

## MINUTES

### **LOWER SWATARA TOWNSHIP PLANNING COMMISSION**

**REGULAR MEETING  
FEBRUARY 22, 2018 7:00 P.M.**

Meeting was called to order by Chauncey Knopp at 7:00 P.M. with the following present:

Chauncey Knopp, Chairman  
Eric Breon, Vice Chairman  
Dennis Fausey  
James Young  
Peter Henninger, Solicitor  
Ann Hursh, LST Planning & Zoning Coordinator  
Tonya Condran, Recording Secretary

Absent:

Kimber Latsha

Others in attendance:

Matt Genesio, College Town Communities  
Tim Sipe, College Town Communities

### **PLEDGE OF ALLEGIANCE**

### **APPROVAL OF MINUTES:**

Mr. Knopp asked if there was a motion to approve December 28, 2017 meeting minutes. Motion was made by Mr. Fausey to approve the minutes and seconded by Mr. Breon. All were in favor. Minutes were approved.

### **REORGANIZATION**

A motion was made by Mr. Breon and seconded by Mr. Fausey to re-appoint Chauncey Knopp as the Chairman of the Planning Commission. Motion unanimously approved.

A motion was made by Mr. Fausey and seconded by Mr. Young to re-appoint Eric Breon as the Vice Chairman of the Planning Commission. Motion unanimously approved.

A motion was made by Mr. Fausey and seconded by Mr. Breon to re-appoint Tonya Condran as the Recording Secretary of the Planning Commission. Motion unanimously approved.

For the year of 2018, Chauncey Knopp will continue as Chairman; Eric Breon shall remain Vice Chairman; and Tonya Condran will remain as Recording Secretary.

### **OLD BUSINESS:**

**(File #2017-06) STONERIDGE LOT 1 FINAL LAND DEVELOPMENT PLAN**

Tabled per letter request from Brian Cooley of D.C. Gohn Associates.

**NEW BUSINESS:**

**(File #2018-01) CAMPUS HEIGHTS ASSOCIATES III - SPECIAL EXCEPTION –**  
Per §27-1403.2 to allow student housing on properties located in the newly rezoned Commercial Neighborhood (C-N) zone. Properties generally located north of High Street, south of Dauphin Street, west of N. Lawrence Street, and east of the Borough of Middletown line.

Matt Genesisio of College Town Communities gave an overview of what they were proposing, why they were requesting what they were, and answer questions on the proposed site plan. He explained that they were Campus Heights III and they are the equitable owner of most of the properties in that area. They were here requesting from the Zoning Hearing Board but they need a recommendation from the Planning Commission to get a Special Exception granted to allow student housing in that Commercial Neighborhood (C-N) district which has been rezoned after their request. He stated that they also have a few variance requests based on this proposed site layout that he would talk through with the Planning Commission. The site is composed of 31 various properties which are all zoned Commercial Neighborhood (C-N) and student housing is a special exception in that district in accordance with the ordinance. They are planning on purchasing and combining all of the 31 various properties along with the paper-streets, portions of existing public-streets, N. Lawrence Street, W. High Street, N. Wood Street, and Dauphin Street. They plan on consolidating these all into one parcel. This will be very similar to what they did with the second phase. In conjunction with their plan, there will be a lot legal action that will be done throughout this process.

Mr. Henninger added that we have done this before. There are processes and legal requirements of what needs to be done with consent on whether it is a paper-street or a public road. He said we've been down this road before and not having any problems in the past in this area, we do not anticipate any problems in that process when we get there.

