and other requirements.
<table>
<thead>
<tr>
<th>District</th>
<th>Minimum Lot Size</th>
<th>Minimum Lot Size</th>
<th>Setback(s) (min.)</th>
<th>Height (max.)</th>
<th>Impervious (max.)</th>
<th>FAR (max.)</th>
<th>Density</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential - R1</strong></td>
<td>50' at street line</td>
<td>50' at street line</td>
<td>2,000 sf per dwelling unit</td>
<td>60% single-family dwellings</td>
<td>150' at the building set back</td>
<td>0.12</td>
<td>50%</td>
</tr>
<tr>
<td><strong>Residential - R2</strong></td>
<td>50' at street line</td>
<td>50' at street line</td>
<td>7,000 sf per dwelling unit</td>
<td>60% single-family dwellings</td>
<td>150' at the building set back</td>
<td>0.12</td>
<td>50%</td>
</tr>
<tr>
<td><strong>Residential - R3</strong></td>
<td>50' at street line</td>
<td>50' at street line</td>
<td>15,000 sf per dwelling unit</td>
<td>30% single-family dwellings</td>
<td>150' at the building set back</td>
<td>0.12</td>
<td>50%</td>
</tr>
<tr>
<td><strong>Commercial - C1</strong></td>
<td>50' at street line</td>
<td>50' at street line</td>
<td>3,000 sf per building</td>
<td>60% single-family dwellings</td>
<td>150' at the building set back</td>
<td>0.12</td>
<td>50%</td>
</tr>
<tr>
<td><strong>Commercial - C2</strong></td>
<td>50' at street line</td>
<td>50' at street line</td>
<td>7,000 sf per building</td>
<td>30% single-family dwellings</td>
<td>150' at the building set back</td>
<td>0.12</td>
<td>50%</td>
</tr>
<tr>
<td><strong>Commercial - C3</strong></td>
<td>50' at street line</td>
<td>50' at street line</td>
<td>15,000 sf per building</td>
<td>10% single-family dwellings</td>
<td>150' at the building set back</td>
<td>0.12</td>
<td>50%</td>
</tr>
<tr>
<td><strong>Public Park and Recreational Areas</strong></td>
<td>150' at the building set back</td>
<td>150' at the building set back</td>
<td>2,000 sf per dwelling unit</td>
<td>60% single-family dwellings</td>
<td>150' at the building set back</td>
<td>0.12</td>
<td>50%</td>
</tr>
<tr>
<td><strong>Business and Institutional - I1</strong></td>
<td>50' at street line</td>
<td>50' at street line</td>
<td>3,000 sf per building</td>
<td>60% single-family dwellings</td>
<td>150' at the building set back</td>
<td>0.12</td>
<td>50%</td>
</tr>
<tr>
<td><strong>Business and Institutional - I2</strong></td>
<td>50' at street line</td>
<td>50' at street line</td>
<td>7,000 sf per building</td>
<td>30% single-family dwellings</td>
<td>150' at the building set back</td>
<td>0.12</td>
<td>50%</td>
</tr>
<tr>
<td><strong>Business and Institutional - I3</strong></td>
<td>50' at street line</td>
<td>50' at street line</td>
<td>15,000 sf per building</td>
<td>10% single-family dwellings</td>
<td>150' at the building set back</td>
<td>0.12</td>
<td>50%</td>
</tr>
<tr>
<td><strong>Transportation and Service Uses</strong></td>
<td>50' at street line</td>
<td>50' at street line</td>
<td>3,000 sf per building</td>
<td>60% single-family dwellings</td>
<td>150' at the building set back</td>
<td>0.12</td>
<td>50%</td>
</tr>
<tr>
<td><strong>Conservation Areas</strong></td>
<td>150' at the building set back</td>
<td>150' at the building set back</td>
<td>2,000 sf per dwelling unit</td>
<td>60% single-family dwellings</td>
<td>150' at the building set back</td>
<td>0.12</td>
<td>50%</td>
</tr>
<tr>
<td><strong>All permitted uses of the Planned Residential District (PRD)</strong></td>
<td>50' at street line</td>
<td>50' at street line</td>
<td>50' at street line</td>
<td>50% single-family dwellings</td>
<td>150' at the building set back</td>
<td>0.12</td>
<td>50%</td>
</tr>
</tbody>
</table>

**Note:**
- Density calculations are based on the maximum allowable FAR for each district.
- Impervious area requirements vary by district.
- Setback requirements are determined based on the size of the lot and the type of building.
- Height limitations are based on the number of stories and the type of dwelling.
TASK 2: EXISTING ZONING ANALYSIS

• Import/Calibrate all of the zoning regulations that will determine development potential
• Calculate each parcel individually with the specific location characteristics
• Ability to incorporate base zone regulations, overlays and special conditions
• Calculate in average 3,000 parcels per hour
• Calculate multiple options or development types simultaneously
• Import existing property record information and then compare with maximum allowances per zoning
• Determine potential non-conformities or unexpected results at the parcel level
• Output:
  • Maximum buildable area
  • Maximum footprint area
  • Maximum area and quantity of allowed uses
  • Parcel specific height and setback limitations

The Gridics Patented Zoning Engine can:

- Import/Calibrate all of the zoning regulations that will determine development potential
- Calculate each parcel individually with the specific location characteristics
- Ability to incorporate base zone regulations, overlays and special conditions
- Calculate in average 3,000 parcels per hour
- Calculate multiple options or development types simultaneously
- Import existing property record information and then compare with maximum allowances per zoning
- Determine potential non-conformities or unexpected results at the parcel level

Output:
- Maximum buildable area
- Maximum footprint area
- Maximum area and quantity of allowed uses
- Parcel specific height and setback limitations
Gridics has reviewed the existing zoning regulations and calibrated the main development values to our zoning engine.

https://map.gridics.com/us/pa/college-township

The map interface allows to:

- See Zoning Layers and Study Area
- Click every parcel to see
  - Property Record data
  - Zoning Designation
  - Calculated Zoning Allowance
  - Allowed Uses
  - Links to Zoning Regulations
- Filter parcel and calculated data
- Share parcels
Gridics has reviewed the existing zoning regulations and calibrated the main development values to our zoning engine.

The map interface allows to:
- See Zoning Layers and Study Area
- Click every parcel to see
  - Property Record data
  - Zoning Designation
  - Calculated Zoning Allowance
  - Allowed Uses
  - Links to Zoning Regulations
- Filter parcel and calculated data
- Share parcels
Gridics zoning engine allows to analyze any individual parcel or assemblage or parcels, based on the current zoning regulations or proposed zoning regulations.

The analysis includes:
- Maximum Height
- Maximum Lot Coverage
- Maximum Intensity
- Maximum Residential Density
- Allowed uses
- Parking Requirements
Gridics has imported and digitized the current zoning regulations


The text interface allows to:

- See zoning regulations within map platform
- Search for words or phrases
- Create and share bookmarks
- Add notes to bookmarks and organize in folders

§ 200-20 Two-Family Residential District.

A. Intent. In addition to the Intent of the Single-Family Residential District, it is the intent of the Two-Family Residential District to promote the following:

1. To provide a buffer between low-density residential neighborhoods and more intense land uses.
2. To provide for low- and moderate-income housing.
3. To promote diversity of housing types and character.

B. District regulations. Only the uses listed below shall be permitted in the Two-Family Residential District. All uses must conform to the lot, yard setback and maximum height regulations stipulated herein, as well as other appropriate requirements of this chapter.

§ 200-21 Multifamily Residential District.

A. Intent. It is the intent of the Multifamily Residential District to promote the following:

1. To provide for medium-density housing in appropriate locations and to permit limited uses appropriate to residential neighborhoods.
2. To protect residential areas from changes and intrusions which may cause deterioration.
3. To meet minimum standards of health and safety by protecting against hazards and nuisances.
4. To provide for adequate daylight, ventilation, quiet, privacy and recreational opportunity.
5. To prevent congestion and the overcongesting of land caused by excessive densities.
6. To provide for low- and moderate-income housing.
7. To promote diversity of housing types and character.

B. District regulations. Only the uses listed below shall be permitted in the Multifamily Residential District. All uses must conform to the lot, yard setback and maximum height regulations stipulated herein, as well as other appropriate requirements of this chapter.

§ 200-22 Village Center District.

...
Next Steps

Gridics will analyze the development potential results and produce maps

- Current Development Potential
- Existing vs Potential Footprint analysis
- Potential Non-conforming parcels
- Potential parcels with development limitations
• **Area Assessment**
  • Analysis of physical characteristics / factors that influence marketability of various real estate uses.

• **Economic & Demographic Analysis**
  • Analysis of drivers of demand for commercial and residential development.
  • Analysis of population, household, and income trends.

• **Residential Market Analysis**
  • Demand analysis for sale and for rent housing, w/ competitive primary & secondary sub-markets.

• **Commercial Market Analysis: Retail, Office, and Industrial Uses**
  • Recent & projected trends for retail, office and industrial development by type.
  • Retail & Office demand analysis.

• **Hospitality & Tourism**
  • Analysis of hotel trends, impact of proposed casino & analysis of cultural/community uses.

• **SWOT Analysis: Summary and Conclusions**
  • Establish competitive position of the Dale Summit Area as gateway to College Township
• **A Strong Government Industry.** Though not the fastest-growing, the Government sector has held the largest distribution of total non-farm employment since 2013. Accounting for 41.2% of total employment as of February 2023, the sector accounts for several of the county’s largest employers.

• **A Growing Manufacturing Industry.** The fastest-growing employment sector over the last ten years in the State College Metropolitan Statistical Area (MSA), was the Manufacturing sector, which grew by 1.45% between 2013 and 2023.

• **Growing Household income.** Compared to Centre County and Pennsylvania as a whole, the State College median income level is expected to grow at the quickest rate over the next five years, despite the median household income being below both Centre County and Pennsylvania’s figures. At 5.3% compounded annually, the borough is projected to see median household income grow from $37,117 in 2022 to $48,127 in 2027.

• **Recovering and Improving Economy:** Employment in the MSA is now just below 2019 non-farm employment levels, signaling a return to pre-pandemic market conditions and a positive recovery from the lasting effects of COVID-19. Despite the effects of COVID-19 on regional and national employment, the State College MSA has shown a positive compounded annual growth rate of 0.3% between 2012 and February of 2023.
• Market Fundamentals
  • New Multi-Family Development has been very limited since 2011, and inventory of units has actually decreased over the past 10 years.
  • Demand for rental housing remains strong.
  • No significant developments are proposed or under-construction within State College or College Township.
  • Vacancy is at a 10-year low and is projected to remain low over the next 5-years.

• We estimate that all types of multi-family housing are in demand, but based on local income levels affordable or work-force housing is the most supportable.
• Market Fundamentals
  • Average Monthly supply of for-sale housing has decreased over the past ten years, indicating shrinking supply of for-sale homes.
  • Demand for for-sale housing remains strong.
  • The average sale price of homes rose 25% in 2022, reaching $408,792.

• We estimate that all types of for-sale housing is in demand, focused on moderately-priced for-sale housing options.

<table>
<thead>
<tr>
<th>PRIMARY MARKET AREA</th>
<th>SECONDARY MARKET AREA</th>
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</thead>
<tbody>
<tr>
<td>College Township &amp; State</td>
<td>Centre County</td>
</tr>
<tr>
<td>Total Households</td>
<td>8,129</td>
</tr>
<tr>
<td>$50,000 - $74,999</td>
<td>2,531</td>
</tr>
<tr>
<td>$75,000 - $99,999</td>
<td>1,407</td>
</tr>
<tr>
<td>$100,000 - $149,999</td>
<td>1,865</td>
</tr>
<tr>
<td>$150,000 - $199,999</td>
<td>1,213</td>
</tr>
<tr>
<td>$200,000+</td>
<td>1,113</td>
</tr>
<tr>
<td>Total Income Qualified Households</td>
<td>8,129</td>
</tr>
<tr>
<td>Ratio of Owner Households</td>
<td>42.8%</td>
</tr>
<tr>
<td>Total Owner Households</td>
<td>3,479</td>
</tr>
<tr>
<td>Household Mobility Rate</td>
<td>7%</td>
</tr>
<tr>
<td>Total Estimated Internal Mobility</td>
<td>244</td>
</tr>
<tr>
<td>Annual Household Growth Rate (2022-2027)</td>
<td>-0.09%</td>
</tr>
<tr>
<td>Annual Household Growth</td>
<td>-3</td>
</tr>
<tr>
<td>Total Housing Demand</td>
<td>240</td>
</tr>
<tr>
<td>Projected Annual Capture Rate</td>
<td></td>
</tr>
<tr>
<td>@ 24 Units per Year</td>
<td>10.0%</td>
</tr>
<tr>
<td>(2 Units per Month)</td>
<td></td>
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<tr>
<td>Projected Annual Capture Rate</td>
<td></td>
</tr>
<tr>
<td>@ 48 Units per Year</td>
<td>20.0%</td>
</tr>
<tr>
<td>(4 Units per Month)</td>
<td></td>
</tr>
<tr>
<td>Projected Annual Capture Rate</td>
<td></td>
</tr>
<tr>
<td>@ 96 Units per Year</td>
<td>39.9%</td>
</tr>
<tr>
<td>(8 Units per Month)</td>
<td></td>
</tr>
</tbody>
</table>

Source: ESRI; American Community Survey projections by Weitzman Associates, LLC
• Market Fundamentals
  • The State College MSA has a robust retail market, with approximately 9.4 Million Sq. Ft. of Retail Space. Dale Summit makes up approximately 1.9 Million Sq. Ft. of retail space.
  • 642,000 Sq. Ft. is within Nittany, and 556,838 is occupied.
  • Retail rental rates have increased consistently over the past 10-years and are currently peaking at $18.81 per Sq. Ft. NNN on average.
  • The retail buildings in Dale Summit are aged, with only one new development (Aldi) in 10-years.
  • We note a particular lack of food and beverage offerings in Dale Summit, along with entertainment venues.

