

TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801
Telephone: 814-238-4651 • Fax: 814-238-3454
www.twp.ferguson.pa.us

FERGUSON TOWNSHIP PLANNING COMMISSION REGULAR MEETING AGENDA

Monday, March 22, 2021

6:00 PM

Zoom Meeting

<https://us02web.zoom.us/j/89904014437>

Meeting ID: 899 0401 4437

- I. Call To Order
- II. Approval of Regular Meeting Minutes—March 8, 2021
- III. Citizen Input
- IV. Land Development Plans

A. West College Avenue Student Housing LDP Application for Consideration of a Modification/Waiver

Penn Terra Engineering has submitted an Application for Consideration of a Modification/Waiver on behalf of their client, Aspen Heights Partners LLC/York Acquisitions. The specific section of the Subdivision and Land Development Ordinance request is Section 22.502.5.M.3.d – Standards for Traffic Capacity and Access. The Northbound approach to the intersection of W. College Avenue and Butz Street currently operates below Level of Service (LOS) D under existing conditions. The intersection is unsignalized and does not satisfy required warrants for a traffic signal, resulting in no practical method to improve the existing LOS to D or better as required within the Township's SALDO.

Staff has reviewed the application request and isn't recommending any conditions to include as part of the application.

Staff Recommendation: *That the Planning Commission recommend to the Board of Supervisors approval of the Modification/Waiver Application for §22.502.5.M.3.d.—Standards for Traffic Capacity and Access.*

B. West College Avenue Student Housing LDP Application for Consideration of a Modification/Waiver

Penn Terra Engineering has submitted an Application for Consideration of a Modification/Waiver on behalf of their client, Aspen Heights Partners LLC/York Acquisitions. The specific section of the Subdivision and Land Development Ordinance request is Section 22.504.2.A.2 – Lot Frontage

and Access. This section of the ordinance requires a Private Street Agreement to be signed by all property owners who access the private street. Calder Way is an alley that was created as part of the original subdivision plan and exists for the use and enjoyment of those lots created during the subdivision. The alley is in common ownership by all of the lots that created the alley and requiring all properties to sign a Private Street Agreement presents an unreasonable hardship on the applicant since the applicant will be maintaining the alley in its entirety and has included as Note 18 on the attached plan sheet their responsibilities.

Staff has reviewed the application request and isn't recommending any conditions to include as part of the application.

Staff Recommendation: *That the Planning Commission recommend to the Board of Supervisors approval of the Modification/Waiver Application for §22.504.2.A.2—Lot Frontage and Access.*

V. Community Planning

A. Amendment to Chapter 27, Zoning Section 304.3.B.2

At the March 15, 2021 Board of Supervisor's meeting, an amendment to the Terraced Streetscape Zoning District was reviewed by request of a Board member. The request included an amendment to §27-304.3.B.2 Building Height Incentives to remove it in its entirety. Provided with the agenda is a draft amendment to remove this provision of the ordinance.

Staff Recommendation: *Staff is recommending that the Planning Commission review the proposed amendment and recommend approval to the Board of Supervisors.*

VI. Official Reports and Correspondences

- A. Board of Supervisors
- B. CRPC Report
- C. Land Development Plans
- D. Staff Updates

VII. Adjournment

**FERGUSON TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
MONDAY, MARCH 8, 2021
6:00 PM**

ATTENDANCE

The Planning Commission held its first meeting of the month on Monday, March 8, 2021, as a virtual meeting. In attendance:

Commission:

Jeremie Thompson – Chair
Jerry Binney – Vice Chair
Rob Crassweller - Secretary
Shannon Holliday
Bill Keough
Lisa Rittenhouse
Dr. Ellen Taricani
Lewis Steinberg
Ralph Wheland

Staff:

Jenna Wargo, Planning & Zoning Director
Kristina Aneckstein, Community Planner
Jeff Ressler, Zoning Administrator

Others in attendance: Rhonda Demchak, Recording; Laura Dininni, Chair, Ferguson Township Board of Supervisors; Daniel and Kelly Wright, Ferguson Township Residents

I. CALL TO ORDER

Mr. Thompson called the Ferguson Township Planning Commission’s regular meeting to order on Monday, March 8, 2021 at 6:00 p.m. Mr. Thompson noted that the Planning Commission meeting had been advertised in accordance to the PA Sunshine Act as a virtual meeting via Zoom. There was also an audio conference bridge that was accessible by dialing the Ferguson Township’s main line at 814-238-4651 and then dialing extension 3799. Persons attending the meeting as members of the public and wanted to participate were asked to enter their name, municipality, and topic by utilizing the Q&A bubble at the bottom of the screen. C-NET is recording as well.

Ms. Wargo took roll call and the Planning Commission had a quorum.

II. APPROVAL OF ORGANIZATIONAL MEETING MINUTES - FEBRUARY 8, 2021

Mr. Thompson called for a motion to approve the organizational minutes from February 8, 2021.

Mr. Wheland moved that the Planning Commission **approve** the organizational meeting minutes of February 8, 2021. Mr. Binney seconded the motion. The motion passed unanimously.

III. APPROVAL OF REGULAR MEETING MINUTES FEBRUARY 8, 2021

Dr. Taricani moved that the Planning Commission **approve** the minutes of February 8, 2021. Mr. Wheland seconded the motion. The motion passed unanimously.

IV. CITIZEN INPUT

None.

