

FERGUSON TOWNSHIP PLANNING COMMISSION

Regular Meeting

Monday, January 25, 2016

6:00 pm

I. ATTENDANCE

The Planning Commission held its second regular meeting of the month on Monday, January 25, 2016 at the Ferguson Township Municipal Building. In attendance were:

Commission:	Rob Crassweller, Vice Chairman	Staff:	Ray Stolinas, Director of Planning and Zoning
	Scott Harkcom		Lindsay Schoch, Community Planner
	Ralph Wheland		Jeff Ressler, Zoning Administrator
	Lisa Strickland		Dave Pribulka, Assistant Township Manager
	Kurt Homan		
	Erik Scott		
	Bill Keough, Alternate		
	Cristin Mitchell, Alternate		

Others in attendance included: Heather Bird, Recording Secretary; Rachel Fawcett, Centre County Housing and Land Trust; Chris Schoonmaker, Winn Bishop, Smith Packett; Justin Newman, Chris Summers

II. CALL TO ORDER

Mr. Crassweller called the Monday, January 25, 2016 Planning Commission meeting to order at 6:00 pm.

III. WORKFORCE HOUSING ORDINANCE

Mr. Stolinas stated the proposed ordinance amends section 701 Traditional Town Development (TTD), Subsection 2, Relationship with other Township Requirements by adding Chapter 27, Section 215 Workforce Housing. The intent of the Ordinance will provide a wide range of quality, affordable housing units for qualified buyers, ensure the continued affordability of established workforce housing by creating developer agreements, provide selected criteria and effectively enforce and administer provisions of the workforce housing program. On April 27, 2015 the Board of Supervisors conducted a work session to discuss a draft Workforce Housing Ordinance. The Board confirmed its continued interest in developing a legacy program that would keep housing developed under this program in the affordable housing inventory. The Board directed that the ordinance accomplish basic requirements including designating a third party administrator and require a Workforce Housing development agreement between the developer, Township and the third party administrator. The intent of the ordinance is to provide a wide range of quality affordable housing units and ensure continued affordability through an agreement. A portion of applicability states that an ordinance shall apply to any zoning district within the Township where workforce housing is a requirement of proposed development project. The Board of Supervisors may at its sole discretion and by resolution authorize a third party administrator for the administration of the Workforce Housing Program. The requirements include that workforce housing should not be segregated or clustered; should be similar to market rate units with regard to bedrooms, amenities but may not have apparent differences in general interior and exterior appearance; the differences shall not include insulation, windows, heating systems and other improvements related to the energy efficiency and standard components of the unit; all workforce housing units constructed as part of a development shall be offered for sale to a qualified household to be used as its primary place of residence and continued affordability for a time of 99 years.

Mr. Homan asked if the Township has an agreement with the Centre County Housing and Land Trust. Mr. Pribulka confirmed that there is no formal agreement at this time with the Land Trust but a memorandum of understanding has been drafted. Also a three party agreement between a developer, Township and Land Trust has been drafted that would be executed each time a developer would propose a development in an area where affordable housing was required.

Mr. Homan asked if the area has looked at details regarding where development costs are that cause such high home costs in this area. Ms. Fawcett stated the primary cost in this area is land. Mr. Homan would like to see the breakout of why the home costs are so high in this area. What can be done to reduce the development costs? Mr. Homan questioned the portion of the ordinance stating no clustering or segregated homes. Mr. Stolinas stated that

the goal is to incorporate these homes into a development and avoid clustering all of the homes together. Mr. Pribulka stated that the intent of the ordinance is to have integrated mix of housing and no distinction between a workforce housing unit and a standard market home.

Mr. Harkcom stated that from previous conversations on this topic a concern raised was that these homeowners would have little incentive to maintain and update the home because of the limit on sale profit, has the Land Trust noticed this to be an issue. Ms. Fawcett stated that she has not seen this problem in this area. There are restrictions on the upgrades that can be done to home to avoid the home being valued out of the affordable category, such as finishing a basement. If a homeowner were able to make these types of updates, than it may be time for them to move on to a standard market rate home. Normal updates such as painting and standard maintenance are permitted.