<table>
<thead>
<tr>
<th>Residential Base</th>
<th>Primary</th>
<th>Secondary</th>
<th>Tertiary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population 2022 est.</td>
<td>10,685</td>
<td>102,032</td>
<td>128,656</td>
</tr>
<tr>
<td>Households 2022 est.</td>
<td>4,021</td>
<td>37,159</td>
<td>47,644</td>
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<tr>
<td>Average Household Income 2022 est.</td>
<td>$132,256</td>
<td>$92,398</td>
<td>$96,615</td>
</tr>
<tr>
<td>Total Personal Income (TPI)</td>
<td>$531,801,376</td>
<td>$3,433,417,282</td>
<td>$4,603,125,060</td>
</tr>
<tr>
<td>Disposability Factor</td>
<td>84.5%</td>
<td>86.0%</td>
<td>85.8%</td>
</tr>
<tr>
<td>Total Disposable Personal Income (DPI)</td>
<td>$449,618,489</td>
<td>$2,952,985,227</td>
<td>$3,948,368,814</td>
</tr>
<tr>
<td>Percent of DPI Channeled into Traditional Retail Sales</td>
<td>27.5%</td>
<td>24.2%</td>
<td>23.8%</td>
</tr>
<tr>
<td>Total Retail Sales Potential (RSP)</td>
<td>$123,806,791</td>
<td>$714,603,697</td>
<td>$940,258,987</td>
</tr>
</tbody>
</table>

Source: ESRI Business Analyst; compiled by Weitzman Associates, LLC

<table>
<thead>
<tr>
<th>Residential Base</th>
<th>Primary</th>
<th>Secondary</th>
<th>Tertiary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population 2027 est.</td>
<td>10,544</td>
<td>101,944</td>
<td>128,383</td>
</tr>
<tr>
<td>Households 2027 est.</td>
<td>3,971</td>
<td>37,237</td>
<td>47,678</td>
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<tr>
<td>Average Household Income 2027 est.</td>
<td>$149,614</td>
<td>$107,373</td>
<td>$112,599</td>
</tr>
<tr>
<td>Total Personal Income (TPI)</td>
<td>$594,117,194</td>
<td>$3,998,248,401</td>
<td>$5,368,495,122</td>
</tr>
<tr>
<td>Disposability Factor</td>
<td>84.5%</td>
<td>86.0%</td>
<td>85.8%</td>
</tr>
<tr>
<td>Total Disposable Personal Income (DPI)</td>
<td>$502,304,220</td>
<td>$3,438,780,518</td>
<td>$4,604,871,352</td>
</tr>
<tr>
<td>Percent of DPI Channeled into Traditional Retail Sales</td>
<td>27.5%</td>
<td>24.2%</td>
<td>23.8%</td>
</tr>
<tr>
<td>Total Retail Sales Potential (RSP)</td>
<td>$138,314,315</td>
<td>$832,163,076</td>
<td>$1,096,597,577</td>
</tr>
</tbody>
</table>

Source: ESRI Business Analyst; compiled by Weitzman Associates, LLC
• Analysis Fundamentals
  • Office inventory has grown significantly throughout the State College MSA since 2011, adding 237,024 Sq. Ft. of inventory.
  • Three office properties are currently proposed and under construction, estimated to total 256,000 Sq. Ft. – none of these are within Dale Summit but will impact the overall office market.
  • Dale Summit has limited mixed-use properties and most office space was construction before 2010.

• We have identified an oversupply of office space within the State College Metro Area, and do not believe there is large demand for office space within Dale Summit.
• Stable Metro Area Market Fundamentals -- The State College industrial market has experienced stabilized vacancy (currently 10.7%) and increasing rent (currently $11.47 per square foot NNN).

• Light Industrial -- Industrial and business parks within State College have performed well due to their ability to attract business through smaller building footprints and diverse options of office and industrial spaces. Light industrial or manufacturing businesses are taking up most of the supply.
• Aged Hotel Supply -- Of the existing State College hotel market supply, 64.3% of the room inventory was built before 2000, 21.6% of the room inventory was added from 2000 to 2009, and 14.1% has been built since 2010.

• Of the five profiled hotels, the Dale Summit’s only hotel offering is performing below its competitors.

<table>
<thead>
<tr>
<th>Operating Comp</th>
<th>Hotel</th>
<th>Period</th>
<th>Number of Rooms</th>
<th>Chain Scale</th>
<th>Occupancy</th>
<th>Average Rate</th>
<th>RevPAR</th>
<th>OPEX Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Best Western Plus University Park Inn &amp; Suites State College</td>
<td>2022</td>
<td>79</td>
<td>Upper Midscale</td>
<td>61%</td>
<td>$83</td>
<td>$51</td>
<td>65%</td>
</tr>
<tr>
<td>2</td>
<td>Fairfield Inn &amp; Suites State College</td>
<td>2022</td>
<td>83</td>
<td>Upper Midscale</td>
<td>67%</td>
<td>$101</td>
<td>$67</td>
<td>69%</td>
</tr>
<tr>
<td>3</td>
<td>Holiday Inn Express State College at Williamsburg Square</td>
<td>2022</td>
<td>106</td>
<td>Upper Midscale</td>
<td>72%</td>
<td>$101</td>
<td>$72</td>
<td>92%</td>
</tr>
<tr>
<td>4</td>
<td>SpringHill Suites State College at Williamsburg Square</td>
<td>2022</td>
<td>72</td>
<td>Upscale</td>
<td>67%</td>
<td>$117</td>
<td>$79</td>
<td>71%</td>
</tr>
<tr>
<td>5</td>
<td>Hampton Inn &amp; Suites State College at Williamsburg Square</td>
<td>2022</td>
<td>71</td>
<td>Upper Midscale</td>
<td>73%</td>
<td>$109</td>
<td>$80</td>
<td>80%</td>
</tr>
</tbody>
</table>

Source: CoStar, Survey by Weitzman Associates, LLC
TASK 4: PROJECT SCHEDULE & ADJUSTMENTS

UNDERSTAND GOALS AND STAKEHOLDERS TO SELECT THE RIGHT TOOLS
Community Engagement:

- **Pre-Charrette:**
  - Restart the Steering Committee
  - Advertise for charrette
  - Conduct pre-charrette presentation
  - Reach out to the community

- **Charrette:**
  - 5-day collaborative workshop (meetings & presentations)

- **Post-Charrette:**
  - Conduct public hearings
  - Make presentations, as needed
Stakeholders:
• Transportation & Infrastructure
• Marketability
• Zoning & Land Use
• Parks, Trails and Amenities

Questions:
• Likes & dislikes about Dale Summit Area
• Issues for consideration
• Places you like / dislike
• What kind of place can be envisioned?
• Barriers to redevelopment
Gateway Town Center

- Strong interest in Dale Summit evolving to serve as Gateway Town Center for Township
- Strengths of area: 1) Its location and regional accessibility (1/3 major entrances); 2) Infrastructure can support a high level of commercial development
- Weaknesses of area: 1) Currently not an attractive or inviting gateway; 2) Development too disjointed.
- Potential for “downtown for adults” as downtown State College caters mostly to students.

Bus system’s potential

- Robust (3rd highest ridership in state). Better than expected, but struggling to recover post-pandemic
- Focus currently on getting people to downtown State College, so driving still easier for most.
Need for workforce housing
- Need for more “market-rate affordable”, “workforce” and “starter” homes
- Lack of diverse housing is significant enough to affect employee recruitment

Commercial market issues
- Difficult for entrepreneurs and non-profits to find affordable commercial spaces
- Currently, only a few commercial landlords, vacancy is low and constructions costs are high
A desire of walkability

- Desire for, by skepticism, about walkability
- Hard for people to envision Dale Summit’s transformation into a walkable place
- Broad support for walkability and need for Dale Summit to evolve into a “park once” location

Strong connection to outdoor recreation

- Strong local identity connected to the outdoors (hiking, fishing, biking)
- Identity not reflective in the development pattern or retail offerings of Dale Summit Area
• There is strong interest in Dale Summit evolving to serve as a Gateway Town Center for College Township.

• There is a desire for more walkability, but skepticism that it can happen here.

• There is a recognized need for workforce housing.

• State College has a strong local identity connected to the outdoors – hiking, biking, fishing, etc.

• It is difficult for entrepreneurs and nonprofits to find affordable commercial spaces.
PHASE 2:
Sale Summit Master Plan
& Draft Form-Based Code
TASK 5: DRAFT
MASTER PLAN

LOGOS • WEBSITES • BRANDING

listen first

design second

www.studiohilldesign.com
TASK 5: DRAFT MASTER PLAN CHARRETTE
<table>
<thead>
<tr>
<th>Time</th>
<th>Sunday</th>
<th>Monday</th>
<th>Tuesday</th>
<th>Wednesday</th>
<th>Thursday</th>
<th>Friday</th>
</tr>
</thead>
<tbody>
<tr>
<td>9:00 AM</td>
<td>Charrette Kick-Off [9:00am - 10:00am]</td>
<td>DPZ Team Briefing [9:00am - 10:00am]</td>
<td>DPZ Team Briefing [9:00am - 10:00am]</td>
<td>DPZ Team Briefing [9:00am - 10:00am]</td>
<td>Next Steps</td>
<td>Team Travel</td>
</tr>
<tr>
<td>9:30 AM</td>
<td>Design Open Studio</td>
<td>Design Open Studio</td>
<td>Design Open Studio</td>
<td>Design Closed Studio</td>
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<td>10:00 AM</td>
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<td>6:00 PM</td>
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<tr>
<td>6:30 PM</td>
<td>Design Closed Studio</td>
<td>Charrette Opening Presentation [5:30pm - 7:00pm]</td>
<td>Work In-Progress / Open Studio [5:30pm - 7:00pm]</td>
<td>Charrette Closing Presentation [5:30pm - 7:00pm]</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Next Steps**

**Team Travel**
TASK 5: MASTER PLAN CHARRETTE

• A multi-day series of interactive meetings, transparent design sessions and presentations builds trust.

• The various design disciplines work in concert to produce a set of polished documents.

• Input from all the players is collectively organized and presented.

• Planning in the presence of the stakeholders and decision makers.

• Charrettes produce feasible & detailed solutions.
Frontage Analysis

- Continuous sidewalk
- Pedestrian scaled buildings
- Active Frontage

**Good**
- Human scaled buildings
- Removed from the frontage
- Constant Curb Cuts

**Fair**
- No active frontage
- Principally surface parking
- Constant curb cuts
- Inconsistent lighting

**Regrettable**

A & B Grid, Phased

- Prioritize redevelopment in the downtown core

**A-Grid:** Excellent pedestrian experience

**B-Grid:** Functional

---

**TASK 5: MASTER PLAN + CODE (EXAMPLE)**
Illustrative Master Plan

- Incentivize small-scale redevelopment in downtown core between Adams & Monroe
- Create “kirkwalks” (cross-block passages), wherever possible
- Activate land along rail-line and infill along Kirkwood Road.
- Augment open space network
- Support the bicycle and pedestrian network throughout as a top priority
- Evaluate options for Jefferson Ave abutting St. Peter’s properties
TASK 5: MASTER PLAN + CODE (EXAMPLE)
Potential Redevelopment Sites

Westside

25 townhomes & 22 stacked townhomes

39 Towerhouses

TASK 5: MASTER PLAN + CODE (EXAMPLE)
Kirkwood Rd (North & South)

**Existing Section**
- Narrow the very wide lanes to slow traffic.
- Add parallel parking on one side of the street to act as a buffer to pedestrians and slow through traffic.
- Implement a raised multi-gate crossing to help slow cars and offer a wider space for pedestrians on a vehicle-free path across the street.
- Narrow the sidewalk and narrow the planter strip to give space to the very narrow sidewalk.

**Proposed Section 2 characteristics**
- Narrow the very wide lanes to slow traffic.
- Add parallel parking on both sides of the street to act as buffers to pedestrians.
- Implement a raised multi-gate crossing to help slow cars and offer a wider space for pedestrians on a vehicle-free path across the street.
- Narrow the sidewalk and narrow the planter strip to give space to the very narrow sidewalk.

**Proposed Section 1 characteristics**
- Narrow the very wide lanes to slow traffic.
- Add parallel parking on one side of the street to act as a buffer to pedestrians.
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**Proposed Section 2 characteristics**
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A form-based code is a land development regulation that fosters **predictable built results** and a **high-quality public realm** by using **physical form** (rather than separation of uses) as the organizing **principle** for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town, or county law. A form-based code offers a powerful alternative to conventional zoning regulation.