V. LAND DEVELOPMENT

A. Wright Property Application for Consideration of a Modification/Waiver

Ms. Aneckstein presented the project. Daniel and Kelly Wright, owners of the 44-acre property at 1000 North Nixon Road, Tax Parcel 24- 003C,054-,0000-,Rural Residential (RR) have submitted an Application for Consideration of a Modification/Waiver. There is currently one dwelling on the parcel. The applicants are proposing to construct a new dwelling on the property and live in the existing dwelling during the construction of the new dwelling. The owners plan to demolish the existing structure within 6 months of receiving a certificate of occupancy for the new dwelling. In accordance with the Municipalities Planning Code (MPC) and the Township's Subdivision and Land Development ordinance (SALDO), the addition of the second dwelling requires the applicant to submit a land development plan. The applicants have requested a modification/waiver from the Subdivision and Land Development Ordinance requirement to complete a land development plan with the condition that the existing dwelling will be demolished within 6 months of receiving a certificate of occupancy for the new dwelling and the applicant will comply with all other State Regulations. Staff has reviewed the request and has no additional conditions to include with the application.

Mr. and Mrs. Wright were in attendance and thanked everyone for their efforts with their endeavor.

Ms. Aneckstein shared her screen to show a map of the property.

Ms. Rittenhouse inquired about a holding tank that is listed on the map and noted that in Harris Township it is required in lieu of water sprinklers. Ms. Rittenhouse remarked that she sees no reason why this shouldn't be approved.

Mr. Wright asked if there would be an expiration date on the modification waiver if they didn't build right away. Ms. Wargo noted it would require complying with the zoning permit timeline.

Mr. Keough asked about the holding tank. Mr. Ressler will review the ordinance and the tank. Mr. Wright will also look into the tank because he doesn't believe there is a tank on the property. Mr. Wheland felt that the plan is old.

Mr. Keough moved that the Planning Commission Planning Commission **recommend** to the Board of Supervisors approval of the Wright Property's Modification/Waiver with the condition that the existing dwelling be demolished within 6 months of receipt of a certificate of occupancy and comply with all other State Regulations. Mr. Wheland seconded the motion. The motion passed unanimously.

B. Kocher Well Field Water Pumping Improvements Final Land Development Plan

Ms. Aneckstein presented the final land development plan that was submitted by Gwin, Dobson & Foreman Engineering, Inc. on behalf of their client, The State College Borough Water Authority. The parcel is 47.7 acres and is zoned Rural Agricultural (RA). The Land Development Plan proposes water pumping improvements via two proposed structures to the Kocher well fields on Tax parcel 24-006-055E, located at 3961 W. Whitehall Road. The construction consists of two (2) buildings that measure 9 feet 4 inches by 12 feet 4 inches relative to Existing Well No. 71 and 9 feet 4 inches by 11 feet 4 inches relative to Existing Well No. 78. There is an existing floodplain that traverses the parcel and no construction is planned in the floodplain.

On June 23, 2020, a variance was approved to utilize FEMA Mapping for Floodplain Boundary determination instead of independent Hydrologic and Hydraulic (H&H) study

as required by §27-701. This is the final review of the land development plan. The Preliminary Plan was conditionally approved by the Board of Supervisors on October 5, 2020. Ms. Aneckstein reviewed the plan via sharing her screen.

Mr. Rob Crassweller moved that the Planning Commission **recommend** to the Board of Supervisors approval of the Final Land Development Plan pending outstanding staff comments. Mr. Binney seconded the motion.

Mr. Crassweller questioned the replacing of the red maple. Ms. Aneckstein noted that she spoke with the Township's Arborist, Lance King, and he expressed concerns with the over usage and that it will bring disease to the trees.

Mr. Keough remarked that he is not familiar with the London Plane Tree. Ms. Aneckstein stated that it resembles maple trees.

The motion passed unanimously.

C. Wasson – Ash Avenue Replot/Subdivision

Ms. Aneckstein reviewed the PennTerra Engineering, Inc. Wasson – Ash Avenue Replot Plan on behalf of their client. The Wasson – Ash Avenue Replot Plan is located at 1451 Ash Avenue, T.P. # 24- 002A,132-,0000. The purpose of this plan is to replot Tax Parcel 24-002A,132-,0000-, 24- 002A,134-,0000- and 24-002A,135-,0000-. Tax Parcel 24-002A,0132-,0000- is currently 0.547 acres and proposed to be replotted to 0.74 acres. Tax Parcel 24-002A,0134-,00 is currently 0.414 acres and proposed to be replotted to 0.23 acres. Tax Parcel 24-002A,0135-,0000- is currently 0.268 acres and proposed to be replotted to 0.26 acres. The parcel is located within the Single Family Residential (R1) zoning district. A request for a modification/waiver from Section 22-512 – Sidewalks and a request for a modification/waiver from Section 22-306.1. – Minor Subdivision and Minor Alteration were submitted.

Dr. Taricani asked why it is being called a subdivision. Ms. Aneckstein stated that anytime you move a lot line it is considered a subdivision.

Mr. Keough noted that Dr. Taricani's question was good because there was language in the SALDO that was not included that should have been when the ordinance was re-adopted. If the language would have been included, the Planning Commission wouldn't be reviewing the request. Ms. Wargo noted that she was not an employee when the re-write occurred and stated that there was intent to have a minor subdivision, but the definition was left out. All minor subdivision plans are reviewed by the Planning Commission. The only items that the Planning Commission doesn't review are the minor alteration plans and lot consolidations, staff reviews those items.

Dr. Taricani moved that the Planning Commission **recommend** to the Board of Supervisors approval of the Application for Consideration of a Modification from §22-306.1.—Minor Subdivision and Minor Alteration. Mr. Binney seconded the motion. The motion passed unanimously.

D. Wasson – Ash Avenue Application for Consideration of a Modification

Ms. Aneckstein noted that PennTerra Engineering, Inc requested a modification/waiver from Section 22-306.1.—Minor Subdivision and Minor Alteration. This section has a process outlined for a Minor Subdivision with requirements, however, the definition of a minor subdivision was omitted during the Township's Comprehensive Update to Chapter 22. The plan submitted is replotting lot lines and no new lots are being created. Staff

reviewed the application and isn't recommending any conditions be included with the request.

