

APPROVED

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

DATE: Tuesday, April 25, 2017

TIME: 7 p.m.

PLACE: Mt. Lebanon Municipality – Commission Chambers

BOARD MEMBERS PRESENT: Dennis Pitman, Suzanne Sieber, James Cannon, Sr., Matthew Simonds

STAFF MEMBERS PRESENT: Municipal Planner Ian McMeans, Municipal Engineer Matt Bagaley

1. Minutes

- a. March 28, 2017, meeting minutes. Mr. Cannon moved Ms. Sieber seconded to approve the March 28, 2017, Planning Board minutes. The motion carried unanimously.

2. Other Business

- a. Reorganization of the planning board. Mr. Pittman said not all of the planning board members are present tonight, and recommends the reorganization be delayed until all members are here. Ms. Sieber moved and Mr. Cannon seconded to table the reorganization of the planning board until the May 23, 2017, meeting. The motion carried unanimously.

3. Old Business

- a. Request for recommendation for final approval of Beyond Self Storage land development plan. NorthPoint Development, LLC has an equitable interest in the property located at 512 Castle Shannon Boulevard. The developer received a variance for the use of a self-storage facility on the property and a variance that off-street parking requirements would comply with §817.5.1 of the Zoning Code. The developer is requesting approval of a land development plan to construct a self-storage facility.

Mr. Bagaley said Gateway Engineers issued a new letter dated April 19, 2017; all items, except for minor clerical items, have been addressed.

Citizen Comments

Janice Wolk, 18 Woodland Drive, asked for an explanation of §817.5.1.

Mr. McMeans read §817.5.1 of the municipal code and explained the parking requirements. He said the developer did provide a parking study to justify the number of parking spaces submitted.

Mr. Cannon moved and Ms. Sieber seconded to grant recommendation for final approval for the Beyond Self Storage land development plan conditioned on the engineer's review

comments in a letter dated April 19, 2017, comments from the planning board, and the commission granting any requested waivers or modifications. The motion carried unanimously.

- b. Request for recommendation of an ordinance amending the Zoning District Map. The ordinance is that the Mt. Lebanon Zoning District Map made a part of the Zoning Ordinance in Section 106.3.1, of Chapter XX, Zoning, shall be amended by adding a certain property to the Continuing Care Overlay District. All that certain parcel of land, being Block and Lot 251-N-140, is located at the corner of Connor Road and Terrace Drive. Northpoint Senior Living Development has requested the amendment to the zoning district map.

Mr. Bagaley, read into the record a letter from Gateway Engineers dated March 17, 2017. 1005 variance has been met; no opinion of re-zoning;

Ms. Sieber read into the record a prepared statement regarding the guidelines for public comments on this item.

Alice Mitinger, counsel for NorthPoint, said they are asking to extend the continuing care district overlay by one parcel. They feel is an appropriate residential use in an R-1 residential district. They feel the impact of a proposed use less significant than if the property were developed with single-family residences.

Dan Theis, Stonecrest Senior Living, said he feels the extension is logical and good for the community. The assisted living facility will be a residential community. They feel the proposed extension would be less intrusive than the current zoning category. Under the current zoning a developer could build approximately 13 lots. If a developer were to build on this site the entire site would need to be graded and all of the trees along the north side of the property would need to be removed. There would be limited wetlands preservation. He said this product is need in this community. They have determined that 300 new beds are needed in this community, but they are proposing 100 beds. They believe this would have no adverse effect on the community; that it would be a quiet residential residence. They plan to develop only 50% of the site, which would preserve the tree buffer to the north, preserve the wetlands, and keep the pipeline in its current location. They feel the traffic generated would be similar to what 13 developed lots would be.

Carolyn Yeagle, Environmental Planning and Design, said she was tasked with looking at other locations for continuing care and in the R-1 districts throughout the municipality. There are several facilities in continuing care districts located in R-1, such as The Pines, and R-2, such as Concordia and Brookdale. She showed a drawing of what the area would look like if it were developed into 13 individual lots.

Mr. McMeans said the municipality received letters from the community along with petitions. He summarized the comments: citizens are concerned about changing the character of the established residential neighborhood; the preservation of the R-1 area as

a distinctive low-impact residential community; the wetlands; the space for housing; adequate light and privacy; environmental hazards and environmental blight, and the type of uses referenced in the R-1 residential district in the code. The letters and petitions will be included with the minutes.

Citizen Comments

Frances Reichl, 1467 Mohican Drive, said she is concerned that this development would not preserve the character of the neighborhood, as directed in the municipal code. She is concerned about the amount of fill that would need to be added to the area in order for this project to be built, and that the trees and foliage would need to be cut down. She feels the amount of trucked in fill would be a substantial disruption to the community. She opposes the project.

Gary Shelton, 245 Hoodridge Drive, is concerned about the increased traffic and the environmental impact to the community, and opposes the project.