(Form-Based Code Institute)
Use-based Code

Form-based Code

CONVENTIONAL CODE VS/ FBC
12 Story Building
4.5 Acres
100 Units
8% Lot Coverage

= 22 du/ac =
(55 du/ha)

2-3 Story Building
0.09 acres
2 Units
80% Lot Coverage

DENSITY & FAR: POOR PREDICTOR OF FORM
FORM-BASED CODE
Elements of a Form-Based Code

- Regulating Plan that codes for walkable, mixed-use neighborhoods
- Building form and use / type
- Open space location and standards
- Design and function of streets
- Characteristics of neighborhoods and blocks

FBC: Codes a Vision: Illustrated, easy to understand, transparent
Main elements of an FBC

1. Regulating Plan & Zones

   • Building form and placement uses, parking, signage, facade types, frontage yards, etc…)

2. Building & Frontage Standards

3. Streets & Open Space Standards

4. Administration Standards

5. Definitions

6. Subdivision Standards
TASK 5: WAYS TO CODE

- Transect or Character Zones
- Street Type or Frontage Type
- Place Type
- Building Type

City of Miami
CODE CALIBRATION

Source: LWC
Task 6: FINAL FBC

- **Of College Township**: local calibration / tailored to your history and vision;
- **Smart place-making**: adapted to your Comp Plan;
- **Concise**: no redundancies or inconsistencies;
- **User-friendly**: with clear and useful graphics;
- **Balanced**: consider all stakeholders & legally sound;
- **Tested, yet innovative**: Lean
TASK 7: FINAL DALE AREA SUMMIT PLAN
Task 8: FINAL PRESENTATION

Public Presentations:
- Pre-Charrette Presentation
- Charrette Presentations & Open House
- Draft FBC Presentation / Public Hearing
- Final Draft FBC Presentation / Public Hearing
PHASE 3: Adoption Process
TASK 9: TECHNICAL SUPPORT

- Assistance with Short Term and Mid / Long Term Actions, such as interim code changes
- Assistance with Regulatory Implications
Integrating a Form-Based Code: Optional

**PROS**
- Permits Desirable Development
- Little Political Opposition
- Allows Time For Staff Training

**CONS**
- Requires Rezoning Process
- Desirable Development Not Required
- Staff, Officials, and Industry Have Two Systems

Do you want to use the FBC?

No
- Euclidean Zoning Code

Yes
- Form Based Code

Integrating a Form-Based Code: Replacement

**PROS**
- Makes Automobile-Centric Development Difficult
- Staff, Officials, and Industry Use One System

**CONS**
- Political Opposition, May Be Watered Down
- New System, Learning Curve

Euclidean Zoning Code

Form Based Code
3.9.3 Exterior wall materials, including building, streetscreens and garden walls and fences, windows and doors, shall be of a quality that ensures longevity and resilience. Materials shall be selected to enhance the appearance of the building and shall be compatible with other materials in the project, neighborhood and community context. Additionally, the following materials shall be used:

3.9.3.a. Building walls shall minimize variety and number of exterior materials shall be limited to four, not including glass.

3.9.3.a.i. Materials shall change along a horizontal or vertical joint and the change shall correspond to a change in the plane of the wall.

3.9.3.a.ii. Materials that change along a vertical line shall reflect a building rhythm such as a historic building or streetfront or name property width.

3.9.3.a.iii. Materials that change along a horizontal line should place the heavier material below the lighter.

3.9.3.b. Windows shall not be flush mounted and shall be inset from the exterior wall a minimum of three inches.

3.9.3.c. Roof materials shall be of a quality that ensures longevity and resilience. When used, steeped roofs shall consist of weathering slate (natural or synthetic), clay tile, concrete tile, shingled wood, asphalt shingles or weathering composite, and metal standing seam.

3.9.4 Storefronts:

3.9.4.a. Storefronts shall comply with the facade type requirements as Table 3.5.2 Facade Types, which includes the requirement for a minimum of 50% of the ground floor frontage to be glass.

3.9.4.b. Additionally, Storefront elements such as windows, doors, signage, awnings, and lighting shall be designed as a unified composition, and shall be made of masonry, wood, metal or glass.

FIGURE 3.9.3 STOREFRONT CONFIGURATION
PHASE 4: Implementation
### TASK 12: TRAINING SESSIONS & HANDOUTS

#### Penasco CRA Overlay Checklist (For New Construction Only)

<table>
<thead>
<tr>
<th>A</th>
<th>Zoning (see zoning district)</th>
<th>Yes</th>
<th>No</th>
<th>n/a</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>R-1AA (See Table 12-2-25.3)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>R-1A (See Table 12-2-25.3 for single-family detached or 12-2-25.5 for single-family attached)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>R-1B (See Table 12-2-25.4)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>R-AC and R-NOB (See Table 12-2-25.6)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>C-1 (See Table 12-2-25.6)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>C-2 or C-3 (See Table 12-2-25.7)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>C-3 along CFC FDOT Context Zone (See Table 12-2-25.8)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B</th>
<th>Building Type (see building type)</th>
<th>Yes</th>
<th>No</th>
<th>n/a</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Single-family detached unit</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Two-family attached unit (duplex)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Single-family attached unit (townhouse)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Multi-family building</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Mixed-use building</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Commercial or non-residential building</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C</th>
<th>Building Height</th>
<th>Yes</th>
<th>No</th>
<th>n/a</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>For single-family detached and two-family attached, is the minimum floor to ceiling height 9 feet?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>For single-family detached and two-family attached, is the maximum height 35 feet?</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>3</td>
<td>For single-family detached and two-family attached, is the entry at grade a minimum height of 18 inches?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>For single-family attached, the minimum floor to ceiling height 9 feet?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>For single-family attached, is the maximum height 45 feet?</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>6</td>
<td>For single-family attached, is the entry at grade a minimum height of 34 inches?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>For multi-family building, is the ground floor a minimum height of 12 feet?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>For multi-family building, is the ground floor a maximum height of 16 feet?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>For multi-family building, are all other stories a maximum height of 14 feet?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>For mixed-use and/or non-residential building, is the ground floor a minimum height of 12 feet in R-1AAA through R-2A, or 14 feet in all other districts?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>For mixed-use and/or non-residential building, are all other stories a maximum height of 14 feet?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>For mixed-use and/or non-residential building, do parking garages stay within permitted height allowable of the designated zoning district?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Is the main roof pitch between 6:12 and 12:12?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Is the shed roof pitch a minimum of 4:12?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
COLLEGE TOWNSHIP COUNCIL MEETING
May 4, 2023
Meeting Overview and Report

Special Presentation:
   Presentation of Resolution R-23-16 to Mount Nittany Health
   C-Net Annual Report/Presentation by Cindy Hahn

Plans:
   PSU Environmental Management Facility – received conditional approval
   Rhodes Lane Condominiums – received conditional approval
   Aspen Heights Minor – received comments

Old Business:
   Centre Hills Village Traffic Calming Bid – after much discussion on the topic and process it was
decided to deny the current bid, reevaluate the scope, and rebid the project with alternate bids.
   Official Map – ordinance language was discussed; Council members will to discuss mapping

New Business:
   COG Capital Improvement Plan – Council reviewed the CIP and gave comments
COLLEGE TOWNSHIP COUNCIL MEETING
May 18, 2023
Meeting Overview and Report

**Special Presentation:**
College Township 2022 Audit Presentation

**Plans:**
Summit Park Sketch Plan – discussion of Stewart Drive connection and sidewalk installation timeline

**Old Business:**
Shiloh Road Zoning Amendment – Council was comfortable moving forward with the requested amendment as it provides interim change to the existing zoning regulations that builds momentum toward a Form-Based Code hybrid

Residential Rental Ordinance Review – the intent statement was considered would like to add, preserve the character of the single-family neighborhoods somewhere within the intent; to be remanded to PC

Official Map – agreed to move forward showing elements of the existing Official Map, removing elements that are no longer relevant, and incorporate elements of the Pedestrian Facilities Master Plan; once revisions are made the map will be presented to Council and which time they will set a public hearing

**New Business:**
Ordinance O-23-04 Centre Region Rental Housing & Bld. Safety Code – Council offered that a solicitor review is necessary; Council to review again and set public hearing before July 1st
CENTRE REGION PLANNING COMMISSION

SUMMARY REPORT

May 4, 2023

Submitted By: R. Forziat

2023 Centre Region Planning Commission

Ellen Taricani  Ferguson Township
Andrew Meehan  Halfmoon Township
Chris Gamble  Harris Township
Sharon Collins  Patton Township
Josh Portney  State College Borough
Ray Forziat  College Township
Neil Sullivan  Penn State University

Joint Meeting:  LUCI Committee -(Land Use and Community Infrastructure) and Centre Region Planning Commission

Public Comments:
  ➢ None

New Agenda Items:
  ➢ None

Consent Agenda Topics:

1. Approval of Minutes from CRPC Meeting – Mar. 2, 2022
2. Approval of Minutes from LUCI Meeting – Apr. 2023
Preliminary Findings of The 2022 Regional Development Capacity Report (REDCAP):

Presented by – Mark Boeckel

➢ Provided Preliminary findings of the 5 year review.
➢ Estimates the total amount of residential and non-residential development potential within the RGB and SSA.
➢ Identified remaining vacant lands within the RGB and SSA and analyzed the development / growth potential.
➢ CRPA coordinated with PSU to obtain remaining development capacity for the University Park Campus.
➢ Preliminary Findings:
   1. Vacant land within the RGB and SSA declined by 12.7% since 2017.
   2. Approximately 3,300 remaining vacant acres can support over 10,700 dwelling units. (and 19.5 million sqft of non-residential development.
   3. Findings concluded that the redevelopment significantly reduced the consumption of vacant land within the RGB and SSA.
   4. Municipal re-zonings helped to expand development capacity within the RGB and SSA boundary.
   5. Borough Increases in density has impacts on outlying Municipalities.
   6. Form Based Codes will impact Capacity potential.

Draft of The Amended Regional Growth Boundary and Sewer Service Area (RGB and SSA) - - Implementation Agreement

Presented by Jim May

➢ Required to be reviewed every 5 years. (To be completed by the end of 2023)
➢ No substantive changes to the process of requesting an expansion of RGB and SSA.
➢ Agreement provides guidance to Centre Region Municipalities to consider the merits of Development of Regional Impact applications.
➢ Both CRPC and LUCI took separate actions to recommend that the draft amended RGB and SSA Implementation Agreement be referred to the municipal governing bodies for review and comment.

Ten Year Staff Assessment of the Comprehensive Plan:

Presented by Jim May

➢ Provided Background Information to help prepare for the upcoming update of the Centre Region Comprehensive Plan.
➢ Updated every 10 years.
➢ Serves as a Region’s vision for the future.
➢ Plan includes: goals, objectives and polices.
➢ Newer revised format from past. Minimizes silo approach to task management and assignment.
➢ Assessed the implementation successes and shortcomings of the 2013 plan.
➢ Upcoming Comprehensive Plan can be structured to be more effective and relevant to the community.
CALL TO ORDER: Ms. Carla Stilson, Chair, called to order the April 20, 2023, Regular Meeting of the College Township (CT) Council at 7:19 PM, which followed a public hearing for Ordinance O-23-02 amending the College Township Zoning Map.

PUBLIC OPEN DISCUSSION:

No Public Open Discussion items brought forward.

NEW AGENDA ITEMS:

No New Agenda Items added.

REPORTS:

a. Manager’s Update

Mr. Brumbaugh, Township Manager, reported that the Pike Street Dedication ceremony would be held on Friday, April 21, 2023, at 1:00 PM. Many distinguished guests have confirmed their attendance. Tree planting on Pike Street is underway.

Mr. Brumbaugh also reported the inaugural meeting of the Thompson Woods Preserve Governance and Advisory Committees was held on April 11. The Solar Power Purchase Agreement Working Group will meet on April 26 to discuss draft contracts. Expectation that CT Council and CT Water Authority will be asked to consider action on contracts by May 31. Application to CFA Grant was not funded for the Path to Campus and the Application for PennDOT Grant was rejected.

b. COG Regional, County, Liaisons Reports
College Township Industrial Development Authority (CTIDA): Mr. Best reported the CTIDA met on April 19, 2023, and offered that Council appointed three new members to the CTIDA. Only one member was able to attend. They approved the HR Office to assist with their Executive Director search.

COG Joint Facilities/Finance Committee: Mr. Bernier and Mr. Francke offered a joint meeting of the Facilities and Finance Committees took place on April 13, 2023, to discuss the COG Capital Improvement Plan. They discussed the Millbrook March Nature Center and improvements to the Fire Station.

COG Public Safety Committee: Ms. Stilson reported the COG Public Safety Committee met on April 11, 2023, and heard Staff updates on the Regional Fire Protection Program, Centre Region Emergency Management, Centre County Code Administration, and Centre Region Office of Administration.

COG Climate Action and Sustainability Committee (CAS): Ms. Stilson offered the CAS met on April 10, 2023, and discussed the curbside organics pilot program, the Climate Action and Adaptation Plan (CAAP) municipality-focused survey, and reviewed the Refuse and Recycle Survey.

Centre County Metropolitan Planning Organization (CCMPO): Mr. Bernier reported the CCMPO met on April 18, 2023, and discussed the State College Area Connector (SCAC) Project, the CCMPO FY 2022-2024 Unified Planning Work Program and the CCMPO Strategic Plan.

