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: 869 0772 1878  ● Passcode: 970948

*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.

College Township is committed to making meetings accessible to everyone. If you require an accommodation or service to fully participate, please contact Jennifer Snyder at jsnyder@collegetownship.org or 814-231-3021.

CALL TO ORDER:

ZOOM MEETING PROTOCOL:

OPEN DISCUSSION (items NOT on the agenda):

CONSENT AGENDA:  CA-1 June 18, 2024 Meeting Minutes
                  (Approval)

PLANS:  P-1 State College VA Land Development Plan
          (Discussion/Recommendation)
          P-2 Home2 Suites Hotel at Shiloh Commercial Park
               (Discussion/Recommendation)

OLD BUSINESS:  OB-1 Attainable Housing Ordinance
                (Discussion)

NEW BUSINESS:  None

REPORTS:  R-1 Council Report
          R-2 Dale Summit Area Form Based Code Update
STAFF INFORMATIVES:  
SI-1  Council Approved Minutes  
SI-2  Zoning Bulletins  
SI-3  EZP July Update

OTHER MATTERS:

ANNOUNCEMENTS:  
Next regular meeting will be Tuesday, August 6, 2024 at 7:00pm

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

ZOOM MEETING PROTOCOL: Mr. Forziat verified there were people present via Zoom, Ms. Schoch reviewed Zoom protocol.

ROLL CALL: Mr. Forziat verified all members were present.

OPEN DISCUSSION: None presented.

CONSENT AGENDA:

CA-1 June 4, 2024 PC Meeting Minutes

Mr. Darrah moved to approve the June 4, 2024 meeting minutes as written.

Mr. Fenton seconded.

Motion carried unanimously.

PLANS:

P-1 PSU Beaver Stadium Upgrades Sketch Plan

Ms. Schoch introduced Mr. Saville the project engineer with HRG, and Mr. Rush the project leader with Penn State. Mr. Saville stated the Beaver Stadium renovations will be primarily focused on the west side of the stadium. This project includes, improved access which will greatly improve circulation, new restrooms, upgraded concessions, premium seating, and an updated broadcast level. Outside of the stadium a new fence will be constructed to create a secure perimeter and improve the fan experience.

The Planning Commission asked some questions, some of which Mr. Saville was unable to answer due to the sensitivity of the project. There is no proposal to change any parking around the stadium. Mr. Saville added grading changes to the west side of the stadium will increase ADA accessibility as well as improve the overall fan experience. Mr. Saville anticipates a land development submission as early as July. Staff asked if rendering may be part of the submission. Mr. Rush stated there may be elevations and cross sections of the west side of the stadium included in the land development plan submission.
OLD BUSINESS:

OB-1 Dale Summit Area Form-Based Code

Ms. Schoch introduced the topic and reviewed the process to this point. Under the direction of Council Ms. Schoch reached out the DPZ CoDesign with the questions Planning Commission had asked Council to consider. Those answers were then reviewed by Council and incorporated into the memo in the PC packet. The following are the questions PC had requested clarification of Council:

1. How is a Town Center to be developed?
   DPZ suggests renaming this to a Neighborhood Center, Council agreed, and the regulating map would be used to determine areas for potential Neighborhood Centers. While reviewing the regulating map the Planning Commission asked what the special district is. Ms. Schoch explained and reminded the Commissioners of the Curative Amendment process which determined the area in the Township which would allow adult oriented businesses. She added that through the review and recommendations of the Dale Summit Area Form-Based Code there may arise another opportunity to add a different Special District within the Dale Summit Area. There was some discussion on how the regulating map was developed, Ms. Schoch added that she will reach out to the consultant and ask how the areas on the map for more dense development were determined.

2. How will Civic Buildings be controlled and monitored?
   Question was not discussed.

3. How is the review process to be expedited?
   Ms. Schoch explained the proposed method to expedite the plan review process would be similar to the current process, but the Final Plan would be submitted to staff for approval. For this process to work, a Preliminary Plan would need submitted with all required contents as specified in the code and ensure completeness. The Preliminary Plan would be reviewed by staff and other agencies, recommended by PC, and approved by Council, similar to the current process. Ms. Ekdahl recommended the Preliminary Plans be as complete as possible for PC to make a recommendation. Mr. Hoffman suggested Sketch Plans be required of the applicant instead of requested. Ms. Schoch stated she will review the Pennsylvania Municipalities Planning Code to make sure the Township would be allowed to require a Sketch Plan submission.

4. Who is responsible for Administrative Waivers?
   Ms. Schoch stated the Zoning Officer or their designee would have the ability to waive certain aspects of the code based on minor deviations from code standards that do not affect the submission in any substantive way. The Planning Commission questioned, who may determine the designee? This should be more strongly worded, possibly “official staff” or “appointed staff”.

5. Define Good Urbanism.
   Ms. Schoch stated a Place which would be an example of having good urbanism would be an economically productive Place that appeals to a wider market, where people want to linger, it should be walkable with open spaces where kids can play. A pleasant environment. A Place where people want to be, a Place that prioritizes cyclists and pedestrians over cars. It should be environmentally stable and socially equitable. Mr. Darrah stated that College Township is not urban and doesn’t need urbanism. The Planning Commission did not like the word “linger”, as it may give an outsider the wrong idea. It was determined that “revitalization” is a better word to be used rather than urbanism.

NEW BUSINESS: None presented.

REPORTS:

R-1 Council Report

Mr. Fenton gave a brief update of the most recent Council meeting and added that the Planning Commission continues to strongly believe in their original recommendation on Attainable Housing.
STAFF INFORMATIVES:

SI-1  Council Approved Minutes
No further discussion.

SI-2  Zoning Bulletins
Mr. Forziat stated that these are interesting and very educational, and recommends the Planning Commission review the zoning bulletins periodically.

SI-3  EZP June Update
No further discussion.

OTHER MATTERS:

Mr. Darrah suggested staff and PC members visit the recently renovated State College Food Bank. He added that it is very nice and well designed.

ANNOUNCEMENTS:

Mr. Forziat announced the next meeting will be held on Wednesday, July 17, 2024 at 7:00 p.m. He added that this meeting will be held Wednesday evening instead of the normal Tuesday evening as Tuesday marks the holy day of Ashura.

ADJOURNMENT:

Mr. Fenton moved to adjourn.
Mr. Darrah seconded.
Motion carried unanimously.

Meeting adjourned at 8:55 p.m.

**Draft**

Sharon E. Meyers
Senior Support Specialist – Engineering/Planning
1. This Plan has been prepared in accordance with the College Township Subdivision and Land Development Ordinance. The proposal includes an approximate 13,000 SF parking lot addition to the existing VA Clinic (owned by STVA Investments LP, developed by Marr Development) along with associated stormwater management facilities.

2. Site grading may warrant construction of retaining walls or retaining structures to provide for proper support and/or drainage for certain lots, either to the use and benefit of the lot on which same may be situated, or to the use and benefit of an adjoining lot or lots. The developer reserves the sole discretion with regard to erection of same prior to settlement on any individual lot. Said retaining walls shall be limited to a maximum of 3 feet in height, and approval by the municipality and Centre Region Code Administration (CRCA) will be obtained for all retaining walls prior to installation. Such retaining walls or retaining structures shall not be removed or altered by the purchaser, his successors or assigns, but shall remain in place and shall be properly maintained by the owner of the lot on which erected.

3. Water and sewer services shall be provided by existing public connections, no new water connections are proposed.

4. All construction shall be in conformance with PennDOT specifications, Publication 408 Standards and College Township Standard Specifications, as applicable.

5. Landscaping will meet the requirements of the Township Code.

6. A stormwater infiltration basin is proposed to convey the additional runoff from the new parking expansion. The landowner shall create an easement for the purpose of access to the stormwater facilities for ingress, egress, and regress. As a condition of approval, a Declaration of Stormwater Access & Maintenance Easement (DSAME) is required. Heirs and assigns of the landowner, by accepting a deed from the landowner, agree to be subject to the conditions of the DSAME, the DSAME shall run in perpetuity with the land. The creation of the stormwater easement shall be deemed an agreement by the landowner to maintain the stormwater management facilities with all costs of maintenance to be the responsibility of the landowner. No alterations of the stormwater facility is permitted without formal plan approval by DEP, the Centre County Conservation District, and the Township. No structures and no grading that will adversely impact the function of stormwater facilities are permitted within the easement. No barriers, fences, or other obstructions that may impede stormwater flow are permitted within the easement. The landowner is responsible for maintenance of the easement including mowing and annual upkeep. In the case that any provisions contained in the DSAME are for any reason declared invalid, such invalidity shall not affect other provisions hereof. The landowner, their heirs, successors, and assigns agree to indemnity and hold harmless the
Township, Centre County, and the Township Engineer from any and all claims, costs, damages, and expenses legally and reasonably incurred as a result of the DSAME and the easements hereby created. The landowner hereby acknowledges the Township’s right to access the stormwater easements to inspect the stormwater management facility. The landowner also acknowledges the Township’s right, upon notice to the landowner, to repair and/or maintain the stormwater facilities in accordance with the stormwater access and maintenance plan. All costs, including materials, labor, engineering, and legal costs of such repair or maintenance activities shall be the sole responsibility of the landowner.

7. This plan contains preliminary information pertaining to underground utilities which is for general information only, and may not be based on actual subsurface location survey. All subsurface information shown on these plans needs to be verified by the plan user. The preparer of this plan assumes no responsibility for and makes no representation or warranties as to the accuracy of the location of underground utilities or other underground features. The plan user shall execute a PA One Call prior to any excavation on the site.
PRELIMINARY/FINAL LAND DEVELOPMENT PLANS

OF

STATE COLLEGE VA

A COMMERCIAL SITE IN

COLLEGE TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA

PREPARED FOR

MARR DEVELOPMENT

1033 ALLIANCE PARK DRIVE SUITE 201A
BLOOMSBURG, PA 17815

PLANS PREPARED BY

The Crossroads Group, LLC
www.thecrossroadsgroupllc.com

Received
JUL 08 2024
College Township Engineering Office
MEMORANDUM

To: Colin Camp
The Crossroads Group, LLC
454 West Valley Avenue
Elysburg, PA 17824

From: Donald M. Franson, P.E., P.L.S., Township Engineer | Jere Northridge, P.E., Assistant Township Engineer | Lindsay K. Schoch, AICP, Principal Planner | Mark Gabrovsek, Zoning Officer

Re: State College VA Preliminary/Final Land Development Plan

Date: June 19, 2024

As a result of your submission of the above referenced plan dated May 8, 2024 and last revised June 5, 2024 please find comments below from College Township staff:

1. Former comment 5: Please provide tree species to be planted and remove clause about “owner’s discretion”. The Township recommends at least two different species be planted for biodiversity and pest and disease resistance.

2. Former comment 7: Response is inappropriate. Response claims to relocate Signature Block from Sheet 2 to Sheet 1 and provide a table on cover sheet. Relocation was not complete, Cover Sheet table is inaccurate and additional sheets shall be recorded. Please review Plan Set for spelling and grammatical errors as well as page title consistency.

3. Former comment 12 & 13: Provide a draft DSAME for review, incorporating the existing underground structure.

4. Former comment 24: The level spreader detail identifies 1.46’ from the edge of the level spreader to the centerline of a 12” cast iron water main. This margin for error/accuracy is unnecessarily tight and may prohibit adequate future maintenance/repair of the water main.

   Level spreader invert is indicated at 1092, 15-inch diameter (1093.25), and 6” minimum cover (1093.75). Plans identify ground elevation 1093.50.

   Consider level spreader/stormwater redesign.

5. Calculations, Appendix C, Hydrograph Summaries, is blank in both the print and pdf versions. Several later reports are out of order. Revise and resubmit.
6. Former comment 32, Calculations, Hydrograph 5 does not satisfy the ordinance. Resubmit all calculations utilizing Hydrograph 7. Actual routing begin elevation may be adjusted per page 129.

7. Please record ALL plan sheets.

8. Please provide the required amount of canopy trees for each parking island set forth in §200-36(G)(3) Raised Islands.

9. Sheet 4 & 5: Planting Detail: Please note there will be no mulch placed within three inches of the trunk flare.

10. Ensure that proposed concrete sidewalk within the plan matches the key indicating the proposed concrete sidewalk.

11. Please consider deleting one of duplicated notes appearing throughout the plan, for example, soils data appears on both sheet 2 and sheet 6.

Due to the nature of these comments presented herein, the Township reserves the right to make additional comments on future submissions.
July 3, 2024

College Township
1481 E. College Ave
State College, PA 16801

Attn: College Township Staff

Subject: Revised Plan Submission
TCG #3728 State College VA
College Township, Centre County, PA

Dear College Township Staff:

Enclosed, please find six (6) copies of full size and nine (9) 11x17 copies sets of revised Land Development Plans last revised July 2, 2024 and three (3) copies of the Stormwater Control Narrative last revised July 1, 2024, for the above referenced project. The plans have been revised in accordance with the review letter by College Township Engineer dated June 19, 2024. I have addressed the comments and revisions in the following outline categorized by the review letter. My responses numerically follow the review letter numbering sequence.

Comments

1. Proposed tree species to be planted have been added to the landscaping table provided on sheet 5 of 10.

2. Signature block has been removed from sheet 2. The cover sheet table has been updated to state all sheets are to be recorded.

3. A Draft DSAME has been provided along with this submission.

4. The level spreader has been relocated to the west of the basin to help avoid conflict with the water main. The basin has been raised one foot to allow for the level spreader to have a ground elevation of 1095.

5. Pages out of order in the stormwater control narrative have been corrected.

6. Stormwater Calculations have been adjusted to have a starting elevation of the lowest orifice to help satisfy the township stormwater ordinance requirements.

7. A note has been provided on the cover sheet that all plan sheets are to be recorded.

8. Additional trees needed to meet the requirement of zoning ordinance 200-36(G)(3) have been added to the proposed parking islands. Trees in the proposed extended islands are to be placed 20 feet apart from each other to ensure as the tree matures that it does not interfere with the proposed light posts.
9. Provided note has been added to the tree planting detail on sheet 5.

10. The proposed concrete sidewalk legend callout has been updated to better match what is shown on the plans, reference sheet 1.

11. Since all plans are to be recorded, duplicate details and notes that appeared in the previous set have been removed.

If you should have any questions concerning this resubmission, do not hesitate to call.

Sincerely,

[Signature]

By: Colin Camp, EIT
The Crossroads Group, LLC
PRELIMINARY / FINAL LAND DEVELOPMENT PLAN NARRATIVE  
Home@ Suites at Shiloh Commercial Park  
June 17, 2024

Shiloh Road Hotels, LLC is proposing a 115 room Home2 Suites extended stay hotel on Lot 3 of the proposed Shiloh Road Commercial Park.

Lot 3 is a 3.096-acre tract zoned General Commercial in Phase 1 of the Shiloh Road Commercial Park subdivision.

The building setbacks for the Lot 3 are:
Front: 50 feet  
Side: 15 feet  
Rear: 50 feet

Parking Setbacks are:
Front: 30 feet  
Side: 10 feet  
Rear 10 feet

Impervious Coverage:
The standard impervious coverage limits for the lots in the General Commercial District is 70%. The maximum impervious coverage of Lots 3, located within the Wellhead Protection Overlay District shall not exceed 60%.

