

MUNICIPALITY OF MONROEVILLE

PLANNING COMMISSION

MARCH 15, 2017

MINUTES

The meeting was called to order at 7:30 p.m. by Chairman Ed Diel.

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

The Pledge of Allegiance was recited and a moment of silence was observed.

ROLL CALL

The Recording Secretary, Sharon McIndoe, called roll and the following were present: Ed Diel, Dennis Biondo, Daren Morgante, Georgiana Woodhall, Domenic Russo and Paul Hugus. Ms. Krivda and Mr. Pokusa were absent.

APPROVAL OF MINUTES

There being no corrections, additions or deletions to the minutes of the February 15, 2017 Regular Meeting, a motion was duly made by Mr. Biondo to approve them, as submitted, and Mr. Russo seconded it. Upon a voice vote, the motion carried unanimously.

OLD BUSINESS

16-04-ST

HASHIM RAZA

The applicant is requesting site plan approval to construct a 4,704 square foot building for retail shops and associated site amenities. The property is located at 2646 Pitcairn Road in the C-2, Business/Commercial Zoning District.

The applicant requested tabling and waived all time limits.

Whereupon, Mr. Morgante duly made a motion to accept the tabling. Mrs. Woodhall questioned the status of this application because it has been tabled several times. Mr. Hugus indicated he would send them a letter of inquiry. Mr. Biondo seconded it. Upon a voice vote, the motion carried unanimously.

16-5-ST

VASA ENTERPRISES

The applicant is requesting site plan approval to construct a 15,000 square foot building for retail shops, rental hall and associated site amenities. The property is located at 4678 Old William Penn Highway in the C-2, Business/Commercial Zoning District.

The applicant requested tabling and waived all time limits.

Mrs. Woodhall inquired about the status of this application and Mr. Hugus stated it would be on the agenda next month. He added the documentation was submitted to the municipality too late to be reviewed for the meeting.

Whereupon, Mr. Morgante duly made a motion to accept the tabling and Mr. Biondo seconded it. Upon a roll call vote, the motion carried unanimously.

16-3-SUB

DAY AUTOMOTIVE GROUP

The applicant requested final subdivision approval for the consolidation of Parcels 1243-E-83, 1243-E-131 and 1243-E-138 to create Parcel A totaling 1.15 acres. The property is located at 1717 Golden Mile Highway in the C-2, Business/Commercial Zoning District.

Mr. David Ivanek, Engineer from Bankson Engineers, came forward representing the applicant. He explained they are requesting a lot consolidation plan. He briefly reviewed that Day Automotive owns four small parcels that they will combine and eliminate the interior lot lines. He stated consolidation will total 1.15 acres located in the C-2 Commercial Zoning District. He reported there are currently two buildings on the site and they are proposing an addition to 1717 which will remain. He pointed 1707 will be demolished. He stated the only outstanding comment from MS Consultants on the consolidation is the additional ground contours to the subdivision plan which they will add to their plan because it is a municipal requirement. He requested it being approved contingent on the applicant satisfying the engineer's comments.

Mr. Hugus added the subdivision plan is relatively in order. Whereupon, Mr. Biondo duly made a motion to approve Application No. 16-3-SUB and Mr. Russo seconded it. Upon a roll call vote, the motion carried unanimously.

16-6-ST

DAY AUTOMOTIVE GROUP

The applicant is requesting site plan approval to construct an 820 square foot addition to the existing building for office and associated site amenities. The property is located at 1717 Golden Mile Highway in the C-2, Business/Commercial Zoning District.

Mr. Ivanek briefly reviewed they are proposing an 820 square foot addition on to Building 1717. He explained it will be a detail shop where the cars will be cleaned and detailed and pictures will be taken in their photo booth so they can be auctioned on line. He stated there would be no sales at the site or public displays. He indicated the site would only be used for detailing, photographing and on-line auction of vehicles. He reported they received the review letter of March 8, 2017 and he had a response letter to submit. He stated all of the comments in the packet have been addressed other than the outside approvals which include E&S approval from the Allegheny Conservation District. He reported it is pending and under review and it will be forwarded to the municipality when approved. He reported

they provided a sample storm water operation and maintenance agreement in one of their responses. He indicated they will fully execute and record that agreement. He mentioned they will provide bonds and insurance but they wanted to get site plan approval before they begin that process. He reported they have satisfied all the engineering comments other than the third party reviews.