Sarah Everhart, 1445 Mohican Drive, gave an updated petition to the planning board. She said there is a lot of concern of the residents about this development. She has gone door-to-door and received 295 signatures in the last two weeks, along with 42 more signatures from this evening, against this development. The majority of the concerns expressed to her were regarding the added traffic, and the safety of the children in the community. This is a walking district, and the three closest streets to this development have no sidewalks. She disagrees with the statement made by the developer indicating there would be no additional traffic. She plugged into her GPS the location of the proposed project from Pittsburgh. The GPS took a route directly through the neighborhood, not taking into consideration there is a traffic island at the intersection of the Terrace, Woodland and Mohican. She feels there would be a larger impact of traffic based on there being 100 residents with visitors, delivery trucks, and ambulances for the nursing facility, than if there were 13 individual homes built on that site. She opposes the project.

Joseph Grimes, 1326 Terrace Drive, is concerned about the increased traffic. There have been numerous accidents in the neighborhood and feels this is a commercial facility that would be in a residential community. He opposes the project.

Robert Max Junker, 130 Mayfair Drive, attorney representing the Hoodridge Plan Assn., said he has three points regarding this development: 1) if this were a compatible use in an R-1 zoning district then there would be no need for an overlay; it is classified in the zoning code as continuing care being residential he feels it is more accurate to describe this project as institutional residential development; he believes the overlay districts were put in place where they are by the commissioners for a purpose and feels there are other areas in the township where this type of development would be permitted without an overlay district; 2) he stated this is a continuing pattern with this land owner. Kossman Development had proposed an LA Fitness. At that time there was a proposal for a text amendment to make the laws conform to the plans and not the plans to conform to the laws; 3) this is a legislative decision and there is no appeal from the planning board or

the Commissioners' decision. He then discussed contract zoning and other uses allowed in the continuing care overlay, which could change should a different developer come along.

Katie Feldbauer, 1426 Mohican Drive; she said an assisted living facility would be run 24 hours a day, seven days a week, 365 days a year. The amount of traffic and noise created by this facility will be a nuisance to the surrounding community. She described the various types of deliveries that would need to be made for the facility to function, the number of people needed to care for the residents, and the visitors to the residents. She feels that Terrace Drive will become the main route between Connor Road and Washington Road. She does not feel there is a need for another memory-care facility when others in the area are not being operated at the maximum capacity.

Jane Offutt, 1424 Mohican Drive, said she is opposed to the construction in the designated area because maps show it is in a flood plain. She talked about the topography of the area, and why it is difficult to build on that site.

Eric Udren, 1395 Terrace Drive, the diagram displayed showing where the overlay extension is proposed does not show the topography. He discussed the current topography of that area. This development would change the character of the neighborhood. He opposes changing the zoning of the property.

Janice Wolk, 18 Woodland Drive, is concerned about the animals that live in that area. She opposes this project. She spoke about other dealings with Kossman on other properties. She questioned whether Terrace would need to be widened, and who would foot the bill.

Alvin Catz, 14 Woodland Drive, questioned what the tax base is for this property. He feels this property would be more beneficial to the municipality if single-family homes were developed that would pay taxes, instead of a nursing facility.

Judy Smydo, 1440 Mohican Drive, said when she bought her home she thought the lots would eventually be developed as single-family homes. She opposes the proposed extension of the continuing care overlay, and asked the board to deny the request.

Bill Lewis, 816 Ridgeview Drive, gave a history of this property indicating several options have been put before the planning board for different developments. He feels this property is not suitable for development for single-family homes. He supports the proposed zoning change and feels this is the best proposal that has come forward. He described many of the steps that the developer will need to go through in order to get this project built. He looked at the Comprehensive Plan and could not find anything in there indicating continuing care facilities should not be built in Mt. Lebanon.

Christopher Keough, 1330 Terrace, is concerned about the current traffic conditions and opposes this project.

Dr. Ed Smith, 1455 Mohican Drive, said Painters Run is a perennial stream, and spoke about the flood plain. He asked if ALCOSAN is willing to accept the increase of sewage from this plan.

Alisa Carr, 102 Woodland Drive, believes this request is contrary to the Comprehensive Plan and the zoning ordinance. The plan recognizes that Mt. Lebanon is a well-built community, there is not much extra space that is subject to zoning issues, and many vacant lots are considered in-fill land development. In-fill land development under the Comp Plan requires the in-fill land be in character of the surrounding development. She does not believe the proposed development would be of the same character of the surrounding neighborhood. She says the intent of section 102.2 of the zoning ordinance is to prevent danger from congestion in travel and transportation. There are problems already with traffic turning on to Terrace and, disregarding the signs at the island, will travel around the island. She feels this project does not fit into the intent and goals for the zoning ordinance.