Centre County Association of Township Officials (CCATO): Ms. Stilson offered the CCATO Spring Convention was held April 19, 2023. They heard a presentation from Diane Griffith, Centre County Planning and Community Development Office about the Agricultural Land Preservation Program and a presentation by Pam Adams, Centre Regional COG Sustainability Planner, on how residents can lower their carbon footprint.

c. Staff/P.C./Other Committees

Planning Commission (PC): Mr. Robert Hoffman, PC liaison to Council, offered the PC met on April 18, 2023, and made and discussed the Penn State Environmental Management Facility, the Official Township Map, and the Zoning Amendment consideration for the Dale Summit Area Plan. PC recommended Council approve the Penn State plan, recommended moving the Official Map forward to Council and recommended that Council deny the rezoning request for the Dale Summit Area Plan and wait 12-months for a preliminary master plan for the total area to be developed.

d. Diversity, Equity & Inclusion (DEI) Reports (Public Invited to Report)

Mr. Bloom, Assistant Township Manager, offered that he is attending a workshop on Diversity, Equity, Inclusion and Belonging Practices for Municipal Officials at the end of May.

CONSENT AGENDA:

CA-1 Minutes, Approval of
   a. April 6, 2023, Regular Meeting

CA-2 Correspondence, Receipt/Approval of
   a. Email from Neil Brandt, dated April 4, 2023, regarding Thompson Woods Preserve
   b. Email from Daniel Materna, dated April 4, 2023, regarding casino
c. Email from Derek Kalp, dated April 6, 2023, regarding resignation from Parks and Recreation Committee

d. Email from Daniel Materna, dated April 7, 2023, regarding casino

e. Email from Jonathan McVerry, dated April 13, 2023, regarding Dale/Pike street lamp post

f. Email from Daniel Materna, dated April 14, 2023, regarding casino

g. Email from Jude Larkin, dated April 17, 2023, regarding Pike Street

h. Email from Centre Kitchen, dated April 18, 2023, regarding grant match

CA-3 Action Item, Approval of

a. Approve participation in the inter-municipal contract with Ferguson Township awarding bid to Alpha Space Control Co., Inc. for 2023 pavement markings for $53,375.84 as CT’s share.

b. Resolution R-23-12 May as Bike Month

c. Resolution R-23-14 Asian Pacific American Heritage Month

d. Resolution R-23-15 Adopting Guidelines for SC Borough Police Officers when making authorized warrantless arrests

e. Resolution R-23-16 Mount Nittany Health Week, May 8-12, 2023

f. Project #23-05 Council Room Window Replacement Project Bid - Reject bids due to improper bid submission; Staff include replacement of window as an alternate to upcoming Building Replacement project.

Council asked to pull the following from the Consent Agenda: CA-2.e., CA-2.f., CA-2.h., CA-3.c., and CA-3.e. for further discussion.

Mr. Bernier made a motion to accept the April 20, 2023, Consent Agenda less CA-2.e., CA-2.f., CA-2.h., CA-3.c., and CA-3.f.

Mr. Francke seconded the motion.

Motion carried unanimously.

CA-2.f.: Mr. Brumbaugh, Township Manager, offered that the casino is now in the realm of the State Supreme Courts. He asked for clarity from Council related to capturing information on the website moving forward. The Township is not involved in any of the action as it proceeds through court system. Council agreed that it is not the best use of Staff’s time to keep up with every detail of the court proceeding but asked Staff to make sure the links to the court dockets are available on the website.

CA-2.e.: Mr. Franson, P.E., P.L.S., Township Engineer, offered information about the correspondence from the McVerry’s. Council asked Staff to get an estimate for a decorative pole, possibly with the lines underground, which could be placed in the future. The cost to move the pole and replace with a typical wooden pole, is approximately $2,000.

Ms. Sue Smith, Lemont, opined that the black street signs should be put back up in Lemont.

CA-2.h.: Ms. Sabine Carey, Centre Kitchen Collective, offered information related to a non-profit Centre Kitchens Collective. Her purpose is to seek a $5000 grant match contribution from College Township to support their federal grant application for $500,000 USDA Local Food Promotion Grant (LFPG). The specific purpose of this LFPG is to support development, coordination, and expansion of local and regional food business and enterprises, as well as to
increase access to and the availability of locally and regionally produced agricultural products. The grant application will focus on an incubators commercial kitchen and food hub in Pine Grove Mills, to support both our local agriculture community and food entrepreneurs.

Mr. Bernier made a motion to add to the agenda, NB-1 Centre Kitchen Grant; $5,000 pledge.
Mr. Best seconded the motion.
Motion carried unanimously.

CA-3.c.: Chair Stilson read Resolution R-23-14, recognizing and celebrating May as Asian Pacific American Heritage Month.

CA-3.e.: Ms. Trainor read Resolution R-23-16, recognizing and celebrating Mount Nittany Health Week, Emergency Medical Services Week and thanking the Board, Leadership and especially the Clinical Team of Mount Nittany Health for their enduring legacy of service to the community.

Mr. Best made a motion to approve CA-2.e., CA-2.f., CA-2.h., CA-3.c., and CA-3.e. on the Consent Agenda.
Mr. Bernier seconded the motion.
Motion carried unanimously.

OLD BUSINESS:

OB-1 Ordinance O-23-02 Amending the CT Zoning Map

Ms. Lindsay Schoch, AICP, Principal Planner, offered that a Public Hearing for Ordinance O-23-02 took place prior to the start of this regular CT Council meeting. If Council approves this Ordinance, a new zoning map

Council offered they look at rezoning with the current owner and future owners of the parcel in mind. The rezoning did not ask for expansion of the sewer service area or public water so this really limits what can be done on the parcel. Council discussed leaving the buffer between the residential area and the rezoned area is favorable to the rezoning. Council offered the core percolation test limits the use as well.

Mr. Don Franson, P.E., P.L.S., Township Engineer, addressed the water basin concern and offered the MS4 program will address this issue.

Ms. Trainor made a motion to approve Ordinance O-23-02, changing three-acres of tax parcel 19-004-078 from forest zoning designation to the industrial zoning designation.
Mr. Bernier seconded the motion.
Motion carried unanimously.

OB-2 Residential Rental Ordinance Review

Ms. Lindsay Schoch, AICP, Principal Planner, offered that experience tells us, it is best to work with a newly enacted ordinance for at least a year before reconsidering the elements. Chapter 160-Residential Rentals Ordinance was enacted in December of 2020 and has been administered for over two years.
As well as implementing the new Residential Rentals Ordinance, Staff started the implementation of the Granicus software. Prior to implementation, CT had 30 Short-Term Rentals (STR); currently, CT has 85 STR compliant and registered.

In the past two years, Staff has received over 20 calls regarding the purchase of single-family homes strictly for the use as a “football home” or STR. The response from Staff is all short-term rentals are required to be owner-occupied.

Staff has had both positive and negative feedback to the Ordinance since it was adopted. Ms. Schoch offered the comments received include:
- Proof of residency;
- Confirmed stays versus night rented;
- Consideration of different zones/areas of the township in which STR are permitted, prohibited, capped and not capped;
- Update ordinance text/definition to better define owner-occupied and non-owner occupied;
- Updating the fee with the implementation of Granicus;
- Increase in the nights rented;
- Making the intent section stronger specific to preserving the character of single-family neighborhoods; and
- The intent to preserve single-family residential neighborhoods is not intended to lessen the opportunity for accessory dwelling units and the ability for property owners to rent their homes for extra income.

Council discussed the following:
- Intent of the ordinance;
- Equability for home-owners;
- Fee Schedule;
- Balancing the various interests of home-owners;
- Council should discuss/review the intent; and
- Remand the reviewed intent and a review of the ordinance to the PC.

After discussion, Council asked Staff to bring the Residential Rental Ordinance back to Council to review the intent and fee schedule with the intention of remanding to the Planning Commission for further review.

NEW BUSINESS

**NB-1 Centre Kitchen Grant; $5000 pledge**

Council discussed the request for a $5,000 pledge/match for the Centre Kitchens Collective USDA Local Food Promotions Grant. Mr. Brumbaugh would recommend a one-time payment for the pledge if the grant were awarded.

**Mr. Bernier made a motion to authorize the Manager to commit a $5000 pledge/match to the Centre Kitchens Collective USDA Local Food Promotions Grant as referenced in the Consent Agenda item CA-2.h.**

**Mr. Best seconded the motion.**

**Motion carried unanimously.**
STAFF INFORMATIVES:

No Staff Informatives were pulled for discussion.

OTHER MATTERS:

Mr. Brumbaugh offered that SI-3 is a wonderful resource of all of the events taking place from May through September in the Centre Region. Staff will place this on the website as a reference.

Mr. Bloom, Assistant Township Manger, offered that a Doodle Poll will be sent out to schedule a CIP Strategic Planning Meeting.

ADJOURNMENT:

Mr. Francke moved to adjourn the April 20, 2023, Regular College Township Council Meeting.
Chair seconded the motion.

The April 20, 2023, Regular College Township Council Meeting was adjourned at 9:19 PM.

Respectfully Submitted By,

Adam T. Brumbaugh
Township Secretary
COLLEGE TOWNSHIP COUNCIL
REGULAR MEETING MINUTES
Thursday, May 18, 2023
1481 E. College Avenue, State College PA 16801
Hybrid Meeting (In-Person or via Zoom)

ATTENDED BY –
COUNCIL: Dustin Best, Vice Chair
D. Richard Francke
L. Eric Bernier
Susan Trainor

STAFF: Adam T. Brumbaugh, Township Manager/Secretary
Mike Bloom, Assistant Township Manager
Don Franson, P.E., P.L.S, Township Engineer
Robert T. Long, Finance Director
Mark Gabrovsek, Zoning Officer

ABSENT: Carla Stilson, Chair

CALL TO ORDER: Mr. Dustin Best, Vice Chair, called to order the May 18, 2023, Regular Meeting of the College Township (CT) Council at 7:00 PM and led in the Pledge of Allegiance.

PUBLIC OPEN DISCUSSION:
No Public Open Discussion items brought forward.

NEW AGENDA ITEMS:
No New Agenda Items added.

SPECIAL PRESENTATION:

SP-1 College Township 2022 Audit Presentation

Mr. Joseph Fedeli, Fiore Fedeli Snyder Carothers, LLP, offered the 2022 College Township Audit Report. He opined that the financial statements present fairly, in all material respect, the financial position of the governmental activities, each major fund, and the aggregate remaining information of the Township, as of December 31, 2022, and the respective changes in financial position for the year ended in conformity with accounting principles generally accepted in the United States of American. The overall financial position of the Township is sound and will continue to improve.

He reported the financial highlights for 2022 consisted of the following:

- Passage of the American Rescue Plan in 2021 resulted in additional federal funding in 2022 in the amount of $539,552, funds crucial to the replacement of reduced and lost revenue during the pandemic.
- In April 2022, debt was incurred to provide funding for long term projects ($3.0 million) and to refinance the remaining balances of the general obligation notes issued in 2014 and 2015 ($4.7 million).
- The Commonwealth’s Redevelopment Assistance Capital Program awarded $2.437 million to the Township as Grantee. The funds were passed through to a Sub-Grantee and used for exterior improvements to a light-industrial, mixed-use facility that was necessary to increase occupancy.
- Refunds of prior year expenditures exceeded budget by $96,000.
- Two (2) grants from the Commonwealth of PA totaling $1.2 million together with required Township matching funds provided funding for a traffic light and traffic-calming project.
- Total Government Fund Balances increased by $511,000.
- Capital investment in infrastructure and equipment totaled $2.45 million.

The Audit Report outlined the 2023 Budget Highlights:

- Property tax remained at 6.1 mills for the 2023 budget year.
- Total fund balance across all funds totals 15.9% of budgeted revenue.
- Assessed values used to budget property tax revenue increased by approximately 0.7% ($3 million) from the 2022 value of $456 million, continuing the need to rely more heavily on non-property tax revenues to fund Township operations and services.
- The budget value of 1 mill of property tax equals $449,820.
- 84.6% of total budgeted expenditures is comprised of these 5 items: 1) Capital purchases and construction - $3.2 million; 2) Payroll and benefits - $2.7 million; 3) Police protection - $1.7 million; 4) 2023 Centre Region Council of Governments Budget shares - $1.5 million; and 5) Debt service - $586,000.
- Police services increased from 255 to 265 hours per week.
- Expenditures of the turn back funds totaling $822,000 for infrastructure improvements along Pike Street from Dale Street to College Avenue.
- Continued investment in pedestrian facilities.
- Consulting services to implement form based codes to replace the existing zoning in the Dale Summit Area ($125,000 of the total expected cost of $325,000 is budgeted in 2023).

Mr. Bernier made a motion to accept the 2022 College Township Audit Report.
Mr. Francke seconded the motion.
Motion carried unanimously.

PLANS:

P-1 Summit Park Sketch Plan

Mr. Franson, P.E., P.L.S, Township Engineer, reported that before Council is a Sketch Plan for Tax Parcel 19-002-029c, which proposes a subdivision consisting of 12 lots within the Summit Park Industrial Revitalization Area (IRA). The development will dedicate the rights-of-ways for Summit Industrial Park and Stewart Drive located within the Tax Parcel. Sidewalks are proposed on both sides. The University Area Joint Authority will provide sanitary sewer services to all the lots within the development. The College Township Water Authority will provide water services. Natural gas, electric, and telecom services will be extended throughout the proposed development.