Mr. Wheland asked if this program will have any cost incurred by the Township. Ms. Fawcett stated that this information will be included in the memorandum of understanding. The cost to run this program will be incurred by the homeowner. A developer will initially place the fees in an escrow account and once the property is sold the money will come from the homeowner and be reimbursed to the developer. Mr. Pribulka stated this will provide an incentive for the developer to construct the properties and follow through to sale in order to receive the monies back. Mr. Wheland stated that this topic has been discussed for years and it always comes back to the limits for return on a homeowner's investment and the potential lack of care of the home because of this. He asked if this applies to any other are in the Township. Mr. Ressler stated that at this time it is only included in the Traditional Town Development (TTD) and the Terraced Streetscape District (TSD) includes incentives for these to be built. Mr. Wheland stated that he is glad that there would be an administrator for this program. Ms. Fawcett stated that she does not agree that the homes won't be taken care of. She believes that these homeowners will take pride in their homes. The existing ordinance needs to be updated so these homes can stay in the affordable housing system for years to come.

Mr. Pribulka reminded the Commission members that at this point in time the question is not whether they would like to see these homes are built but if they would like to see continued affordability of these units by establishing a legacy programs.

Ms. Strickland asked if the Board has now decided that all affordable housing will be handled through the Land Trust and rental housing will not be included in the program. Mr. Stolinas stated that rentals would not be a part of this program at this time; these would be for single family homeownership. Ms. Strickland asked if the 10% for the Traditional Town Development be divided from workforce housing and rentals. Mr. Stolinas stated this will solely be for homeownership. Ms. Strickland recalled at some time a discussion where the purchaser would own the home but not the land which would be leased. Ms. Fawcett stated the homeowners will own both the home and land and the deed will include a restriction on it. Mr. Pribulka stated that the Board, in 2015, had a specific goal of establishing a legacy program. There are many different ways to expand on this program in the future but at this time the goal is to establish the legacy program.

Mr. Wheland asked what would happen if someone buys a home in the program and gets a raise and putting them above the income guidelines for the program. Ms. Fawcett stated that would not change the status of the homeowner. One of the goals of the program is for people to be able to move on to a market rate home at some point in time. Mr. Homan stated that he thinks many of the purchasers could stay in the home forever. Ms. Fawcett stated that would be within the program guidelines.

Mr. Homan stated he is not comfortable with many of the provisions of this program and he does not think the program belongs here.

Ms. Strickland asked if a timeline for checking an individual's income has been considered as part of the program. The goal here is to get individuals into a home where they can enjoy the equity in a home. If an individual stays in the home forever even though increasing their income than the program will only be helping that one individual or family out. Ms. Fawcett stated that she does not know of any programs in the country that require the income to be checked changing the status of their ownership in the property. Mr. Pribulka stated that the complication with checking the income is that these homes will be deeded to strictly the homeowner so the Land Trust would have no interest in the property unless it were to be sold again. Ms. Strickland stated that this may not be the right area for this type of model. This program may take away from the potential for affordable rentals. Mr. Pribulka stated that this

ordinance addresses only owner occupied rentals. Currently the state offers some programs for affordable rentals but at this time the Township does not have any such program.

Mr. Scott asked what size of homes these will be. Mr. Pribulka stated the idea is that these homes will look just like the neighboring homes. Mr. Scott thinks that this is a good program but he is concerned with the upkeep of these homes. He asked how this will affect the appraisals of neighboring properties. Could these homes be used as a comparative for homes not included in the program. Ms. Fawcett stated that these should be compared differently because they are different situations. Mr. Pribulka stated that the comparative units would need to be addressed by the appraiser. Mr. Scott is concerned about this program affecting the value of people's properties. He does believe there is a need for affordable housing in the area.

Mr. Wheland, Mr. Crassweller and Mr. Homan would like this conversation to include a couple developers in the area. This would help to understand the impacts of this ordinance on the area.