SITE INFORMATION:
ACCESS:
Per the Shiloh Road Commercial Park Phase 1 Final Subdivision Plan, Lots 1, 2 and 3 will have a 26-foot shared access drive off the proposed East Trout Road. The main access to the hotel will be from this shared access. A secondary futures access is proposed once East Trout Road is extended in Phase 2 of the subdivision. A temporary stone drive for service and refuse access will be provided along that same route prior to that. A property owners’ agreement set for the Phase 1 Final Subdivision Plan will define the maintenance obligations for the shared driveway.

SITE ACCESS:
East Trout Road, an extension of the current Trout Road is proposed into the development within a 50-foot right-of-way and will extend to serve all the lots and end with a cul-de-sac. The road will be 26 feet wide, built to local public road standards and offered for dedication to College Township. R-O-W for a future extension of East Trout Road to the Clair property is being
offered for dedication and associated temporary construction easements are being proposed if that connection would ever occur in the future.

A 26-foot shared driveway, Kali Lane, is proposed for access to Lots 1, 2 and 3. Depending up the future development of Lot 4 and Tax Parcel 19-28-64, access to the shared driveway, if needed, will require a waiver for College Township Council. A property owners’ association declaration will define the maintenance obligations for the shared driveway.

PARKING AND PEDESTRIAN ACCESS:
127 parking spaces are required for the hotel. 129 parking spaces are proposed. Seven ADA parking spaces are located in two separate areas of the site for better ADA access. Also, EV charging station are proposed int eh parking area being accessible to six parking spaces include one of the ADA spaces. Parking and sidewalk access encircles the proposed hotel structure with connections at all the entrances. A sidewalks connection is proposed to the sidewalk along Kali Lane. A sidewalk connection is also planned for the future East Trout Road extension in Phase 2 and is noted as future connection on the Record Plan.

UTILITIES:
Water:
An extension of the College Township Water Authority’s system to Lot 3 is proposed for the Phase 1 Final Subdivision Plan. A 6” combined service connection will be made at Kali Lane and provide fire sprinkler protection and domestic water service to the hotel.

A public fire hydrant is proposed at the end of Kali Lane for the Phase 1 Subdivision that will provide fire protection around the perimeter of the hotel and a hose connection within 175 of the buildings fire department connection.

Sanitary Sewer:
A lateral extension of the University Area Joint Authority’s system to Lot 3 is proposed for the Phase 1 Final Subdivision Plan. Two lateral connections from the hotel are proposed with one addressing the non-domestic waste with a 1,000-gallon grease interceptor.

Gas, electric and telecom services will be extended from Kali Lane to the hotel.

Stormwater Management:
An off-site proposed stormwater management basin is proposed to be built for the Shiloh Commercial Park subdivision in Phase 1 on the adjacent Clair property north of the site in Benner Township and beyond the College Township Wellhead Protection Zone. The basin will provide stormwater management for hotel at Lot 3 as well as East Trout Road, the shared driveway and the development of all the other subdivision lots. The hotel will be part of a property owners’ agreement for the subdivision for the maintenance and repair obligations for the stormwater conveyance system and the basin.
LANDSCAPING & LIGHTING

Landscaping:
Buffer yard plantings are proposed along the north property line where the adjacent Clair property is zoned Planned Research and Business Park. Perimeter parking lot screening is also proposed around the site and where adjacent to a public R-O-W, (Phase 2 East Trout Road).

Lighting:
The parking lot will be lit with LED lighting meeting the requirement of College Township’s illumination ordinance. Light fixtures are also proposed at the site entrances. Bollard lighting has also been designed for the future sidewalk connection to East Trout Road in Phase 2 of the subdivision. Conduits will be installed to that area during the initial hotel development and the light fixtures installed once East Trout Road is extended.

TRAFFIC:
Per the Phase 1 Final subdivision plan, a traffic signal will be installed at the intersection of Shiloh Road and Ease Trout Road for the occupancy of the Home2 Suites Hotel.
NOTE:
THIS PLAN IS FOR ADA ACCESSIBLE ROUTE INFORMATION ONLY. REFER TO SHILOH COMMERCIAL PARK SUBDIVISION PLAN FOR DESIGN OF THIS AREA.
Standard Erosion and Sedimentation Control Plan Notes

1. The standard erosion and sedimentation control plan for the project must be prepared by a qualified and experienced erosion and sedimentation control plan designer. The plan must comply with all applicable regulations and standards.

2. The plan must cover the entire project area, including all construction activities and temporary facilities.

3. The plan must include a description of the existing site conditions, including soil type, vegetation, and topography.

4. The plan must include a description of the proposed construction activities, including the types and locations of structures and equipment.

5. The plan must include a description of the erosion and sediment control measures that will be implemented, including the types and locations of erosion control measures.

6. The plan must include a description of the monitoring and inspection procedures that will be implemented to ensure compliance with the erosion and sediment control measures.

7. The plan must include a description of the training and education programs that will be implemented to ensure that all project personnel are aware of the erosion and sediment control measures.

8. The plan must include a description of the contingency plans that will be implemented to address any unexpected events or situations.

9. The plan must be reviewed and approved by the appropriate regulatory agencies before construction begins.

10. The plan must be revised and updated as necessary to reflect any changes in the project or site conditions.

11. The plan must be maintained and stored on-site for a period of at least three years after project completion.

12. The plan must be made available to the public upon request.

Permanent Erosion Control Measures

1. Vegetation Control

   a. Vegetation control shall be implemented to minimize the impact of construction activities on existing vegetation.

   b. Vegetation control shall be implemented to minimize the impact of construction activities on existing vegetation.

   c. Vegetation control shall be implemented to minimize the impact of construction activities on existing vegetation.

2. Erosion Control

   a. Erosion control shall be implemented to minimize the impact of construction activities on existing vegetation.

   b. Erosion control shall be implemented to minimize the impact of construction activities on existing vegetation.

   c. Erosion control shall be implemented to minimize the impact of construction activities on existing vegetation.

3. Sediment Control

   a. Sediment control shall be implemented to minimize the impact of construction activities on existing vegetation.

   b. Sediment control shall be implemented to minimize the impact of construction activities on existing vegetation.

   c. Sediment control shall be implemented to minimize the impact of construction activities on existing vegetation.

4. Contouring

   a. Contouring shall be implemented to minimize the impact of construction activities on existing vegetation.

   b. Contouring shall be implemented to minimize the impact of construction activities on existing vegetation.

   c. Contouring shall be implemented to minimize the impact of construction activities on existing vegetation.

5. Stockpile Management

   a. Stockpile management shall be implemented to minimize the impact of construction activities on existing vegetation.

   b. Stockpile management shall be implemented to minimize the impact of construction activities on existing vegetation.

   c. Stockpile management shall be implemented to minimize the impact of construction activities on existing vegetation.

6. Temporary Structures

   a. Temporary structures shall be installed to minimize the impact of construction activities on existing vegetation.

   b. Temporary structures shall be installed to minimize the impact of construction activities on existing vegetation.

   c. Temporary structures shall be installed to minimize the impact of construction activities on existing vegetation.

7. Cash Bond

   a. A cash bond shall be provided to ensure compliance with the erosion and sediment control measures.

   b. A cash bond shall be provided to ensure compliance with the erosion and sediment control measures.

   c. A cash bond shall be provided to ensure compliance with the erosion and sediment control measures.

8. Other Measures

   a. Other measures may be implemented as necessary to ensure compliance with the erosion and sediment control measures.

   b. Other measures may be implemented as necessary to ensure compliance with the erosion and sediment control measures.

   c. Other measures may be implemented as necessary to ensure compliance with the erosion and sediment control measures.
July 8, 2024

Lindsay Schoch, AICP, Principal Planner
College Township
1481 E. College Avenue
State College, PA 16801

RE: Home 2 Suites at Shiloh Preliminary/Final Plan

Dear Lindsay,
In regards to comments received on the above referenced plan; we offer the following responses:

Staff Comments:

1. Sheet 1 & 3: Please include College Township Water Authority in the PA One Call list.
   **CTWA has been added to the PA One-Call list.**

2. Please provide a draft declaration of maintenance and easement for shared private driveway.
   **Agreement drafts are currently being prepared by the Shiloh Commercial Park developer’s attorney. They will be forwarded to the township upon receipt.**

3. Please provide a draft DSAME for approval.
   **A draft will be provided under separate cover.**

4. Sheet 3, Note 8.a.: It is not necessary to record the Preliminary Plan per our ordinance and the MPC, however, recording the Plan is acceptable.
   **The recording blanks for the Shiloh Commercial Park preliminary subdivision plan have been removed since it will not be recorded.**

5. Sheet 3, Provide a Project Note 8.m referencing the recording of the Shiloh Commercial Park Final Plan.
   **This has been added. See note 8.m.**

6. Sheet 3, Note 8.g: A private driveway is limited to access by three lots anc/or parcels.
   **The note has been revised.**

7. Sheet 8: Please make a note on either the planting detail or in the planting notes to not place mulch within three inches of trunk flare.
   **A note has been added to the detail.**
8. Sheet 8: Will there be additional landscaping near the building?  
   The landscaping proposed is to meet the township requirements. Additional non-required landscaping may be added later at the developer’s consideration.

9. Please consider groundcover that does not require mowing in areas with a slope greater than 30 percent.  
   The proposed 3:1 slopes are mow-able, especially by commercial landscape maintenance companies.

10. Sheet 3 – Refer to 180-27, Property Owners’ Associations and ensure all applicable documents are submitted to the Township for review. These documents shall be recorded.  
    Any shared property owners’ agreement will be processed for the Phase 1 Final Subdivision Plan. A draft copy will be forwarded to the township for review once received from the Shiloh Commercial Park developer’s legal counsel.

11. Sheet 3 – Note 21, there is a repeated sentence in the note. Please update.  
    We are unable to find the repeated sentence noted in the comment.

12. Sheet 4 – The lot has two front yard setbacks, one at Kali Lane and the other at Future East Trout Road. Ensure the setbacks are accurately depicted/labeled on the plan.  
    The setbacks have been revised and updated per the comment and discussion with the College Township zoning officer.

13. Sheet 4 – Front yard parking setback is 30’, not 10’ as shown on the Plan.  
    The setbacks have been revised and updated per the comment and discussion with the College Township zoning officer.

14. Sheet 6 – Please note why the accessible route does not surround the whole building.  
    This a Code requirement and our plan shows what is required per the building code for Centre Region Code’s review.

15. Sheet 9 – Populate the quantity of lights in the table on the plan sheet.  
    The lighting plan and chart have been updated. Also please note the lighting design and pole heights have been adjusted so the poles sitting on the 3’ high above-ground bases do not exceed the 25’ maximum fixture height.

16. Sheet 2, Note 8: Add the sentence, “Due to the sensitivity related to nearby public water supplies, capping of all wells shall incorporate CTWA and CRCA approvals.”  
    Sentence has been added to Note 8.

17. Sheet 2, Note 9: Burning is generally not permitted on NPDES regulated sites. Revert note as revised in Shiloh Commercial Park Final Plan.  
    Note has been revised per the Shiloh Commercial Park Final Plan notes.

18. Sheet 2, Demolition Notes make no explicit mention of the Wellhead Protection Zone. Add Note 24:  
    The site lies within the Wellhead Protection Zone. Contractor’s importation of fill or handling of demolition materials shall incorporate procedures above for protection of the Public Water Supply.  
    Note 24. has been added.
19. Sheet 2, populate RB/Page/Tax Parcel information consistent with subdivision/Final Plan for Shiloh Commercial Park recording. 
   *Information will be populated once recording data is received.*

20. Sheet 3, Project Notes 1.b-c: Upon recording, ensure all RB/PG/Tax Parcel details are populated with the correct information. 
   *Information will be populated once recording data is received.*

21. Sheet 3, Project Notes 1.r-2: It is not necessary to show the Max. Allowed Impervious = 70%, as it does not apply because of the Wellhead Protection Zone. Consideration revision of r or addition of a note s to clarify: “The regional stormwater basin allocates 60% impervious to this parcel with 59.59% impervious designed per Project Note 1.p above.”
   *The note has been revised as noted.*

22. Sheet 3, Project Notes 9-11: Clarify whether pertinent information has been omitted or whether renumbering is appropriate. 
   *The numbering has been adjusted.*

23. Sheet 3, Project Notes 27-30: Clarify whether pertinent information has been omitted or whether renumbering is appropriate. 
   *The numbering has been adjusted.*

24. Sheet 3, Storm Water Facilities Maintenance Program: Clarify whether developer or Property Owner shall be the responsible party of record. 
   *Clarified.*

25. Sheet 3, Storm Water Facilities Maintenance Program: Consider an additional statement that off-site stormwater facilities, including conveyance piping and the basin, shall be subject of shared maintenance per the Shiloh Commercial Park Association. 
   *Revised.*

26. Sheet 4, EV Charging Station: Bollards for charging station may not impede ADA accessways. 
   *The bollards with not impede the ADA accessway.*

27. Sheet 4, Future sidewalk to future completion of East Trout Road Extension: Provide a note on Sheet 3 indicating the mechanisms for timing, funding, and installing this sidewalk. For example, “Within twelve (12) months of East Trout Road Phase 2 roadway dedication, property owner shall install the sidewalk extension at property owner’s cost. Failure to install may result in installation by Township at the expense of the Property Owner via municipal lien or other legal instrument.”
   *Note 25 has been added to Sheet 3.*

28. Sheet 4, ADA Parking stalls: Developer retains the option to install asphalt stalls, however, Township strongly encourages installation of concrete ADA stalls based on historical experience with CRCA compliance. 
   *Acknowledged. Bituminous paving is shown but the noted option will be discussed with the contractor.*
29. Sheets 3-4, Sign S3 at rear exit: Township takes no exception to sign placement.
   Acknowledged.

30. Sheet 10, Sign detail S3: Provide a note “Upon dedication of Phase 2 Extension of East Trout Road, Sign
    S3 shall be replaced with a Stop Sign (S1) and Painted Stop Bar at the expense of Shiloh Commercial
    Park Association(?)”.
    Note has been added to the sign details and as Note 10 on Sheet 3.

31. Sheet 6, Notes: Following the initial notes 11-12, renumber the additional notes (11-13) as 13-15.
    The numbering has been adjusted.

32. Sheet 6, Grading: The site grading extends well beyond the property line. In practice, this matters little
    while all lots are owned by Maxwell and hotel construction precedes any activity on an adjacent lot,
    such as Lot 1, which will be available for sale and development with the filing of the Shiloh Commercial
    Park Final Plan (see note above). In order to preclude any juxtaposed construction of Lot 1 possibly
    preceding Hotel lot construction, consider Maxwell executing a temporary grading easement to protect
    the rights of Lot 1 against hotel lot.

    Note above also applies to residual lot.

    The plan to create the temporary grading and construction easements are being considered. They may
    be added to the Phase 1 Final Subdivision Plan. If not, they will be added to this plan. Either way, they
    will be shown on this plan once this is determined.

33. Sheet 6, Drainage easement: Clarify the nature of this easement and the blockage by the retaining wall.
    Will the easement be extinguished? Will the new line conveying water from east to west be dedicated
    to the Association or be the responsibility of the Property Owner?
    The easement will be revised per this plan. This has been updated to reflect the revised storm layout.
    For the township’s purposes, the DSAME will note it being the responsibility of the lot owner where the
    property owners’ private agreement will come in to play for their shared maintenance of it.

34. Provide proof of NPDES coverage for this project.
    Will be forwarded once received.

35. Sheet 7, Utility Plan: Waterline utility arrangement to be addressed under separate cover per
    6/26/2024 email Torretti to Northridge.
    The water service and meter vault for the site has been revised per the meeting with Northridge.