Mr. Wheland moved that the Planning Commission **recommend** to the Board of Supervisors approval of the Application for Consideration of a Modification. Mr. Keough seconded the motion. The motion passed unanimously.

E. Wasson – Ash Avenue Application for Consideration of a Modification

Ms. Aneckstein noted that PennTerra Engineering, Inc requested a modification/waiver from Section 22-512— Sidewalks. The plan is replotting three (3) existing lots in an established, built-out neighborhood. There are no existing sidewalks on either side of the street. The potential for connection to future sidewalks is extremely unlikely and no new land development is proposed. Staff has reviewed the application and isn't recommending any conditions be included with the request.

Dr. Taracani noted it is just a few houses and a lot of empty space.

Mr. Keough moved that the Planning Commission **recommend** to the Board of Supervisors approval of the Application for Consideration of a Modification. Mr. Crassweller seconded the motion. The motion passed unanimously.

Mr. Keough thanked whomever for including the colored aerial photo. Ms. Aneckstein noted that the developer was the one who included the colored photo.

VI. OFFICIAL REPORTS AND CORRESPONDENCES

A. Board of Supervisors

Ms. Wargo reported that the Board met on March 1, 2021 and reviewed the Tree Preservation Ordinance to be advertised on April 5, 2021 for adoption. The West College Student Housing Land Development Plan was reviewed.

B. CRPC Report

Dr. Taricani reported that the committee met this past week. PSU was ranked the highest in sustainability within the Big Ten. Hawbaker Road was discussed, with the possibility of more fast-food restaurants being built there. Discussed the issues the residents have with the Aspen Heights Land Development Plan, and the deficit with the Whitehall Regional Park. Mr. Binney asked if bids are going out with the Whitehall Regional Park even though there is a \$1 million deficit. Mr. Keough stated that the bids were sent out and were brought back. The reason the bids were sent out was to obtain hard numbers with regards to the work that needs to be done. Mr. Binney asked if there is a possibility of a phased approach due to the funding. Mr. Keough noted that it's already in a modified phase condition and stage one of the park has been decreased significantly because it was known to be underfunded. There are three amenities currently not listed due to funding, maintenance building, restroom/pavilion, and irrigation. COG will be debating over the issue later this month and then turn it over to the authority. Mr. Thompson asked if Ferguson Township would be paying a part of the irrigation system. Mr. Keough stated that Ferguson Township would be paying. Ms. Dininni, Chair, Ferguson Township Board of Supervisors, noted that she is commenting as a resident and not representing the Board. Ms. Dininni thanked Mr. Binney for the question because it is important to discuss and added that the bids came back at approximately \$800,000 over the anticipated budget of \$4.8 million. The Ferguson Township Board of Supervisors will be discussing the park at the next meeting and will be looking into ways to incorporate the amenities by staying in budget. Ms. Dininni encouraged anyone that

is interested to tune into the next Board meeting. Ms. Dininni stated that any exclusive use agreement that is signed in order to obtain funding needs unanimous approval by the Centre Region Council of Government Municipalities.

Dr. Taricani noted that the casino will be occupying the old Macy's store in the Nittany Mall. Mr. Thompson noted that a new pet store will be opening in the Northland Center. Ms. Holiday heard there was a Gabe's coming to the mall as well.

Mr. Keough commented that the revitalization of the Nittany Mall has a significant impact with all of the townships and is important to the economic stability in the region. Mr. Thompson stated that the new stores will bring in other people outside of the region.

C. Land Development Plans

i. West College Student Housing Land Development Plan Update

Ms. Aneckstein noted that the Board of Supervisors reviewed the land development plan on March 1, 2021. PennTerra made some updates from both the Planning Commission and Board suggestions that included a loading zone and possible motion detection lights along the alley between the two properties.

Mr. Keough asked for clarification regarding the CATA bus stop near the building. Ms. Aneckstein noted that CATA has been in contact with PennTerra and CATA is looking into moving the bus stop on the side of Buckhout on West College Avenue.

D. Staff Updates

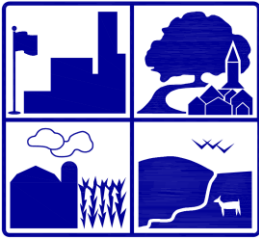
No report.

VII. ADJOURNMENT

Mr. Crassweller made a motion to adjourn the March 8, 2021 Planning Commission meeting at 7:20 p.m. Mr. Binney seconded the motion. The motion passed unanimously.

Respectfully Submitted,

Rob Crassweller, Secretary
For the Planning Commission



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3147 Research Drive • State College, Pennsylvania 16801
Telephone: 814-238-4651 • Fax: 814-238-3454
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TO: Planning Commission

FROM: Kristina Aneckstein, Community Planner

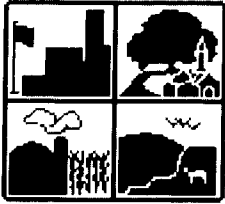
DATE: March 18, 2021

SUBJECT: Application for Consideration of a Modification/Waiver

PennTerra Engineering, Inc, on behalf of their client, has requested a modification/waiver from Section 22.502.5.M.3.d – Standards for Traffic Capacity and Access. The Northbound approach to the intersection of W. College Avenue and Butz Street currently operates below Level of Service (LOS) D under existing conditions. The intersection is unsignalized and does not satisfy required warrants for a traffic signal, resulting in no practical method to improve the existing LOS to D or better as required within the Township's SALDO.

Staff has reviewed the application and isn't recommending any conditions be included with the request.