The Planning Commission had the opportunity to review the Sketch Plan at their May 2, 2023, PC meeting and discussed: Sidewalks, Traffic Impacts, Open Space, and allowances in the Industrial Revitalization Area.
Mr. Robert Myers, Hawbaker Engineering, Project Engineer, offered some additional information related to sidewalk development and reviewed at what point in the process they would be required.

Mr. Ralph Stewart, Bellefonte Water Authority, offered support and cooperation of the project.

Council discussed the connection to Stewart Drive and the sidewalk installation timeline.

REPORTS:

a. Manager’s Update

In the Manager’s Update, Mr. Brumbaugh, Township Manager, reported Council rejected the bids for the Centre Hills Village LTAC traffic-calming project at the May 4, 2023, Council meeting. Staff modified the scope of project details and rebid the project. Bids to be opened on May 26. The Township Engineer is making direct contacts with potential bidders.

Mr. Brumbaugh discussed a potential collaborative grant with the SC Borough, Penn State and College Township related to the Path to Campus. The Borough contracts with Delta Development who would assist with the grant.

He also added a sinkhole opened up in shallow stormwater basin at Fogelman field. Quotes for repair have been received.

b. COG Regional, County, Liaisons Reports

COG Public Safety Committee: Ms. Trainor reported the COG Public Safety Committee met on May 9, 2023, and received an Emergency Medical Services Annual Update by Scott Rawson, Executive Director. They also discussed plans for a joint Alpha Firefighter/Fire Inspector position. This would be a joint position with the CR Code Agency.

Mr. Walter Schneider, Director, CR Code Agency, added they are looking at an additional four positions to be shared as an Alpha Firefighter and Fire Inspector.

COG Finance and Facilities Committee: Mr. Francke reported a joint meeting of the Finance and Facilities Committees was held on May 11, 2023, and discussed the Capital Improvement Plan 2024-2028 and the Energy Procurement Agreement.

College Township Industrial Development Authority (CTIDA): Mr. Best offered the CTIDA met on May 17, 2023, and discussed the hiring of an Executive Director.

Spring Creek Watershed Commission (SCWC): Mr. Best reported the SCWC met on May 17, 2023, and reported they now have a Treasurer, Kevin Abbey, Ferguson Township. College Township did not pay their membership invoice from 2022. The invoice will be resent.

c. Staff/Planning Commission/Other Committees

Planning Commission (PC): The PC meeting slated for May 17, 2023, was cancelled.

d. Diversity, Equity & Inclusion (DEI) Reports (Public Invited to Report)

Nothing to report.
CONSENT AGENDA:

CA-1 Minutes, Approval of
   a. May 1, 2023, CIP Special Meeting
   b. May 4, 2023, Regular Meeting

CA-2 Correspondence, Receipt/Approval of
   a. Email from Rachel Avila, dated May 8, 2023, regarding Cub Scouts Pack 67
   b. Letter from Centre County Commissioners, dated April 19, 2023, regarding Broadband Update
   c. Email from Wayne Pauley, dated May 10, 2023, regarding the Official Map
   d. Email from Dave Fonash, Celtic Soccer Board President, dated May 11, 2023, regarding Equitable use of Fogelman Field
   e. Invitation from Clearwater Conservancy, dated May 10, 2023, to Rockenbeck Property Open House
   f. Email from David Schulte, dated May 16, 2023, regarding Change to Official Map

CA-3 Action Item, Approval of
   a. Resolution R-23-13 CATA Local Share
   b. CTIDA Executive Director Agreement with College Township

Mr. Bernier made a correction to CA-1.b. to include the vote on the motion on OB-1.a.

Council asked to pull the following from the Consent Agenda: CA-2.b., CA-2.d., and CA-3.b.

Ms. Trainor made a motion to accept the May 4, 2023, Consent Agenda less CA-2.b, CA-2.d., and CA-3.b. and with the correction to CA-1.b.
Mr. Bernier seconded the motion.
Motion carried unanimously.

CA-2.b.: Council asked Staff to send a letter of support to the Centre County Commissioners regarding their broadband initiative.

CA-2.d.: Mr. Brumbaugh offered a brief overview of the agreement with the State College Area School District and College Township regarding the fields at the Spring Creek Elementary School/Fogelman Field. A letter written on July 7, 2003, thanking Centre Soccer Association for their donation to the upgrades of the field and in recognition of this contribution, priority scheduling would be granted to Centre Soccer Association for the use of the fields. This information was passed to Centre Region Parks and Recreation who handles the scheduling of the fields. Centre Soccer has contributed approximately $200,000.00 since 2003 for upgrades to the field. Council asked to add this topic to a future agenda.

Owen Griffith, Celtic Soccer Club, Technical Director, offered they were founded in 2011. The Celtic Soccer Club has over 200 participants. They are trying to understand and determine if the 2003 letter is enforceable in terms of continued priority use of Fogelman Field. This is the best facility in the area and they are hoping to have equal/shared use of the space.

Council discussed the term priority scheduling vs. exclusivity. Mr. Brumbaugh offered that his letter in 2003 did not reflect exclusivity. Council asked that in the interim, CRPR should be notified that priority scheduling for Centre Soccer Association does not me exclusive scheduling. While Centre Soccer
Association gets select days and times for field use, all remaining available time slots should be filled with other teams/groups/uses.

Beau Cleveland, soccer parent, offered it would be great to have access to fields closer to home.

**CA-3.b:** Mr. Brumbaugh offered that the search for a full-time Executive Director for the College Township Industrial Development Authority (CTIDA) is underway. In May of 2022, the Township Manager began the roll of interim Executive Director to assist the CTIDA in moving forward with the hiring of an Executive Director. The Township is reimbursed for his role with the CTIDA. A HR search firm has been hired to move this forward. The CTIDA will use the model between the CT Water Authority and CT.

Mr. Francke made a motion to accept CA-2.b., CA-2.d., and CA-3.b. on the Consent Agenda.
Mr. Bernier seconded the motion.
Motion carried unanimously.

**OLD BUSINESS:**

**OB-1  Shiloh Road Zoning Amendment**

Mr. Mike Bloom, Assistant Township Manager, offered a short history of the Dale Summit area and efforts taken to better understand and address the issues present in the Dale Summit. Those efforts include an Economic Impact Study of Shiloh Rod Land Use Options in 2004, Evaluation & Recommendations of Dale Summit General Industrial and General Commercial Zoning Districts by 4Ward Planning in 2017, the DRAFT Dale Summit Area Plan in 2021, and the ongoing preparation of a Form-Based Code.

The DRAFT Dale Summit Area Plan established a vision for the Dale Summit. It further outlined a number of objectives and implementation strategies including the following:

- Allow for Flexibility within Regulations;
- Emphasizing Human-Scale Development;
- Regulate on Form instead of Use; and
- Add Rooftops to Drive Revitalization.

These identified objectives and implementation strategies, led CT to select a consulting team to develop some type of Form-Based Code for Dale Summit. DPZ CoDesign (DPZ) was chosen as the consultant to complete the project.

On February 1, 2023, Penn Terra Engineering, on behalf of their client, submitted a zoning amendment request to allow Planned Residential Development (PRD), mixed-use development, within the Planned Research and Business Park District (PRBD) with the multi-family residential (R3) density of 22 dwelling units per acre. The requested change is located along Shiloh Road in the Dale Summit.

Council reviewed the request and remanded it to the Planning Commission (PC). The PC discussed the zoning amendment over four meetings and at the conclusion, the PC voted 5-1 to deny the zoning amendment request.

Mr. Bloom continued; although it happens infrequently, Staff and PC have a difference of opinions on the recommended course of action on this zoning amendment request. Staff recommends support of an amendment to the PRBD district to allow multi-family (R3) uses and incorporate revisions to the PRD to move closer to what is anticipated through a Form-Based Code.
Council is asked to consider both recommendation and provide direction regarding the zoning request for Shiloh Road in the Dale Summit Area.

Council thanked PC and Staff for their thorough consideration of the request. Council was comfortable moving forward with the requested amendment as it provides an interim change to the existing zoning regulations that builds momentum toward a Form-Based Code. A consensus of Council supports Staff’s recommendation to amend the PRBD district to allow multi-family (R3) uses and incorporate revisions to PRD.

Proposed changes to the zoning ordinance to allow R3 uses to the PRBD will be brought forward to Council as a future agenda item. Council discussed remanding the DPZ modified PRD changes to the PC for consideration. Council does not feel it necessary to review those changes before going to the PC. At the conclusion of the discussion, the following motion was made.

Mr. Bernier moved to remand the DPZ-modified Planned Residential Development changes to the Planning Commission.
Ms. Trainor seconded the motion.
Motion carried unanimously.

Chair Best called for a recess of the meeting at 9:17 PM. Chair Best re-adjourned the meeting at 9:27 PM.

**OB-2 Residential Rental Ordinance Review**

Mr. Mark Gabrovsek, Zoning Officer, offered that at the April 20, 2023, CT Council meeting, Council reviewed the Residential Rental Ordinance, which was adopted and has been enforced since December of 2020. During this discussion, Council discussed strengthening the intent statement of the ordinance to better emphasize preserving affordable housing stock and single-family neighborhoods while still allowing property owners to rent their homes for additional income or create accessory dwelling units.

Staff prepared potential additions to the intent statement of the ordinance for both the short-term rentals and long-term rentals for Council’s consideration. After discussion, Council supported the proposed intent list as presented by Staff and asked Staff to prioritize as the lead in statement, the intent to preserve the character of the single-family neighborhoods, followed by the remaining intent statements. Next step, Staff will prepare a remand letter to the PC to fine-tune the revised intent statement and review the ordinance for any needed changes.

**OB-3 College Township Official Map**

Mr. Mike Bloom, Assistant Township Manager, offered that Council began their review of the DRAFT Official Map at the May 4, 2023, CT Council Meeting, to include a review of the DRAFT Official Map Ordinance text. Now Council is asked to review the mapping portion of the DRAFT Official Map, along with its accompanying spreadsheets. The map and spreadsheets attempt to consolidate the comments and recommendations received from Parks and Recreation Committee members and the Planning Commission into the proposed facility type defined within the ordinance text.

Mr. Bloom explained a conceptual mapping application, which will be utilized during the upcoming public review period. Council will serve as a beta tester of the application to ensure it is understandable and user-friendly in advance of the public review period.

Mr. Bloom referenced two (2) items on the Consent Agenda, CA-2.c. and CA-2.f., related to this agenda item.
Mr. Pauley, Lemont, who wrote a detailed letter to Council, CA-2.c., offered comments related to the lots he owns in the Nittany Orchards. Mr. Pauley noted that the lots in question are labeled “reserved” for parking on the DRAFT Official Map. He is not in favor of the label and requests removal of the lots from the Final Draft Official map.

Council discussed:
- Proposed pedestrian walkways added to the map by Council;
- Conceptual mapping application fixes;
- Path from Orchard Road to the Mount Nittany Medical;
- Embedding the Pedestrian Master Plan to the DRAFT Official Map;
- Motivation/rational of the comments from Parks and Recreation Committee members;
- Stream access reservations on the DRAFT Official Map;
- Official Map review process.
- The need for proposed facilities and reservations to be more fully vetted before inclusion on the Official Map, the example given was the vetting process used for the corridors in the Pedestrian Facilities Master Plan.

After discussion, a consensus of Council agreed to move forward with the DRAFT Official Map, showing elements of the existing Official Map, removing elements on the existing map that are no longer relevant, and incorporating elements of the Pedestrian Facilities Master Plan. The revised DRAFT Official Map will come back to Council to review and set a Public Hearing.

NEW BUSINESS

NB-1 Ordinance O-23-04 Centre Region Rental Housing & Building Safety Code

Mr. Brumbaugh, Township Manager, offered that periodically changes to the National and State Building and Code Standards necessitate updates to the exiting Centre Region Rental Housing and Building Safety Code (the code). The last update to the Code occurred in 2017.

The Centre Region Code Director provides Centre Region municipalities with the require changes to the Code and prepares a DRAFT Ordinance necessary to adopt these changes for each participating COG municipality.

Council was presented with the DRAFT CT Ordinance, O-23-04, which is the mechanism used to repeal and replace the previously adopted (2017) Code with the 2023 version of the Code. Upon adoption of O-23-04, the 2023 Code standards will become part of Chapter 152-Property Maintenance and Fire Code in the CT Code.

Mr. Walter Schneider, CR Code Agency Director, offered that this DRAFT 2023 updated Code has been advertised and gone through an extensive public comment period, as well as received input from Staff to achieve the final DRAFT before Council. Mr. Schneider walked Council through the proposed changes to the Code. He offered the three main changes fall under 1) fire alarm ordinance; 2) Chapter 7 updates; and 3) tenant and tenant rights.

Council offered that a Solicitors review of the ordinance is necessary before setting the public hearing. Council discussed and asked this item be added to the June 1, 2023, CT Council meeting to review and set a public hearing with adoption before July 1, 2023.

STAFF INFORMATIVES:
No *Staff Informatives* were pulled for discussion.

**OTHER MATTERS:**

Mr. Mike Bloom, Assistant Township Manager, offered that Council should hold June 5th for the next CIP review workshop and that staff is looking at dates for one additional CIP review in June.

A Diversity, Equity and Inclusion workshop to be held at the CR COG will take place next week.