Ms. Mitchell asked about the possible incentives that would be applied to reduce the requirement of affordable housing on developers. Mr. Ressler stated that there is no incentive to not have workforce housing but if you add additional workforce housing in the TTD you can then increase extra regular dwelling units. For each unit above the 10% you can add two regular dwelling units. Ms. Mitchell asked if then the developer would be bound to produce this housing. Mr. Ressler stated that yes unless they received a modification, which would have to be granted separately. Ms. Mitchell asked for clarification on why the Turnberry TTD does not yet have workforce housing. Mr. Crassweller stated that they will be required to build this housing but they have changed the phasing plan of the development so it has not been constructed yet. Ms. Mitchell asked if there are consequences to not building the workforce housing at the time originally proposed. Mr. Crassweller stated that they have flexibility with moving the phases around. Mr. Pribulka stated that he understands the next phase to be completed in Turnberry will include the workforce housing.

Mr. Keough asked if condominium or duplex units count as eligible for units for this program. Mr. Stolinas stated that they would be permitted because those are residential uses permitted within the TTD. Mr. Pribulka agreed with Mr. Stolinas stating that each duplex or condo would need to have an individual deed to comply. Mr. Keough suggested that it might be helpful for the ordinance to include the type of homes permitted through this ordinance by defining they type of single family homes. Mr. Keough stated that this brings up density where it stated you are not permitted to have more than a certain number next to each other, duplexes and condominiums may complicate this. In regards to median household incomes definition, at what point in time during development do we determine the median income used for this program. Ms. Fawcett stated she understands that this would be determined at time of plan approval. Mr. Keough stated the ordinance should clarify this time period. Mr. Keough asked whose responsibility is it when the developer leaves the scene. Ms. Fawcett stated that the fees collected at sale will cover the lifetime of that ownership. It will then be the responsibility of the Land Trust to manage these funds for the life of the deed restriction. Mr. Pribulka stated that the developer will put in escrow the cost per home and then be reimbursed by the homeowner at purchase. Mr. Keough asked what an approximate cost is. Ms. Fawcett stated at this time they are proposing an estimated \$2,000 per house one-time fee. The fee schedule would be reviewed yearly and adjusted as needed for future homes, so this figure may fluctuate over those years. Mr. Pribulka stated that these fees would cover the costs such as deed restrictions, income qualifications and annual administration including verifying they remain owner occupied. Mr. Keough does not think the density should be based on blocks. He asked what the similarity is to Habitat for Humanity. Ms. Fawcett stated they are completely different, with Habitat they mortgage the homes at a 0% mortgage rate, and through this program the individual will mortgage their own loan through the banks. Mr. Keough asked where the 99 years came from. Ms. Fawcett stated that is an accepted standard in the land trust field. Mr. Keough stated he is not convinced this program is needed in Ferguson Township.

Mr. Crassweller asked if the memorandum of understanding has been signed yet. Mr. Pribulka stated no. He stated the adoption of this ordinance would need to occur followed by the Board designating the third party administrator of the program, third a developer would need to submit a plan that required workforce housing and then the memorandum of understanding would be executed with the third party provider. Mr. Crassweller made the following comments: he doesn't think the mix of housing will work; the median income is too high, he agreed with Mr. Keough that condo/duplex might work better and he wants developers to look at this ordinance.

Mr. Scott asked how receptive the banks are to this program. Ms. Fawcett stated that so far they have been receptive for ground leases but they have not yet done deed restrictions.

Mr. Harkcom stated the Commission needs some more information on this before moving forward.

The Commission agreed and requested further information be brought to them at their next meeting.

IV. PROPOSED ZONING AMENDMENT – ASSISTED LIVING FACILITIES AT TURNBERRY “CROSSINGS AT STATE COLLEGE”

Mr. Stolin as the Turnberry TTD Master Plan has been previously granted general master plan approval. A healthcare firm, Smith/Packett, proposed to develop 4.78 acres for a new assisted living facility that will blend personal care with a dedicated memory care wing. Currently Section 27-701.4.A(1)(D) prohibited uses identifies personal care homes as an expressly prohibited use. The proposed facilities peak staffing will be from 7 am to 3pm and will have approximately 120 units with over 85,000 square feet offering physical therapy, visiting physician rooms, beauty/barber, library, billiards room, activity room, outdoor courtyards, 24/7 nursing staff and dietary aids, commercial kitchen and grand dining room for residents and a bistro / lounge area. Each unit will be licensed by the Pennsylvania Department of Health. The 2013 Centre Region Comprehensive Plan, Housing Element, under Housing Independence identifies Goal 5 as a wide range of Housing Opportunities is available for Centre Region residents with physical and/or mental challenges, older residents who want to age in place and residents who require continuous care. Under objective 5.1 is to Encourage Residential Development that offers Independent Living Options in close proximity to supportive services, transportation, shopping, and jobs for older residents and people with physical and/or mental challenges and policy 5.1.2 is to support and promote housing for special-needs populations to assist with the transition to independent living. The overall intent of the TTD ordinance is the adoption of these development regulations is to sanction, promote, and facilitate the development of fully integrated, mixed use, pedestrian oriented neighborhoods in areas of the Township that are most appropriate for this type or style of development. In addition new residential structures within a TTD shall be no more than three stories. Multi-family, commercial, or mixed-use structures shall not exceed five stories except through conditional use approval which could permit up to eight stories in appropriate locations. In the approved master plan for the TTD this area is currently listed as phase 8 with 120 multi family dwelling units. This is located along Blue Course Drive at the corner of Havershire Boulevard.

