

APPROVED

**MUNICIPALITY OF MT. LEBANON
PLANNING BOARD MINUTES**

DATE: Tuesday, August 28, 2018

TIME: 7 p.m.

PLACE: Mt. Lebanon Municipality – Commission Chambers

BOARD MEMBERS PRESENT: Suzanne Sieber, Matthew Simonds, Dennis Pittman, James Cannon, Andrew George

STAFF MEMBERS PRESENT: Municipal Planner Ian McMeans, Municipal Solicitor Phil Weiss

1. Minutes

July 24, 2018, meeting. Mr. Cannon moved and Mr. Pittman seconded to approve the minutes of the July 24, 2018, Planning Board Meeting. The motion carried unanimously.

2. Old Business

- a. Discussion of a Zoning Ordinance Amendment. At the May 22 Planning Board meeting the board heard a presentation on an amendment to the Zoning Ordinance to encourage increased vibrancy in the Central Business District by changing the zoning designation of offices and medical clinics/facilities. The Planning Board will discuss the potential changes to the zoning ordinance.

Mr. McMeans said this amendment was previously discussed in May and was tabled in June. At the June meeting the planning board discussed only changing offices with first floor store-fronts. This ordinance would not affect second stories or above, below grade or rear facing spaces. The board discussed making no changes, making this a conditional use for offices or medical, or making it a non-conforming use, which would eliminate a use by right. The Mt. Lebanon Partnership and Economic Development Council (EDC) submitted their recommendations.

Mr. McMeans read into the record an email from Matt Kluck. Mr. McMeans explained the planning board is a recommending body only. They submit their recommendations to the Commission who then choose whether or not to enact those recommendations.

Citizen Comments

Rick Sabeh, 222 Seminole Drive, former planning board member, said any time changes are proposed to an ordinance it is necessary to look carefully to see if it needs to be refined. A business district is to provide services to the surrounding community; not to be an office park. Zoning regulations are intended to provide a guide for what's best for the community. He challenged the board members to look at the ordinance carefully to make sure the

business district does not become mostly offices, which he feels would not be in the best interest of the community.

Emily Greene, field director in Mt. Lebanon with Americans for Prosperity, which is a lobbying group. She feels setting a zoning ordinance would be considered corporate welfare, which could have a negative long term effects on the local community. She wants to see the free economy thrive.

Kelly Reda, 44 Academy Ave, says she is a patron of the shops and doctors, does not want to see them forced out. Patients come to the doctors five days a week; they patron the nearby shops and restaurants. Mt. Lebanon provides the opportunity to walk everywhere; to doctors, dentists, restaurants, churches, and the library. She feels if there is only retail space then people may stay away during harsh weather, but with doctors' offices in the business district people still need to come.

Bill Callahan, president of the Mt. Lebanon Partnership summarized items that had been discussed by the board at previous meetings. The proposal supported by the partnership and the EDC would not eject anyone from their current office space; those tenants would be grandfathered in. He said the expertise on the board for community development is unsurpassed for determining vitality of smaller commercial districts. They are suggesting an amendment to the ordinance that limits Washington-Road-facing, first floor offices to existing conditions. Decades of data supports the idea that excessive office space decreases vitality of commercial districts. The industry standard for offices is approximately 10%; Mt. Lebanon is currently at 25%, and would stay under the proposed ordinance. This type of zoning has been around for decades, and other municipalities in the region have passed similar ordinances. This proposal came from the municipal Comprehensive Plan and the Uptown Strategic Plan. There were public surveys and input into both plans with the results being requests for more retail and entertainment opportunities. The Partnership and EDC are looking to help implement those wishes.

Vi Bikerman, 750 Washington Road, said her reasons for moving into the area is because she can walk to her doctors, and does not rely on public transportation. She said there were other retail places years ago that are no longer here. She doesn't think people want more shops, and many of the people in her building moved there so they could be closer to their doctors.

Michael Bikerman, 750 Washington Road, moved to Mt. Lebanon because of the neighborhood, and recently moved to the highrise. He would like to see the area more viable by keeping doctor's offices that are here, and not excluding others. He thinks the municipality should look at the landlords to determine why buildings remain empty.

Milan Liptak, 681 Washington Road, bought their building in 1980 and at that time there were not many businesses. Now there is a nice mix of businesses including doctors' offices and orthodontics. He objects to restricting building owners on how they conduct business, and who they rent to. He feels this could create major impact on retail. His renter hires

many employees who eat and frequent the shops, and feels it would be a mistake to change the ordinance.

Cynthia Bognar, 795 Flintridge Road, owner of 733 Washington Road, she wants to see Mt. Lebanon thrive. She said the store Pandalton did not survive because there is not enough traffic, parking and they couldn't compete with mall. She has had better success in attracting doctors, dentists and professionals in her building, which tend to stay longer, and are more stable. Smaller shops have difficulty being self-sustaining, especially with the close proximity of The Galleria and South Hills Village Mall, and many of the buildings are in poor condition. She does not support the change in the ordinance.

Mr. McMeans read into the record an e-mail from Janice Poole.

Mr. George asked Mr. Callahan if he was aware of stimulation to upper floors based on regulations on first floors.

Mr. Callahan said the generally speaking when this kind of restriction is put on the first floor, then pressure can be put on vacant spaces on higher floors. He feels this would open opportunities for second floor spaces.

Rose Liptak, owner of 781 Washington Road, questions Mr. Callahan's comment indicating Mt. Lebanon citizens are overwhelmingly desiring change. Many of the office buildings do not have elevators which could make it difficult for senior citizens. She doesn't see a need for the proposed ordinance change.

Mr. Callahan said his comments about citizens wanting change is based on public surveys that were conducted for the Uptown Strategic Plan which was concluded in 2017.

