

Pledge of Allegiance

Present:

Present at the meeting: Ryan Lemke, Robert Mitall, Ed Patrick, and James Olszewski. Also in attendance was Chief Administrator Jim Morrison.

Absent: Jayne Hoy and Council Liaison Carl Stepanovich

Minutes: There were no minutes to be approved.

Public Comment: None.

Reorganization and Setting of Meeting Dates and Times: Mr. Lemke nominated Robert Mitall as Chair of the Commission; Mr. Patrick nominated Jayne Hoy as Vice-Chair; Mr. Lemke nominated Ed Patrick as Secretary; Mr. Patrick nominated Ryan Lemke as Assistant Secretary. Mr. Patrick moved that the nominations be closed. All present voted aye; motions approved. Mr. Mitall then took over the meeting as Chairman.

All members present were in agreement to starting the meetings at 7:00 p.m. Mr. Mitall noted that having two meetings a month has become burdensome on the Commission members and staff and suggested meeting the first Tuesday of the month and, if necessary, call a special meeting. Mr. Patrick moved to hold the regular meetings the first Tuesday of the month beginning at 7:00 p.m. All present voted aye; motion approved.

Mr. Mitall then welcomed the new members to the Commission – Ryan Lemke and James Olszewski and felt confident that they had the skills necessary to serve. He then publicly thanked former members of the Commission who were recently deceased – Frank Muzika and John Bossetti and said they were valuable contributors to the Municipality; he asked that a letter be sent to their family members acknowledging and thanking them for their support and help over the years. Mr. Morrison advised the members that Council approved planting trees on behalf of both men at MCP.

A presentation by Robert Jack, Director of Development, Clover Development – Senior Independent Living

Mr. Rob Sweet introduced himself and mentioned that Rob Jack, Senior Development Director, was also in attendance. Mr. Sweet said they were in attendance to “take the temperature” of the Planning Commission on a potential senior apartment project and, after explaining the plan, would like direction from the Commission on the plans.

Mr. Sweet said that Clover has an option to purchase approximately 6.7 acres of property along Logan Ferry Road, which is zoned B (Business). He said representatives met with staff earlier this month to discuss the project. They are planning to develop a senior apartment building (age 55 and over) of approximately 130,000 sf, consisting of about 32,500 sf/floor

with 4 stories. They are proposing 112 units with 114 parking spaces and 1 driveway on Logan Ferry Road.

Mr. Sweet gave some background information on Clover, which has been in business since 1987 and focused exclusively on senior housing since 2005. The company has 30 developments, including Greensburg, Bethel Park, Crafton and Oakdale, as well as in other locations in Pennsylvania and surrounding states. He stressed that the development is senior independent housing – not a nursing home. It would be the intermediary step between the house/condo and nursing home. Dining and care packages are not offered; however, if a resident wishes to have help, that is acceptable. Clover is not a state licensed facility. He stressed that, unlike some developers that build a facility and then sell it to a management company, Clover doesn't do that – it owns, operates and becomes a member of the community from the time it is built. Mr. Sweet discussed the options that will be available in the building, as well as the common area amenities. There will be elevators and sprinklers in the building. He said that the average age of residents is 74-76 and they are predominately women.

Mr. Sweet then advised the members about the prior meeting with Mr. Morrison and Ms. Mallisee regarding zoning issues discussed and said they were in attendance at tonight's meeting to get some guidance from the Commission. There was a question from one of the members regarding the garages shown on the plan and the number of parking spaces. Mr. Sweet advised that there were 38 garages available for rental by the residents, as well as approximately 114 parking spaces (including garages) for 112 apartments. He asked that the members keep in mind that the residents will be active seniors, but not all of them drive; studies at other Clover properties indicate that 78-80% of the parking is utilized. Mr. Jack stated that the other properties have shown that approximately 80% of the residents have a car, so for a development like the one proposed, only about 75 spaces will be used, leaving about 25-30 excess spaces available for visitors. Mr. Jack also stated that once 5 developments have been established in the Pittsburgh area, a shuttle service will be instituted and be available once a day at each of the facilities.

Mr. Jack reiterated that the apartments will be at market rate, not subsidized in any way; they pull from within a 5-mile radius; residents are seniors that want to stay in the same area, go to the same grocery stores and pharmacies; will have the ability to lock up the apartment and go to Florida for a month or two with no strings attached.

Mr. Sweet showed a depiction of what their standard buildings look like, with patios, a main entry feature, no vinyl siding (mixture of plank and stone). Mr. Morrison asked if the garages will use the same materials and was told they would, as well as with the same design. Mr. Jack said the garages will be fully enclosed – not carports.