Staff Recommendation: That the Planning Commission recommend to the Board of Supervisors approval of the Application for Consideration of a Modification from §22.502.5.M.3.d – Standards for Traffic Capacity and Access.



APPLICATION FOR CONSIDERATION OF A MODIFICATION
Ferguson Township, Centre County

Submittal Date: 3/12/2021

A fee of \$50.00 is required at the time of submitting this application.

The undersigned hereby applies for approval of a modification/waiver, submitted herewith and described below:

Applicant Information

Aspen Heights Partners LLC/York Acquisitions

Name

8008 Corporate Center Drive, Suite 100 **Charlotte, NC** **28226**

Street Address

City

Zip

704-274-2221

Phone Number

Property/Plan Information

West College Student Housing

Plan Name

8/14/2020

Plan Number

Plan Date

West College Avenue and Buckhout Street 24-002A-015

Project Location

Parcel Number

Scott L. & Glenda C. Yocum

Name of Property Owner(s)

P.O. Box 57 **Boalsburg** **16827**

Street Address

City

Zip

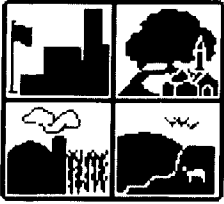
Application Type:

- Subdivision
- Terraced Streetscape District (TSD)
- Land Development
- Traditional Town Development (TSD) District

Modification/Waiver Request Information

Specific Section(s) of the Subdivision and Land Development Ordinance or Design Standards for which a Modification/Waiver is requested:

22-502.5.M(3)(d)



APPLICATION FOR CONSIDERATION OF A MODIFICATION
Ferguson Township, Centre County

State any proposed alternative(s) to the requirement:

Please state in full, the grounds and facts of the unreasonableness or hardship the Ferguson Township Subdivision and Land Development Ordinance has placed on the property.

~~The Northbound approach to the intersection of W. College Avenue and Butz Street currently operates below LOS D under existing conditions. Because the intersection is unsignalized, and does not satisfy required warrants to consider a traffic signal, there is no practical method to improve the existing LOS to D or better to be in compliance with the section of the Subdivision and Land Development Ordinance noted above.~~

*If necessary, please continue with your hardship specification on another page.

The undersigned hereby represents that, to the best of their knowledge and belief, all information listed above is true, correct, and complete.

Douglas A. Hill

Digitally signed by Douglas A. Hill
Date: 2021.03.12 15:04:34 -05'00'

3/12/2021

Signature

Date

-For Office Use Only-

Date Received: _____ By: _____

Date Paid: _____ Check No.: _____ Amount: _____

Advertisement Dates: _____ Planning Commission Review Date: _____

Board of Supervisors Meeting Date: _____




TOWNSHIP OF FERGUSON

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www.twp.ferguson.pa.us

TO: Kristina Aneckstein, Community Planner

FROM: Ron Seybert, Township Engineer 

DATE: March 18, 2021

SUBJECT: Aspen West College Student Housing Preliminary Land Development Plan
TIS Level of Service Modification Review (ES – 409)

I reviewed the Application for Consideration of a Modification for *'West College Student Housing Preliminary Land Development Plan'* as prepared by Doug Hill of Wooster Engineering, dated March 12, 2021. This modification request relates to Chapter 22, Section 502.5.M (3) (d) which states *'Existing intersections impacted by development traffic shall maintain a minimum LOS D for each movement.'* I offer the following information.

1. The application notes that the northbound approach of Butz Street at West College Avenue currently operates below Level of Service (LOS) D under existing conditions. It does not discuss the southbound approach of the same intersection. To provide a clear picture of the forecasted delays on the northbound and southbound approaches at this intersection, a copy of the LOS Table from the TIS for this intersection with the relevant movements and scenarios highlighted is attached.
2. I concur that the intersection does not and will not meet warrants for consideration of the installation of a traffic signal. There may be other options that could lessen the deficient level of service, such as restrictions on access or certain movements that were not discussed in the report. It is unknown if any of these types of options would be beneficial or what other affects they could have.
3. The nature of the TIS does not consider other options that could be used for motorists to access the neighborhood for ingress or egress. This is just a product of the type of study that is performed to meet the ordinance. In all likelihood, the actual delay at this intersection would not get as bad as forecasted because there are other options for traffic to use that are not considered in this study. If the delay at this intersection would increase, motorists would likely select an alternate location.

If you have any questions on this, please contact me.

Attachment: LOS Table 1A – W. College Avenue (S.R. 0026) & Butz Street

Copy: Mellissa Southern, SSE
Doug Hill, Wooster Associates
John Sepp, Penn Terra
Jenna Wargo, Planning Director

Table 1A

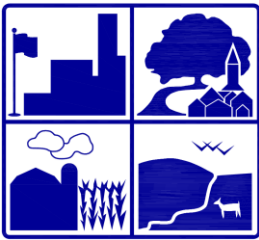
LEVEL-OF-SERVICE SUMMARY
 Aspen Heights
 Ferguson Township, Centre County, PA



W. COLLEGE AVENUE (S.R. 0026) & BUTZ STREET

Intersection		AM Peak Hour						
W. College Avenue (S.R. 0026)		W. COLLEGE AVENUE (S.R. 0026) & BUTZ STREET						
		East/West Roadway						
Direction	Approach / Movement	Existing 2020	2022 Without Development	2022 With Development		2027 Without Development	2027 With Development	
Eastbound	Left Turn	A (9.5)	A (9.8)	A (9.8)		A (9.8)	A (9.8)	
	Through/Right Turn	A (0)	A (0)	A (0)		A (0)	A (0)	
	Approach	A (0)	A (0)	A (0)		A (0)	A (0)	
Westbound	Left Turn	B (12)	B (12.9)	B (13.1)		B (13.1)	B (13.3)	
	Through/Right Turn	A (0)	A (0)	A (0)		A (0)	A (0)	
	Approach	A (0.4)	A (0.8)	A (1)		A (0.8)	A (1)	
Butz Street		North/South Roadway						
Northbound	Left/Through/Right	E (40.6)	E (46)	F (53.6)		F (51.2)	F (60.1)	
	Approach	E (40.6)	E (46)	F (53.6)		F (51.2)	F (60.1)	
Southbound	Left/Through/Right	D (29.6)	E (40.9)	E (42.7)		E (44)	E (46.2)	
	Approach	D (29.6)	E (40.9)	E (42.7)		E (44)	E (46.2)	
	Overall Intersection	A (0.9)	A (1.4)	A (1.7)		A (1.5)	A (1.8)	