36. Sheet 7, Utility Plan: Backflow prevention devices dedicated to irrigation line will be required by CTWA.
    A backflow preventer reference for the irrigation plan has been added to the plan. A detail of that will be
    provided once received for the MEP.

37. Sheet 7, Utility Plan, YD-1 and YD-2: Washdown waters directed to stormwater systems may not contain
    contaminants per MS4 Program. Property Owner shall exercise caution to limit pollutants from entering
    drains/stormwater systems.
    Acknowledged.
38. Sheet PC2, Stormwater Facilities Maintenance Program: See two (2) comments above.
   Revised.

39. Sheet PC2, NPDES Permit Co-Permittee, Note 5: Include the Township in the pre-construction meeting.
   Revised.

40. Sheet PC2, Critical Stages, Paragraph 2: Invite the Township.
   Revised.

41. Sheet PC2, Naturally Occurring Geologic Formations: Consider expanding this section to note the presence of the public water supply well and the requirements of the Wellhead Protection Zone.
   Provided.

42. Sheet PC2, Sinkhole Repair: Repeat CTWA language here.
   Revised.

43. PCSM Narrative: Make adjustments as noted above to the parallel language in the narrative.
   Revised.

44. PCSM Narrative: Include Yoxheimer/CTWA Memo as an Appendix.
   Provided (See PCSM Narrative Appendix, page A35).

COG Comments:
1. Sheet 4: The accessible route is indicated to Kali Lane, which on Sheet 3 (8)(h), is indicated as a shared private driveway. The accessible route shall extend to the Public Way. (*Plans would need to indicate that Kali Lane shall become a College Township/Public Road prior to the final occupancy being approved, or the plans will not be able to be approved as indicated.)
   The accessible route out to the East Trout Road has been added as a separate sheet. See Sheet 6.1.

2. Sheet 8 & 11: Indicate retaining wall that require building permits. The plans shall indicate that a separate building permit shall be obtained for all retaining walls, or provide complete retaining wall plans.
   The retaining wall design has been added. See Sheet 13. Acknowledge a building permit will be required by Centre Region Code.

Refuse & Recycling Comments:
1. § 172-26 Recycling program established.
   The municipality hereby establishes a program for the mandatory separation of recyclables from municipal solid waste by residential dwellings and commercial, industrial, and institutional establishments. § 172-28 Containers.
   A. All recyclable material accumulated by owners of residential, commercial, industrial and institutional properties and/or occupants of said properties shall be placed in containers for collection by a hauler.
   D. Location of containers. For residential and commercial properties recycling containers shall be placed near refuse containers for collection.

   We generally recommend a concrete pad and fenced or otherwise screened waste corral with a width of 18 feet and depth of 20 feet to hold toters for each recyclable material and an OCC or corrugated
cardboard dumpster. Therefore, I recommend that the site development plan be modified to increase the size of the concrete dumpster pad or to include a second corral for recycling toters and cardboard dumpster. The sketch below is one suggestion for designing the waste corral.

The architect has coordinated with Centre Region Refuse and Recycling. The dumpster has been revised as shown. Also, the attached storage building has been adjusted and reduced to below 144 S.F.

Enclosed please find the following:
Six (6) Full size Plan Sets
Nine (9) 11x17 Plan Sets
Two (2) Stormwater Reports
One (1) Revised Exterior Lighting Checklist

If you have any questions, please contact me at 814-231-8285 or mtorretti@pernterra.com.

Sincerely,

Mark Torretti
Project Manager

Enclosures
Cc: 22303.HOTE
To: College Township Council  
Thru: Mike Bloom, Assistant Township Manager  
From: Lindsay K. Schoch, AICP | Principal Planner  
Date: July 12, 2024  
RE: Attainable Housing Council Responses

The following table is intended to provide Planning Commission (PC) with detailed responses to the questions posed on the 2nd Remand Letter.

Within this memo, PC will find the following response categories:

- **Response**: Reflects a unanimous response from Council to the PC’s question.
- **Council Majority Response**: Represents the consensus response from the majority of Council.
- **Council Dissenting Opinion**: Included for full transparency, this category represents a comment from 1-2 members of Council that may differ entirely or have a slight variation on the majority response.

### An Overview of the PC Comments & Council Responses

**PC Question:**

1. Specify what is to be waived regarding municipal fees.

**Additional Information from PC and/or Staff:**

*Since October of 2023, the Township received ten (10) Preliminary/Final plans for review. Over the past eight (8) months, the total application cost for those submissions is $4,850; Plan Review charges from staff time totals $9,916.00; with these submissions, three were tied to Traffic Impact Studies, that totals $17,553.77 to date.*

**Council Majority Response:**

**Waiver/Credit of Review Fees:** General Review Fees by in-house reviews for Subdivision and Land Development may be waived by College Township Council for development proposals containing attainable housing. PC may make a recommendation whether or not in-house review fees should be waived. This Credit or Waiver will be in the form of a reimbursement once the plan is conditionally approved.

All other external fees, Highway Occupancy Permits, Traffic Impact Studies, fees from UAJA, SCBWA, CTWA, etc. are outside the control of College Township.

Staff to investigate how waiving fees could impact the Township Budget.
### Council Dissenting Opinion:
Believes the decision on fee waivers should rest with Council as a policy decision. There should be a balance between detail that is too granular and writing an ordinance that standardizes and simplifies the process and removes any subjective input to the process.

### PC Question:
2. Should a fee-in-lieu calculation be based upon “hard data”, similar to what is outlined below, which is used in other regional municipalities.

### Additional Information from PC and/or Staff:
**Formula Includes:** Value of Land (Previous year’s numbers) × Cost to Construct (ICC information) × Zoning Minimums

**Response:**
- Vacant land value × minimum lot size = *value of land*
- Minimum square footage (dwelling unit type) × ICC cost to construct = *construction cost.*
- Value of land + construction cost = *fee-in-lieu.*

### PC Question:
3. Land Donations: the PC wishes to have further input from Council regarding Land Donations, especially how they relate to donating land in other municipalities when they have ordinances and way to reciprocate.

### Additional Information from PC and/or Staff:
*Land donations outside of College Township should be carefully agreed upon through an agreement with the receiving municipality.*

### Council Majority Response:
Permitted within the Township borders and allow for reciprocity within other municipalities with the following caveats.
- Property must be located in the Regional Growth Boundary/Sewer Service Area.
- A formal developer agreement shall be in place.
- A formal agreement between the sending and receiving municipalities.
- Land donations should be recommended by PC and shall require approval by Council.

### Council Dissenting Opinion:
Concerns of land donations outside of College Township are that no other municipality has an ordinance like this in place. Development in other municipality would not be under purview of this ordinance and leads to the question of whether township would then be involved in managing land development in the other municipality.

Concerns with land donations within College Township is the degree to which the Township has to get involved in managing the development of land or even owning land.
| PC Question: |  
| --- | --- |
| 4.  Credits for Existing Housing: The PC wishes to have further input from Council. |  
| Additional Information from PC and/or Staff: |  
| Currently, in order to get credit for existing housing, no other regulatory relief can be applied to a development. Once an incentive is applied, such as open-space relief, height increases, etc., the ability to use Credits for Existing Housing goes away. |  
| Response: |  
| Council is still formulating a final response to this question. This topic will be discussed again at Council’s July 18th meeting. |  

| PC Question: |  
| --- | --- |
| 5.  Calculation of Rental Prices: PC request Council input. |  
| Additional Information from PC and/or Staff: |  
| The PC feels a meaningful discount is necessary, therefore up to 65% AMI is recommended. |  
| Response: |  
| Council cannot define what is “meaningful” to every prospective renter. Although the cost savings at 65% AMI is larger (approximately $300), other economic factors such as commute time, school district, etc. may be considerations for prospective renters. As such, Council suggests that the AMI threshold could be raised to 70% or more. |  

| PC Question: |  
| --- | --- |
| 6.  Missing Middle Gap: The PC was amenable to the First Time Homebuyer Credit provided by College Township toward owner-occupied units. |  
| Additional Information from PC and/or Staff: |  
| Consider the initial funding of a Program and continued funding. |  
| Response: |  
| In order to further mitigate the gap between 65% AMI for rentals and 80% AMI for owner-occupied, the ordinance should contemplate the following:  
1) Development of a College Township First-Time Homebuyer Program  
2) Following a period of time, which needs to be determined, allowing a percentage (10-20%) of required attainable rental units to be marketed to prospective renters within the “gap” (65-80% AMI). |
### Week Ending July 12, 2024

<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Status</th>
<th>Considerations</th>
<th>Next Steps</th>
<th>Staff/Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 12</td>
<td>Planned Residential Development (PRD) in the Planned Research and Business Park District (PRBD)</td>
<td>Pre-application Conference held June 4/6 with PC and CTC (aka Sketch Plan)</td>
<td>PC and CTC provided comments to applicant (Burkentine).</td>
<td>Burkentine</td>
<td>Penn Terra Engineering, Inc.</td>
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<td></td>
<td>Dale Summit Area Plan</td>
<td>Joint Meeting #1 Held Wednesday, January 24, 2024 C-NEt Recording</td>
<td>Recall the Vision of the Dale Summit Area Plan as it relates to the updating of the Code.</td>
<td>Staff / PC / CTC</td>
<td></td>
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<tr>
<td></td>
<td>Dale Summit Form Based Code Preparation</td>
<td>FBC Remanded to PC for review (May 7).</td>
<td>PC requires remand clarification. Meet with DPZ for guidance on PC questions per Council.</td>
<td>Staff / PC / CTC / DPZ</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Joint Meeting #2. March 26, 2024 C-NEt Recording</td>
<td>Staff working with DPZ on Draft of Code, updated per the recent discussions at Planning Commission.</td>
<td></td>
<td></td>
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</tbody>
</table>

“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-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.”
CALL TO ORDER: Mr. Dustin Best, Council Chair, called to order the June 6, 2024, 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 were added to the agenda.

SPECIAL REPORTS: SP-1 Presentation of Proclamation P-24-05 to Centre LGBTQ+

Ms. Trainor, Council Member, read into the record Proclamation P-24-05, proclaiming June as Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ+) Pride Month. This proclamation was passed by Council at the May 16, 2024, CT Council meeting. Council presented the proclamation to Ms. Michel Lee Garrett, Centre LGBT+ Board Member and College Township resident.

Ms. Garrett expressed her appreciation on behalf of Centre LGBT+ and offered that after decades of advocacy and hard work, in close partnership with allies and supporters, including those in elected office, Pride is a celebration. Ms. Garrett expressed her gratitude to those standing in solidarity with queer people and asked that a measure of due diligence and vigilance be maintained to continue moving forward in this noble effort.

PLANS: P-1 Mount Nittany Elementary School Preliminary/Final LDP

Ms. Lindsay Schoch, AICP, Principal Planner, offered that the Mount Nittany Elementary School Preliminary/Final Land Development Plan proposes a 35,865 square foot Elementary School addition on Tax Parcel 19-006-007, located at 700 Brandywine Drive, State College, PA. The plan includes the
proposed addition, one-way passenger vehicle access/drop-off area, 51 new parking spaces, upgrades to the pedestrian connections, and stormwater management.

Mr. Todd Smith, Project Manager, ELA Group and Mr. Mike Fisher, Director of Facilities, State College Area School District (SCASD), represented the school district during the discussion. The school district is asking for three waiver; 1) Parking reduction waiver; 2) Basin pond depth waiver; and 3) Basin bottom sloped waiver.

Mr. Bernier made a motion to approve the Mount Nittany School Preliminary/Final Land Development Plan dated April 22, 2024, and last revised May 13, 2024, subject to the following eleven conditions:

1. Within ninety-days from the date of approval by Council, all conditions must be satisfied, final signatures must be obtained and the plan must recorded with the Centre County Recorder of Deeds Office. Failure to meet the ninety-day recordation time requirement will render the plan null and void.
2. Pay all outstanding review fees.
3. Address, to the satisfaction of the Township Engineer, any outstanding plan review comments.
4. Fully comply with College Township Code Section 180-12.
5. Post surety as approved by the Township Engineer prior to recording.
6. Provide proof of National Pollutant Discharge Elimination System (NPDES) approval.
7. Record approved Declaration of Stormwater Access and Maintenance Easement (DSAME).
8. Approve the Parking Reduction Waiver Request.
10. Approve Basin Bottom Slope Waiver Request.
11. All conditions must be accepted in writing within seven (7) days from the date of the conditional approval letter from the Township Engineer.

Ms. Trainor seconded the motion.

Council offered comments regarding mitigating traffic in the surrounding area (Panorama, Villa Crest, Brandywine). Council is concerned with pedestrian access from the Fieldstone Development, especially student safety at crosswalks. Council asked that Staff request Borough police monitor this area for speed enforcement.

Ms. Danielle Selerno, College Township resident, Fieldstone Development, offered that students who live in her development are considered designated walker by the SCASD. Safety is a concern for parents. Cars speed in this area. Parents have asked for a crossing guard and filed police reports but have not gotten any satisfactory solutions from the SCASD. She opined this LDP does not cover children designated as walkers and their safety.

Mr. Bloom, Assistant Township Manager, offered the Township and the SCASD have been in discussion for a workable solution to safety on Brandywine. The Township is willing to share the expense to ensure the safety of students.

Chair Best called the question.
Motion carried unanimously.
P-2  PSU Soccer Operations Center Preliminary/Final Land Development Plan

Ms. Lindsay Schoch, AICP, Principal Planner, offered that the Pennsylvania State University is proposing to add a 2-story permanent building near the southeast end of Jeffrey Field. The proposed site is located on Tax 19-003-100, University Drive and East Park Avenue and is located in the University Park zoning district 9. The building will be used as a support facility for the soccer program at PSU. Ancillary improvements to the project include additional parking and concrete sidewalk. Stormwater management facilities will also be constructed to manage the greater runoff from increased impervious areas.

Mr. Michael R. Vaow, Stahl Shaeffer Engineering, represented PSU at the meeting to field any questions from Council. He offered that the Stormwater Management system is used for both the Soccer Operations and the Indoor Practice Air Supported Structure LDP that was approved by Council on April 4, 2024.

Ms. Trainor made a motion to approve the Penn State Soccer Operations Center Preliminary/Final Land Development Plan dated April 22, 2024, and last revised May 13, 2024, subject to the following conditions:

1. Within ninety-days from the date of approval by Council, all conditions must be satisfied, final signatures must be obtained and the plan must recorded with the Centre County Recorder of Deeds Office. Failure to meet the ninety-day recordation time requirement will render the plan null and void.
2. Pay all outstanding review fees.
3. Address, to the satisfaction of the Township Engineer, any outstanding plan review comments.
4. Fully comply with College Township Code Section 180-12.
5. Provide proof of National Pollutant Discharge Elimination System (NPDES) approval.
6. All conditions must be accepted in writing within seven (7) days from the date of the conditional approval letter from the Township Engineer.

Mr. Bernier seconded the motion.
Motion carried unanimously.

P-3  Crew 814 Planned Residential Development Sketch Plan

Ms. Lindsay Schoch, AICP, Principal Planner, began her presentation with a definition of the Planned Residential District (PRD) from the Municipal Planning Code (MPC). It states the PRD is an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space, to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.

Ms. Schoch outlined the process for a PRD, which includes a Pre-application Conference (similar to a Sketch Plan), a Review of Tentative Plan, a Review of Final Plan; after which the plan gets recorded. The Planning Commissions reviews the Tentative Plan and makes a recommendation to Council. Council approves the Tentative Plan. When a Final Plan is submitted, it shall not have variations from the Tentative Plan.