Mr. Mitall said that Murrysville has a need for senior citizen-type housing, but there are several problems when looking at the Municipality's zoning and subdivision regulations: (1) density (restrictive). Mr. Mitall's personal opinion is that senior housing does not create the same impact on the community that a normal subdivision or multi-family development would. He believes the ordinance should be adjusted to take into account these kinds of

developments. However, he believes there are challenges, including how it should be zoned. Mr. Sweet said nursing homes are a permitted use in the B District, but since this is not a nursing home, there is really no definition for this type of development. Mr. Mitall said that there are some Federal laws and definitions that govern this type of housing and should be part of any ordinance that the Municipality would consider. He said there are also height restrictions and parking requirements to be addressed. He is unsure how this should be handled – new ordinance dealing with this type of development, subsection of the existing ordinance, curative amendment process – but that would be left to the legal minds to pursue.

Mr. Patrick asked about height restrictions. Mr. Sweet said 60 feet is allowed in the B District and similar in the R-3 District. Mr. Morrison confirmed that it's 65' in B and 60' in R-3. Mr. Sweet said the building would be about 50 to the ridge line. Mr. Patrick commented on the impact and said it would be lower than a residential development. Mr. Sweet agreed and said that seniors set their own hours – they don't have to leave in the 7-9 or 4-6 rush – so there is not the same peak volume coming from the site. Also, there would not be a lighting impact because the residents don't like lights and noise, which is a nice transition from the industrial/office areas.

Mr. Patrick asked about guests and overnight parking. Mr. Sweet said the residents usually police themselves and begin calling the manager about cars sitting there for too many days. Mr. Sweet confirmed that the residents have to be 55 and whoever's name is on the lease is the only one that can live there. Mr. Morrison said there are provisions under the Housing for Older Persons Act which provide that at least 80% has to have 55 or older to avoid discrimination; there are verifications that must be done; a census of the population must be taken, and covenants limit the length of time people under 19 years of age can be there. He said there were specific amendments added to the Fair Housing Act to accommodate this type of living arrangement. He added that he will make available to the Commission members some documentation he has on this issue.

Mr. Patrick asked if it is permissible for a resident to have live-in help if necessary. Mr. Sweet said live-in help was not allowed, but in-home care was permitted. For example, a family member could come to assist for possibly a day or two, but not long-term. Mr. Sweet also said that if a resident has to move to a care facility or long-term facility, the lease can be broken. Mr. Lemke asked about the terms of the lease and was told they are yearly leases as opposed to month-to-month. He also asked how they keep a handle on who is living in the apartments. Mr. Jack said the neighbors are aware and there is also a manager and maintenance man on site from 9-5 Monday through Friday. Mr. Lemke then noted that Clover was asking for the possibility of re-zoning to R-3 and asked if this would be a permitted use in that district. Mr. Sweet said it would be permitted as a multi-family building.

Mr. Mitall asked Mr. Morrison if, after researching the Fair Housing Act covenants, staff would be able to put those covenants in a local ordinance. Mr. Morrison said that probably the cleanest way would be to reference the HOP Act as part of the definition and define it as senior independent living. Mr. Patrick asked if it would entail modifying an existing ordinance or if a separate ordinance would have to be written. Mr. Morrison said the zoning ordinance would have to be amended and permitted use would depend on how the amendment

was written, i.e., would it be permitted in all districts or only in R-2, R-3, permitted in Business district, create an overlay district. Mr. Patrick asked what basis the Municipality would have for not allowing it in all districts. Mr. Morrison said the other way to do it would be to create and add a definition to the zoning ordinance and note it as a permitted conditional use in various districts. Mr. Mitall said he sees as a problem the fact that the community has very little R-2 and R-3 vacant land, so the suggestion of an overlay district is probably the way to go. Mr. Mitall said that it appears that the members are agreeable to pursuing this. Mr. Patrick asked the presenters what the timing would be. Mr. Sweet said “as soon as they can” and added that Clover has a six-month contract to purchase the land and they would like to move as expeditiously as possible. Mr. Morrison said any process undertaken would require public hearings and there will be challenges to overcome from the public with their perception of apartments. He said they should not discount the idea of providing for single-family homes also, not just apartment complexes, so it will take some time. There will have to be public hearing before both the Planning Commission and Council, so six months will be a challenge. Mr. Sweet said that Plum and Monroeville both have definitions addressing this issue and the Commission members were given copies of those definitions. Mr. Lemke asked where additional facilities were open and operating. Mr. Jack said there were facilities in Bethel Park and North Fayette open. Robinson Township and Hempfield are under construction. There is also one in Beaver going through approvals.

Mr. Mitall asked Mr. Morrison to accumulate information necessary for the members to review for further discussion and consideration at a future meeting. Mr. Sweet and Mr. Jack thanked the members for their time and said they are looking forward to seeing them in a month or so.