Intersection		PM Peak Hour						
W. College Avenue (S.R. 0026)		W. COLLEGE AVENUE (S.R. 0026) & BUTZ STREET						
		East/West Roadway						
Direction	Approach / Movement	Existing 2020	2022 Without Development	2022 With Development		2027 Without Development	2027 With Development	
Eastbound	Left Turn	B (12.4)	B (13.5)	B (13.5)		B (13.8)	B (13.8)	
	Through/Right Turn	A (0)	A (0)	A (0)		A (0)	A (0)	
	Approach	A (0.1)	A (0.7)	A (0.1)		A (0.1)	A (0.1)	
Westbound	Left Turn	B (10.6)	B (12.1)	B (12.3)		B (12.3)	B (12.4)	
	Through/Right Turn	A (0)	A (0)	A (0)		A (0)	A (0)	
	Approach	A (0)	A (0.7)	A (0.8)		A (0.7)	A (0.8)	
Butz Street		North/South Roadway						
Northbound	Left/Through/Right	F (77.1)	F (298.6)	F (452.2)		F (405.9)	F (601.8)	
	Approach	F (77.1)	F (298.6)	F (452.2)		F (405.9)	F (601.8)	
Southbound	Left/Through/Right	D (34)	F (71.8)	F (75.6)		F (79.9)	F (84.7)	
	Approach	D (34)	F (71.8)	F (75.6)		F (79.9)	F (84.7)	
	Overall Intersection	A (1.6)	B (10.5)	C (16.2)		B (13.9)	C (21.2)	



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TO: Planning Commission

FROM: Kristina Aneckstein, Community Planner

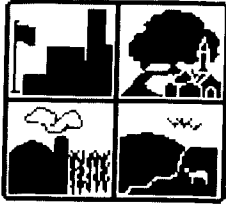
DATE: March 18, 2021

SUBJECT: Application for Consideration of a Modification/Waiver

PennTerra Engineering, Inc, on behalf of their client, has requested a modification/waiver from Section 22-22.504.2.A.2 – Lot Frontage and Access. This section of the ordinance requires a Private Street Agreement to be signed by all property owners who access the private street. Calder Way is an alley that was created as part of the original subdivision plan and exists for the use and enjoyment of those lots created during the subdivision. The alley is in common ownership by all of the lots that created the alley and requiring all properties to sign a Private Street Agreement presents an unreasonable hardship on the applicant since the applicant will be maintaining the alley in its entirety and has included as Note 18 on the attached plan sheet their responsibilities.

Staff has reviewed the application and isn't recommending any conditions be included with the request.

Staff Recommendation: That the Planning Commission recommend to the Board of Supervisors approval of the Application for Consideration of a Modification from §22-22.504.2.A.2 – Lot Frontage and Access.



APPLICATION FOR CONSIDERATION OF A MODIFICATION
Ferguson Township, Centre County

Submittal Date: 3/18/2021

A fee of \$50.00 is required at the time of submitting this application.

The undersigned hereby applies for approval of a modification/waiver, submitted herewith and described below:

Applicant Information

Aspen Heights Partners LLC/York Acquisitions

Name

8008 Corporate Center Drive, Suite 100 Charlotte, NC 28226

Street Address

City

Zip

704-274-2221

Phone Number

Property/Plan Information

West College Student Housing

Plan Name

8/14/2020

Plan Number

Plan Date

West College Avenue and Buckhout Street 24-002A-015

Project Location

Parcel Number

Scott L. & Glenda C. Yocum

Name of Property Owner(s)

P.O. Box 57 Boalsburg 16827

Street Address

City

Zip

Application Type:

Subdivision

Terraced Streetscape District (TSD)

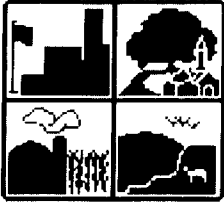
Land Development

Traditional Town Development (TSD) District

Modification/Waiver Request Information

Specific Section(s) of the Subdivision and Land Development Ordinance or Design Standards for which a Modification/Waiver is requested:

§22-504.2.A.(2).



APPLICATION FOR CONSIDERATION OF A MODIFICATION
Ferguson Township, Centre County

State any proposed alternative(s) to the requirement:

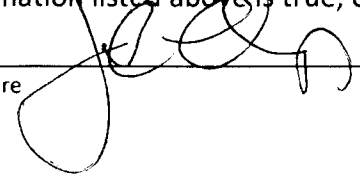
The ordinance of which the modification is requested requires a private road agreement signed by all property owners who access the private road. Calder Way is an alley that is neither a public street nor a private street that serves specific individual lots. In lieu of preparing a private road agreement, notes have been placed on the land development plan stating that the developer and/or owner of the project will upgrade in maintain the alley between Butz Street and South Buckout Street.

Please state in full, the grounds and facts of the unreasonableness or hardship the Ferguson Township Subdivision and Land Development Ordinance has placed on the property.