Mr. Russo questioned whether the E&S is pending and Mr. Ivanek answered affirmatively. He stated they just recently received and answered their comments. He anticipated getting approval shortly. Mr. Russo inquired what would happen if they do not get approval and Mr. Hugus explained it is not unusual that the E&S plan is not approved until after the council meeting. He added no permits will be issued until it is received. Mr. Ivanek requested that it be passed on to council for approval based on satisfying all those outstanding comments. He added he would submit a packet of information showing they have satisfied most of them other than the third party approvals. Mr. Hugus explained there are some minor details that need to be worked out with the storm water but it is good at this point.

Whereupon, Mr. Morgante duly made a motion to approve Application No. 16-6-ST with the conditions stipulated and Mr. Russo seconded it. Upon a roll call vote, the motion carried unanimously.

#### 17-1-ST

#### THE IMAMIA ORGANIZATION OF PITTSBURGH

The applicant requested site plan approval to construct an 8,094 square foot church and associated site amenities. The property is located at 351 Old Haymaker Road in the M-1, Planned Industrial and R-2, Single-Family Residential. The application is a modification to previously approved Site Plan Application 14-8-ST and Conditional Use Application 14-5-C.

Mr. Diel reported this application has also been on the agenda for several months and he requested the applicant be contacted as to the status of the application.

Whereupon, Mr. Biondo duly made a motion to accept the tabling of Application No. 17-7-ST and Mrs. Woodhall seconded it. Upon a voice vote, the motion carried unanimously.

#### NEW BUSINESS

#### 13-3-ST

#### ZOKAITES PROPERTIES, LP

The applicant is requesting site plan approval to construct a 29,430 square foot retail plaza, 7,165 square foot restaurant and associated site amenities. The property is located at 3985 William Penn Highway in the C-2, Business/Commercial Zoning District.

The applicant requested tabling and waived all time limits.

Mr. Hugus reported the applicant is actively working on the application and needs to submit a traffic impact study and a geotechnical report for the earth work.

Whereupon, Mr. Biondo duly made a motion to approve the tabling and Mr. Russo seconded it. Upon a voice vote, the motion carried unanimously.

17-1-Z

JAMES A. RUTTER

The applicant is requesting rezoning of properties totaling 41.852 acres from S, Conservancy to C-2, Business/Commercial. The parcels are located at 4917 Old William Penn Highway known as Allegheny County Lot and Block Numbers 1244-F-365 and 1244-C-287 and are owned by James A. and Janet Rutter.

Mr. Jack Finnegan, attorney, came forward representing the applicant, Mr. Paul Rutter and his daughter. He gave a brief overview of the application. He explained the property has been in the family for three generations and the business has been at that location for 45 to 50 years. He stated they sell mulch and soil to governments, wholesale and retail and the reason for the rezoning request is to make the property consistent with the surrounding area. He pointed out on the west side of the property is M-1 located next to 600-700 feet of industrial and the residential area has a very steep slope down to McClure Road. He stated it is adjacent to commercial property located on Old William Penn Highway and there is a sliver of residential. He mentioned that it is next to residential on Pagoda Drive on the north and east near Murrysville. He felt the rezoning should not affect those properties because there is a tree line and significant buffer and because of the slope there would not be any disturbance up the north and west side near the residential structures. He suggested it is a good fit for the planning and zoning scheme. He pointed out there is a house located in the easterly portion approximately 100-150 feet from the northerly line near the Pagoda houses. He explained that converting a residential property can create a nonconformity but he felt it is easily protected by the natural buffer on both the north and east sides. He explained the property is not under an agreement of sale but their current business plan is to stay there for a long time and this would be beneficial.

Mr. Hugus questioned whether it was spot zoning and Mr. Finnegan answered negatively. He explained spot zoning is usually for smaller lots but it could be 1,000 acres in the middle of a big place. He felt it was not spot zoning because it is adjacent to commercial and industrial. He pointed out there is residential but it is located on a significant slope and unbuildable going down to McClure Road. He stated there is a natural tree barrier of over 100 feet next to the residential and next to the residential in Westmoreland County. He indicated it is not spot zoning and he has reviewed many cases and felt it is consistent with what is in the area.