Mr. Genesisio continued. He said that when they drafted the text amendment almost 8 years ago with Ron Paul's assistance, they came up with a lot of points that needed satisfied in order to be able to do this. The tract is a little over 7 acres and they are planning on constructing 14 new buildings which will consist of 84 residential units. This complies with the density requirement that is in the ordinance. In each of these buildings, there will be 6 residential apartment units. Each unit will have 4 bedrooms. He said that what is different with this proposed project from the others, is that they are putting a clubhouse in the middle of all three of

the phases. Eight years ago when they built the first 264 units, they didn't foresee going to 800, so now that they are going to be able to house all these students, they feel they need a little more room to manage them with a clubhouse. He said because of the nature of the neighborhood with student housing all around it, this proposed use fits better than the existing use does now. He explained that the way this was written, a lot of the dimensional requirements refer to the R-M district even though we are in the C-N district. So there are a lot of minimal requirements that are needed. There must be a minimum of two contiguous acres; they have seven. It must be within 1000 feet of the school; they comply with that. The density of student housing should be a maximum of 12 units per acre; that is what they are proposing. They will not have any basement units, so that is also in compliance. They will not have any more than 4 bedrooms per unit with one individual in each of those bedrooms. Off-street parking will be provided at a rate of 1:1. There are 336 beds proposed with 336 parking spots. All parking will be located within 200 feet of the building it is meant to serve. With 20 or more units, a full-time manager should reside at the property which they currently have and will continue to have. The minimum of 20% of the net lot area should be set aside as open space; they have 1.4 acres which complies. There is no anticipated negative impact associated with this student housing project because it is in line with the existing makeup of the neighborhood in the Township's Comprehensive Plan.

Mr. Genesisio went on to explain that the final design would be presented many times to the Planning Commission throughout the land development process, addressing comments on what is being put forth. He said when they were here before the Zoning Hearing Board, he wanted to show what they thought they could build based on the current ordinances and not vacating any public roads. One of the comments before from the last phase was that there were no dead-ends on township roads. He said they showed that in their initial sketch from a few months ago. He feels with all the public roads there now, it creates a lot of setbacks and hairpin turns and it doesn't lend itself nicely to emergency vehicle access to the buildings. From an insurance standpoint, they prefer to have smaller buildings than just one larger building. It's easier to insure because the likelihood of a massive catastrophic loss is lessened. So that is why they did the redesign. And since in essence there are not going to be any public need to be up there, they feel the public roads are not needed. He said they can connect all the roads that are there now so they don't necessarily have to be public. With this new design, they will have a lot of very good vehicular access with good turning radiuses and get rid of the hairpin turns and have access to all sides of the buildings. It's a more economic use of the space and it just looks a complete development. By going this route, he says they create some issues that need to be addressed and variances need to be requested. He says they could design the site without the variance requests, however they feel it would be a worse design.

Mr. Genesisio then explained their variance requests. One is the reduction of a required front yard setback. Another is the minimum distance between adjacent buildings; they are requesting to reduce it from 40 feet to 20 feet. The third variance request would be lot coverage.

In the C-N district, you are technically allowed 65% coverage. However, they would have to follow the rules of the R-M district and that would only allow a 60% maximum coverage. What they have designed is actually 61.76% coverage, so that would make them 1.76% over the R-M maximum. If it were the C-N district, they would be fine with the 65% maximum.

Mr. Breon asked Mr. Henninger why there is two applicable standards that they are supposed to follow.

Mr. Henninger explained that it is because we created this student housing as a special exception within the C-N district. You have to have the underlying C-N zoning in order to have student housing. With that, in effect what you have is a multi-family use or R-M, like apartment buildings. Therefore, they have to follow those rules. So, even though if we would've left the zoning R-M, we wouldn't have this setback issue, but the idea was that since they would do a multi-family in the C-N, they have to follow the multi-family rules. They just didn't anticipate that they would be 1.76% off.

Mr. Henninger went on to say that they are also looking for a variance on the setback. That would be one building as opposed to 20 of the 30 houses that have violated the setbacks. The building separation at 35 feet is probably more a fire issue than anything else. To go through a variance process when they are getting down to the final design, would be tacking two or three months into the middle of it.