The ordinance of which the modification is requested requires a private road agreement signed by all property owners who access the private road. Calder Way is an alley that is neither a public street nor a private street that serves specific individual lots, thus requiring all properties that have access to the lots signing the agreement presents an unreasonable hardship on the applicant.

*If necessary, please continue with your hardship specification on another page.

The undersigned hereby represents that, to the best of their knowledge and belief, all information listed above is true, correct, and complete.

Signature 

Date 3/18/21

-For Office Use Only-

Date Received: _____ By: _____

Date Paid: _____ Check No.: _____ Amount: _____

Advertisement Dates: _____ Planning Commission Review Date: _____

Board of Supervisors Meeting Date: _____

Owners Certification Tax Parcel _____

Commonwealth of Pennsylvania
County of Centre

On this _____ day of _____, 20____, _____, personally appeared before me and certified that they were the owners of the properties shown on this plan and acknowledge the same to be their act and plan and designs, the same to be recorded as such, according to the law.

witness my hand and seal, this date _____

Notary Public Commission Expires _____

Storm Water Facilities Acknowledgement

I/We, _____ the landowner(s), my/our heirs and assigns, acknowledge the Stormwater Management System to be a permanent facility which can be altered or removed only after approval of a revised plan by the Ferguson Township Board of Supervisors. The stormwater management system is to be maintained in accordance with the approved ownership and maintenance program.

Township Engineer Certification

I, _____, have reviewed and hereby certify that the plan meets all engineering design standards and criteria of the Ferguson Township Code of Ordinances.

Municipal Storm Water Certification

I, _____, 20____, have reviewed the Stormwater Management Plan in accordance with the design standards and criteria of the Ferguson Township Stormwater Management Ordinance.

Township Planning Commission
Ferguson Township Planning Commission Approved

Chairman Date _____

Secretary Date _____

Township Supervisors
Ferguson Township Supervisors Approved

Chairman _____

Secretary _____

Fire Chief Certification

I have reviewed and hereby certify that the location of Fire Lanes and Fire Hydrants shown on this plan are adequate.

Fire Chief _____

Professional Land Surveyor Certification

I, Nevin L. Grove, a Professional Land Surveyor in the Commonwealth of Pennsylvania, do hereby certify that this plan correctly represents the tracts of lands as shown.

Signature _____

Storm Water Certification

I, _____, hereby certify that the Stormwater Management Plan meets all design standards and criteria of the Ferguson Township Stormwater Management Ordinance.

Design Engineer Certification

I, _____, hereby certify that this land development meets all design requirements of the Subdivision and Land Development Ordinance, Zoning Ordinance and all other applicable Chapters of Ferguson Township Code.

PROJECT NOTES:

- Property Owner Information:**
Scott L. & Glenda C. Yocum
PO Box 57
Boalsburg, PA 16827
- Developer Information:**
Aspen Heights Partners
8008 Corporate Center Drive
Charlotte, NC 28226
- General Site Information:**
 - 24-002A-015
 - 914 West College Ave
State College, PA 16801
 - Borough of State College
Ferguson Township
 - Planned Commercial (CP-2) District
Terraced Streetscape (TS) District
Record Book _____, Page _____
 - 49,489 S.F. (1.136 Acres)
- Zoning Information:** (Note: All Zoning Information pertains to the Ferguson Township portion of the project.)
 - Multi-Family Residential Apartment Building with Commercial/Retail Space on the First Floor.
 - 12' From the back edge of the curb on College Avenue
 - 0'-Side yard adjacent to lot that Fronts on West College Avenue
 - 17'-Abutting on Alley which coincides with a district boundary
 - 55' (Additional height up to 75' for lots of at least one acre may be obtained through the use of incentives. See §27-703.3 for more information.)
 - 74.8'
 - 61.56% (30,465 S.F.)
 - 75.00% (37,117 S.F.)
 - 50.76% (25,119 S.F.)
 - 74.64% (36,940 S.F.)
 - A Variance was granted by the Ferguson Township Zoning Hearing Board on February 25, 2020 allowing parking on the first floor of the building.
 - Building Area Information:

Residential (TS District):	145,880 SF
Commercial (TS District):	7,488 SF
Professional Office (CP-2, Borough of State College):	1,208 SF
- Unit and Bed Calculations:**

Unit Type	Number of Units	Number of Beds
2 Bedroom (B1)	9	18
2 Bedroom (B1 Type A)	1	2
2 Bedroom (B2)	10	20
2 Bedroom (B3)	20	60
3 Bedroom (C1)	55	165
3 Bedroom (C1 Type A)	1	3
Totals:	96	268 (All Within Ferguson Township)
- Automobile Parking Calculations:**

Required Parking (Ferguson Township):

Residential (TS District): Residential parking within the TS District shall be provided at the rate of 1.5 spaces for each unit that is two bedrooms or larger.
96 Units * 1.5 Spaces = 144 Spaces Required

Non-Residential (TS District): Parking for non-residential uses within the TS District shall be provided at the rate of 1/500 square feet.
7,488 SF * 1 Space per 500 SF = 15 Spaces Required

Required Parking (Borough of State College):

Professional Office: 1 Space per 300 square feet of gross floor area
1,208 SF * 1 Space per 300 SF = 4 Spaces Required

Total Required Parking:
Ferguson Township Total: 159 Spaces
Borough of State College Total: 4 Spaces
Total Parking Required: 163 Spaces

Total Parking Provided: 165 Spaces (159 In the Parking Structure and 6 Exterior)
- Bicycle Parking Calculations:**

Short-Term: 268 Beds * 0.05 Spaces per Bedroom = 13.4
14 Short-Term Bicycle Parking Spaces Required