Mr. Russo pointed out that there is a residence located on the property which is not permitted on a C-2 zoned property. Mr. Finnegan stated it creates nonconformity but Mr. Rutter is retiring and it would remain a structure. He indicated there is a tree buffer in the area so it would not be affected. He agreed it is a nonconformity since it is a residence but it is too insignificant to prevent a rezoning. He pointed out a deed line and again he stated it would not be a problem because there is a significant barrier in the area. He stated if this is approved the structure will be demolished if it cannot be used but if it can be used it would be converted to a commercial use. Mr. Russo contended that the structure is

still a residence. He was concerned with the residential structure and the buffer. He stated they could be removed.

Mrs. Woodhall inquired whether the applicant would be willing to leave the questionable areas as conservancy. She mentioned the areas that have a steep slope or the buffer area around the residential. Mr. Finnegan suggested the areas located in the buffer areas would remain and he was uncertain whether they would need to be dedicated. Mrs. Woodland questioned whether the applicant would leave some of the portions conservancy instead of doing the entire 40 acres. Mr. Finnegan indicated it would have to be discussed but he mentioned the natural tree barrier regardless of how it is zoned will provide protection on the north and east side. He answered affirmatively but the amount would have to be discussed.

Mr. Paul Whealdon, Landscape Architect from Fahringer, McCarty and Grey, came forward to explain the property. He stated they are proposing to rezone 40 acres but most of the property is currently being used commercially and has been for over 40 years. He suggested going from conservancy to commercial is not a big change because that is how it has been used for decades. He pointed out the property on the plan and the google shot reflecting the location of the houses. He stated it is not spot zoning because of all the commercial property located on Route 22 and on McClure Road. He stated the only area being used is the center portion and it has some residential property around it and there is an existing steep slope area and natural buffer with trees. He felt they would not want to make that the zoning line because it is a strange shape but they could discuss a buffer if it was made parallel to the property line and pulled in with the zoning.

Mr. Whealdon gave an overview of the plan to show where it gives a one-to-one scale. He pointed out the two rectangles are the buildings on the site and it shows the distance between the buildings and the property lines. He stated the height difference is 130 feet from the building to the houses and 140 feet down to William Penn Highway. He added there is a very big slope across the site and not many people know it is located at the top of the property. Again, he stated the rezoning from conservancy to commercial is not a big change because of the way it has been used for four decades.

Ms. Jayme Matkozych, daughter of James Rutter, came forward to give a brief overview. She reported she lived on the property most of her life and has been involved in the business her entire life. She reviewed her education and position with the company. She was proud of the business and indicated that she is emotionally invested in the legacy of it. She proposed bringing the business forward to the next level and modernizing it. She wanted to keep her family's successful recipe and enhance it. She proposed keeping their current product lines and colored wood mulch which is the playground mulch, the soils and compost. She mentioned all the important recycling and environmental things that they do. She proposed growing the business by adding other product lines and profit centers that enhance and compliment their current business. She explained how passionate she is about the business. She felt the rezoning would permit them to operate within the label that they have been using over the last 40 years. She suggested it puts them in line with the current zoning landscape along the Route 22 corridor. She felt it was an important component to the future plans of the business and wanted it to be a positive contributing force to the local community and a destination point.

Mr. Russo questioned why they could not just continue on for the next 40 years under the current zoning and inquired about the difference in the activity that they are proposing. He mentioned expanding the building and bringing in a different product line does not change what they current do other than the rezoning. Mrs. Matkozich explained as far as having the flexibility, she was unsure of how it would look in the future. She suggested that not being allowed to operate in a commercial area could be a prohibitive factor as they define the future of their company. She felt adding more detail draw and product lines would fall more under the commercial than the conservancy. Mr. Finnegan added it would also be more limiting with the business and financial people they will deal with in the future. He suggested that the interest in a large piece of property in terms of zoning will affect how people make decisions in the future. He added the request for rezoning is so it is a better planning scheme with the municipality and the surrounding area. He recognized there is residential property in the area but this it is consistent with the other property in the area. He suggested it is a natural thing to do to make this business better and contribute to the overall zoning scheme of the entire area because he did not anticipate the residential area expanding its permitted uses or the conservancy expanding its permitted uses.