All PRD’s must comply with, unless specifically waived, requirements of Chapter 200 Zoning, Chapter 180 Subdivision and Land Development and Chapter 175 Stormwater. PRD’s are permitted in the
following CT Zoning Districts: Single-Family R-1, Two-Family R-2, Multi-Family R-3, Residential-Office RO, and Planned Research and Business Park (PRDB) – Multi-family only. Council can determined the allowed density and intensity, spacing, height, block standards, and frontage standards.

Ms. Schoch offered that once the Pre-Application conference is complete and the PC and Council have an opportunity to comment, the applicant may move forward with the submission of the Tentative Plan.

Mr. Ron Borger, Penn Terra Engineering, Inc., offered a Pre-Application (sketch plan) of the proposed PRD Crew 814. The developer, Burkentine, envisions a PRD that harmonizes modern living with the timeless allure of nature. This innovative project is more than just a collection of homes; Mr. Borger offered, it’s a vibrant tapestry of diversity, accessibility and sustainability.

Crew 814 blends fee-simple townhomes, rental townhomes, and apartment units; each dwelling, whether owned or rented, is designed to cater to the needs and aspirations of the residents. Central to the Burkentine ethos is the concept of community. They are proposing a network of shared spaces and amenities that are designed to promote connections and well-being.

The project is located off of Shiloh Road in the Planned Research and Business District (PRBD), of which a PRD is an allowed use, on a 45 acre lot. Crew 814 proposes 480 multi-family units, and 125 Townhomes and they are proposing 53% (24 acres) of open space. They are proposing two phases; Phase 1 completion in 2027 and Phase 2 completion in 2030.

Council offered the following comments:
- Appreciate the bike/pedestrian paths weaved into the plan;
- Suggest connecting bike/pedestrian paths to existing paths in the Township and other parts of Dale Summit;
- Consider Sidewalks along Shiloh Road to provide an access to Spring Creek Canyon;
- Add some street value, curbside appeal to the Shiloh Road frontage;
- Incorporate trees in the open areas in the design phase; and,
- Consider parking for visitors.

Mr. Borger offered the streets will be built to street standards. Open space, walking paths, dog parks will be open to the public. The Clubhouse, pickle ball will not be open to the public.

REPORTS:

a. Manager’s Update

Mr. Mike Bloom, Assistant Township Manager, offered the Manager’s Update includes the following: the Solar Power Purchasing Agreement contracts are anticipated in June or July; the Transportation Alternatives Set-Aside Grant kickoff meeting was held on May 31st with an anticipated 2026 construction schedule for the Path to Campus; and a 2nd remand letter was forwarded to the Planning Commission as part of their June 4, 2024, meeting regarding Attainable/Workforce Housing.

Mr. Bloom offered the Path to Campus will require some land acquisitions and easement. There are parts of this corridor that will be a challenge. Both he and Mr. Franson, Township Engineer, are comfortable with the anticipated schedule.

b. COG Regional, County, Liaisons Reports

COG Public Safety Committee: Ms. Trainor offered the COG Public Safety Committee met in a Special Meeting on May 29, 2024, with members of the emergency services agencies and organizations at Centre
LifeLink. They heard a presentation on Engine 5-1 Vehicle Disposal Plan, discussed the PSU and Centre Region Fire Protection Program Funding Agreement, Centre Region Traffic Incident Management, an update on Centre Region Code Agency and the Alpha Fire Company. Ms. Trainor asked that College Township support the Centre LifeLink membership campaign and push it out on social media. Also, consider a donation to Centre LifeLink during the budget discussions.

**COG Executive Director Search Committee:** Mr. Best offered the link to the presentations by the candidate(s) for the Executive Director are available for Council to watch.

**COG Facilities Committee:** Mr. Bernier offered the COG Facilities Committee met on June 4, 2024, and discussed the Fleet and Building grant opportunities and the COG Building Parking Lot.

**COG Land Use and Community Infrastructure Committee (LUCI):** Mr. Bernier reported the COG LUCI Committee met on June 6, 2024, and discussed the Initial Comprehensive Plan update survey review. This survey will be going out to the public in the next week.

c. **Staff/Planning Commission/Other Committees**

**CT Planning Commission:** Mr. Fenton, Planning Commission Liaison to Council offered that the PC met on May 21, 2024, and June 4, 2024, since the last Council meeting. He reported the reviewed the PSU Soccer plan, the Mount Nittany Middle School Plan and recommended approval by Council. They tabled any discussion of Form Based Code until the questions on today’s agenda are answered by Council.

The PC discussed the Attainable Housing Ordinance and the 2nd remand letter. Mr. Fenton reported the PC discussed the definition of equity, attainable, and social economic diversity as it related to this ordinance. The PC questioned the differences between the remand letters and the input received from the development community.

Council offered their understanding of the complexity of this ordinance and recognized that there will be a lot of back and forth dialog with Council as the PC works through the process.

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

Mr. Bloom, Assistant Township Manager, reported June is National Caribbean American Heritage Month, Pride Month, and Immigrant Heritage Month, as well as celebrations of Pride Day and Juneteenth.

**CONSENT AGENDA:**

**CA-1 Minutes, Approval of**

a. May 16, 2024, Regular Meeting

**CA-2 Correspondence, Receipt/Approval of**

a. Email from Daniel Materna, dated May 19, 2024, regarding Casino
b. Letter from State College Borough Manager, dated May 13, 2024, regarding Pickleball Comments
c. Email from Ethan Dean, dated June 3, 2024, regarding CATA service and transportation in the Centre Region
d. Letter from Penn Terra, dated May 28, 2024, regarding time extension for Maxwell Struble Road Storage to September 16, 2024

**CA-3 Action Item, Approval**
a. Contract 24-05 Inspection and Video Documentation of Storm Pipe awarded to Insight Pipe Contracting, LLC for a total bid amount of $45,255.00 (College Township’s share is $34,298.75)

b. Amendment to Schlow Centre Region Library Articles of Agreement, dated June 1, 2024

c. Agreement between College Township and HRI, Inc. to perform the work of Pike Street Phase 3

Ms. Trainor made a motion to approve the June 6, 2024, Consent Agenda as presented minus CA-2.c.
Mr. Bernier seconded the motion.
Motion carried unanimously.

CA-2.c. Mr. Bernier opined that College Township wholeheartedly supports public transportation, Centre Area Transit Authority. He added that local funding is a small percentage of CATA’s operating budget.

Mr. Bernier made a motion to accept CA-2.c. as part of the Consent Agenda.
Ms. Trainor seconded the motion.
Motion carried unanimously.

OLD BUSINESS:

OB-1 Form-Based Code Questions/Clarifications from PC

Ms. Lindsay Schoch, AICP, Principal Planner, offered that on May 7, 2024, the PC received a remand letter regarding the study and review of the Draft Form Based Code prepared by DPZ CoDesign, the Township’s Planning Consultant. During their initial review, the PC developed a series of questions that require further clarification from Council.

Questions for clarification:
1. How is a “town center” to be determined?
2. How will civic buildings be controlled and monitored?
3. How is the review process to be expedited?
4. Explain who is responsible for “administrative approval”?
5. Define “good urbanism”.

Council offered that Staff should consult with DPZ CoDesign for direction on all of the questions from PC.

Town Center: Ms. Schoch offered that the 4Ward Plan from 2018 created a town center around the Nittany Mall Area. DPZ used six nodes as potential mixed-use town centers. Council offered that as development occurs, the nodes/town centers inherently are created.

Good Urbanism: Council discussed that there are many definitions of Good Urbanism but it is important to look at Good Urbanism with the lens of how it fits with College Township and the vision statement of the Dale Summit Area Plan.

Civic Buildings: Ms. Schoch offered that civic buildings will be controlled by specific regulations written into the code.
Administrative Approval: Mr. Mark Gabrovsek, Zoning Officer, opined that administrative approval should come from the governing body. Staff would make a recommendations to Council for consideration. Council would take action at a public meeting. A Zoning Hearing would be used if needed. Council added that more pre scripted language in the Code would help expedite the process.

Staff will take the questions from the PC and Council’s discussion points to DPZ CoDesign for further clarification. The responses will be directed to the PC for use as they move forward with review of the Code.

**OB-2 Rockenbeck Lease Agreement with ClearWater Conservancy**

Mr. Mike Bloom, Assistant Township Manager, offered that at the March 21, 2024, CT Council meeting, Council agreed by a 3-1 vote to serve as an applicant, on behalf of ClearWater Conservancy, in pursuit of a Community Conservation Partnership Program (C2P2) grant from the PA Department of Conservation and Natural Resources (DCNR).

The $300,000.00 grant application, which was submitted in early April, seeks for funding to help offset the development costs associated with an ADA-compliant trail providing access from the proposed ClearWater Community Conservation Center to additional Clearwater property adjacent to Spring Creek. The grant funds would also be used for the construction of a new parking lot for visitors to the Center and employees.

In order to serve as an applicant, DCNR requires demonstration long-term (25 years or more) ownership or control of the property in question. To meet this requirement, ClearWater Conservancy would lease College Township for twenty-five years, a portion of the property that would be developed using the grant funding.

ClearWater Conservancy, in coordination with College Township Staff, developed the final draft lease agreement. At the May 16, ClearWater Conservancy Board meeting, the Board of Directors found the lease acceptable. The College Township Solicitor reviewed the final draft lease agreement and found it acceptable.

Council is being asked to review and approve the draft lease.

Mr. Ryan Hamilton, Land Conservation Manager, ClearWater Conservancy, appreciates Council’s consideration of the lease agreement. They are excited about the project.

**Mr. Bernier made a motion to authorize the Council Chair to execute the lease agreement between ClearWater Conservancy and College Township for .14 miles of trail and 34 spaces of ADA Accessible parking lot. Ms. Trainor seconded the motion. Motion carried unanimously.**

**NEW BUSINESS:**

**NB-1 MS4 – Rockenbeck Easements with ClearWater Conservancy**

Mr. Mike Bloom, Assistant Township Manager, offered that College Township (CT) committed to collaborating in a streambank restoration project in 2018-2019 on the then Rockenbeck (now ClearWater) property. The streambank restoration project would provide MS4 offsets/credits beneficial to the Township’s permit compliance requirement for the 2020-2025 permit cycle.
United States Fish and Wildlife Services (USFWS) and Trout Unlimited have completed construction on the project at no cost to CT. For permit compliance, CT must hold an easement on the property, and ClearWater has offered that easement. Two easements are proposed, one for the riparian area east of the bridge and one for the riparian area west of the bridge. Each easement also includes an access aisle to drive equipment to the riparian area.

Rather than CT Staff attempts to maintain the diverse vegetation and streambank features, ClearWater will maintain the buffer under their expertise. CT will make an annual payment to ClearWater for the basic maintenance of the required buffer features. Anticipated 2024 cost to CT is $1,429.73.

Of the 79,973 lbs./year necessary offsets/credits needed for compliance, this project fulfills an estimated 70% of the CT requirements. The balance will be covered by the PSU Duck Pond Project.

Mr. Jeremiah Northridge, P.E., Assistant Township Engineer, answered questions/comments from Council.

Staff is seeking authorization to execute the east and the west easements as well as the east and west maintenance agreements.

Mr. Bernier made a motion to authorize the Council Chair to execute the east and west easement and maintenance agreement with ClearWater Conservancy.
Ms. Trainor seconded the motion.
Motion carried unanimously.

STAFF INFORMATIVES: No Staff Informatives were pulled for discussion.

OTHER MATTERS: Mr. Bloom reminded Council of the Special Meeting on Wednesday, June 12, 2024, at 5:00 PM to discuss the Capital Improvement Plan 2025-2029.

ADJOURNMENT:

Chair Best called for a motion to adjourn the meeting.

Ms. Trainor moved to adjourn the June 6, 2024, Regular College Township Council Meeting.
Chair seconded the motion.

The June 6, 2024, Regular College Township Council Meeting was adjourned at 9:21 PM.

Respectfully Submitted By,

Adam T. Brumbaugh
Township Secretary
Standing

Did companies seeking to erect billboard have standing to challenge denial of applications on constitutional grounds?

Citation: New South Media Group LLC v. City of Rainbow City, Alabama, 2024 WL 1055089 (N.D. Ala. 2024)

Rainbow City, Alabama denied four applications that New South Media Group LLC, Rainbow Powder Coatings Inc., and others (collectively, the plaintiffs) filed to erect signage. While the city strictly barred billboards, the plaintiffs filed suit alleging it violated their First Amendment rights.

The city requested judgment without a trial, and the plaintiffs sought judgment in part, too.

DECISION: City’s request for judgment granted in part.

The plaintiffs lacked standing to raise constitutional challenges.

A CLOSER LOOK

Rainbow City claimed it denied the four applications because a specific section of its zoning code barred all billboards, and each application in this case sought to permit a billboard.

Once the city determined that the applications sought to permit a prohibited billboard, content didn’t matter—making another section of the code (regarding permit process) and yet another section’s content-based permit exemption list irrelevant, the city contended.

Rainbow City also claimed that the plaintiffs weren’t injured by any time constraints or lack of procedural safeguards, so they lacked standing to challenge its sign regulation provisions. It also contended that the sign regulations passed constitutional muster because the reason for the denials was content-neutral and was a reasonable time, place, and manner restriction on commercial speech.

RAINBOW CITY’S SIGN REGULATIONS

The applicable regulations covered:

- Permit, fee, and inspection requirements—The regulations stated that “[e]xcept where this chapter explicitly exempts a sign, all signs erected shall require a sign permit issued by the Zoning Administrator.”
- Permit exceptions—The regulations also listed the following as exceptions: “(1) [h]istoric markers, (2) traffic control signs, (3) directional signs, (4) flags, (5) artistic displays, (6) real estate or rental signs, (7) construction site identification signs, (8) window signs, (9) political signs, (10) garage or yard sale signs, (11) special event signs and decorations,
(12) entrance/exit signs, (13) farm information signs, (14) vehicle signs, (15) building nameplates, and (16) legal notices and official instruments." Further, the applicable section (section 214) stated "[e]xcept where qualified below, the following signs are specifically prohibited throughout the city, and the section includes 'billboards' as a prohibited type of sign."

Here, the plaintiffs applied for sign permits for:

- an artistic display sign;
- a flag sign on vacant property;
- a special event sign to be posted on vacant property; and
- a political sign.

The court ruled that the plaintiffs hadn't shown "that they—or any other plaintiff who [ought] to erect a billboard in Rainbow City—would be injured by application of the unbridled discretion provisions that they challenge[d]." The evidence pointed to section 214's bar on billboards as the sole cause of the plaintiffs' injury in this and future cases involving billboard applications.

The plaintiffs didn't have standing to bring constitutional challenges against the city.

"So no federal court decision on provisions other than Section 214 would redress [their] injury. Even if the court found any other challenged provision unconstitutional, [the p]laintiffs [weren't able] . . . to post their signs' under the local billboard ban, which they didn't challenge. Therefore, the plaintiffs didn't have standing to bring constitutional challenges against the city.

PRACTICALLY SPEAKING

The plaintiffs didn't claim section 214's billboard ban was unconstitutional. Therefore, the court couldn't redress their injury. They lacked standing to raise such a claim.

Temporary Housing

Town argues order directing use of local hotels for temporary housing falls outside permitted use

Citation: Town of Poughkeepsie v. South Road Hospitality LLC, 2024 WL 11556083 (S.D. N.Y. 2024)

The Town of Poughkeepsie, New York, files suit against South Road Hospitality LLC (d/b/a Red Roof Plus), Hudson Conference Center LLC (d/b/a Holiday Inn Poughkeepsie), and Sandip Patel (collectively, the defendants) seeking to prevent their anticipated use of two hotel properties in the town.