**ADJOURNMENT:**

Mr. Bernier moved to adjourn the May 18, 2023, Regular College Township Council Meeting.  
Chair seconded the motion.

The May 18, 2023, Regular College Township Council Meeting was adjourned at 10:51 PM.

Respectfully Submitted By,

Adam T. Brumbaugh  
Township Secretary
Zoning Bulletin

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Zoning Amendments

Amendments to local regulations allow owners to occupy existing residences while building new ones on same lot

Citation: Hardy v. Planning, 2023 WL 2133786 (Conn. Super. Ct. 2023)

The Darien, Connecticut Planning and Zoning Commission’s (PZC) amendment to its zoning regulations to allow an owner to occupy an existing residence while a replacement residence was being constructed on the same lot came under legal scrutiny.

DECISION: Appeal denied.

The party filing suit against the PZC hadn’t met the burden of proving that the PZC acted improperly in amending the zoning regulations.

MORE ON THE FACTS

Cindy Hardy owned property at 22 Peach Hill Road in Darien. Jeffrey Brown owned the adjacent property located at 26 Peach Hill Road. Neither property had frontage on Peach Hill Road, and both connect to the street by a shared driveway.

In 2015, Hardy constructed a single-family home on her property, which had been a vacant lot. She entered into a shared driveway agreement with the then owner of 26 Peach Hill Road to connect her new residence to the street.

Hardy’s residence was constructed by using the shared driveway. Brown subsequently purchased the adjacent lot from the previous owner of 26 Peach Hill Road and lived at the single-family home on that lot. Both Brown and Hardy used the shared driveway to service their respective residences.

But, issues between the two arose after Brown decided to construct a new residence on his property. He sought a variance in 2020 so he could continue to reside in the existing residence while a replacement residence was being constructed.

The Darien Zoning Board of Appeals (ZBA) rejected the variance request concluding that the variance was not intended to resolve a hardship in complying with zoning regulations, but merely for the convenience of the owner.

Brown sought amendment to the local zoning regulations to permit an owner to reside in an existing residence while a replacement dwelling was being built on the same lot. Hardy opposed the proposed amendment.

In 2021, PZC adopted a resolution to amend the applicable Darien’s zoning regulations to allow temporary owner occupancy of an existing single-family unit, as an accessory unit, on lots greater than or equal to 0.5 acres, while a new replacement single-family dwelling is being constructed on the same lot.

The PZC noted that being unable to live in a single-family home while another
single-family home was being constructed on the same lot “did not constitute a legally cognizable hardship,” but that “as a policy matter, it [was] unreasonable to require an owner occupying an existing residence to vacate their property while a new house [was being] constructed on their lot, if such new construction [would] occur with no material impact on the existing residence or neighbors.”

BACK TO THE COURT’S RULING

The court found several grounds on which to deny Hardy’s appeal:

The PZC had statutory authority to amend the zoning regulations—The amendments required that “an existing house temporarily being used as a principal residence during construction of a replacement residence on the same lot be physically transformed into a compliant accessory structure after a reasonably brief transition period or be demolished.” This wasn’t an “open-ended nonconforming use.” In other words, since the amendments allowed “only temporary use incidental to construction of a replacement home, subordinate to its completion” they were “consistent with the broad and flexible authority granted to zoning commissions to regulate the ‘use of buildings or structures and the use of land.’”

There was substantial evidence in the record to support the zoning regulation amendments—The PZC’s reasons for permitting residents to continue living in an existing house while a replacement home was being constructed on the same lot were reasonable. “Amendments to zoning plan must be sustained if record supports a determination that they conformed to city’s comprehensive plan and are reasonably related to police powers that are enumerated by statute,” the court explained. And here, both criteria had been met.

The PZC heard testimony about other communities in the area that also had amended their regulations in the same manner. And it heard from its own residents, including Brown, who had been denied variances to live in their homes while new ones were being built.

Ultimately, the PZC’s reasons were supported by evidence. It could still “legitimately decide that the replacement of older housing with newer structures [was] in the best interests of the town and that providing for such replacement while allowing the property owner to continue to reside on the property during construction, promoted stability and the general welfare of the community.” Also, the amendments required “sufficient parking for construction vehicles and [a limitation on] the combined building coverage of the existing structure and replacement structure to no more than [35] percent of a lot seek to limit the impact on neighbors.” Also, they required “that any application meet the requirements of the town’s special permit requirements . . ., which include[d] the requirement that the [PZC] ‘attach such conditions and safeguards as may be required to protect the public health, safety and general welfare.’”

Finally, the amendments were consistent with the town’s plan for conservation and development, which prioritized “the maintenance of the town’s residential character ‘by continuing to seek a balance between people’s desires to improve/expand their homes and the impact on neighbors and the community.’”

The regulations were uniform—By statute, zoning regulations had to be uniform “for each class or kind of buildings, structures or use of land throughout each district” even though regulations could differ from district to district. Here, the amendments conferred a benefit, “the privilege of living in one’s existing residence while building a new house on the same lot, which [was] available to all residential lot owners who [would] satisfy the requirement of the [amendments]; this benefit applie[d] in every district to all lots which meet the standards set in the [amendments].”

The court rejected Hardy’s argument that the regulations violated the zoning code because not every lot in a zone would meet the permit requirements like the 0.5-acre lot
size. Hardy contended this created an “intradistrict inconsistency” that “effectively treat[ed] property owners of properties within the same district and of the same class differently, in direct violation of the uniformity requirement.” It noted that “the adopted amendment applie[d] equally to all residential zones, but affect[ed] only those parcels that ha[d] a minimum of one-half acre of land. The inclusion of minimum criteria [was] well within the [PZC’s] powers and d[id] not violate the uniformity criterion.”

The bottom line on this issue: The amendments applied equally in every zone, the court found, even though every lot wouldn’t necessarily qualify for the benefit. “All property owners whose lots [w]ere 0.5 acres or more and [c]ould satisfy the standards established in the [a]mendments [w]ere eligible to seek special permit approval to live in their current house while constructing a new house on the same lot,” so the amendments met the uniformity requirements.

The regulations didn’t represent the PZC’s overstep of its authority—According to Hardy, the amendments established a new type of special permit that violated the rules governing special-permit regulation by illegally granting the PZC the power to grant a variance. In her view, this represented a violation of the building code because such a decision should be reserved for the building inspector.

The court disagreed with Hardy. The PZC hadn’t overstepped its authority in regulating zoning or infringing on the ZBA’s authority or that of the local zoning enforcement officer or building inspector. The conditions the amendments imposed didn’t “allow special permits to function as variances or infringe on authority granted the ZBA.” They weren’t “impermissibly vague, [were] applie[d] uniformly and [w]ere consistent with the broad authority granted the P&Z . . . to require satisfaction of conditions and issuance of a special permit before [an] applicant may engage in the permitted use of constructing a replacement residence on the same lot as continuing the use of an existing single-family residence.”

Standing

Did plaintiff have standing to challenge ZBA’s decision to grant special permit for new library construction?

Citation: Baldwin v. Sharon Standing Building Committee, 2023 WL 2490990 (Mass. Land Ct. 2023)

Amy Baldwin sought review of the Sharon, Massachusetts Zoning Board of Appeals’ (ZBA) decision to approve construction of a new public library at 1 School Street in the town. She asked the court to annul the ZBA’s decision to grant the special permit on the grounds that it had failed to apply the proper legal standard required under a section of Massachusetts law known as the “Dover Amendment” (G.G. chapter 40A section 3).

The Sharon Standing Building Committee (SSBC), which proposed the construction project, asked the court for judgment without a trial on the grounds that Baldwin didn’t have standing to bring the appeal.

DECISION: Request for judgment granted.

The court dismissed Baldwin’s lawsuit, finding she lacked standing and affirmed the ZBA’s decision to grant the special permit.

“Standing to challenge such a decision is limited to persons who are aggrieved by the decision of the permit-granting authority,” the court explained. More specifically, “standing to challenge a zoning decision is conferred only on those who can plausibly demonstrate that a proposed project will injure their own personal legal interests and that the injury is to a specific interest that the applicable zoning statute, ordinance, or bylaw at issue is intended to protect.”

The term “aggrieved” person applied to a plaintiff’s injury that was more than speculative and was “particularized and distinct from the interests of the general community.” Concerning a zoning board decision, an aggrieved plaintiff had to “suffer some infringement of [their] legal rights.” It wasn’t enough, however, for a plaintiff to establish standing by just alleging a zoning violation.

DID BALDWIN SHOW EVIDENCE OF A PARTICULARIZED INJURY?

That’s the question that was central to the court’s analysis because “[t]o survive a challenge to . . . standing, a plaintiff must establish aggrievement by proffering credible evidence of a particularized injury.”

Credible evidence had to be both:

• quantitative; and
• qualitative.

More specifically, quantitative evidence had to “provide specific factual support for each of the claims of particularized injury the plaintiff has made,” and qualitative evidence had to be present and “of the type on which a reasonable
person could rely to conclude that the claimed injury likely will flow from the board’s action.” “Conjecture, personal opinion, and hypothesis are therefore insufficient,” the court added.

Further, the adverse effects on the plaintiff had to be “substantial enough to constitute actual aggrievement such that there [c]ould be no question that the plaintiff should be afforded the opportunity to seek a remedy.”

**PRESUMPTION OF STANDING**

A presumption of standing existed when an owner’s property abutted the property impacted by a zoning decision. That presumption receded, though, “when the party defending the decision challenge[d] the plaintiff’s standing with ‘any additional evidence’ showing that the plaintiff [w]as not aggrieved.” And, once a defendant offered such rebuttable-preclusion evidence, the burden shifted to the abutter to prove they had standing. This required a showing “by direct facts and not by speculative personal opinion—that [their] injury [w]as special and different from the concerns of the rest of the community.”

So, the relevant question for the court to address was whether Baldwin’s alleged harms—increased traffic resulting in safety concerns or the need for additional parking—fell within the interests protected by the Sharon zoning bylaw.

The parties agreed the public library was an educational use protected by the Dover Amendment from certain types of zoning regulation. And Sharon’s zoning bylaw stated it would “lessen congestion in the streets; to conserve health, to secure safety from fire, flood, panic and other dangers.” “Based on this language alone, impacts on safety caused by an increase in traffic or a lack of adequate parking [w]ere interests protected by the Sharon zoning bylaw. Therefore, the question of Baldwin’s standing turn[ed] on whether there [w]as credible evidence that the increased traffic and need for more parking [w]ere harms to Baldwin’s personal legal interests sufficient to confer standing.”

Unfortunately for Baldwin, the court found that:

- SBCC presented expert evidence that traffic wasn’t going to be a concern and all Baldwin presented was her lay opinion to the contrary, which wasn’t “fact-based and [d][j] not demonstrate individualized harm to her” ; and
- the library project complied with the parking requirements of the Sharon zoning bylaw, so she couldn’t use that as a basis for challenging the ZBA’s decision based on an “inadequate parking” argument.

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**Practically Speaking:**

The court noted that a bylaw’s language couldn’t be sufficient by itself to confer standing. “In other words, to show that he or she is aggrieved, a plaintiff must demonstrate both that the legal right violated is intended to be protected by the applicable zoning bylaw, and that the alleged violation caused specific injury to his or her personal legal interest,” the court added.

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**RLUIPA**

Apartment complex owner claims they were targeted for inspection for having onsite Mosque

Citation: Nuran Inc. v. City of Dallas, 2023 WL 375353 (N.D. Tex. 2023)

Nuran Inc. (Nuran) owned apartment complexes in Dallas. After the City of Dallas inspected those complexes, it sued Nuran in state court, alleging “violations of the Dallas City Code and Dallas Fire Code and for making building modifications without permits or certifications.”

Nuran then filed suit against the city, claiming it violated federal and state laws that protected religious liberties. The city requested dismissal of the lawsuit.

**DECISION: Request for dismissal granted.**

Based on the circumstances, the court couldn’t “ascertain whether Nuran has[d] suffered any ‘injury without a final determination as to whether the [activities in question] w[ould] be permitted on the property.’”

**A CLOSER LOOK**

Nuran owned two apartment complexes—Sunchase Square and Ivy—in Dallas. For years, Nuran had modified those complexes to house and serve refugees. For instance, it constructed a building containing two community rooms and allowed Refugee Resources and the Islamic Circle of North America (ICNA) to use those rooms. It also transformed a former laundry room in Ivy into a Mosque.

Following a city inspection in April 2021, the city filed suit against Nuran alleging “rat infestations, . . . water leaks, . . . and no basic life safety systems [like] smoke alarms and fire extinguishers.” The city also asserted that Refugee Resources and ICNA operated in Sunchase Square “without required Certificates of Occupancy.” And it noted the “prayer room” in Ivy lacked “the conditions necessary to ensure that [it was] safe for group occupancy.”

In March 2022, a state court issued an injunction—and Nuran agreed—to “abate or repair any identified violations,” to “obtain necessary permits for . . . conversion of the Ivy’s laundromat to a prayer room,” and to cease use of the “Prayer Room . . . without a certificate of occupancy.”

However, the city learned by May 6, 2022, that Nuran was violating the injunction. And when city gave Nuran notice of this, Nuran filed an action in state court to dissolve the injunction before filing the instant lawsuit, which alleged the city’s actions were discriminatory and in violation of the Religious Land Use and Institutionalized Persons Act (RLUIPA), the Texas Religious Freedom Restoration Act (TRFRA), the Fair Housing Act (FHA), and the First Amendment.