Mrs. Woodhall inquired about the zoning of the other similar destination properties mentioned earlier and Mr. Rutter stated Soergals is commercial at their facility and their orchards are agriculture in a residential area. He added their buildings are commercial where they have their brewery, garden center, greenhouse, restaurant and catering business. Mrs. Woodhall inquired about Trax Farms and Mr. Rutter was uncertain. Mrs. Woodhall inquired about Shramms and Mr. Rutter answered it is commercial. He added there are two entities, the garden market center and another facility up the road that does quilting and the orchards are in the agricultural area. He explained they have had no expansion on the property other than piles of material but they now need to grow and expand. He stated without the commercial zoning is an obstacle to getting the approval they need from Allegheny County, financial institutions and the Department of Labor and Industry. He suggested this is a simple way for them to grow and expand for the next generation.

Mr. Biondo questioned whether they would consider the buffer suggested earlier between the residential area and the commercial business. Mr. Rutter stated they have no objection to the buffer area that currently exists. He explained it would be impossible to use the property to the north going toward the residents on Pagoda Drive except to make a fire break in case of fire. He stated the 20 and 30 percent slope is a natural barrier. He suggested they had no objection to making that large area a buffer zone because nothing could be developed on it.

Mrs. Woodhall inquired whether the municipality had the recommendation from the county and Mr. Hugus indicated it has not been received. He estimated it would be another 30 days. Ms. Matkozich suggested the portion of the property between the elevation lines and the actual pictures of the existing landscape is undevelopable and would not infringe upon the surrounding area.

Whereupon, Mr. Russo duly made a motion to table. Mr. Diel suggested the board hear from the audience.

Mr. Hugh Cook, a resident, came forward to explain he lives on one of the conservancy border lines of the 4900 Block of Old William Penn Highway. He suggested the buffer zone does not matter but it does matter being located there on the down side of a hill during a wind storm from the facility. He was concerned about the zoning and expressed his opposition of the proposed zoning on the two parcels. He was concerned with the effects on his family's property by losing 41.2 acres of conservancy located behind them and what corridor it would open for future development. He was concerned with the effects on the surrounding residential area and conservancy zoning. He questioned why there was a sudden need for this zoning change when they have been running this business at the location for 40 years. He pointed out they have been allowed to operate as a nonconforming use in a conservancy area when they should have been complying with the commercial zoning rules. He inquired where they would go with an expansion when they have never been compliant with the conservancy. He questioned whether everything done in the conservancy area would be forgotten and they would start fresh. He inquired whether what they are proposing falls under the guidelines of the C-2 Business/Commercial. He referred to the zoning restrictions under that listing and suggested the applicant should be applying for an M-1, M-2 Industrial with the distribution and manufacturing of the products. He could not understand how it should be approved for commercial when it should be under M-1, M-2 Industrial. He requested the board follow the guidelines and zoning definitions found in Monroeville's Charter Chapter 359 on zoning and to consider what studies would have to be done as far as the environmental impact, storm water run-off, traffic flow and what other responsibilities the business would be held to such as damage to public roads, street frontage improvements and environmental concerns to make sure the rest of the problems do not over flow into the downwind. He pointed out there is no buffer when the leaves fall off the trees and he again mentioned the wind storm situation. He again suggested the board follow the guidelines listed for everyone and the decision is compliant and best suits the community not just one business.

Mr. John Edd, a resident of Pagoda Drive, came forward to express his concerns. He questioned if it is rezoned C-2 whether the road between Pagoda Drive and the property would be used for access. He inquired about the rules in C-2 about access. Mr. Hugus explained the property abuts Pagoda Drive and the landowner has the right to use that access road. He stated if they were to sell the property the next property owner has the same right to use Pagoda Drive for access. He added it is a public road. Mr. Edd inquired whether something commercial could be built and use Pagoda Drive to access the business and Mr. Hugus answered affirmatively. He added they have the right to use it because it abuts the road.

Ms. Matkozich asserted they have been very mindful of the Pagoda neighbors as the current owner who would use it in the future. She reported they discourage anyone using the Pagoda Drive entrance for any reason and they do not have to have a footprint of their business on Pagoda Drive.