The defendants asked to transfer the case to federal court. They contended that federal-question jurisdiction loomed over the state-law claims because they implicated significant federal issues including the U.S. Constitution's Supremacy Clause.

The town asked for the case to stay within the state's jurisdiction.

DECISION: Town's request granted.

The case was sent back to a state court in New York.

WHAT LED TO THE CONTROVERSY

New York City's mayor, Eric Adams, announced a program to provide up to four months of temporary shelter and city-funded services for asylum seekers in nearby New York counties. The town alleged the city was trying to enter into agreements with the defendants to provide temporary shelter and related services to asylum seekers at the sites, which were zoned "Highway Business" (HB), which meant a hotel was a permitted use.
However, the town claimed that the use of the sites to house asylum seekers would violate its code (specifically section 210-13F). Thus, it sought to enjoin the defendants from providing migrant shelter and related services to persons referred or brought to them by the city at the sites pending the defendants’ application for and received of amended certificates of occupancy allowing migrant shelter and services to be provided at the sites. It also sought a declaration that the defendants’ provision of housing and related services to migrants at the sites violated section 210-13F.

BACK TO THE COURT’S RULING

The defendants had the burden of showing “to a reasonable probability’ that removal [was] proper.” If the burden couldn’t be met, the case would be sent back to state court.

The court asked two questions to determine if removal was proper:

- Did the lawsuit concern the denial of a right arising under federal law?
- Would there be an inability (or denial) to enforce federal rights in state court?

Here, the defendants didn’t allege that their federal rights had actually been denied by the state court, or that they couldn’t enforce those rights in state court. They “vaguely allege[d] that [c]ontinued proceedings in the courts of New York State shall constitute a continued denial of [their] civil rights” but fail[ed] to allege any facts showing that they [were] unable to enforce their federal rights in state court.”

But the state court record showed that the state court had “declined to issue [the town’s] requested temporary restraining order and [de]fendants removed the case before the scheduled hearing on [its] motion for preliminary injunction.” Thus, the defendants “failed to allege that this [wa]s one of those rare situations in which it c[ould] be ‘clearly predicted’ that [the d]efendants’ federal rights ‘w[ould] inevitably be denied by the very act of bringing the defendant to trial in the state court.’”

The defendants didn’t allege that their federal rights had actually been denied by the state court, or that they couldn’t enforce those rights in state court.

To determine if there was merit to this argument, the court looked to whether the federal issue had been “necessarily raised, . . . actually disputed, . . . substantial, and . . . capable of resolution in federal court without disrupting the federal-state balance approved by Congress.”

“For a federal issue to be necessarily raised, the mere presence of a federal issue in a state cause of action is insufficient; the pertinent question of federal law must be a necessary element of one of the well-pleaded state claims,” the court wrote. “This inquiry must be unaided by anything alleged in anticipation or avoidance of defenses which it is thought the defendant may interpose even if the defense is anticipated in the plaintiff’s complaint, and even if both parties admit the defense is the only question truly at issue in the case.”

Finally, the defendants contended that resolving this case necessarily raised several federal issues, such as whether the defendants’ civil rights could “vitiating by discriminatory application of facially neutral zoning laws.” But the federal issue the defendants identified—whether the town’s application of a facially neutral zoning laws is racially discriminatory—was not a necessary element of its claim.

For instance, the town’s complaint didn’t refer to immigration policy or discrimination. Instead, it sought only “a determination that [the defendants’ use of the s]ites violate[d]” section 201-13F of its code. Thus, the defendants failed to show that resolving the case required the application of federal law.

PRACTICALLY SPEAKING

A “mere speculative possibility that a federal question may arise at some point in the proceeding is insufficient to establish jurisdiction in federal court,” the court noted.

Want More Information?
To view the town’s relevant provision, visit ecode360.com/6324854/#6324854.

Use and Occupancy Permits

Lawsuit alleges that city council and mayor’s denial of permit for substance-abuse treatment center discriminatory

Citation: CMDS Residential, LLC v. Mayor and City Council of Baltimore, 2024 WL 1156309 (D. Md. 2024)

CMDS Residential LLC (CMDS) filed suit against the city council and mayor of Baltimore after its application for a use-and-occupancy (U&O) permit to open a residential substance-abuse treatment facility was denied.

According to CMDS, it initially discussed the prospect with the city’s zoning administrator, who tentatively agreed
that under the city code the use would be permitted as of right based on the property’s prior authorized use as a nursing home.

The zoning administrator followed up with a verification letter to that effect. Then, a city councilman who represented the district in which the subject property sat expressed concerns over the project and asked the city’s Department of Housing and Community Development (DHCD) about the property’s use permissions.

DHCD employees researched the issue and concluded that CMDS’ plans constituted a “change” to the property’s previously approved conditional use. Thus, city council approval would be required under the applicable city code provision.

The zoning administrator then denied CMDS’ application for a U&O permit as of right. The Baltimore Board of Municipal and Zoning Appeals (BMZA) formally applied DHCD’s “change” reasoning to hold that only the city council could approve CMDS’ requested use.

But CMDS didn’t seek approval from the city council. It contended that the city’s denial of the U&O constituted discrimination in response to community opposition to the project. More specifically, it claimed that members of the public had stereotypical beliefs about individuals with substance use disorders who would be treated at the property and that the city, therefore, had a discriminatory animus, which violated the equal protection clause of the Fourteenth Amendment, the Americans with Disabilities Act (ADA), the Fair Housing Act (FHA), and the Rehabilitation Act.

The court denied the city’s request for judgment without a trial as to the ADA and FHA claims. It found that a reasonable jury could find that consideration of the community’s discriminatory opposition was a motivating factor in the decision to deny CMDS’ U&O application.

However, CMDS’ evidence wasn’t sufficient to establish that discriminatory animus was the sole motivator as was required for a Rehabilitation Act claim, so the city was entitled to judgment on this claim.

And the court denied judgment as to the equal protection claim because the city hadn’t offered a reason to explain why it had granted the property’s prior owner a U&O permit without holding it to the requirements of the city code, but strictly applied the code to CMDS and denied its application.

The city asked for reconsideration, arguing that the court erred in applying a motivating factor test for CMDS’ discrimination claims under the ADA and the FHA, as opposed to a “but-for” test.

DEcision: Request for reconsideration denied.

The motivating factor analysis was proper.

The city asked the court “to revisit its equal protection decision based on no new law or facts.” But it misunderstood “the distinction the court drew between the discriminatory motivations at issue in the [city’s] decision, considered in isolation, for the ADA and FHA claims, and the unexplained difference in treatment between similarly situated applicants on which the court focused for the equal protection claim. Moreover, rearguing the merits of a decision is improper on a motion for reconsideration.”

Permissive Zoning

Town’s bylaw at center of controversy concerning short-term rentals

Citation: Ward v. Town of Nantucket, 2024 WL 1110950 (Mass. Land Ct. 2024). The Town of Nantucket, Massachusetts adopted a zoning bylaw in 1991, which stated that “[n]o building, structure or land . . . shall be used for any purpose or in any manner other than for one or more of the uses hereinafter set forth as permitted in the district in which such building, structure or land is located, or set forth as permissible by special permit in said district and so authorized.”

This type of zoning bylaw was characterized as a “permissive” zoning bylaw. But while a layperson may think the term meant it was lenient, the contrary was true. In fact, such a bylaw was one that barred every use of a property in a zoning district unless the bylaw specifically authorized the use. And, when a controversy arose about the lawful use of a property, it wasn’t enough for a property’s owner to show that the bylaw didn’t “expressly prohibit the disputed use; instead, the owner had to show that the bylaw expressly permitted it.”

In 2021, Catherine Ward sent Nantucket’s building commissioner a letter asking him to order Ward’s backyard neighbors, the Grapes, to stop renting on a short-term basis the primary dwelling on their property at 9 West Dover Street.

Ward stated in the letter that short-term rentals (STRs) constituted illegal “commercial use” of the Grapes’ property, which sat in the town’s Residential Old Historic (ROH) district. The commissioner responded with a letter stating that the use of the property for STRs didn’t violate the town’s zoning bylaw.

Ward appealed to the town’s zoning board of appeals (ZBA), which sided with the commissioner.

Ward appealed to the court, asking for the ZBA’s decision to be annulled. She also asked for a declaration that the bylaw barred STRs in the ROH district.

In 2023, a couple that owned property on the island in another residential district and rented it out as a STR, intervened in the matter. Their neighbor challenged their use of the property as an STR.

The commissioner and ZBA disagreed with the neighbor, so he filed his own appeal.

Ward asked the court for judgment without a trial. The Grapes cross-filed for judgment, asserting that a recently adopted town general bylaw regulating STRs made her challenge moot.

The town, supported by the intervenors from the other part of town, asked for judgment without a trial, arguing Ward lacked standing because the zoning bylaw in fact allowed STRs in all residential districts.
The court denied the cross-requests for judgment. A trial ensued.

**DECISION: ZBA ruling vacated; case sent back to ZBA for further proceedings.**

The court had three reasons for sending the case back:

- the zoning bylaw didn’t expressly authorize STRs as a principal use of “primary dwellings” in the ROH district;
- it might, however, allow the rental of primary dwellings as an accessory use of such dwellings; and
- the ZBA hadn’t considered whether the Grapes lawfully rented their main house as an accessory use.

The ZBA hadn’t analyzed Ward’s “enforcement request through the lens of whether the Grapes’ [STRs] of the[r] [ma]in [h]ouse [we]re ‘subordinate and customarily incidental to’ the [h]ouse’s permitted use as a ‘primary dwelling.’” If short-term rentals are “customarily incidental” to using “primary dwellings” on Nantucket—after all, Ward admitted at trial to being both a short-term lessee and a short-term renter of Nantucket residences—the bylaw allows some “subordinate” level of rentals,” the court added. Thus, while the court vacated the ZBA’s decision and “declare[d] that [STRs] [we]ren’t allowed as a principal use of primary dwellings in Nantucket’s ROH district,” it would send the case back to the ZBA to determine whether the Grapes’ rental of their main house was a permissible accessory use of that structure, and if not, order the appropriate remedies.

**CASE NOTE**

Before the court got to the issue of vacating the ZBA’s findings, it ruled that Ward had standing to bring her complaint. “Ward . . . provided credible evidence . . . that renting the Grape [p]roperty result[ed] in harmful noise and light,” the court found. And “those harms [we]re particular to her property and not the larger neighborhood” because her home was closest to the property and two lamps, which were “the primary sources of objectionable noise and light” that she said “disrupted her life.”

**RLUIPA**

City’s rejection of Catholic high school’s desire to add lights to athletic field leads to lawsuit

Citation: Edgewood High School of the Sacred Heart, Incorporated v. City of Madison, Wisconsin, 2024 WL 1128115 (7th Cir. 2024)

The Seventh U.S. Circuit has jurisdiction over Illinois, Indiana, and Wisconsin.

In 2013 the City of Madison, Wisconsin, rezoned the campuses of major educational and medical institutions as “Campus-Institutional Districts.” The zoning aimed at supporting institutions’ growth and development needs while protecting the “livability and vitality of adjacent neighborhoods.”

Any institution zoned as a Campus-Institutional District received the option of proposing a “campus master plan” (CMP) to outline a long-term blueprint for land development and use. The CMP had to:

- describe the “[e]xisting conditions” on campus—to include “[l]and uses and buildings” and “[n]atural features and significant open-space areas”;
- identify “[p]roposed conditions” relating to “[f]uture needs/capital improvements,” “[l]andscape treatment,” and “[o]pen-space areas and other open-space uses”; and
- summarize “previous planning efforts by the institution in conjunction with the [c]ity and/or abutting neighborhoods.”

If the city’s planning commission and common council approved a CMP, that meant the institution was exempt from having to obtain a conditional use permit for any building projects covered by the plan for 10 years. An exemption also meant covered projects wouldn’t require a public hearing to receive municipal approval.

The new Campus-Institutional District (CID) ordinance instead accounted for the community’s interests by conditioning the city’s approval of a CMP on the degree to which the plan “serve[d] the public interest” and satisfied the “intent” of the overall ordinance. Once approved, a CMP became an enacted ordinance of the City of Madison.

To make alterations to a CMP, an institution had to receive planning commission approval unless:

- it was deemed a “minor” alteration; or
- it was “substantial,” meaning it would require common council approval in addition to planning commission approval.

**WHAT LED TO THE LAWSUIT**

Edgewood High School, a private Catholic high school, sat between two neighborhoods in Madison. Its mission was to educate students’ minds, bodies, and souls, and it offered more than 20 athletic programs. Its campus included a track and athletic field, which hosted daytime practices and meets.

The field, however, was without lights, so Edgewood students generally played nighttime games at other locations around the city.

In 2014, Edgewood submitted a CMP under the CID ordinance. The plan was the “product of extensive engagement, collaboration, and effort” between Edgewood and the surrounding community. In its plan, Edgewood described a 10-year vision for the development and use of its land. While it identified a series of proposed buildings and parking structures, its CMP didn’t identify outdoor lighting for the athletic field as a proposed use or the hosting of games or other competitions as an existing or proposed use of the athletic field. Instead, the plan more narrowly provided that Edgewood used its “athletic field” for “team practices, [and] physical education classes.”

In 2017, Edgewood told the city that it planned to install lights, seating, restrooms, and concession stands at its
athletic field. A city alder informed the school that it would need to amend its CMP before pursuing the project.

Edgewood submitted a proposal to add the amenities but tabled the amendment to its CMP after concluding that Madison’s Common Council was unlikely to grant it approval. Then, it tried to sidestep the CMP process entirely by applying for a standalone lighting permit under the city’s general lighting ordinance, which only required that the lighting comply with certain technical specifications and “all other codes and regulations as applicable.”

The city denied the lighting permit application, explaining that because Edgewood’s existing CMP didn’t mention lighting or competitive field use, the school could not install lighting for nighttime games without violating “other [applicable] codes and regulations.”

Neighbors started complaining about games being hosted on the field (rather than just practices and physical education classes as noted on the CMP), and the city issued Edgewood violation notices. It appealed the notices even though they didn’t impose any fines or sanctions.

The city then suggested that Edgewood should come into full compliance with municipal law by repealing its CMP so that it could use its field for competitions.

At that time, CID institutions without CMPs enjoyed default “rights of use” with respect to “outdoor sports and recreational facilities,” which extended to hosting games. Repeal of the master plan, moreover, would have allowed Edgewood to comply with the city’s lighting ordinance if the high school reapplied for a traditional lighting permit.

Edgewood then sought to repeal its CMP. While its request was pending, the city amended the CID to require any institution without a master plan to obtain conditional-use approval for the “establishment, improvement, or modification of any [right of use] occurring outside of an enclosed building.”

Then, the common council voted to repeal Edgewood’s CMP. Without a CMP, Edgewood thought that the newly revised CID ordinance now required a conditional-use permit (CUP) for the lighting addition, so it applied for a permit in 2020.

The planning commission denied Edgewood’s CUP request, finding that the permitting standards had not been met because the high school’s installation of lights “would have a substantial negative impact on the uses, values, and enjoyment” of neighboring properties, and because “no mitigating measures [were] proposed” to limit the negative impacts, such as “noise barriers” or “limits on events.” The common council affirmed that decision, and Edgewood took its plea to court, arguing that the city and its commissions violated the Religious Land Use and Institutionalized Persons Act (RLUIPA) in selectively enforcing its CID and general lighting ordinances in violation of the federal law’s “equal terms” and “substantial burden” provisions.