Mr. Justin Newman and Mr. Winn Bishop represented Smith/Packett. Mr. Newman began by giving a brief history of the company. They are a family owned private company out of Roanoke, Virginia. He stated their sister company, Harmony Senior Services, will be the company to stay around for management of the facility after development is completed. This area has been identified as having a need for this type of facility. This facility is an active community for those individuals over 65. Residents are encouraged to be out of there units. No cooking would incur in the units, but in the grand central dining room. Mr. Winn Bishop stated the facility will employ roughly 85 people, have a low traffic impact, no impact on the school system and require minimal parking.

Mr. Keough asked the representative to describe a living unit. Mr. Newman stated that a unit would look like an apartment some one and two bedroom. They would have a half kitchen which would not include a stove or oven but do have sink, refrigerator and dishwasher.

Mr. Scott asked if they have ever placed a retirement community by a student housing area. Mr. Newman stated they see that as a benefit and feel this is a great location for this facility.

Mr. Keough stated he thought this area was determined to be some sort of senior living. Mr. Harkcom agreed. The master plan does reference this area as a senior living.

Mr. Crassweller asked if the resident would own their unit. Mr. Newman stated these units would be rental based.

Mr. Homan asked what the target rent range is. Mr. Newman stated they start out around mid \$3,000. These are a competitive market rate.

Ms. Strickland asked if this includes short term stay. Mr. Newman stated that these facilities are not designated for short term stays such as rehab.

Ms. Strickland asked why this use was in the prohibited use. Mr. Keough stated that back when this ordinance was created the concern was single family homes being converted into care facilities for 3 or 4 residents. Mr. Wheland asked if that is still a concern by changing the ordinance. Mr. Ressler stated that they could limit this type of facility to a larger personal care homes such as saying a large is 9 or more. Mr. Keough suggested adding conditional use information. Mr. Homan suggested including a definition specifically defining what an assisted living facility is. Mr. Harkcom suggested including verbiage based on square footage.

Ms. Mitchell asked if this phase will be built before the workforce housing phase. Mr. Ressler stated that the workforce housing phase is anticipated to be next. In order to change the order the phasing plan would need to be approved by the Board of Supervisors.

Mr. Crassweller asked if there is a minimum age to reside in the facility. Mr. Newman stated the age is around 65, this is a senior housing facility.

Mr. Homan made a motion to RECOMMEND to the Board of Supervisors a zoning ordinance amendment to allow assisted living facilities in the Traditional Town Development. Mr. Harkcom seconded the motion. The motion passed unanimously.

V. MANAGED NATURAL LANDSCAPES AMENDMENT TO THE WEED AND GRASS ORDINANCE

Mr. Stolas stated that at the last Planning Commission meeting they discussed the managed landscapes amendment. Ms. Schoch presented five options for amendments to the weed and grass ordinance. The options presented were to (1) do nothing and keep the ordinance as is (2) completely repeal the grass, weed and other vegetation ordinance, which would take away all of the enforcement power the Township currently has when it comes to overgrown grass, weeds and vegetation (3) make a recommendation to the Board of Supervisors to accept the proposed changes discussed at January 11th Planning Commission meeting (4) make a recommendation to the Board of Supervisors to accept the proposed changes to the attached ordinance that Doug Ford, Master Gardner has recommended and (5) modify the grass, weed and other vegetation ordinance to include definitions for invasive and noxious weeds and managed natural landscapes. Options 3, 4 and 5 would all be modifications to the existing ordinance.