Long-Term: There are no Long-Term Bicycle Parking Spaces required for this project since multi-family dwelling units with private garages are proposed. See §22-502C.A.1.
- Natural Site Features & Survey Information:**
 - Soil limits and descriptions have been taken from the Natural Resources Conservation Service Web Soil Survey dated June 2020.
 - There are no portions of this property located within a Zone 'A' 100-year Flood Plain according to the Federal Emergency Management Agency (FEMA) Map Number 42027C0636F for the Borough of State College, effective date May 4, 2009.
 - There are no wetlands on the property according to the National Wetlands Inventory (U.S. Fish & Wildlife Service) for State College, PA, last updated June 2020.
 - Horizontal Datum is Pennsylvania North Zone State Plane Coordinates, North American Vertical Datum of 1983 (PA NAD83) U.S. Feet
 - Elevation Datum is the North American Vertical Datum of 1988 (NAVD 88)
 - The Project Benchmark is the top of casting of the sanitary sewer manhole in the median island at the intersection of West College Avenue and South Buckhout Street, as shown on the plan. Elevation = 1183.66'
 - Field monumentation of the Municipal Boundary Line could not be located. Plans of Record, field survey data, and PennDOT mapping was used to determine the location as shown on the plan.
- Act 287 Information:**

Serial No. 20200352498 (Borough of State College)
Serial No. 20200352497 (Ferguson Township)
All utility locations should be verified prior to any construction, utility information and locations should be considered approximate. Contractor shall notify PA One Call prior to any excavation.

 - Electric:**
West Penn Power Company, 2800 E. College Ave, State College, PA 16801 – Phone: (800) 686-0021
 - Telephone:**
Verizon, Facility Management Center, 224 S. Allen Street, State College, PA 16801 – Phone: (814) 231-6511
 - TV Cable:**
Comcast, 250 Reese Road, State College, PA 16801 – Phone: (888) 266-2278
 - Gas:**
Columbia Gas of Pennsylvania, 2550 Carolean Drive, State College, PA 16801 – Phone: (814) 238-6775
 - Sanitary Sewer Treatment:**
University Area Joint Authority (UAJA), 1576 Spring Valley Road, State College, PA 16801 – Phone: (814) 238-5361
 - Sanitary Sewer Collection & Conveyance:**
State College Borough Sewer Authority, 243 S. Allen Street, State College, PA 16801 – Phone: (814) 234-7135
University Area Joint Authority (UAJA), 1576 Spring Valley Road, State College, PA 16801 – Phone: (814) 238-5361
 - Water:**
State College Borough Water Authority (SCBWA), 1201 West Branch Road, State College, PA 16801 – Phone: (814) 238-6766
- Project References:**
 - "Final Plan Lot Consolidation of Tax Parcels 24-002A-015 & 24-002A-016 & 24-002A-017 & 24-002A-018 & 36-010-006", prepared by PennTerra Engineering, Inc. and dated August 14, 2020.
 - "Post Construction Stormwater Management Plan Narrative", prepared by PennTerra Engineering, Inc., last revised March 19, 2021.
 - "Erosion & Sedimentation Control Plan Narrative", prepared by PennTerra Engineering, Inc., last revised February 19, 2021.
 - "Traffic Impact Study For The Proposed Aspen Heights Partners Development", prepared by David E. Wooster & Associates, inc., dated August 19, 2020, and last revised March 1, 2021.
 - "West College Student Housing Stormwater Management Site Plan", prepared by PennTerra Engineering, Inc., dated February 19, 2021, and last revised March 19, 2021.
- As-built drawings/documentation of the stormwater management facilities must be prepared in accordance with Chapter 26 §26-402D.4 and submitted to Ferguson Township at the completion of construction as a prerequisite of issuance of Occupancy Permit. As-built drawings/documentation of the stormwater management facilities must also be submitted to the Borough of State College in accordance with §14-224.h of the Stormwater Management Ordinance.
- Face area and height for all signs shall conform to the Ferguson Township Sign Ordinance and will be included with the Final Plan.
- Plan Purposes:**
The purpose of this plan is to construct a one story mixed-use building within the Planned Commercial District (CP-2) in the Borough of State College, and a six story mixed-use building within the Terraced Streetscape District (TS) in Ferguson Township. The building will consist of two subsurface floors of underground parking, one floor containing commercial space, and five floors of multi-family residential apartments located in Ferguson Township. Refer to the Architectural Plans prepared by BSB Design, Inc. for additional building information.
- Additional Planning Information:**
 - The proposed building will be fully sprinklered with automatic wet-pipe & dry-pipe sprinkler systems. Standpipes with fire hose valves will be provided in the stairs. An internal fire pump will support the sprinkler and standpipe systems. All fire protection systems in the building will be designed and installed in accordance with NFPA 13, NFPA 14, NFPA 20, and local building and fire codes. An integral Siamese Fire Department Connection will also be provided as coordinated between the Developer, Architect, and the Centre Regional Council of Governments Regional Fire Protection Program Fire Director.
 - Highway Occupancy Permits are required from the Pennsylvania Department of Transportation for all construction activities located within the state Right-Of-Way along West College Avenue.
 - All "Refuse and Recycling" collection bins/dumpsters/compactors will be typically located inside of the building's refuse and recycling area. On refuse/recycling collection days, all collection bins/dumpsters/compactors will be moved outside of the building to the loading space, and then returned to the building after collection.
- This Record Plan conforms with the plan receiving final approval by the Ferguson Township Board of Supervisors on _____. All improvements are or will be installed in accordance with such Plan in a manner and time so specified therein.