In particular, Nuran claimed the city sent inspectors to its mosque on a Friday—“[t]he weekly Holy day for Muslims”—and identified “trumped up minor code violation[s]” in an effort to shut down the mosque. Nuran also
asserted that the city continued to “unlawfully enter . . . into apartments while the lady of the house [was] alone,” which was problematic because many of the refugees believed that “women [we’re] not supposed to interact with strangers without the presence of a male family member.”

BACK TO THE COURT’S RULING

The city argued the federal court lacked subject matter jurisdiction to hear this case. Nuran claimed it met the requirements for having the case heard in federal court because the matter was ripe for review and the Younger abstention doctrine did not apply—Younger stood for the notion that federal courts generally should abstain from enjoining state court proceedings—did not apply.

Here, Nuran claimed the Younger abstention applied only when a “civil case [was] brought by the sheriff and district attorney or implicate[d] a ‘criminal statute.’” “But that’s wrong,” the court found, writing “Younger [was] fully applicable to noncriminal judicial proceedings when important state interests [we’re] involved.” Thus, Younger applied to “bar disciplinary hearings,” “state administrative proceedings,” and even civil enforcement of “a state nuisance statute.”

On the issue of ripeness, the court explained that generally ripeness was present “if any remaining questions [we’re] purely legal ones.” “A case is not ripe if the issue presented would be clarified by further factual development,” it added.

The court ruled that “[w]hen a plaintiff’s failure to obtain a permit causes a land-use dispute, ripeness concerns come to the fore.”

The bottom line: “Ripeness hinge[d] on whether ‘further factual development [wa]s required. . . . When it [wa]s uncertain whether a governmental entity w[ould] permit a plaintiff’s proposed use of its property, more factual development [wa]s necessary to determine whether the plaintiff ha[d] a case,’” the court added. In applying that standard, the court found that Nuran hadn’t pleaded a “ripe controversy” because its claims were premised on the idea that the city had injured it by trying to bar:

- use of the mosque;
- ICNA from operating on Nuran’s property; and
- Refugee Resources from operating on its property.

But, Nuran conceded that the city didn’t bar those activities outright—“it merely demanded that Nuran obtain ‘certificates of occupancy or permits’ to continue those activities. Although Nuran disagree[d] with those requirements, Nuran d[idn’t] allege that it ha[d] even attempted to obtain the necessary permits.”

While the complaint didn’t allege that Nuran had “attempted to secure certificates of occupancy,” it [didn’t] allege that the [c]ity ha[d] rejected those applications.”

Comprehensive Plans

Court weighs whether ordinance that land use code governing wineries, breweries, and distilleries overstepped

Citation: King County v. Friends of Sammamish Valley, 2023 WL 2231882 (Wash. Ct. App. Div. 1 2023)

King County, Washington adopted an ordinance amending its land use code governing winery, brewery, and distillery (WBD) facilities.

Friends of Sammamish Valley (FOSV) and Futurewise (collectively, the plaintiffs) challenged the ordinance before the Growth Management Hearings Board for the Central Puget Sound region (GMHB). They contend that multiple WBDs in the Sammamish Valley would have significant environmental consequences that the county had failed to recognize and evaluate.

The GMHB agreed with the plaintiffs and invalidated most of the ordinance. The county appealed.

DECISION: Reversed.

In reversing interpreting the ordinance, the court found that it didn’t violate the Growth Management Act (GMA) or the State Environmental Policy Act (SEPA) and generally conformed with the county’s comprehensive plan.

A CLOSER LOOK

The controversy arose out of the ordinance’s impact on Washington’s Sammamish Valley. That area was comprised of land from Redmond, Washington north along State Route 202 toward Woodinville, Washington. The cities of Redmond, Kirkland, and Woodinville were to the west of the Sammamish Valley, which included agriculturally zoned land in a designated agricultural production district.

The Sammamish River Valleyrough included a migratory salmon river and prime farmland. And to the east of the agricultural area there was an upslope of rurally zoned land. The upland areas to the east drained through 11 mapped small creeks down the valley slopes and into the Sammamish River, with upland drainage potentially affecting agricultural land in the valley if increased drainage led to the land becoming waterlogged. Also, drainage could affect the suitability of the river as a wildlife habitat.

Woodinville had become a tourist destination due to its wineries and tasting rooms. And while Eastern Washington, generally, was recognized as a grape-growing region for wine, in some cases, grapes from that region were transported to the Woodinville area for fermenting and processing.

In September 2016, the county published a “Sammamish Valley Wine and Beverage Study,” which was designed to develop county policy and code recommendations for economic development, transportation, land use, and agriculture. The study area included Woodinville, Kirkland, Redmond, rural areas, and agricultural production districts.

Following the study, which showed that wine produc-
tion had grown steadily from 1990 to 2013 and that Woodinville was one of two hubs in Washington for wine-related retail, an “Action Report” was issued in 2018. That report included the county’s policy recommendations and included a discussion of transportation and agriculture in the Sammamish Valley.

In 2017 and 2018, some local residents took issue with how some local establishments had been operating. For instance, there were allegations that the county had entered into agreements with Sammamish Valley landowners that amounted to nonconforming uses for adult beverage sales.

Then, in 2019, the county published its SEPA environmental checklist, which relied on the previous study and report. The Checklist stated “Ordinance 19030 was a nonproject action that is not site specific and would apply throughout unincorporated King County. For section B of the Checklist, which constituted most of the Checklist, the majority of the responses concerning the environmental elements of the proposal were ‘not applicable for this nonproject action.’”

The county also concluded that, “[t]he proposed regulations appropriately regulate WBD land uses consistent with the Comprehensive Plan. The proposal will go through environmental review and a public hearing process, before being acted on by the King County Council.”

In a supplement to the checklist, the county added that the “proposal generally increases the regulations on winery, brewery, and distillery uses, and is not expected to increase discharges to water, emissions to air or production of toxic or hazardous substances.” The county also noted that existing regulation on various environmental considerations, such as discharge to water, emission to air, production of noise, and effects on plants and wildlife, were already covered by existing applicable regulation on these activities.

The bottom line, according to the county: The checklist indicated that the ordinance wasn’t expected to conflict with or change any requirements for protection of the environment.

Thereafter, in December 2019, the county adopted “Ordinance 19030,” which imposed a new license requirement on operating or maintaining an adult beverage business in unincorporated King County and established a schedule for adult beverage businesses to become licensed, either through establishing a legal nonconforming use or through compliance with its new requirements.

Ordinance 19030 also:

- superseded preexisting code which had permitted “Winery/Brewery/Distillery” uses and replaced the former use with “Winery/Brewery/Distillery/Facility” uses I, II, and III;
- continued the previous code that a WBD facility may be sited in agricultural areas only where the “primary” use was “Growing and Harvesting Crops” or “Raising Livestock and Small Animals”;
- added a new requirement for WBD facilities in agricultural areas that 60% of the products pro-

essed must be grown on site—this was more restrictive than former code, which required WBD uses only to have 60% of the products processed grown in the Puget Sound counties, a regional designation that did not require such facilities to process anything grown on site;

- altered a former code restriction to tasting of products that were “produced on-site”;
- imposed new regulatory requirements for floor area, operating hours, parking, licensure, events, impervious surfaces, lot size, water connection, and setbacks; and
- established new provisions governing temporary use permits for events (unless an exception applied under which six conditions were satisfied regarding the business’s liquor licensure, parcel size, setbacks, location in the rural area zone, access to an arterial or state highway, and hours of use of amplified sound).

The county also included a table comparing Ordinance 19030 with the former code and an impact summary highlighting the changes between the two versions of the code. It noted that only five parcels countywide could potentially host WBD II or III facilities and could hold events without a temporary use permit, and these parcels were known to already be or potentially be WBD facilities at the time Ordinance 19030 was adopted.

In addition, Ordinance 19030 created “Demonstration Project Overlay A” in 13 parcels within the rural area zone adjacent to Woodinville. This aspect of Ordinance 19030 uniquely allowed “remote tasting rooms,” which weren’t defined or explicitly allowed before Ordinance 19030. However, this new ordinance provided a way those uses could be regulated and licensed—with the county acknowledging that the Demonstration Project Overlay A could result in additional traffic and congestion if new tasting rooms were developed beyond those that existed before the ordinance was adopted. So, it noted that remote tasting room events would be limited to two per year per parcel, with Ordinance 19030 also limiting the number of permitted attendees, which made it more restrictive than the former code.

THE COURT’S REASONING

“When Ordinance 19030 [wa]s considered as a whole, in agricultural areas it restrict[ed] WBD uses to those that [we]re accessory within the meaning of King County Code . . . to primary uses of growing crops or raising livestock, and in rural areas it restrict[ed] them to uses accessory to primary production uses,” the court stated. “These overarching restrictions, like many others appearing in the ordinance, [we]re never mentioned in the GMHB’s 55-page order,” it added. And since, “Ordinance 19030 [wa]s more restrictive than the GMHB [had] interpreted it to be, . . . it would be speculative to forecast that it w[ou]ld result in redevelopment of the Sammamish Valley to any identifiable degree.”

THE BOTTOM LINE

The court found that in interpreting the ordinance’s lim-
itations, it wasn’t “likely to lead to the development [the plaintiffs] predicted, and the [county] was correct when it issued a determination of nonsignificance that the ordinance would not have a probable significant adverse environmental impact.”

Zoning News Around The Nation

California

Huntington Beach again put on notice about potential housing law violations

In late February 2023, Attorney General Rob Bonta and the California Department of Housing and Community Development (HCD) issued letters urging the Huntington Beach, California City Council to reject a proposed moratorium on housing projects under Senate Bill 9 (SB 9) and Senate Bill 10 (SB 10), as well as accessory dwelling units (ADUs). In the letters, the Attorney General and HCD, which each possess enforcement authority, “make it clear that the proposal—currently set to be considered by the city council—is unlawful and directly threatens statewide efforts to increase the availability of affordable housing,” a HCD press release stated.

“The City of Huntington Beach continues to attempt to evade their responsibility to build housing, but they will simply not win,” said Gov. Gavin Newsom. “City leaders have a choice—build more housing or face very real consequences—including loss of state funds, substantial fines, and loss of local control. Californians need more housing in all communities and Huntington Beach is no exception. Communities that fail to meet this moment will find out that the status quo will no longer be tolerated.”

The HCD explained that under SB 9, “local agencies must provide a ‘ministerial’ approval process for any proposed duplex within a single-family residential zone, or for any proposed lot split of a single-family residential parcel.” “Ministerial review is where the public official ensures that the proposed development meets all the applicable objective standards for the proposed action but uses no special discretion or judgment in reaching a decision,” it added.

And, “[a]n SB 9 project may only be denied under limited circumstances.” The HCD added that the city already has an ordinance establishing objective development and design standards for SB 9 projects, so HCD and the AG’s office are questioning how the “city council can direct its city manager to cease the processing of any SB 9 applications on the grounds that any SB 9 project would purportedly be inconsistent with the city’s current zoning.”

Under state laws designed to address the state’s housing crisis, homeowners can build accessory dwelling units (ADUs) or additional homes on their lots. “The city council’s proposed action would also be an unlawful attempt to preempt the application of state ADU laws. State law requires permitting agencies to approve or deny ADU applications ministerially and without discretionary review within 60 days of a complete application’s submittal. Should a city deny an ADU application, it must provide in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant. State law makes it clear that no other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit.”

Thus, refusing to process ADU permits would reduce housing access and go against the Housing Crisis Act’s “broad prohibitions on local government moratoriums seeking to restrict or limit housing development,” the HCD stated.

Source: hcd.ca.gov

Georgia

More streamlined permitting process coming to Atlanta

The Atlanta Department of City Planning has launched an improved permitting process it says will simplify things by providing

- reduced permit wait times;
- a central point of contact; and
- a user-friendly portal.

Phase 1 of the streamlined permitting process took effect on March 1, 2023. Now “permitting customers can submit applications directly into one permitting portal using a menu of application types, links to city maps and ordinances and ‘how-to guides.’ Customers seeking a permit for apartment complexes, condos and townhomes will no longer be required to use a separate access portal, and applicants will have the ability to create their own record, reducing the steps and time to enter an application into the system,” a press release explained.

There will also be a shift in the permitting procedures, “including a new service team to guide applicants through the process from submission to issuance.” The team will be responsible for managing application intake, routing applications to reviewers, and measuring project application status and milestones against agreed timelines for each step in the process to ensure projects flow smoothly. “These improvements are the result of collaborative efforts by residents, local developers and City agencies with guidance from the Mayor’s Office of Innovation.”

The city planning commissioner, Jahnee Prince, said the “gradual and continual changes” city partners have been working on to improve the permitting process for customers “will have a direct positive impact on the service we provide customers of all scales—from the simplest to the most complex project.”

To learn more, visit atlantaga.gov/government/departments/city-planning/zoning-development-permitting-services/online-permitting.

Source: atlantaga.gov

Massachusetts

Andover to hold “community conversation” events to discuss “MBTA Communities” program

In 2021, Massachusetts lawmakers passed economic
development legislation requiring “MBTA Communities” to develop at least one zoning district within a half-mile of transit that legalizes multi-family housing permitted by right.

