



TOWNSHIP OF FERGUSON

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TO: Ferguson Township Planning Commission & Board of Supervisors

FROM: Maria Tranguch, Planning & Zoning Director

DATE: February 19, 2015

SUBJECT: The Cottages at State College Tentative PRD

Description of Land and Zoning:

The Cottages at State College by Toll Brothers is a proposed Tentative Planned Residential Development (PRD) located on three parcels proposed to total 43.7 acres. Two parcels are currently zoned R-4 (Multi-family Residential) and under the PRD ordinance can be rezoned to PRD upon the approval of a final Planned Residential Development Plan. The parcel on which the stormwater facilities are proposed is zoned RA (Rural Agricultural) and as such may not be rezoned directly to PRD.

Currently the land is in agricultural use, however two of the subject parcels were brought into the growth boundary and rezoned R-4 a number of years ago, indicating that the Township was planning for development on these parcels. The project is located within a Zone 2 wellhead protection area for both of the proximal SCBWA wellfields and as such raises concern for potential groundwater resource impacts as a groundwater recharge area. There are also various areas of possible karst geology (sinkholes) on site.

There is a significant drainageway that runs through this site, which is protected by the Township's Riparian Buffer Overlay Zoning District and its Floodplain Conservation zoning provisions. The applicant has submitted a Letter of Map Revision to FEMA to amend the floodplain delineation to what is shown on the plan and most recently they have been instructed by FEMA to revise and resubmit the data.

Summary of the Proposal:

The PRD plan proposes a development similar to The Retreat in College Township. It consists of 268 cottage-style units, with an average household occupancy of 4.08 persons per dwelling unit with a breakout of 90 units with five beds, 126 units with four beds, 35 units with three beds, and 17 units with two beds. The applicant proposes to park the development at a rate of .95 spaces per bed (.15 over the recommended parking rate provided in the applicant's study).

Lots three and four of the development are proposed to be accessed via an extension of Blue Course Drive, which would also provide access and utilities to the proposed Whitehall Road Regional Park. The access road, shared use path, and utilities are proposed to cross the floodplain.

There are various types of open space and amenities proposed for the community including more flexible recreational outdoor space as well as a community clubhouse, pool, spa, training facilities, and media lounges. With respect to the riparian buffer area, the applicant has proposed to vegetate the area with recharge-beneficial plantings in exchange for encroaching into this area.

Current State of Negotiations (Terms and Conditions):

Included in the agenda packet are three documents, the latest submission of the Tentative PRD Plan, the remaining review comments, and the proposed Terms and Conditions for the Tentative PRD Plan. As a Planned Residential Development, the Developer and the Township may negotiate for certain items not specifically prohibited in the PRD Ordinance. The Terms and Conditions is a representation of the negotiations to this point. The Developer and the Township have not yet reached agreement on this document. The larger unresolved issues are:

- Fee in Lieu
 - Township originally requested \$1,300,000 (an amount that calculates the fee in lieu of parkland based upon 4.08 person per household instead of the typical average of 2.54 persons per household).
- Traffic
 - Developer shall bear the cost of improvements identified in the final approved Transportation Impact Study as necessary to mitigate all development impacts at all study intersections. A light at Blue Course Drive and Bristol Avenue is the largest expense and the specific area where agreement does not yet exist.
- Blue Course Drive Design
 - The roadway profile through the intersecting Whitehall Road that meets design standards for Collector Roads (2% maximum grade break at the crown of Whitehall Road).

Planning and Zoning Considerations:

The intent of the PRD ordinance is also included in your agenda packet. The Planning Commission and the Board of Supervisors will need to determine whether the degree to which the Tentative PRD Plan aligns with these intents and whether the benefit to the Township of that alignment is worth the waivers that the Developer is receiving.

These waivers can be found in the Terms and Conditions. Negotiable items from Chapter 27 of the Township Code of Ordinances would normally need to go to the Zoning Hearing Board for a variance hearing, where they would be judged on a set of five criteria which demonstrate a unique hardship specific to the property, however in the PRD ordinance the Board may grant a waiver to these without the involvement of the Zoning Hearing Board unless the PRD ordinance specifically prohibits something in the proposal.

Most significant waivers that are being requested are:

- Chapter 27-1202 Family Definition: No more than three unrelated individuals per dwelling unit which are not multi-family housing. The Department believes that this would be the *first time* that the Township would grant a waiver to this provision of the Zoning Ordinance.

- Chapter 27-301 Rural Agricultural District: Stormwater facilities do not meet the intent or use regulations of the Rural Agricultural District.
- 27-801 Floodplain Conservation: It is unknown whether or not the requested work within the floodplain will negatively impact water resources until review of the crossing design is complete.
- Chapter 22-502 Design for Streets: The profile of the Blue Course Drive, as depicted, does not meet the maximum grade break change requirement of 2%. This has proven to be an issue in other places in the Township, especially in emergency situations. PennTerra will resubmit the design for review by the Township Engineer.

Inconsistency with the Regional Growth Boundary, Comprehensive Plan, and Agricultural Security Area:

These inconsistencies revolve around the proposal to place stormwater facilities for the PRD on a 5.5 acre parcel (proposed to be subdivided) of Rural Agricultural land outside of the Regional Growth Boundary but supporting land inside of the Regional Growth Boundary. The PA Department of Environmental Protection strongly discourages the Regional Growth Boundary/Sewer Service Area from splitting parcels, as is proposed with the Subdivision and Lot Consolidation Plan associated with the Tentative PRD. The CRPA has recommended that, if the Township proceeds with the Tentative Plan, that it be brought into the Regional Growth Boundary and Sewer Service Area.

Placing the stormwater facilities here also does not comply with the Future Land Use Map of the 2013 Comprehensive Plan, which designates this land as agriculture. The plan also does not comply with land use goals seven and eight in the Comprehensive Plan dealing with Agricultural Land. Along the same lines, the proposed 5.5 acre parcel is located in an Agricultural Security Area, which further demonstrates that all land use planning indicates the municipalities and the region intend to keep this parcel in agricultural use.

In summary, the Planning and Zoning Department believes that the Tentative Planned Residential Development does not meet the intent of the PRD ordinance to a degree that would warrant waivers to all ordinance sections currently being requested. In addition, any plan that meets the intent of the PRD ordinance but compromises larger land use planning initiatives such as the Regional Growth Boundary, Comprehensive Plan, and Agricultural Security Area clearly does not meet the local or regional intent of land use planning thus should be cautiously reviewed.

Recommendation: Disapproval of the Cottages at State College Tentative Planned Residential Plan by Toll Brothers due to the inconsistencies with best efforts to effectively plan and zone within the Township.