Mr. Genesisio agreed and said that they don't want to do that. He said that it is easier for them to be zero feet apart than it is to be 35. So if there is an issue with it, they will just connect the proposed four buildings and make it one large building. But they don't want to do that because it defeats the whole purpose of the separation. He also said that is how they did it with the Phase 2 buildings. Two of the buildings are only 20 feet apart.

Mr. Breon asked for clarity if what they want is to make the buildings 35 feet apart instead of 40.

Mr. Genesisio said that is the specific request.

Mr. Genesisio then asked a question. He said he thought what they were looking for tonight is just a recommendation to grant the special exception. He then asked if the Planning Commission is required to give a recommendation on the variance to the Zoning Hearing Board.

Mr. Henninger advised that the Planning Commission can give a recommendation, but it is not required.

Mr. Breon reiterated that they were asking for the distance between buildings to be 35 instead of 40 feet and for the maximum lot coverage to be 61.76% instead of 60%. He then asked Mr. Genesisio how much more impervious the extra 1.76% would add.

Mr. Genesisio stated that they may want to put extra sidewalks in or add extra dumpster corrals that aren't being shown on the plan. He also advised Mr. Breon that the square footage of an acre is 43,560.

Mr. Breon then asked that with this site being 7 acres, the additional impervious is about what size.

Mr. Genesisio said the extra 1.76% would be approximately 5400 sq ft.

Mr. Breon said that was less than half the size of a lot in Old Reliance.

Mr. Young asked what is unique about the circumstances of the site. He added that granted they are just asking for a de minimis variance with that one building.

Mr. Genesisio responded that the way that this property line is now, is not the way it is shown on the plan. It is actually like a saw-tooth kind of stepped pattern. So technically, the two wedges on the one side of Lawrence Street are owned by Campus Heights under another entity. So the property line is not set at the end of the right-of-way of the road. It is set at an imaginary line which technically is owned by Campus Heights II on one side and Campus Heights III on the other. And so a setback is being created from an imaginary line. This is a unique situation but since Campus Heights owns both sides of the line, they would like to make the roads private, so technically they wouldn't need to be built to the Township's road specs. He said they are proposing to vacate all the streets in that area and make them all private so that the Township would not have to maintain that area. He also said that as they are doing this, they will be improving the roadways and also maintenance to the stormwater system.

Mr. Breon asked Mr. Henninger to clarify something for him. He said he doesn't remember anywhere in the township where we have vacated a township road in lieu of a private road where residents still use and it is not all private to that area/development.

Mr. Henninger replied that he would agree with that. He is not aware of anything like that before either. He went on to say that as part of this project over the last 8 or so years, we re-routed Lawrence Street, which made sense. He said that as he understood this, it would take care of all the hairpin turns, and that part of this proposal would be that if they got what they were asking for, the township would vacate the roads and Campus Heights would take them. Mr. Henninger said he is not sure how that would work with those few private property owners who

would still reside in that area. But Mr. Henninger feels this is a conversation for further along in the process. It started out as asking what was unique that requires the setback change for that piece of the one building, and now we've gotten off the subject.

Mrs. Hursh asked Mr. Genesisio if he would want to take over the roads where the private home owners lived, as well.

Mr. Genesisio responded that they would not have to vacate the bottom portion if the township didn't want to do that.

Mr. Henninger said he could understand vacating Lawrence Street because at that point Campus Heights will have three quarters of it and Nittany Village has the other quarter, so that makes more sense to turn those roads over. But Wood Street is a little more concerning.

Mrs. Hursh added that if there are people living there that have kids, you would need school bus accessibility.

Mr. Genesisio said that the majority of it is only up to Selma Avenue. There are only two other houses that are past that. One doesn't have a driveway and the other one is student housing. So they would be the only two houses that would have to drive past Selma Avenue.

Mr. Breon asked if Selma was a township road.

Mr. Genesisio said that Selma was a private road. The only roads that are the township's are Lawrence, Wood, and Dauphin. Everything else is private.