New Business:

- 1. A discussion concerning S-10-19, a proposed subdivision, 4900 Lasher Court, RR Zoning District, 30.33 acres, creating 3 parcels for the addition of two new residences on two of the newly created parcels.**

Ken Howard, with Bankson Engineers, and noted that Mr. Walker, who currently owns 30.33 acres, is in attendance. He explained that Mr. Walker wishes to subdivide two parcels off the property: 5.5 acres on the northeast corner for his daughter and 10 acres on the western side for his son. Mr. Howard explained that Lasher Court ends at Mr. Walker’s property line and that there is a driveway through his property; Mr. Walker will be dedicating a 50’ wide easement to follow the driveway the entire length and would remain a private right-of-way. Mr. Mitall asked if the proposed lots have been tested for on-lot systems. Mr. Howard said they have and the information/reports have been submitted to the Municipality. Mr. Patrick asked if there would be some provision in the deeds regarding the private drive in the event one of the family members would want to sell his/her parcel. Mr. Howard said it is always a recommendation to have family members make provisions in agreements for private drives. Mr. Mitall said a recorded document would be required by the Municipality. Mr. Howard indicated on the plans where the driveway would end in a cul-de-sac, giving access to the 10-acre parcel, while the 5.5 acre parcel would have access via the 50’ right-of-way.

There was a question about the driveway. Mr. Howard said it is currently an aggregate driveway that's 12-15 feet wide. There is access to the barns and outbuildings via the private driveway; it was also utilized during the development of a gas well and farming needs on the property. After looking at the radius of the driveway, Mr. Howard said they believe it would meet any requirements for access by emergency vehicles. As far as the grade, Mr. Howard said the driveway is mostly flat and has a 5% slope at max. Mr. Patrick asked if there is any possibility of the owners of parcel #3 being able to subdivide it in the future. Mr. Howard said there are no restrictions on the current plan, but that would be up to the owners. Mr. Patrick said that in the past, there have been clauses put on the plan indicating that no further subdivision of a parcel is allowed. Mr. Mitall said that he believes that is an unreasonable restriction unless there is some overriding thing because water and sewage may become available years in the future. Mr. Morrison said that, with a private drive, they are restricted to 5 lots. He added that the property is in an R-R District without utilities so it would be limited to 2-acre lots.

Mr. Mitall said that, looking at the information provided, there don't seem to be any outstanding issues other than water service available. Mr. Howard said there is currently city water on the property where Mr. Walker's house is located and he has a letter from the Water Authority that he will be permitted to extend service to the other two parcels. Mr. Morrison said this application has gone through two reviews and the information is in the briefing submitted to the members. Mr. Mitall said it seems that the only question is whether there should be a restriction on further subdivision. The members didn't feel this was necessary.

Mr. Patrick moved that S-10-19 be forwarded to Council with the Planning Commission's approval. Mr. Lemke seconded. Mr. Morrison said staff is waiting for the County to sign off on the plan. Mr. Patrick amended the motion to add subject to Westmoreland County approval; Mr. Lemke seconded. All present voted aye. Motion approved.

2. A discussion concerning SP-1-20, a proposed parking lot expansion and addition of outdoor patio seating on adjacent properties, 5753 and 5755 Old William Penn Highway, B Zoning District, 2 parcels, 0.127 acres.

Greg Korniodis of Triangle Engineering and Planning Service advised the members that the property is owned by William Hoy. One parcel currently has an office building on it which has more parking than needed for the square footage on the property. The other parcel has a dwelling on it which Mr. Hoy intends to convert to a business (possibly an ice cream-type business). The existing bike trail runs behind the property in question and the intent is to install a bike rack for trail users when accessing the ice cream shop. Additional parking is proposed, as well as the closure of one of the entrances to the property and relocation of the entry closer to the ice cream building, thus eliminating congestion and providing for a better traffic flow. A new concrete sidewalk to the ice cream building is proposed and pervious paving in another area to eliminate additional storm water.

Mr. Korniodis showed pictures of the area, including the existing office building, and explained the proposed change to the driveway entry, and noted that landscaping will be done. Mr. Mitall asked if there were any outstanding issues. Mr. Morrison said staff is waiting for

approvals from the Conservation District and storm water management. Also outstanding is a maintenance agreement for the storm water facility, a joint access and parking agreement for the parking lot, and there was no rock sump detail shown. There was no further discussion.

Mr. Lemke moved to approve file No. SP-1-20, subject to the requirements in Item E, Administration, and H, Storm water Management. Mr. Patrick seconded. Mr. Mitall abstained from voting because his company did some of the work on the plan. All others in attendance voted aye. Motion approved.

Old Business:

1. A discussion concerning a proposed ordinance adopting regulations for wireless facility deployment in the public right-of-way.