Mr. Scott stated that he does not feel like this should be legislated; there should not be an ordinance with all these regulations on natural landscapes.

Mr. Pribulka stated that this issue was brought to the surface was one property in Fairbrook in July 2014. The ordinance enforcement officer had been siting a property for non-compliance with the existing ordinance. The resident cited requested that the language in the existing ordinance did not specify definitions for the types of vegetation she was growing on her property. She stated that the vegetation she was growing was ornamental or of a useful purpose. At this time the Board directed staff to not further cite this resident until this ordinance could be revised. This resident has since come into compliance.

Mr. Scott stated that because of one individual we will modify the ordinance requiring any resident with a natural landscape to apply for a permit. Mr. Pribulka stated there will be a distinction between a standard landscape garden and those landscapes that will not be in a standard garden style.

Ms. Strickland thought about adding the definitions for noxious and invasive species but is concerned that some of these are vegetation that is unique to the area. She is leaning toward option 1.

Mr. Wheland agreed with Ms. Strickland. He stated the Township trying to solve a problem that isn't really a problem.

Mr. Doug Ford, Master Gardner, stated one of the reasons master gardeners advocate work on these ordinance is not to increase regulations or collect fees. The biggest problem with the existing weed ordinance is the height restriction, most native plants or pollinators would exceed this height ordinance. If there is one thing that should be changed would be to eliminate the height restrictions. Changes to the ordinance can be great to use as an educational tool for gardeners.

Mr. Scott stated a lot of these natural landscape gardens already exist. We do not need to legislate this further.

Mr. Harkcom liked option 4 which would keep the existing ordinance but change definitions.

Mr. Homan stated the height limitation should apply to grass and not natural landscape plants. He likes option 4.

Mr. Keough is not in favor of legislating this however if the Board of Supervisors would like to see a change his opinion would be to adopt option 5 with the inclusion of option 4. He does think the 6" limit is important and it should reference managed lawn or managed turf grass. In option 4 it should read to allow for not encourage and where it states this subsection should apply to all landowners, this should include that the agricultural lands are exempt from this ordinance. The Commission supported this idea.

Mr. Keough summarized the changes as a modification to paragraph A, Section 101 and eliminate paragraph D from Section 101, insert option 4 managed landscapes between sections 101 and 102 of option 5, change option 4 section 101 to say allow for rather than encourage and add in the last item this subsection should apply to all land owners with the exception of RA, RR and AR.

The Commission requested these changes to be incorporated and brought back to the commission for a final review before they make a recommendation to the Board of Supervisors.

VI. PLANNING COMMISSION STARTER KIT

Mr. Stolas stated the Planning Commission Starter Kit included the Pennsylvania Municipalities Planning Code, Planners & Planning: Helping Shape a Better Tomorrow Brochure, The Planning Commission: Planning Series #2, The Comprehensive Plan in Pennsylvania: Planning Series #3, Subdivision & Land Development in Pennsylvania: Planning Series #8 and Welcome to the Planning Commission: A Guide for New Members.

VII. PLANNING DIRECTOR REPORT

Mr. Stolas stated Mr. Homan requested Hunters Chase final development phase be included in report. Mr. Homan noticed a sign at the end of Red Willow Road for a design proposal under review. He wanted to know what status the plan was in and when was it to be developed and would Red Willow Road be extended. Mr. Stolas will gather further information and bring this to Commission at a future meeting.

VIII. ACTIVE PLANS UPDATE

Ms. Schoch reviewed the current active plans.

IX. APPROVAL OF JANUARY 11, 2016 MEETING MINUTES

Ms. Strickland made a motion to APPROVE the January 11, 2016 regular meeting minutes. Mr. Harkcom seconded the motion. The motion passed unanimously.

X. ADJOURNMENT

Ms. Strickland made a motion to adjourn the meeting. Mr. Harkcom seconded the motion. The motion passed unanimously.

With no further business, the January 25, 2016 Organizational and Regular Planning Commission meeting was adjourned at 8:44p.m.

RESPECTFULLY SUBMITTED,



Scott Harkcom, Secretary
For the Planning Commission