Mr. Genesisio went on to say that they are only asking for the Special Exception tonight; the dimensional relief from the right-of-way, the dimensional relief for getting the buildings closer together, and the coverage. So that doesn't have anything to do with the roadways as to what is private or public; he said we will be talking through the whole summer on that topic. As part of this project, they are planning to improve Wood Street all the way down to Main Street for stormwater management. As part of this, they will have to manage the stormwater for these 7 acres and then some, because the soccer field behind it dumps water on this. So he said they would have to account for that, hold water on their site, and then do a controlled release of that down Wood Street which now only has surface stormwater management, there is nothing underground. Mr. Genesisio said they were required to put retaining walls in for the first phase, so they are going to take a look at how they managed that stormwater. There will most likely be improvements on how that stormwater gets from W. High Street down to Main Street. They will be putting BMPs and Stormwater Management facilities in place upstream more.

Mrs. Hursh added that she had a meeting with Matt Tunnell of Nittany Village concerning the property at the soccer field and they are also interested in coming in with more student housing.

Mr. Knopp asked if there were any questions.

Mr. Breon still had questions about Wood Street.

Mr. Henninger explained that if the Zoning Hearing Board grants the Special Exception, they can attach conditions on that granting. But there may be many configurations until they get to a final configuration, and we will deal with that at the Planning process.

Mr. Breon said that he feels any of the configurations are going to have the same effect on Wood Street.

Mr. Henninger agreed. That is an issue that will have to be hashed out with the Board of Commissioners in the end.

Mr. Genesio talked about where they would push snow if the event arose. He said they had discussed this topic and they always look for places to push snow while designing their housing developments. He said they also address that proactively during the land development stage. They will make sure the site is designed in the most functional way possible to make the operation smooth and give these kids a good product that is safe when it does snow and ice. So it is a detail they will pay attention to during the land development plan.

Mrs. Hursh added that the township has asked for snow-dump easements in other developments where they are proposing public roads during the land development process.

Mr. Henninger explained that the only thing on the paper that Mr. Genesio presented at this meeting that would not be in compliance is just the one building being within the setback. And they are probably pretty close on the lot coverage. So the recommendation would be for or against provided it is in accordance with the Ordinance provisions. As far as the variances, we would say under the circumstances we are not making the determination whether they meet the hardship four-prong test, however we don't see anything that gives us any heartburn about the setback going between 60-65% because they are still meeting the underlying district. They will be making these kind of arguments that they have to do in front of the Zoning Hearing Board. So if your recommendation is in favor of the Special Exception, it would be provided in accordance with the existing township ordinances.

Mr. Knopp then asked for a recommendation on the Special Exception for Campus Heights.

Mr. Fausey made the motion to recommend approval. Mr. Young seconded the motion. All were in favor. Motion passed to recommend as a Special Exception.

Mr. Breon asked if we make a recommendation for the Variances now.

Mr. Henninger advised that the Planning Commission is free to provide comment to the Zoning Hearing Board regarding the three variance requests. Number One being the 40 foot setback for the one building. Number Two being the building separation of 40 feet which is drawn right now, they are asking for five foot of play because they don't really know until they are out working on the field. Number Three being 61% vs 60% of lot coverage; however, the underlying district is 65%. He advised that they can say they recommend approval of the variances provided they meet the test that is required.

Mr. Knopp asked if there was a recommendation on the Variances.

Mr. Young feels a recommendation should be made that in our opinion the variances requested are de minimis and we have no problem with them. Mr. Fausey seconded that motion. All were in favor. Motion passed to recommend the Variances.

**OTHER BUSINESS:**

None.

**ADJOURN:**

A motion was made by Mr. Breon and seconded by Mr. Fausey to adjourn the meeting. Motion unanimously approved.

Meeting adjourned at 7:51 P.M.

Respectfully Submitted,

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Ann M. Hursh  
Planning and Zoning Coordinator