For the new members on the Commission, Mr. Mitall explained the request from carriers to put small antennas on existing poles, requiring new regulations to address this issue. Part of the discussion has been that: (1) these antennas can become an eyesore or a sight distance issue, (2) plans or newer subdivisions with no poles would have to be addressed. Mr. Morrison explained that the Municipality engaged the services of Joe Cortese to develop a working draft ordinance, which was provided to members in the drop box. Also included for review was a right-of-way document. Mr. Cortese was of the opinion that to address this issue properly, all utilities that may come into a right-of-way need to be considered in order to avoid discriminating.

Mr. Patrick noted the talk about cubic volume. He said he could understand the material close to the ground, but when talking about the antenna, it could be skinny but very tall (cubic volume), and asked how that could be addressed. Mr. Morrison said he has asked the same questions of Mr. Cortese and expected that the Commission members would have the same concerns. Mr. Morrison has invited Mr. Cortese to the March 3 meeting. He said Mr. Cortese is currently engaged with the City of Pittsburgh in developing a similar ordinance and he should be prepared to answer those questions at the meeting.

Mr. Patrick said he can understand the facilities along Rt. 22 because of the amount of traffic, but questioned whether companies envision putting them in low density areas such as Heather Highlands. Mr. Morrison said most of this is pre-empted by the FCC and the State seems to be restricting local control, so this is more a zoning issue rather than getting franchise fees from the cable companies. His concerns were: (1) maintenance of the facilities and (2) subdivision issues (no one wants a pole in their front yard). In order to avoid exclusivity, he doesn't know if there is a way to avoid putting a pole in a subdivision. He said Mr. Cortese will be prepared to address that issue. He continued by saying that the problem is that the 5G coverage area is very small and his initial thought was to only permit the facilities on the major thoroughfares (Sardis, Hills Church, Rt. 22, OWPH) to try to keep them out of the neighborhoods.

Mr. Patrick said the topography in Murrysville would be a constraint faced by the companies. Mr. Morrison said he believes it is important that the ordinance be strong on co-locating. He

reiterated that the FCC is making it very difficult as far as regulating on the local level because they want to see this happen. There was no further discussion.

Mr. Morrison referred to Item #1 on the agenda: **A discussion concerning FPRD-01-19, final planned residential development and conditional use, Cline Hollow Road, R-1 Zoning District, 31.68 acres, 23 single family lots, requiring major excavation and development within steep slopes/poor soils**, and advised that staff had a request from the applicant to not appear this evening as he was not prepared. Mr. Morrison also noted, for the record, that staff has not accepted that application yet. Mr. Mitall asked if this should be tabled; Mr. Morrison said he did not want any action taken because he didn't want the clock to start running. There were a few comments made about the plan and issues involved.

2. A discussion concerning updates to the Murrysville Sign Ordinance.

Mr. Mitall said, as he understands it, this issue primarily concerns the digital sign and the intensity of it. Mr. Morrison said that is correct. Mr. Mitall said that a man previously came before the Commission to address digital signs and alluded to the fact that a lot of ordinances talk about dropping the sign's intensity after a certain hour (what is appropriate during daylight hours becomes overwhelming when it becomes dark). He said that most places have gotten away from animation. He explained that multiple messages can be placed on the sign and it's a question of how often the messages change and a lot of ordinances deal with that. Mr. Patrick asked if there have been any studies as to how much animation or movement is a distraction for drivers. Mr. Morrison said he's sure there are, but he is not familiar with any. He said he believes the current ordinance regulates how often messages can change. He also said that only amber color is allowed. Mr. Morrison advised that, in the past year, there have been 2 cases decided by the Zoning Hearing Board on signs, so the members and staff should take a look at those. He said he would make available some information on digitals, as well as the ZHB decisions.

Mr. Olszewski asked if there is a particular problem that the Commission is trying to address. Mr. Morrison said there are two concerns: (1) they don't want the signs any bigger than they are, and (2) the brilliance of the digital signs.

Mr. Morrison also wanted to note, under the tower ordinance, that there will be a segment of the population that will come out against the towers because of fears of regulation and cancer-causing radio waves. However, he said that most of the information that he has found, either through the Cancer Society or the FCC, limits the frequency of radio waves and it has been found not to be cancer-causing. Mr. Patrick asked where the towers were in the spectrum versus microwaves because of the concerns about frequency. Mr. Morrison said he was unsure. Mr. Lemke said that the Federal regulations require the Municipality to act within a certain timeframe and he would take that to mean that Federal law restricts the Municipality's ability to prohibit it, but can place conditions on it. Mr. Morrison said "we can say where but not how."

Mr. Mitall asked Mr. Morrison to provide the members with a packet of information, including FCC regulations on towers.

Other Business: None.

Adjournment:

Mr. Patrick: Moved to adjourn at 8: 16 p.m.

Mr. Lemke: Seconded

Motion Approved: 4-0