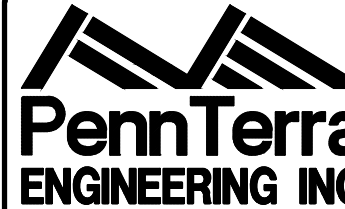
- The date of application for a Zoning Permit is August 17, 2020.
- Pre-construction meetings are required prior to starting work to discuss stormwater and public improvements. Please contact the Municipal Engineer to schedule the meeting.
- A Township Pave Cut Permit must be obtained for the sewer connection at Butz Street prior to issuing a Zoning Permit for this development.
- Calder Way between Butz Street and South Buckhout Street shall be maintained, cleared of snow and ice, and remain passable at all times by the developer and/or owner of the project. Failure of the owner and/or developer to maintain the alley in a passable condition at all times shall be sufficient reason for the Township to enter the site in an emergency to maintain, to clear snow and ice, and to make the alley passable, and to bill the responsible parties for the cost of said work. If the parties fail to pay said charges, the Township may collect the charges through a municipal lien plus interest, costs and attorney fees. Forced maintenance by the Township under this section shall not be construed as the Township's acceptance, or potential acceptance of the alley.
- A Fee-in-Lieu of Parkland will be offered for the 96 Residential Units in this project based on the following Ferguson Township Fee Schedule.
96 Units X 2.54 persons per unit X \$1,225.00 per person = \$298,704 Fee-In-Lieu of Parkland
- The project will provide full-time on-site management.
- An as-built drawing of the sinkhole repair shall be submitted to the township as part of the stormwater as-builts drawings.
- A Sidewalk Easement Agreement has been recorded in RB _____, PG _____ for the concrete sidewalk located along West Calder Way and a section of sidewalk located along West College Ave (SR0026).

FIRE FLOW INFORMATION:

Fire Hydrant # 30228
Location: North Butz Street @ Cross Alley
Flow Information
Test Date: 07/17/2019
Pressure: Static: 37 psi
Residual: 15 psi
Flow: 850 gpm

Fire Hydrant # 30212
Location: West College Avenue @ North Buckhout Street
Flow Information
Test Date: 07/17/2019
Pressure: Static: 46 psi
Residual: 38 psi
Flow: 1,325 gpm

Fire Hydrant # 30208
Location: West Beaver Ave @ South Buckhout Street
Flow Information
Test Date: 07/12/2019
Pressure: Static: 50 psi
Residual: 40 psi
Flow: 1,300 gpm



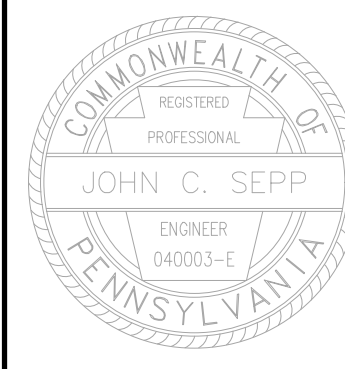
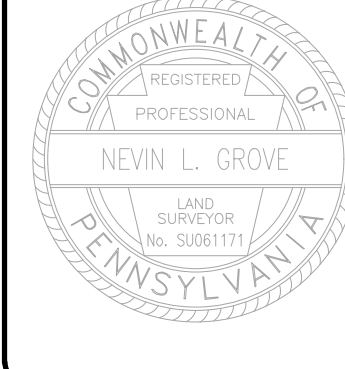
PennTerra ENGINEERING INC.
CENTRAL PENNSYLVANIA REGION OFFICE:
3075 ENTERPRISE DRIVE
SUITE 100
STATE COLLEGE, PA 16801
PH: 814-231-8285
Fax: 814-237-2308

LANCASTER REGION OFFICE:
3904 B ABEL DRIVE
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Designer _____ EAH
Draftsman _____ EAH
Proj Manager _____ JCS
Surveyor _____ BRK
Perimeter Ok _____
Book _____ S42 Pg _____ 42
Acad 19052-FERGUSON-PRELIMINARY-LD-SIG
Layout _____ SIG-NOTES

Date	Description
03/19/21	REVIEW PER FERGUSON TOWNSHIP COMMENTS
02/19/21	REVIEW PER FERGUSON TOWNSHIP COMMENTS
01/21/21	REVIEW PER FERGUSON TOWNSHIP COMMENTS
12/18/20	REVIEW PER FERGUSON TOWNSHIP COMMENTS
11/26/20	REVIEW PER FERGUSON TOWNSHIP COMMENTS
Date	Description
	REVISIONS

WEST COLLEGE STUDENT HOUSING

FERGUSON TOWNSHIP
CENTRE COUNTY
PENNSYLVANIA

PRELIMINARY LAND DEVELOPMENT PLAN

SIGNATURE & NOTES PAGE

PROJECT NO.
19052

DATE
AUGUST 14, 2020

SCALE	SHEET NO.
N.T.S.	4

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 27, ZONING; PART 3, RESIDENTIAL PLANNED DEVELOPMENT AND MIXED USE; SECTION 304, TERRACED STREETScape (TS) DISTRICT BY AMENDING §27-304.3.B.2. BUILDING HEIGHT INCENTIVES AND REPEALING IT IN ITS ENTIRETY.

The Board of Supervisors of the Township of Ferguson hereby ordains:

Section 1—Chapter 27, Zoning, Part 3, Residential Planned Development and Mixed Use, Section 304, Terraced Streetscape (TS) District by amending §27-304.3.B.2. Building Height Incentives, is hereby amended repealing it is its entirety:

2. If structured parking is provided to accommodate the use(s) on the lot and provides space for use by others, an additional 20 feet may be added to the permitted maximum without the need to obtain conditional use approval.

Section 2—The forgoing Section 1 shall be effective immediately upon the date of the enactment of this ordinance.

ORDAINED and ENACTED this _____ day of _____ 2021.

TOWNSHIP OF FERGUSON

By: _____
Laura Dininni, Chair
Board of Supervisors

[SEAL]

ATTEST:

By: _____
David G. Pribulka, Secretary