The lower court granted the city judgment without a trial. It found that the evidence in the record didn’t show a material issue of fact as to whether the city had treated Edgewood less favorably than other institutions. Also, it found that Edgewood hadn’t been substantially burdened in the exercise of its religious mission by not being able to install lights at its athletic field for nighttime games.

Edgewood appealed.

DECISION: Affirmed.

The lower court didn’t err in granting the city judgment without a trial.

RLUIPA—The city’s issuance of violation notices “amounted to nothing more than paper warnings. They were unaccompanied by fines or any other form of sanction or penalty relating to present or future use of the field,” the court explained. The city “even promised not to enforce the notices of violation without first providing Edgewood ample notice. But that never happened. And once Edgewood withdrew its master plan, there seems to have been no concern on the [city’s] part about the high school hosting daytime events at its field,” it added.

Further, “[w]hen Edgewood applied for a general lighting permit in February 2019, the high school was regulated for land-use purposes as a [CMP] institution under the [city’s] [CID] ordinance. That regulatory reality had consequences: Edgewood could pursue those development projects enumerated within its [CMP], but the high school could not pursue other capital improvements without amending that same plan pursuant to the process outlined in the [city’s] regulations.”

“With the factual record straight, we cannot conclude that the district court committed error in entering summary judgment for the [city on this aspect of Edgewood’s equal terms claim].” the court noted.

In the end, Edgewood said it believed the city was giving it a hard time with respect to its lighting permit. But that didn’t amount to a RLUIPA violation unless there was evidence the city had “treated a secular institution more favorably during the permit application process.” Edgewood couldn’t meet the burden for showing this, so it couldn’t pursue a claim that its right to equal terms had been violated.

Finally, Edgewood didn’t have a substantial burden claim either. RLUIPA barred the government from imposing or implementing a land-use regulation in a way that imposed a substantial burden on exercising one’s right to religious freedom. That is, unless the government could show that there was a “compelling interest” for doing so and it was limiting the exercise by the “least restrictive means” to further that interest.

The court cited the lower court’s opinion that “[w]hether or not athletics can be found important to Edgewood’s Catholic educational mission says little, if anything, about the need to use the field at night.” We can put our doubts to the side, though, because the [city effectively conceded on appeal that the hosting of games at Edgewood’s athletic field constitutes religious activity. We accept that concession for purposes of this appeal.

Thus, “[i]t would be a bridge too far, however, to conclude that Edgewood’s inability to host nighttime competitions at its field impose[d] a ‘substantial burden’ on its Catholic mission,” the court wrote. “Congress did not define ‘substantial burden’ in RLUIPA, but we have
examined the term in the land-use context and concluded that the availability of other adequate properties to host religious activities may defeat a substantial burden claim," it noted.

The court added that other circuits—namely the Sixth, Eighth, and Eleventh Circuits—had concluded that there wasn’t a substantial burden where “adequate alternative locations were available for religious exercise.”

Practically speaking:

- The city had “reasonably maintained since the beginning of this saga that Edgewood’s [CMP] did not allow lighting for nighttime games” and the denial of the lighting permit application “aligned with that consistent position,” so a “reasonable juror could only conclude that subsequent actions—such as the [city’s] amendment to the [CID] ordinance and its denial of Edgewood’s [CUP] application—were not motivated by ‘bad faith’ or religious animus” and rather were in response to the community’s concerns over light and noise; and

- While the inability to use the field at night was an inconvenience and may have frustrated Edgewood, “the [city’s] denial of the lighting permit did not rise to the level of a substantial burden on religious exercise under RLUIPA.”

**A CLOSER LOOK**

The lower court properly rejected the claim on the merits because Edgewood’s application for the lighting permit didn’t conform with the municipal zoning requirements in effect at the time, namely, Edgewood’s CMP. The city’s “lighting ordinance stated that a permit applicant must conform with ‘all other codes and regulations as applicable.’ Edgewood’s master plan, an enacted city ordinance, constituted an ‘applicable’ regulation under the lighting ordinance at the time the school submitted its permit application,” the court wrote.

The CID ordinance then provided that “[n]o alteration of a plan would be permitted unless the planning commission approved it. “Edgewood’s plan nowhere identified field lighting as an ‘existing’ or ‘proposed’ condition. Especially because the lighting request sought to facilitate nighttime games, it amounted to more than a ‘minor’ alteration to the master plan, thus requiring Plan Commission approval,” the court added. “Absent such approval, the improvement did not comply with the master plan and so could not have complied with the [city’s] lighting ordinance.”

*The cases cited are Livingston Christian Schools v. Genoa Charter Township, 858 F.3d 996 (6th Cir. 2017); Marianist Province of United States v. City of Kirkwood, 944 F.3d 996, 372 Ed. Law Rep. 556 (8th Cir. 2019); and Midrash Sephardi, Inc. v. Town of Surfside, 366 F.3d 1214 (11th Cir. 2004).*

**Eleventh U.S. Circuit has jurisdiction over Alabama, Florida, and Georgia.**

**Zoning News Around The Nation**

**Florida**

Zoning issue with St. Augustine’s “HGTB Dream Home” could be turning into a nightmare

The St. Augustine, Florida Planning and Zoning Board has put Akerman LLP, which is building a “Dream Home” in the city for HGTB, on notice that it will consider the fate of a rip rap it built without building plan approval, *Jax Today* reported recently.

Each year, HGTB holds a contest where people can enter to win a free dream home. This year’s winner will receive a 3,300 square feet home with three bedrooms and four bathrooms on St. Augustine’s Pelican Reef Drive.

Rip raps, made of rock, are usually constructed to protect the shoreline against erosion. But, in February 2024, the city declined to approve such a project for the home, but the builder went ahead with adding one anyway.

Now the city is concerned about how the rip rap could impact surrounding homes and the environment on Anastasia Island.

*Source: jaxtoday.org*

**Massachusetts**

Wrentham pens letter to governor asking for exception to

The Select Board of the Town of Wrentham, Massachusetts recently sent a letter to Gov. Maura Healey requesting an exemption from the state’s MBTA Housing Bill, which they say would cause the town to increase its population by as much as 13% without any additional funding from the state. “For us to commit to 15 unit per acre requirement would overload our infrastructure, police, fire, and schools” and would “cause the largest one-time increase in population in the town’s history,” the Board wrote.

“We request your support as our Governor to assist us in obtaining a waiver or modifications to the MBTA Housing requirements,” the Board added.

To read the letter, visit tinyurl.com/52w9j8r7.

*Source: townofwrentham.hosted.civiclive.com*

**Minnesota**

Baxter’s city council concerned over proposed state legislation that would limit local zoning boards’ authority

At a recent meeting, Baxter, Minnesota City Council Member Zach Tabatt called proposed legislation to end single-family zoning across the state’s cities a measure that would render local planning and zoning boards irrelevant, *BRAINARD DISPATCH* reported recently.

Under the proposed “Missing Middle Housing” legislation (HF 4009 and SF 3964) minimum allowable densities would be permitted on residential lots in Minnesota cities.
Thus, cities would have to allow many different types of structures—such as duplexes, triplexes, townhomes, courtyard apartments, among others. Further, apartments would be permitted in commercially zoned areas.

To read state lawmakers’ comments about the proposed legislation, visit house.mn.gov/members/Profile/News/15518/37898#:~:text=The%20legislation%20incentives%20more%20affordable%20housing.&text=It%20eliminates%20exclusionary%20zoning.

Source: brainerddispatch.com

Pennsylvania

Nonprofit’s plans to convert church into temporary recovery rooms met with local opposition

In Allentown, Pennsylvania, Ripple Community Inc. (Ripple) wants to convert a church into 12 affordable housing units. But many residents are opposed to the conversion. A second zoning hearing on three proposed temporary recovery rooms recently took place, with the Allentown Zoning Hearing Board deferring on giving a ruling, LeHigh Valley News reported recently.

The recovery rooms would be for those who need immediate housing while recovering from illnesses or injuries, the news outlet reported. Some residents have expressed concerns over the impact a temporary homeless shelter could have on the neighborhood. As of print time, the ZHB was expected to rule on the matter at its next meet on April 8, 2024.

More on the matter can be found at allentownpa.legistar.com/LegislationDetail.aspx?ID=6554012&GUID=06D90CB5-34ED-4E60-8458-D44D4D6053B0&Options=&Search.

Source: lehighvalleynews.com

Judge upholds local town’s decision to deny plans to construct golf-course warehouses

A Northampton County, Pennsylvania judge has upheld the Moore Township Zoning Hearing Board’s denial of

Water’s Edge at Winch Gap LLC’s request to build two warehouses (collectively totaling around 488,000 square feet) on the Southmoore Golf Course, WFMZ reported recently.

Source: wfmz.com

Puerto Rico

Court authorizes CUPS for car dealership

A superior court in Puerto Rico recently upheld the decision of a local zoning board (ZB) to grant two conditional use permits (CUPS) to Atkins Kroll Saipan, which sought to build a Lexus/Toyota dealership despite challenges from a local homeowners association, Saipan Tribune reported recently.

The judge who delivered the court’s opinion characterized the ZB lack of explanation of its findings as “mis-guided” said that alone wasn’t reason to set aside its granting of the CUPS. Further, the CUPS incorporated a memo by the zoning administrator, which details findings as to each of the factors found in Saipan Zoning Law section 702, the news outlet reported.

Source: saipantribune.com

Rhode Island

South Kingstown seeks resident applications for planning and zoning seats

The South Kingstown, Rhode Island Planning Board and Zoning Board of Review are currently seeking to fill one and two (alternate member) vacancies, respectively. South Kingstown residents who are registered voters are encouraged to apply.

For more information, visit southkingstownri.com and southkingstownri.com/DocumentCenter/View/4872/Board-of-Chiefs-and-Commissions-vacancies-, where you can read about the duties and responsibilities for members of these and other town boards.

Source: southkingstownri.com
As-of-right Use

Bearded dragon breeder claims he had right to house hundreds of reptiles, town says otherwise


Casey Fleming appealed a land court judgment affirming The Oxford, Massachusetts’ Zoning Board of Appeals (ZBA) issued a cease-and-desist order barring Casey Fleming from maintaining a significant breeding and sale operation involving bearded dragons and a breeding operation involving turtles on his residentially zoned property.

Fleming appealed to the land court, which affirmed the ZBA’s decision. Fleming then asked the Appeals Court of Massachusetts to review the matter.

DECISION: Affirmed.

Fleming hadn’t shown that the ZBA’s conclusion was “legally untenable, unreasonable, whimsical, arbitrary, or capricious.”

WHAT LED TO THE CONTROVERSY

Fleming claimed that the breeding and sale of the bearded dragons and the breeding of turtles constituted:
- the as-of-right use of “agriculture”;
- a permitted home occupation; and
- an exempt operation from the town’s zoning bylaw limiting the quantity of animals allowed without a special permit because the bearded dragons and turtles were “customary household pets.”

In April 2021, the zoning enforcement officer (ZEO) issued a cease-and-desist order citing zoning bylaw violations concerning home occupations, allowed animals, and accessory uses.

The ZEO issued a cease-and-desist order citing zoning bylaw violations concerning home occupations, allowed animals, and accessory uses.

In reviewing the matter, the ZBA concluded that:
- Fleming was running a commercial breeding operation that may cause a hazard, electrical interference, or a nuisance;
- the commercial operation took up more than 25% of the residential floor area of the property;
- the turtles and bearded dragons weren’t pets; and
- breeding was not the primary use of the property and thus was not “agriculture” under the zoning bylaw or state law.

The land court found that the keeping, breeding, and sale of bearded dragons didn’t constitute “agriculture,” Fleming hadn’t appealed the cease-and-desist order’s citation so he couldn’t maintain his business as a home occupation under the zoning bylaw, and bearded dragons weren’t customary household pets, and, even if turtles were, there was “nothing customary about owning 60 of them at a time and keeping them in a basement.”

APPEALS COURT’S RATIONALE

The ZBA’s interpretation and application of the zoning bylaw was reasonable, the court found.

As-of-right agricultural use—The board found that “the breeding of reptiles is not the primary use of the property and such activity does not constitute agriculture” under the town’s bylaw or applicable state law.

If a bylaw’s language was plain and unambiguous, it was enforced according to its plain wording. If terms weren’t defined or were otherwise ambiguous, the court would defer to the local zoning board for its reasonable interpretation.

Here, “agriculture” wasn’t defined by the bylaw or another controlling law. Therefore, the court deferred to the ZBA, which had specialized knowledge about the history and purpose of the bylaw, since its interpretation wasn’t “unreasonable and inconsistent with the purpose of the zoning bylaw.”

Fleming claimed the ZBA should have concluded that the bearded dragons and turtles were “livestock” and therefore “agriculture.” But “bearded dragons and turtles were a far cry from the animals traditionally found on working farms—such as horses, dogs, cattle, pigs, and goats—and contemplated by Massachusetts law.”

Home occupation limitations—The zoning bylaw barred home occupations that could “create a hazard or become a nuisance.” Here, the ZEO had “observed nuisance odors and dangerous electrical cords being used, as well as hazardous heat lamps in containers full of leaves and other flammable materials.”

Further, another section of the bylaw barred home occupations that used more than 25% of the net floor area. The ZEO had estimated that about 50% to 60% of the property’s total floor area was being used for the bearded dragons and turtles.

Customary household pets—The “animated goal of [the applicable zoning regulation] as it pertained to household pets appears to have been permitting the animals to be kept in the quantities in which people tend to keep household pets, and the board had specialized knowledge of that goal.” While one could debate whether having 10 or 11 nonbreeding dogs would violate the household pet provision, “it was reasonable for the board to decide that keeping breeding turtles by the dozens and breeding bearded dragons by the hundreds was not keeping the animals as customary household pets.”

Case Snapshot:

Fleming owned property in a residential district zoned R-3 pursuant to Oxford’s zoning bylaw. He operated a business breeding and selling bearded dragons at the property and kept a large number of breeding turtles as pets, with no specific plans to sell the turtles. In total, Fleming estimated that he had about 400 bearded dragons and 60 turtles at the property, who lived in the garage and basement.
Nonconforming Use

Property owner argues ZBA incorrectly concluded prior owner had abandoned long-standing nonconforming use as three-family

Citation: LOWER LANE, LLC v. ZONING BOARD OF APPEALS OF THE TOWN OF BERLIN, 2024 WL 1270634 (Conn. Super. Ct. 2024)

Lower Lane, LLC appealed a decision by the Zoning Board of Appeals of the Town of Berlin (ZBA), through which it determined that a nonconforming use of Lower Lane’s property at 266 Lower Lane in Berlin (the subject property) had been abandoned by a prior owner.

Lower Lane contended that the ZBA had incorrectly concluded that a prior owner abandoned a long-standing nonconforming use of the dwelling on the subject property as a three-family residence.

DECISION: Affirmed.

There was substantial evidence in the report to support the ZBA’s determination that a prior owner of the subject property had intentionally abandoned the nonconforming use, so Lower Lane’s appeal was dismissed.

A CLOSER LOOK

The existing dwelling at the subject property had been at its current location since approximately 1940, which predated the adoption of Berlin’s zoning regulations in 1944. An assessor’s card from 1956 listed the dwelling at the subject property as a three-family building.

By 1998, the Berlin zoning regulations applicable to the subject property only allowed two-family residences at the subject property.