Mr. Simonds asked if the data collected considers other businesses such as on-line businesses like Amazon.

Mr. Callahan said the data concludes that excessive office spaces reduce the vibrancy and vitality in a business district; trends do change rapidly. The businesses district's competition is not The Galleria, or South Hills Village, but it is Carnegie, Dormont or Lawrenceville.

Mr. Cannon asked how the data was collected.

Mr. Callahan said the Comprehensive Plan included public meetings, on-line and in-person surveys. The Comprehensive Plan received 1,000 responses and the Uptown Strategic Plan talked with over 600 people, and the majority of people indicated they wanted to see changes in the business district.

Mr. Sabeh, 222 Seminole, former planning board member, said the Comprehensive Plan was prepared by the planning board. People don't always participate in surveys; the

planning board took a year to do the Comprehensive Plan. The plan guides the review of the Capital Improvement Program, and how the planning board takes action on items such as this. He feels it is the planning board's duty to follow the guidelines of the Comprehensive Plan.

Brian Neff, 1163 Firwood Drive, counsel to Mrs. Bognar, disagrees with the idea that Mt. Lebanon is competing Carnegie and Lawrenceville, based on geography. He thinks it is better to allow the market to express itself; he feels restrictions could depress the rent and eventually cause a depressed community.

Mr. Simonds supports the idea but does not think this can be accomplished through regulation.

Kelly Reda, suggested that whatever retail the municipality tries to bring in, it should cater to elderly, because the younger generation tends to buy from their phones.

Ms. Seiber thanked the community for coming. She supports the conditional use and which would allow doctors' offices to stay and new doctors' offices would be grandfathered in, in the same space.

Mr. Pittman met with the Partnership and respects the planning board, but the elected officials will make the final decision.

Mr. Pittman moved and Mr. George seconded to recommend an amendment to the current Zoning Ordinance to make Offices and Medical Clinic/Medical Facilities a Conditional Use in street-facing storefronts on the first floor within the Central Business District and further recommended that Offices and Medical Clinics/Facilities up to a certain percentage of the total linear frontage on the street be permitted. The motion carried 3-to-2.

Mr. McMeans said the recommendation of the planning board will now pass to the Commission, who will review the ordinance, introduce it, hold a public hearing, and then take a vote.

New Business

- b. Discussion of an Ordinance Amendment. In 2017 the Planning Board recommended and Commission approved an update to Chapter XX *Zoning* of the Mt. Lebanon Code. Updates are also needed to Chapter XVI of the Mt. Lebanon Code, *Subdivision and Land Development*. The Municipal Planner will present a list of items to be updated in Chapter XVI for the Board to discuss.

Mr. McMeans said last year there was an update to the Zoning Ordinance (ZO), and now the Subdivision and Land Development Ordinance (SALDO) needs an update. The SALDO contains rules of how the application process works for applicants coming before the planning board for subdivisions or land development projects within the municipality.

- 1) Definition of family differs between the SALDO and the ZO; the recommendation is to make them identical.
- 2) Changes to the FEMA definition of a special flood hazard area need to match. Then make general language so no new language is needed in the future.
- 3) Change the application regulations deadline from 28 days to 30 days to match the county review period.

Ms. Seiber needed to leave the meeting and passed the gavel to Mr. Cannon. She indicated she supports the recommendations made by Mr. McMeans.

- 4) Change the terminology of “mylars” to “recordable plan.”
- 5) Change the language for reinstatement of approvals to match the county’s language.
- 6) Electronic files of plans should be submitted in a digital file format.
- 7) Change language on traffic impact studies to match PennDOT.
- 8) Amend language to require developers to construct public improvements, and the municipality would accept them by ordinance.
- 9) Change language for review procedures for land developments.
- 10) Reconsider six-foot buffer requirement for sidewalks.
- 11) Bring lighting height requirements between SALDO and ZO into conformity.
- 12) Review county, state and MPC requirements regarding advertising in a newspaper of general circulation, which is becoming limited.
- 13) Certification clauses in the appendices need to be updated to go align with Allegheny County clauses.
- 14) Review the required plant list by Gateway Engineers.
- 15) Updating the required materials list to permit permeable pavers.
- 16) Listing municipal streets based on type such as collector or arterial.
- 17) An annual storm water report for new developments was added to the ZO and needs to be added to the SALDO.

Mr. Cannon moved and Mr. Pittman moved to approve changes to the SALDO suggested by the municipal planner. The motion carried unanimously.

Citizen Comments

There were no citizen comments

- c. Recommendation from the Mt. Lebanon Planning Board on the proposed Capital Improvement Program (CIP) for Mt. Lebanon, PA for the years 2019 – 2023.

Mr. Pitman asked if there would be a sidewalk along McNeilly Road to the proposed park.

Mr. McMeans said trails and the parking lot would be ADA accessible, but no sidewalks were proposed because of the slopes of the road, and there are no sidewalks on abutting properties.

Citizen Comments

There were no citizen comments.

George moved and Mr. Simonds seconded to recommend the 2019-2023 CIP as being in accordance with the adopted Comprehensive Plan. The motion carried unanimously.

Mr. Pittman said in light of the *Pittsburgh Post-Gazette* going to five days, and the *Tribune Review* being completely on-line, perhaps the results of the planning board, summarized by the municipal planner, could be offered to the Almanac to help keep residents informed of planning board decisions.

Mr. Simonds moved and Mr. George seconded. The motion carried 3-to-1.

3. Citizen Comments

There were no citizen comments.

4. Next Meeting — The next regularly scheduled meeting of the Mt. Lebanon Planning Board is **Tuesday, September 25, 2018**, at 7:00 p.m.

5. Adjournment

Meeting adjourned at 8:08 p.m.