Mr. Morgante inquired whether the use over the past 40 years conformed to the current zoning. Mr. Hugus answered it has been an ongoing business since the 1970s and it was zoned conservancy at the time and it has not changed very much. He stated the question of whether the current use fits within the C-2 zoning district would be a question for the municipal solicitor. He reported he has not discussed it with him. Mr. Finnegan stated most of the activity on the property is the sale of products.

He asserted there are no well-defined lines and he suggested it is commercial and they pay the business privilege tax.

Whereupon, Mr. Russo duly made a motion to table Application No. 17-1-SUB to allow for resident's input, the solicitor's review and to have the entire planning commission in attendance. Mr. Morgante seconded it and upon a roll call vote, the motion carried unanimously with five affirmative votes.

17-4-ST

FORBES REGIONAL HOSPITAL

The applicant is requesting site plan approval to construct a 13,093 square foot addition on the eastern side of the hospital for Perioperative Services and a 1,283 square foot addition on the western side of the hospital for a new egress stair tower. The property is located at 2570 Haymaker Road in the L, Special Use Zoning District.

Mr. Roger Hartung with IKM Architects came forward along with Mr. Daniel Keller from Forbes Hospital. Mr. Keller reported they are experiencing growth along with surgeries and supportive services. He stated the proposed addition is to add 13,000 square feet so they can move the Central Sterilization Plant and expand Post Anesthesia Care Unit (PACU) to keep up with those expanding services.

Mr. Hartung gave a brief overview of the hospital property. He explained there was a storm water retention pond constructed as part of the elevator project and they built in extra capacity to the ponds at that time to handle this expansion. He stated they are still in excess for the parking and the project does not get rid of any parking spaces. He briefly reviewed the exterior of the building.

Mr. Russo asserted in the narrative for the sewage planning they indicated that the proposed addition would not increase sewage flow from the existing hospital campus. Mr. Hartung explained currently central sterile processing is internal to the hospital and all the sewage goes out into a different building and same with the GI Lab. Mr. Russo pointed out that between Phase I and II there are 23 sinks and 4 toilets. He stated there is a clean room, operating and other places where nothing is shown and he assumed it would be a room to wash hands because they were preparing to go into operating. He could not understand how there would not be an increase with all the equipment and facilities. He questioned whether a study has been done and Mr. Hartung answered negatively. He was unsure whether he could answer the question. He explained they are currently planning the expansion of the hospital but have not designed the backfill of what is going into the building. Mr. Keller added they are increasing the capacity of the hospital not increasing services. He explained they are internal to the hospital and being relocated to give them more square footage but not increasing the service. Mr. Russo felt it would increase something by adding to the number of sinks and toilets. Mr. Hartung explained those toilets and sinks are currently inside the hospital and will be moved into the addition and they will be back filled with other projects that have not been designed yet. He added there may be an increase in that back fill design. Mr. Keller added PACU is currently located in the building and he explained the transition. He stated they will just be moving the services to a better area to make them more efficient.

Mr. Hugus explained the sewage planning module is based on water consumption. He suggested their engineer would have to provide documentation that there would not be any additional water consumption. Mr. Hartzung indicated their engineer was not present and they needed to determine whether a planning module would be required. He stated they will do a planning module if it is required. He inquired whether approval could be made contingent on getting those additional documents. Mr. Hugus explained it can be done as they go but it has to be done to get their permits. Further discussion ensued. Mr. Hugus stated these would all be the conditions of approval.

Mrs. Woodhall was confused about how the moving of the toilets and sinks would not increase the flow. Mr. Hartung explained what is being added to the addition currently exists at the hospital so the plumbing load is vacating the hospital and going into the addition. He added there will be another backfill project which is not currently occurring that will probably have plumbing fixtures. He was uncertain whether the planning module is required when the backfill project is done or whether it is required when the addition is done. Mr. Hugus indicated it is when the backfill is done but the municipality needs to know that information now in writing. Mr. Hartung indicated they would have their engineers formally address it. Further discussion ensued.

Whereupon, Mr. Russo duly made a motion to approve contingent on the submission of a study and Mr. Morgante seconded it. Upon a roll call vote, the motion carried unanimously.

#### ADJOURNMENT

There being no further business to come before council, at this time, Mr. Morgante duly made a motion to adjourn at 8:29 p.m. and Mr. Biondo seconded it. Upon a voice vote, the motion carried unanimously.

Respectfully submitted,

Ed Diel,  
Chairman

ED/sam