In October of 1998, the then owners of the subject property applied to subdivide the subject property. Berlin granted their subdivision application. Following the approval, they filed a subdivision map on the Berlin land records labeling the existing dwelling on the subject property as a “2 Family House.”

In 2018, Lower Lane sought a permit to install an owner’s electrical meter at the subject property. Notes in the file of the Berlin zoning officer related to Lower Lane’s electrical meter permit stated that a third electrical meter wouldn’t be permitted at the subject property without the approval of the zoning officer after the presentation by Lower Lane of evidence of a valid nonconforming use.

Lower Lane did not seek a permit for a third electrical meter, or a determination with respect to a valid nonconforming use.

In May 2022, Lower Lane’s attorney contacted the Berlin zoning enforcement officer (ZEO) to confirm that the three-family use of the dwelling on the subject property was a permitted nonconforming use of the subject property in light of the fact that the dwelling predated Berlin’s enactment of zoning regulations.

The ZEO responded by stating that the subject property didn’t have a valid nonconforming use as a three-family house because the prior owners of the subject property had “expressly abandoned the 3-family use with filing on the Berlin Land Records of the approved subdivision map showing the house to be 2-family.” And, according to Berlin’s zoning regulations “if a nonconforming use [was] superseded by a permitted use, it shall thereafter conform to the requirements of the district in which it [was] located, and the nonconforming use shall not thereafter be resumed.”

Lower Lane appealed the ZEO’s decision the ZBA, which held public meetings on the appeal. Ultimately, the ZBA decided not to override the ZEO’s conclusion. Lower Lane then appealed.

BACK TO THE COURT’S RULING

The court reviewed the ZBA’s finding to determine if it was “unreasonable, arbitrary or illegal.” Here, the court found there was substantial evidence to support the factual conclusion that a prior owner of the “subject property voluntarily and intentionally abandoned the permitted nonconforming use of a 3-family dwelling.”

“Specifically, in its role as fact finder, the [ZBA] [was] permitted to credit the subdivision map filed on the Berlin land records specifically listing the dwelling on the subject property as a "2 Family House" and to draw the reasonable conclusion from the act of filing the subdivision map that [the original owners] were intentionally abandoning the prior nonconforming use in favor of the conforming use for which they had intentionally applied to the commission and as reflected on the subdivision map.”

The court found there was substantial evidence to support the factual conclusion that a prior owner of the “subject property voluntarily and intentionally abandoned the permitted nonconforming use of a 3-family dwelling.”

Those owners had been represented by an attorney in making their application and there wasn’t any evidence that they had “applied for the subdivision, or caused the map to be filed, by mistake.” “To the extent there is contrary factual evidence in the record to the effect that certain persons may have lived at the subject dwelling over the years, or confusion or lack of memory as to exactly why the . . . originally applied for the subdivision, these are all factual determinations that the commission, in its discretion, is permitted to make. In its discretion, the commission is permitted to discount, or not credit, the facts relied on by Lower Lane. It is not the court’s role to retry the facts presented to the commission,” the court wrote in dismissing the appeal.
Short-term Rentals

Homeowners challenge New Orleans’ position on STRs on constitutional grounds

Citation: Hignell v. City of New Orleans, 2024 WL 838217 (E.D. La. 2024)

Several plaintiffs filed suit against the City of New Orleans over its ordinances to regulation short-term rentals (STRs). They claimed the ordinances were unconstitutional.

A CLOSER LOOK

Prior to 2017, it was unlawful for a property owner to rent their home for less than 30 days, or less than 60 days in the French Quarter. But following a city planning commission (CPC) study that started in 2016, the city decided to offer permits for such property owners, effective April 1, 2017.

The initial permitting regime (and subsequent ideologies) made clear that an STR permit was “a privilege, not a right.” It provided that the city “may issue” an STR permit, even to an applicant who met all the statutory requirements for one. STR permits also expired after one year.

The initial and current permitting regimes also ensured that “[r]enewal permits shall be issued (obtained) in the same (or substantially similar form and) manner as initial permits.” But that promise was made subject to the limitation on issuing permits in the first place.

The controversy in this case concerned a “lottery/equitable system” for only one STR or Bed and Breakfast (B&B) permit within a city square, described as all lots fronting the boundary of a city block inclusive of all interior lots. However, according to the applicable ordinance, “[a]ny property owner may request a special exception from an applicable block limitation, provided no more than two (2) special exceptions may be in effect within any block at one time.”

A year into the initial regime, the city commissioned a new CPC study to re-evaluate the regulations of STRs. The 2018 study found that the rapid proliferation of STRs had brought nuisances to the city by lowering residents’ quality of life in neighborhoods where STRs were located. This was mainly attributed to noisy short-term renters and a “loss of . . . character” to the affected neighborhoods. The study also revealed that the STR market had made housing less affordable for residents. And based on the study and other efforts to examine the STR market, the city revised its STR regulations.

THE LAWSUIT

The plaintiffs were property owners who wanted to obtain STRs permits. They claimed that the 2019 STR regulations imposed a residency requirement for STRs in residential neighborhoods—meaning that a homeowner could only obtain an STR permit for their primary residence. To enforce this residency requirement, the city required applicants to show they had a homestead exemption—which under Louisiana law, was only given to homeowners for their principal residence—for the property they were seeking a permit for.

The court found that the plaintiffs had a valid First Amendment claim regarding prior restraint in the 2019 STR regulation at ordinance. They were unsuccessfully, however, at establishing claims under the Constitution’s Takings Clause and Commerce Clause.

The Fifth U.S. Circuit Court of Appeals affirmed the lower court’s decision to dismiss the Takings Clause claim but vacated as to the Commerce Clause. And for lack of jurisdiction, it also dismissed the city’s cross-appeal requesting review of the First Amendment decision on prior restraint and sent the case back for further proceedings.

The city then started to revise its regulations once again. Following another CPC study, several hearings, and other efforts to examine the STR market, the city adopted two ordinances:

- Ordinance 29381, which amended the New Orleans city’s code; and
- Ordinance 29382, which amended the city zoning ordinance (CZO).

The ordinances deleted the owner-residency requirement, added an operator requirement, limited the number of STRs in a neighborhood, and provided other changes the Fifth Circuit had referenced as being nondiscriminatory alternatives in addressing legitimate purposes.

The plaintiffs then amended their complaint to challenge those ordinances. They contended that the city’s general authority to “zone the duration of residential use of residential private property” should be struck down, and they sought judgment without a trial.

DECISION: Request to have general authority struck down dismissed.

The plaintiffs’ argument that they were entitled to judgment on their challenge to the city’s general authority to regulate STRs in residentially located and zoned private property for residential use based on duration of use didn’t have merit.

The plaintiffs claimed they were being denied the fundamental right to less their property for however long they wanted. But state and federal case law didn’t support the plaintiffs’ position, and their reliance on decisions interpreting the laws of other states was “misplaced.”

“[W]hile [the] plaintiffs liken[ed] themselves to traditional residential lessees being denied property rights, they ha[dn’t] not made clear . . . how [STRs]—which [they] acknowledge[d] we’re typically advertised on platforms like Airbnb or VRBO, where guests do not enter a lease or rental agreements directly with the host—[we]re comparable to a traditional Louisiana lease.”

The bottom line: The court sided with the city that STRs were “a type of transient lodging,” which was “completely different than a residential lease.” Thus, the plaintiffs couldn’t establish the denial of a “property right,” under the Due Process Clause, so their due process claims failed.
State and federal case law didn't support the plaintiffs' position, and their reliance on decisions interpreting the laws of other states was "misplaced."

The plaintiffs also challenged the city's bar or limitation of STRs in certain areas of the city. They claimed that this was arbitrary and capricious, but the court disagreed. This court and the Fifth Circuit had "recognized the [city's] extensive efforts to conduct studies and hold public hearings prior to determining the need, purposes, and extent of STR regulations. As a result of those efforts, various areas of the [city] ha[d] been identified as unique historic districts deserving regulatory measures to preserve their historic character and quality of life . . . . For those reasons, the CZOs at issue were enacted for certain areas."

The court noted that zoning ordinances to regulate the extent of use or renovation of residential properties based on location in a designated historic district had previously been upheld. "The unique character and historic nature of certain locations are matters of record," it wrote. "They form objective rational support for valid regulatory measures as here. For the foregoing reasons, the instant CZOs relative to locality of STRs have well-documented rational foundations and lawful authority," it added. This meant that the plaintiffs' Fourth Amendment and due process claims relative to tax information, guest registration records, and property searches were dismissed.

But, there was one plaintiff who had established a vested property interest for Takings Clause purposes. Her STR permit had been issued in 2017. She claimed that the city's original zoning scheme promised that use of her licensed STR property would continue as a nonconforming use upon a change in the law notwithstanding any other provision in the ordinance. "Therefore, the original zoning scheme under the relevant CZO required that the city grant nonconforming use status to her property for the expressed term of the permit. In addition to justifiable reliance upon that CZO, she asserts the long-standing use of her property for STR purposes since 2017 established her property interest has vested for Takings Clause purposes," the court found.

Want More Information?
To read the ordinances at issue in this case, visit rb.gy/tbn9g and rb.gy/ceu02m.

Variances

Events operator claims discriminatory motives for cease-and-desist order issuance

Citation: Deejaiiz LLC v. Township of Franklin, 2024 WL 493270 (D.N.J. 2024)

Deejaiiz LLC and others (collectively, Deejaiiz) owned and operated a business that consisted of social meeting and event spaces to host various events, receptions, parties, and other private gatherings at 2 JFK Boulevard, Somerset, New Jersey. Deejaiiz claimed that the Township of Franklin, New Jersey, had approved the use regarding zoning, fire, and construction.

In 2020, Deejaiiz filed a variance application with Franklin's zoning board. The application sought a D-1 use variance to permit the operation of a social, business, and corporate event suite at the premises, and Deejaiiz sought to host events including private bar/bat mitzvahs, birthday parties, bridal showers, baby showers, corporate business meetings, book signings, and fundraisers.

In early 2021, the zoning board passed a resolution to grant Deejaiiz's variance application following a public hearing and testimony as to the nature and types of uses for the premises. Franklin's officials contended approval to operate Deejaiiz's businesses in a general business zone was subject to conditions, including but not limited to that:

- any improvements would need to be performed in accordance "with the testimony set forth before the [zoning] board";
- that Deejaiiz had to apply for building permits prior to the work starting; and
- the occupancy of the space would be limited "to the lesser of 150 people or the occupancy established" by the fire code official.

Around this time, Deejaiiz also filed an application for certificate of continued building compliance for Franklin's approval. Franklin's officials noted that the space for identifying the "Use Group" had been left blank.

Nonetheless a certificate of continued building compliance was issued for a "B Use Group." The certificate noted that there hadn't been any "obvious violations" but that Deejaiiz would have to obtain health department approval for food on site. Both parties acknowledged that Deejaiiz was subsequently issued a maximum occupancy placard for an A-3 Use Group.

In May 2021, Franklin's fire prevention department issued a notice of satisfactory inspection, and Deejaiiz started to operate its business.

In February 2022, the fire inspector/mlarsh said Deejaiiz had to inspect the property. During the inspection, he told Deejaiiz that Franklin's director of fire prevention had heard it had been hosting events that fell outside of the approved Use Group.

Deejaiiz said the events were in accordance with prior approvals received from Franklin and provided physical copies of the approvals.

Following the inspection, the fire inspector responded with correspondence that he would meet with Franklin's construction department to determine what might need to be a "fire safety angle" and would advise accordingly. He wrote that Franklin was "not looking to interrupt [Deejaiiz's] business at all" but wanted to ensure "everyone [was] protected and kept safe."

In March 2022, Franklin's Fire Prevention Department
issued a Notice of Imminent Hazard and Order to Take Corrective Action. The Notice provided that the inspection revealed violations of the Uniform Fire Code promulgated pursuant to the New Jersey Uniform Fire Safety Act, which “constitute[d] an imminent hazard to the public health, safety or welfare.” Specifically, the Notice stated that Deejaiz didn’t have a fire sprinkler system with a shut trip as required and called for Deejaiz to cease operations and events on the premises by noon that day and take corrective action.

After receiving the notice, Deejaiz filed an application with the Somerset County Construction Board of Appeals. It stated that it had operated at the premises as an A-3 use for over a year without incident and requested that the Construction Board of Appeals rescind the notice and authorize operations as an A-3 Use Group.

Then, Franklin’s inspectors visited the property to say that some minor repairs were needed. While Deejaiz completed those, it claimed that other requested repairs were up to its landlord to resolve.

Subsequently, Franklin officials noted various issues with the premises, including improper use, and revoked the right to operate any events going forward. Deejaiz filed suit against Franklin and its officials, claiming that it had spent a substantial amount of time, money, and resources to address and resolve “all necessary measures” and that it suffered irreparable losses due to the collective actions of Franklin and its officials, who “failed to provide the necessary resources and protection to [it].”

The township sought dismissal.

**DECISION: Request for dismissal granted.**

The plaintiffs’ claims failed.

**Taking Clause**—The plaintiffs’ Takings Clause claim was without merit. They claimed Franklin enforced its fire code and took the property without consent or just compensation. But the plaintiffs failed to establish either a total or a per se taking.

“Even if [Franklin] did in fact restrict an economically beneficial use of the [p]remises, [the] allegations [we]re still meritless because the [p]remises could still be used for other purposes,” the court found. And they couldn’t argue that the fire and zoning regulations substantially interfered with their “investment-backed expectations” since the regulations were being enforced “for public health, safety, and welfare reasons” and such “permissible government actions” didn’t require compensation.

**Equal protection**—There weren’t any allegations that the plaintiffs had been treated differently than any other similarly situated business owners. “In fact, there is no mention of any other similarly situated business owners in [the] [c]omplaint,” the court wrote.

**Intentional discrimination**—The court also rejected a claim that Franklin only began enforcing its ordinance when it discovered the property would host an event showcasing African American culture and music. Franklin revoked the right to hold the event for “safety, health, and welfare” in a letter stating that issues uncovered during previous inspections hadn’t yet been fully addressed. But the allegations weren’t adequate for demonstrating Franklin’s officials intentionally discriminated on the basis of race. Also, the evidence showed that two months prior to the letter shutting the event down Franklin had conducted its first inspection. “Again, without more to show that the Township’s decisions were motivated by intentional racial discrimination against [the] plaintiffs.”

**Tortious interference**—The plaintiffs didn’t allege what business opportunities and profits they lost as a result of what happened, and they failed to demonstrate malice. All the plaintiffs asserted was that the defendants had chosen to target a minority business and prevent it from operating successfully within the municipality. They didn’t allege anything else to plead support for an argument that the defendants had acted with any malice in enforcing lawful codes and regulations, so the pleadings didn’t state a valid claim.

**RLUIPA**

Operator of faith-based substance abuse rehab center claims county unlawfully erred in revoking zoning approval

Citation: Vision Warriors Church, Inc. v. Cherokee County Board of Commissioners, 2024 WL 125969 (11th Cir. 2024)

The Eleventh U.S. Circuit has jurisdiction over Alabama, Florida, and Georgia.

Vision Warriors, a residential ministry, purchased property in Cherokee County, Georgia, to operate a faith-based substance abuse rehabilitation center for men. Vision Warriors’ intended use wasn’t totally new; the prior owners, the Happy Acres Mission Transit Center (Happy Acres), operated a dormitory on the premises and received assurances from the then-zoning administrator that Vision Warriors could do the same.

The Cherokee County Board of Commissioners and its members (collectively, the county), initially granted, then revoked, authorization to house individuals on the property and denied Vision Warriors’ requests for zoning approval.