There are three general requirements for such housing:

- There must be a minimum gross density of 15 units per acre;
- It must be located 0.5 or less miles from a transit station; and
- There cannot be any age restriction—making the housing suitable for families with children.

Andover, a community outside of Boston, sits on the Haverhill Commuter Rail Line and has MBTA commuter rail stations, so it’s classified as an MBTA Commuter Rail Community. In February 2023, the town announced that it will hold several events in the coming months to provide residents with the opportunity to learn about the new law and better understand how it affects Andover.

The first meeting was scheduled for March 1, and links to presentation materials related to the town’s MBTA Communities involvement can be found at andoverma.gov/1069/MBTA-Communities-Zoning.

Source: andoverma.gov

Missouri

Bill that would establish one-mile buffer between new landfills and neighboring communities advances

The Missouri House Local Government Committee recently voted to advance legislation that would clarify existing law (Section 260.205, RSMo) as it relates to solid waste-disposal permits in and around Kansas City. More specifically, the legislation, which has garnered bipartisan support, would require a one-mile buffer between new landfills and their neighboring communities.

Source: themissouritimes.com

New Jersey

Paterson’s housing and zoning inspector criminally charged with issuing fraudulent building permits, accepting kickbacks

Paterson, New Jersey’s Housing and Zoning Inspector, Jose Fermin, has been charged with allegedly agreeing to accept and accepting money in exchange for issuing fraudulent building permits and other records purportedly legitimately issued by the City of Paterson, Attorney General Matthew Platkin’s office said in a statement.

The charges stem from an Office of Public Integrity and Accountability (OPIA) Corruption Bureau investigation, which revealed that over a two-year period, Fermin had “accepted money from an unnamed co-conspirator, identified as ‘Co-Conspirator #1,’ in exchange for supplying Co-Conspirator #1 with fraudulent building permits and other fraudulent records allegedly issued by the City, but that were never actually issued by the City.”

Also, the AG alleges Fermin showed the first co-conspirator “how to forge the signature of the Paterson director of planning and zoning on one or more records purportedly issued by the City.”

“The harm here goes well beyond the back room deals and crooked payoffs,” said AG Platkin. “When the public is placed at risk and loses faith in our government institutions, we all lose. This action sends a strong message that we will aggressively prosecute this type of public corruption,” Platkin added.

“This defendant allegedly tried to undermine the inspection system and evade rules designed to keep New Jerseyans safe. Anyone who we discover engaging in this type of conduct will be investigated and prosecuted,” added OPIA Executive Director Thomas Eicher.

The press release noted that the alleged conduct also violates Fermin’s duty under the city’s Personnel Policies and Procedures manual, which requires officials “to refrain from, among other things, accepting any gifts from any individual who has had or is likely to have any professional or official transactions with the City.”

Source: njoag.gov
In every organization and in every endeavor, creating innovative solutions to complex problems requires collaboration – and necessarily involves conflicting positions. How can you avoid endless meetings and participant fatigue while channeling divergent viewpoints into achievable solutions? Collaboration! Collaboration is transformed by embedding key participants in the design process and bringing them into a radically creative event to build a supported action plan. This flexible yet prescriptive system cuts project timelines in half, saving money and accelerating implementation.

What is a Charrette?

A charrette, or design charrette, is a planning technique for consulting with stakeholders and other interested parties, harnessing their talents and energies, and involving them in the physical design and planning of the community. It is an intense collaborative effort used to create a detailed feasible design or plan for a specific issue or geographic location. While there is flexibility as to how to conduct a charrette, it is generally an involved process where the main activity takes place over several days, and the entire charrette planning process can be months in duration. A charrette might be used to develop a specific area or to reach a consensus on a design for the area. Another use could be to reach an agreement on a theme or façade for an area.

Who is involved?

To conduct a charrette, the community needs to involve one or more professionals from the following disciplines:

- Professional Planner
- Engineer/Architect
- Facilitator

In addition, the community’s citizens and stakeholders must also be involved.
The following are essential for a successful charrette:

- **Collaboration by design** – all interested parties must be involved from the beginning
- **Compressed work sessions** – into one to four days
- **Communication/Short feedback loops** – effort is directed to having very short turnaround to report back to citizens and stakeholders involved in the process
- **Study the details and the whole** – Lasting agreement is based upon fully informed dialogue, accomplished by looking at the details and the big picture concurrently
- **Use design to achieve shared vision and create holistic solutions** – drawings illustrate the complexity and can be used to resolve conflict by proposing previously unexplored solutions that represent win/win outcomes
- **Multi-day charrette** – should be a minimum of four days
- **Hold the charrette near the site** – those involved to have access to the project site and makes it easy for most of those impacted to be able to participate
- **Produce a feasible plan** – preferred plan is a work-in-progress

**Implementation**

Continued momentum following the charrette is critical. When presented at the final charrette meeting, the preferred plan is a work-in-progress. Following the charrette, more in-depth testing is needed to ensure the accuracy and feasibility of some plan elements. Once the necessary plan revisions are identified, a follow-up stakeholder meeting is advised, ideally four to six weeks after the charrette. The project team will then work to finalize all plan revisions and to complete the project drawings and supplemental documents. The final step will be acceptance, to be accomplished by communication of status of the project, refining the product, and ultimately finalization, public presentation, and adoption.
DALE SUMMIT AREA
REDEVELOPMENT PLAN

Your Input Matters!

During the charrette, we will explore big ideas for the future of Dale Summit.

We have many different ways for you to engage. The Opening and Closing Presentations and the Work-in-Progress Open House are public meetings where you can get an overview of the whole project and hear about the developing ideas. The topic meetings give a chance for people interested in specific topics to discuss the issues and provide input. The open studio hours are drop-in times where you can stop by to speak one-on-one with team members and see the designers at work.
To: College Township Council

Thru: Adam Brumbaugh, Township Manager

From: Lindsay K. Schoch, AICP | Principal Planner

Re: Zoning Amendment Consideration – Planned Research and Business Park District Properties

Date: May 3, 2023

Dale Summit Area Background:

The Dale Summit area of College Township is a complex transect of rigidly defined land uses currently regulated through 10 traditional Euclidian zoning districts. Over the last 20 years, the Dale Summit has experienced the compounding impacts of the closure of the Corning Plant and the general decline of the retail industry, which has brought into question the long-term viability of the Nittany Mall.

While the Dale Summit represents College Township’s main clustering of commercial and industrial uses, new development has often occurred slowly and in a very fragmented fashion, that has negatively impacted the overall sense of place and community vitality/resiliency.

College Township has undertaken the following efforts to better understand and address the issues present in the Dale Summit:

<table>
<thead>
<tr>
<th>Year</th>
<th>Project</th>
<th>Team</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>Economic Impact Study of Shiloh Road Land Use Options</td>
<td>Louis Berger Group, Inc.</td>
</tr>
<tr>
<td>2021- Present</td>
<td>DRAFT Dale Summit Area Plan</td>
<td>College Township Staff</td>
</tr>
<tr>
<td>2022- Present</td>
<td>Preparation of a Form-Based Code for the Dale Summit</td>
<td>DPZ CoDesign, Inc.</td>
</tr>
</tbody>
</table>

As developed in 2021, the DRAFT Dale Summit Area Plan, which had its genesis following Council and staff’s review of the final 4Ward Planning Study, established the following Vision for the Dale Summit:
“To transform Dale Summit into The Gateway to College Township. Establishing Dale Summit as an attractive and instantly recognizable PLACE within the context of the larger Township, Region and County. The community envisions an activity hub that is vibrant, economically prosperous, socially equitable and environmentally sustainable. A place, which through proactive planning and well-tailored regulations, strikes a sound balance between encouraging business and industry expansion, while remaining respectful to important community livability factors such as improving housing affordability, providing sufficient public services, and lessening traffic congestion through improved connectivity for all transportation modes.”

The DRAFT Area Plan further outlined a number of objectives and implementation strategies, including those listed below:

- **LZO.1. Allow for Flexibility within Regulations**
  - Evaluate existing regulations to determine if modifications are needed.

- **LZO.2. Regulate on Form Instead of Use**
  - Refine the Transect Mapping
  - Craft and Adopt New Form Based Code Regulations

- **LZO.3. Add Rooftops to Drive Revitalization**
  - Adjust regulations to allow for higher densities and expanded mixed uses within certain transects.
  - Expanded Regional Growth Boundary and Sewer Service Area on the fringes of the Dale Summit to accommodate residential development.
  - Expand incentive options for development of affordable housing options within Dale Summit.

These identified objectives and implementation strategies led College Township Council to advertise a Request for Qualifications for a consulting team to develop some type of Form-Based Code for the Dale Summit.

An early work task identified in the RFQ was for the selected consultant to make recommendations on interim revisions to the existing zoning regulations that would allow development to occur in a manner that builds momentum toward implementation of the new code. In Fall 2022, College Township selected DPZ CoDesign (DPZ) as the consultant to complete this project.

**Zoning Amendment Request:**

In early 2023, PennTerra Engineering, on behalf of their client, met with College Township staff to discuss a potential mixed-use development in the Planned Research and Business Park District (PRBD) zoning district located along Shiloh Road in the Dale Summit.
On February 1, 2023, PennTerra Engineering submitted a zoning amendment request to **allow Planned Residential Developments (PRD) within the Planned Research and Business Park District (PRBD) with the R3 density requirement of 22 dwelling units per acre.** (OB-1.a.)

Following Council review, the zoning amendment request was remanded to the Planning Commission with the following guidance (OB-1.b.):

- College Township should never consider a rezoning based strictly upon an individual development proposal, without also considering the larger ramifications of such a decision. That said, there is recognition that the proposed development represents a unique and time critical opportunity that aligns well with the goals outlined in the DRAFT Dale Summit Area Plan and could serve as a demonstration/catalyst project for what is envisioned in the area under the soon-to-be-developed Form-Based Code.

- The scope of work outlined in the contract between College Township and DPZ contains a task to evaluate and recommend revisions to the existing zoning ordinance that will build momentum toward the implementation of the Form-Based Code. This proposed development provides an opportunity to leverage the expertise of DPZ in crafting revisions to the PRD that would accommodate this real-world catalyst project.

- Precedent for rezoning sections of this area of the Township to accommodate residential uses, which are consistent with those on adjacent parcels, was set on February 18, 2021, with the change of R-2 to R-3 to accommodate the Evergreen Heights development. Additionally, adding higher density residential to the area was another objective included in the DRAFT Dale Summit Area Plan.

- As a component of this rezoning request, Planning Commission is asked to also consider revisions to the PRD ordinance that will accommodate the proposed development and that also provide the broadening of ordinance flexibility that is consistent with the Township’s move toward Form-Based Code implementation.

- The staff memorandum (as part of the Planning Commission agenda) will outline a number of options to accommodate the proposed development, such as incorporating R-3 or Gateway Commercial uses. While these options achieve the intent for this specific rezoning, Planning Commission is asked to consider the unintended consequences for each potential change.

**Conflicting Recommendations:**

Planning Commission discussed the zoning amendment request over four meetings throughout March and April. (OB-1.c., OB-1.d., OB-1.e.) This deliberation included a question and answer session with Marina Khoury from DPZ at Planning Commission’s April 14th meeting. At the conclusion of that meeting, **Planning Commission voted 5-1 to deny the zoning amendment request.**

While an infrequent occurrence, Planning Commission and staff have a difference of opinion on the final recommendation to Council on this particular zoning amendment request. For the purposes of Council’s discussion, the conflicting recommendations are outlined on the next page:
Staff Recommendation:  
- Amend the PRBD district to allow multi-family (R3) uses and incorporate revisions to PRD.

Planning Commission Recommendation:  
- Deny request to allow R-3 uses in the PRDB.

Rationale:
- Precedent set with a change from R2 to R3 zoning, adjacent to the property in question.
- Addition of R3 uses to PRBD is consistent with the vision, goals, objectives and implementation strategies of the DRAFT Area Plan.
- The request represents an interim change to the existing zoning regulations that builds momentum toward a Form Based Code.
- It is incumbent on the developer to craft their proposal to meet any zoning revisions that should be made to the PRBD/PRD.

Rationale/Concerns:
- No change should be made until DPZ has developed a total concept for the area (estimated at 12 months).
- Possibility of spot zoning.
- Request is “Developer Driven.”

Attachments:
- OB-1.b. Council Remand Letter dated February 27, 2023
- OB-1.c. March 2, 2023 Memo to Planning Commission RE: Request for Rezoning
- OB-1.d. March 30, 2023 Memo to Planning Commission RE: Zoning Amendment Consideration – Planned Research and Business Park District Properties
- OB-1.e. April 14, 2023 Memo to Planning Commission RE: Zoning Amendment Consideration – Planned Research and Business Park District Properties - includes the three (3) questions the Planning Commission proposed to DPZ.

Requested Action:

Based upon the conflicting recommendations, staff is seeking direction from Council on the requested zoning amendment. The following options are provided for Council’s consideration:

1) Approve Planning Commission’s recommendation to deny the zoning amendment request.
   - If selected, further direction would be required on how to address any future zoning amendment requests submitted for parcels within the area during this interim period.

2) Approve Staff’s recommendation to amend the PRBD district to allow multi-family (R3) uses and incorporate revisions to PRD.
   - If selected, a remand for PRD modifications to Planning Commission may be warranted.

3) Propose an alternative solution.