John Schrott, 1397 Navahoe, thanked the board for their service. He said there are 52 kids that live on Navahoe alone. He spoke about the continuing care overlay in an R-1 district. He said there is no guarantee that if this zoning change goes through, this developer would end up developing on this site. There are many unknowns regarding the site itself. He feels there is a difference between a community and a neighborhood. This area is a neighborhood, and he would like to see it remain that way. He opposes the ordinance change. He said section 201.5 of the zoning ordinance is to “encourage those variety of land uses and building developments which conserve and enhance the residential character of the municipality while recognizing and preserving the unique physical characteristics of particular areas within the municipality.” The last sentence of 202.1.1 states “the district requirements promote and protect the quality of urban residential living of the existing residential neighborhood.”

Lisa Stoffer, 1380 Navahoe, said she has noticed an increase in traffic since the Fresh Market opened. She said she bought this property based on the expectations of a community, and that the property in question might be developed into residential dwellings. She objects to the proposition of anything other than single-family homes being developed on this property.

Bill Carlson, 1485 Mohican Drive, reminded those residents in attendance that there are petitions circulating if they haven’t signed one.

Dr. Denise Burton, 1503 Mohican Drive, bought home with expectation this property would be a residential development and feels this development will negatively affect their property values. She feels this will be a commercial building, not a residential facility.

Dan Caste, 62 Woodland Drive, said the continuing care overlay was put into place approximately 15 years ago. The ordinance was written to allow a continuing care overlay district on five acres. This property was not intended to be developed as a

continuing care district, otherwise the commissioners at the time of the ordinance would've allowed for it on 4.5 acres. He thinks the decision by the zoning hearing board can be appealed, and suggests the planning board wait for the appeal period to run its course. He said in his business as a land developer this property could not be developed into 13 single-family homes, and feels if it were possible, it would have been developed already. Not every property in the municipality is meant to be developed.

Nancy Fabi, 1340 Terrace Drive, opposes the continuing care overlay, and talked about the traffic in the area including having cars crash into her house. She talked about the number of children that are in the area and is concerned with increased traffic.

Anna Siefken, 19 Woodland Drive, opposes the continuing care facility based on the following: 1) devaluation of property, and 2) alternative land use plan developed in 2010-2011. She referenced page 64 of the Comprehensive Plan. She feels the development does not fit the character of the neighborhood.

Sun Scolieri, 1425 Terrace Drive, also opposes the continuing care overlay. She and her husband put a lot of planning before building their house, which is across the street from this property. She would rather have 14 new neighbors rather than a continuing care facility. She is concerned about the possibility of increased traffic and the effect it will have on the children that have to walk in the area to get to school.

Steven Feldbauer, 1426 Mohican Drive, said he doesn't feel the R-1 zoning needs to be changed, and opposes the continuing care overlay.

Mr. Pittman thanked the audience for the attendance and appreciates their comments.

Mr. Cannon said he is impressed with the audience attendance and encourages the attendees to be more involved in the community.

Ms. Sieber thanked the audience members, and thanked the developers for their insight.

Ms. Sieber moved and Mr. Cannon seconded to recommend against approval of an ordinance to amend the Mt Lebanon Zoning Map to add Block and Lot 251-N-140 to the Continuing Care Overlay District. The motion was tied with Ms. Sieber and Mr. Cannon voting yes, and Mr. Simonds and Mr. Pittman voting no.

Mr. Simonds sees this as a narrowly tailored issue, and asks that the residents keep an open mind for other potential developments.

Mr. Pittman said this vote will go to the Commission who will make the final decision.

Mr. McMeans said this is an ordinance amendment and will follow the normal procedures of an ordinance amendment. There is a three-meeting process with the ordinance being introduced and a public hearing set, the public hearing is held, and then the motion is put

before the Commission for a vote. Based on the vote this evening, this recommendation will go before the Commission as a split decision.

4. New Business

There was no new business.

5. Citizen Comments

Bill Lewis, 816 Ridgeview Drive, said at the previous meeting he made a statement indicating the Commission could supersede a decision by the zoning hearing board, regarding the hotel project on Washington Road. Mr. McGill, municipal manager who was present at that meeting, stated that was an incorrect statement because the zoning hearing board is a quasi-judicial body, there was an appeal to the court, and a judge made the decision. Mr. Lewis asked that the planning board recommend to the Commission to provide legal counsel to the zoning hearing board in any manner when they want to defend themselves in court.

Mr. Pittman said it is not the place of the planning board to give legal advice to the Commission, but he is aware that the zoning hearing board must have access to their own legal counsel.

6. Next Meeting — The next regularly scheduled meeting of the Mt. Lebanon Planning Board is **Tuesday, May 23, 2017**, at 7:00 p.m.

7. Adjournment

The meeting was adjourned at 9:25 p.m.