Vision Warriors challenges the county’s decision under the Fair Housing Act (FHA), Americans with Disabilities Act (ADA), Equal Protection Clause of the Fourteenth Amendment, Religious Land Use and Institutionalized Persons Act (RLUIPA), and Georgia law.

The county requested dismissal of the RLUIPA claim, which the lower court granted. The court also granted judgment without a trial on the other claims. Vision Warriors appealed.

**DECISION: Reversed in part; case sent back for further proceedings.**

The RLUIPA claim needed further examination.

RLUIPA barred the government from imposing or implementing a land use regulation in a manner that imposed a substantial burden on the religious exercise of a
person, including a religious assembly or institution, unless the government demonstrated that imposition of the burden on that person, assembly, or institution... "[w]as in furtherance of a compelling interest" and "[w]as the least restrictive means of furthering that compelling governmental interest."

The court applied a two-part test to determine if the RLUIPA claim was rightfully dismissed, asking:

1) whether Vision Warriors was engaged in "religious exercise," and
2) if the land use regulation at issue imposed a "substantial burden" upon their religious exercise.

From that point, it examined whether the government showed that its land use satisfied strict scrutiny, meaning that it had been "narrowly tailored to... a compelling government interest."

Here, "[n]either party dispute[d] that Vision Warriors ha[d] alleged engagement in religious exercise. Religious exercise includ[e]d 'any exercise of religion, whether or not compelled by, or central to, a system of religious belief.'"

Here, Vision Warriors had "sufficiently alleged its status as a 'non-profit ministry that [sought] to provide a faith-based community for men recovering from addiction' and 'help[ed] men to be better Disciples of Christ, fathers, husbands, leaders and friends.'"

But that wasn't the end of the analysis: The remaining question was whether Vision Warriors showed it had experienced a substantial burden of its religious exercise under RLUIPA.

In sending the RLUIPA claim back for further review, the appeals court noted that Vision Warriors alleged that the county's actions would "effectively shut down" its ministry and that a "residential program [wa]s an integral and essential part of its care for those struggling to overcome addiction."

The bottom line: The lower court erred in its substantial burden assessment. "First, in dismissing Vision Warriors' RLUIPA claim, it determined that the challenged activity would not 'remove[ ] any possibility' that it could continue ministry operations. Finding that Vision Warriors could continue non-residential operations, such as weekly services and faith-based meetings, the district court determined that 'the restriction on [Vision Warriors'] use of the Property imposed... [d]id not effectively bar the use of the [p]roperty for religious exercise.' "But [case law] precedents [didn't] require a regulation to 'effectively bar' or 'remove[ ] any possibility' of religious exercise to qualify as a substantial burden."

The court erred in applying "a more demanding substantial burden standard," which the Fourth U.S. Circuit Court of Appeals had applied. In the Fourth Circuit, "a burden on religious exercise [wa]s substantial where 'the use of the property would serve an unmet religious need, the restriction on religious use [wa]s absolute rather than conditional, and the organization must acquire[d] a different property as a result.'"

The correct test did not include "an 'effective[ ] bar on the use of property for religious exercise to find a RLUIPA violation.' "The Eleventh Circuit's substantial burden inquiry does not require a [p]laintiff to establish an [unmet] religious need in the community and its religious exercise need not be completely hamstrung to meet the substantial burden threshold."

Zoning News Around The Nation

Illinois

Farmer City launches zoning study

Farmer City, Illinois wants to take over its zoning authority from DeWitt County, The Clinton Times reported recently. If that happens, the first step would be to establish a zoning commission, which would be responsible for zoning-map development and for drafting the city's zoning ordinance. At that point, the city council, which would retain the authority to make ordinance or map amendments, would decide whether to proceed, the news outlet reported.

Source: theclintonjournal.com

Maine

Legislation on shoreline zoning ordinance heading to governor for review

Gov. Janet Mills is expected to review LD 2101, which recently passed the Maine House of Representatives with a roll-call vote of 107-36, the Sun Journal reported recently.

The amended bill would "authorize[] a municipality to restrict the issuance of or suspend or revoke any municipally issued permit to the owner of real estate who violates a shoreline zoning ordinance." It also would permit "the municipality to claim a lien against the real estate for all costs incurred by the municipality and any unpaid penalties related to the ordinance violation" and... "the Maine Land Use Planning Commission to take the same actions for violations of standards, rules, permits and orders adopted or issued by the commission related to development in the shoreline zone."

To read the legislation, visit legislature.maine.gov/legis/bills/display_ps.asp?LD=2101&snunum=131.

Source: legislature.maine.gov

Massachusetts

Weymouth conducts survey for pulse on how Bridge Street corridor and Bicknell Square can better serve the public

The Town of Weymouth, Massachusetts has launched a community survey to get a pulse on the public’s sentiments on how to improve Bicknell Square and the town’s Bridge Street corridor. The goal is to elicit information on how these areas could be enhanced to better serve area residents.

The town launched the survey after it was awarded a $100,000 Housing Choice Grant to be used to fund a planning and zoning study for the Bridge Street /Route 3A corridor. “The scope of work for this project includes; a review of previous plans, reports and data, a market assess-
ment, demographic profile, inventory of existing land uses and conditions along the corridor including Bicknell Square, as well as looking at transportation from the point of view of safety, access, parking and multi-modal and how route 3A can better function as a neighborhood connector;" the town’s website stated. "Also, a zoning analysis will be conducted with recommendations for new zoning," it added.

To view the survey, visit bit.ly/3Tkk15c.

Source: weymouth.ma.us

New York

NYC DCP releases urban design guidebook

The New York City (NYC) Department of City Planning (DCP) recently released Principles of Good Urban Design. The illustrated guidebook provides “clear and accessible” urban design principles to the public.

“New Yorkers know their neighborhoods better than anyone and it’s vital that we supply them with the planning tools to advocate for their priorities. . . . [W]e’re providing the public with a roadmap to improve the way our city looks and feels. Through these resources, we can all work together to get to yes on a more dynamic, greener, and more welcoming city,” said DCR Director Dan Garodnick.

NYC’s executive director of housing, Leila Bozorg, added that the principles “will serve as an important tool to help democratize the language of urban design, ultimately allowing more voices to shape our city’s future.”

Elijah Hutchinson, executive director of the NYC mayor’s office of climate and environmental justice, classified the guidebook as a “critical tool” as the city continues to address “complex coastal infrastructure and other climate projects while building in play, community, and open space access.” “Most important, it can be used by community leaders to advocate for air, noise, and extreme heat mitigation, which is especially important for those disproportionately burdened by climate hazards,” Hutchinson added.

The guidebook includes:

- answers on what urban design means; and
- discussion of what planners consider when crafting design recommendations to bolster communities—from public input and environmental needs to a neighborhood’s history and culture.

It also highlights principles of urban design “to democratize . . . planning with a set of shared values and language through which . . . New Yorkers can evaluate, discuss, and advocate for meaningful, lasting changes that improve the city’s urban landscape.” The principles concern:

1) the enhancement of residents’ daily life through accessible, safe, and high-quality public spaces;
2) the celebration and preservation of neighborhood history, culture, and identity;
3) the harmonious building design that embraces new construction and older architecture; and
4) the need for resilient and public health-focused design decisions.

“Each of these principles can have an impact on parts of the city that New Yorkers experience in their daily lives: how space is used on a sidewalk, how parks and open space are laid out, how storefronts and ground floors of apartments interact with the public realm, and how architecture helps to determine the character of a neighborhood,” DCP stated, adding that this manual can be “applied to nearly any planning discussion in the five boroughs.”

To download the guidebook, which expands on guidelines released in 2017, visit nyc.gov/assets/planning/download/pdf/planning-leve1urban-design/principles-of-good-urban-design-nyc-022024.pdf.

Source: nyc.gov

Oklahoma

Oklahoma City’s planning commission considers special permit request for jail construction

Oklahoma City’s planning commission recently considered a special permit proposal to construct a jail. As of print time, the commission hadn’t yet decided the application’s fate, but the city explained in a press release that if approved, the proposal will go to the city council for review.

For more on the special permit application, which discusses the proposal to construct a one-story mezzanine structure on about 70 acres that would house 2,460 beds in a facility approximately 710,000 square feet in size with 370 parking spaces, visit okc.gov/home/showpublisheddocument/40981/638466393580170000.

Source: okc.gov
### LAND DEVELOPMENT PLAN COUNCIL ACTION DEADLINES

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<td>5/8/2024</td>
<td>8/6/2024</td>
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<td>Home2 Suites Hotel</td>
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### LAND DEVELOPMENT PLAN ACTIVITY

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<td>September 1, 2024</td>
<td>7/17 submitted, comment request sent 7/18; comments due 7/28; revision due 8/7; comments due 8/11; to PC 8/14; to CTC 9/7; Determined a preliminary does not get recorded; JRA note is good; On Hold</td>
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<td>Maxwell Storage</td>
<td>September 16, 2024</td>
<td>1/16 submitted; 1/17 comment request sent; 1/26 comments due; revision due 2/5; comments due 2/9; to PC 2/20, to CTC 3/21; conditional approval sent 3/22; accepted 3/22; 5/20 received permit app for retaining wall to be held pending plan recording; revision received 5/30, staff to review 6/4; ext. req. 5/28, to CTC 6/6, approval sent 6/7</td>
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<td>PSU IPASS</td>
<td>October 1, 2024</td>
<td>2/20 submitted; 2/20 comment request sent; 3/1 comments due; revision due 3/11; comments due 3/15; to PC 3/19; to CTC 4/4; 4/5 sent conditional approval letter; 4/15 final revision submitted; comments due 4/26; sent email 5/2 reminding recording deadline and no fee for first extension (recording schedule is tied to soccer complex); ext. req. 6/7, to CTC 6/20; ext. approval sent 6/21</td>
</tr>
<tr>
<td>Centre Hills Country Club</td>
<td>July 31, 2024</td>
<td>2/20 submitted; 2/20 comment request sent; 3/1 comments due; revision due 3/11; comments due 3/15; to PC 3/19; to CTC 4/4, tabled; to CTC 5/2; 5/3 sent conditional approval; 5/3 conditions accepted</td>
</tr>
</tbody>
</table>
Shiloh Comm. Park Prelim.  
**August 15, 2024**
3/18 submitted; 3/19 completeness review and comments request sent; 3/29 comments due; revision due 4/8; revision received 4/15; comments due 5/1; meeting with Torretti 5/6; to PC 5/7; to CTC 5/16; 5/17 sent conditional approve; 5/20 conditions accepted

PSU Soccer Ops Center  
**September 4, 2024**
4/22 submitted; 4/23 completeness review and comments request sent; 5/3 comments due; revision due 5/13; comments due 5/20; to PC 5/21; to CTC 6/6; 6/7 conditional approval letter sent, accepted 6/7

Mt. Nittany Elementary  
**September 4, 2024**
4/22 submitted; 4/23 completeness review and comments request sent; 5/3 comments due; revision due 5/13; comments due 5/17; to PC 5/21; to CTC 6/6; 6/7 conditional approval letter sent, accepted 6/11

State College VA  
**August 6, 2024**
5/8 submitted; 5/8 completeness review and comments request sent; 5/17 comments due (revised to 5/24); revision due 6/10; comments due 6/14; to PC **7/17**; to CTC 8/1

Shiloh Comm. Park Phase 1  
**September 18, 2024**
5/20 submitted; 5/21 completeness review and comments request sent; 5/31 comments due; revision due 6/10; comments due 6/14; to CTC 6/20; conditional approval sent 6/21; 6/24 conditions accepted

Home2 Suites Hotel  
**September 15, 2024**
6/17 submitted; 6/18 completeness review and comments request sent; 6/27 comments due; revision due 7/8; comments due 7/12; to PC **7/17**; to CTC 8/1

MINOR PLANS

OTHER

Dale Summit Area Plan  
PC made recommendation to Council **January 18, 2022**; Joint Council/PC meeting held March 28; RFQ is on the website: Pre-submission meeting to be 7/14 (5 firms have signed up for pre-submission meeting); Deadline to submit proposals 8/1; to be reviewed by committee (2 Council members, 2 PC members; 1
CRPA; staff; committee established 8/4; submissions sent to committee members 8/9; member meeting 8/29 1-3pm Library; 9/7 follow up with interview candidates to request sealed quotes; interviews October 25th; DPZ is chosen firm; Contract to be reviewed by CTC 12/15; 1/11/2023 DPZ okayed contract and scope; to CTC 1/19 for approval; DPZ will be present 2/27-3/1, with a tour on 2/27; 5/3 Stakeholders identified, pre-charrette May 24; Charrette to take place 6/19-6/23, supplies being collected, possible dry run 6/16; Charrette successfully took place 6/19-6/22; Market analysis under staff review, sent to PC 8/3; Draft Ordinance being reviewed by staff; 9/13 DPZ review with staff; 2nd draft ordinance to come; draft plan submitted 10/23 being reviewed by staff; 12/22 Draft sent to CTC and PC; Joint meeting CTC/PC 1/24/2024; 1/29 FBC distributed; 3/26 CTC/PC joint meeting; to be remanded to PC 5/7; 5/7 PC had questions about remand; 6/6 CTC received questions, DPZ to answer; ongoing

Pike Street Phase 3
Surveying to begin in January; letter sent to residents, surveying started 1/11/2023; 1/18 traffic calming maps removed from Council room; before pictures are complete (may take after pictures of traffic calming phase); dedication of traffic calming 4/21; PennDOT approved, waiting on conservation district; Bid opening 5/10; Pre-Bid 5/1; CTWA starts 5/6, Columbia starts 5/13; 5/16 awarded to HRI, Inc.; 6/6 Agreement to CTC; anticipated start date 7/8; ongoing

Traffic Signal Technologies Grant (TST)
Frank is working with help of District 2 PennDOT; Application due September 30; resolution to be passed; Application submitted; 12/14 approved for $127,700; need RFP for traffic engineering services; 3/28 RFP submission deadline; 5/3 consultant chosen; PO for Adam to sign and return to Nick; meeting 8/9; Q4 status report done; to coincide with GLG; 3/22/2024 plans sent to PennDOT for review; ongoing

Green Light Go (GLG)
to coincide with TSTG; $190,880 awarded, 20% match; exp. 6/30/25; Frank submitted application for Park Ave. signal; 3/22/2024 Benner Pike plans were sent to PennDOT for review; 2/23/2024 Park Ave. submitted to PennDOT, to be awarded mid-late summer; ongoing

ARLE
Awarded $146,320; Rt. 322/College Ave signal improvements; 2/5 signed; waiting for grant agreement; ongoing
Columbia Gas

Bathgate extension at Puddintown; coming

DCNR Grant Spring Creek Park

For basketball court and tennis court resurfacing;

University Drive Ped. Crossing

PA One Call to be placed on or after 5/6; TEAMS meeting 5/9 and every other week after; to be 100% complete by 7/5; 6/28 on-site meeting, 90-95% complete

Signal at Gerald, Struble

Coming; to coordinate with Columbia Gas and PennDOT

Nittany Casino

Recorded December 27, 2022

ENGINEERING BOND/LOC SURETY EXPIRING SOON

Halfmoon Towing (6/16)

LDP's UNDER CONSTRUCTION

Canterbury Crossing

Winfield Heights

Evergreen Heights

Arize FCU

Mount Nittany Medical Center

State College Area Food Bank

Steve Shannon

Stocker Body Shop

Rearden Steel

Halfmoon Towing

Jersey Mike’s

UAJA Biosolids Upgrade Project