

## MINUTES

### ZONING & SUBDIVISION REVIEW COMMITTEE

Tuesday – January 16, 2007 – 6:00 p.m. – MCRPC Offices

#### MEMBERS PRESENT

Sam Scott, Chairman  
Larry McAdams  
Fred Brenner  
Chuck Garrett  
Clifford McCandless  
Ron Faull  
James Hughes  
Elliott Lengel  
Patty McAdams

#### OTHERS PRESENT

Lisa Holm Schrader, Planner  
Peggy Heldorfer, Associate Planner  
Joe Pinchot, Herald Staff Writer  
(See attachment for others present)

Mr. Scott, Chairman, called the meeting to order at 6:00 p.m. **A quorum was present.** Mr. Scott noted that the Minutes of the December 12, 2006 meeting were mailed prior to tonight's meeting and there being no additions, corrections, or deletions, the Minutes stand approved as mailed.

#### NEW BUSINESS

1. Rezoning Request – City of Hermitage – Ms. Schrader explained that this rezoning request is located along Maple Drive south of East State Street, is approximately 2.8 acres and is currently used as a funeral home. Current zoning for this property is R-1-75. Funeral homes are not currently a permitted use in the R-1 district. The existing business has been grandfathered in because of its continued use on this property. The zoning request is to revise to an R-2-75 zoning district. R-2 is a General Residential District which is designed to accommodate single, two-family and multi-family residences where utilities, access and location warrant such development. As a reminder, a specific proposed use of this property cannot be used as a determinant in a zoning amendment.

Previously, MCRPC adopted 5 rezoning criteria's and these are based upon the Pennsylvania Municipal Planning Code. The first criteria – Consistency with County and Community Planning Objectives – In the Hermitage Zoning Ordinance, community planning objectives which relate more specifically to this request are to provide for a full range of housing types and also to create land use controls which will protect existing residential areas while allowing for a wider range of compatible uses, especially in locations which abut major traffic corridors.

The second criteria – Compatible with surrounding land uses creating minimal impacts – The proposed R-2-75 General Residential District permits land uses such as single-family, two-family and multi-family residences where utilities, access and location warrant such development. Existing zoning and adjacent existing land uses are R-1 – Single-Family Residential which is the current zoning district for this property as well as areas located to the south of this property; CC-1 – Central Commercial which is located to the north of the property and the area consists of commercial businesses as well as some converted residential structures now used commercially along East State Street; and R-2-75 – General Residential which is the property located on the opposite side of this street which has apartments.

The third criteria – Infrastructure is adequate – Street access and all utilities are available at this site and are currently being used by the existing funeral home.

The fourth criteria – Adequate, readily-zoned sites are not available elsewhere in the community – There are other R-2 districts which are located across Maple Drive, to the north along Dutch Lane and to the west near South Kerrwood Drive.

The fifth criteria – Local or area conditions have changed – It has been noted that several multi-family apartment buildings or conversion units are located within this R-1-75 zoning district. This site is currently zoned R-1. Although funeral homes are not currently a permitted use in this district, the business had been grandfathered in because of its continued use on this property. The proposed zoning is R-2. Funeral homes are a special exception in that district and the additional criteria listed in the zoning ordinance are a minimum of 5,000 square feet of parking and no visible display of merchandise outside of the building. With a special exception, it would go to the zoning hearing board and any additional requirements could be added at that time if the zoning hearing board for the City of Hermitage chose to add reasonable provisions. Ms. Schrader noted that another funeral home is located along East State in the CC-1 district approximately 800 feet from this business. This site was previously bordered by several single-family homes that remained along East State Street. These homes have since been converted to business uses in the commercial district.

Ms. Schrader next asked if Committee members had any questions. Mr. McCandless questioned if Trace Street crosses Fairmont Drive, or is it an open street. Ms. Schrader explained that Trace Street is a drive and is used as access to the rear of several properties. She was unclear if the City owns it or if it is a street used by private agreement. Mr. McCandless questioned if the second Falkner property has access from Trace Street. Ms. Schrader explained that it is adjacent to it. Mr. McCandless stated that the R-2-75 zone would be an ideal buffer zone for that area, with a commercial district in front of it and some R-2-75 around it. There being no further questions from the Committee, Mr. Scott asked if the interested group had a spokesman. There being no one individual spokesman, Mr. Scott open the floor for public comments.

Mr. John Falkner stated that he owns the 10 unit apartment building and property next to the property in question. He stated that Trace Street does have quite a bit of traffic and he has tried to maintain the access, which he is not sure if it is private, and the City will not take over the street. He noted that his apartment building is basically elderly people and he is against a boy's group home in close proximity to his apartment building. Mr. Gracenin stated that we are discussing a zoning change and we do not know or need to know the proposed use. He stated that a group home could be one specific possibility that could be there as a special exception. He noted that a special exception would be heard by the zoning hearing board for the City and there are some limiting criteria if a group home was indeed to be used on this property.

Mr. Harry Elberty of Fairmont Drive stated that he objects to the rezoning because one zoning change opens the door for more and feels that this would be spot zoning. Mr. Scott stated he does not view this to be spot zoning as the neighbors claim when there is the same zoning across Maple Drive.

Mr. Richard Schuster lives on the end of Maple Drive and stated that the R-2 district has been there for over 50 years because there was a school there which he attended. He noted that he was at the Hermitage Commissioners meeting last week and the lady misinterpreted the zoning or basically lied to the Commission about checking out the area. He noted that most residents are 60+ and they do not want to see change.

Mr. Bob Clarke of Maple Drive stated that when he purchased this property it was basically residential and near business/access. He noted that Maple Drive is now an artery and would hate to see businesses spread.

Mr. Victor Ellenberger stated that in 1947 his father bought property on Maple Drive because it was in the sticks and he still lives there. He noted that the Hickory Drive-in Theater was behind them and they used to be able to hunt in the area. Over the years there were many changes and has become very crowded, but he does not want to loose the neighborhood.

Ms. Becky Zickar stated that she has a young daughter, who attends Hermitage Schools and feels she is in a safe area, but 20 years ago Buhl Farm Drive was a beautiful historical area, but now it is no longer nice. She feels that when you continue to make changes, sometimes those changes are not always good.

Mr. Shawn Koset stated that he lives on Rexford Drive, which is a quiet country area, he likes the community and he would hate to see changes. He stated that residential property is number one to protect.

Ms. Mary Ellen Dunn stated that she lives on Maple Drive and she feels that there is a lot of developable land in Hermitage and to not change what has been residential.

Ms. Patricia Arnsparger stated that she lives on Maple Drive and no one in this audience wants this zoning. She noted that she likes living in this area and would hate to see it change. She stated that Mr. Leali should keep his nose out and build elsewhere for these boys.

Mr. Bill Kerry stated that he lives on Kerrwood Drive and he believes in zoning, but noted that zoning was designed to protect residential property first.

Mr. Hughes asked what the Hermitage Planning Commission has done so far. It was noted that the Hermitage Planning Commission previously recommended the proposal be denied. Mr. Gracenin stated that the public hearing is scheduled for January 24<sup>th</sup> and the Hermitage Commissioners will review this at their February meeting.

There being no further discussion, Mr. Scott asked for a recommendation from the Committee. A motion was made by Mr. Faull to recommend denying the rezoning. Mr. Lengel seconded. A roll call was taken. The motion did not pass. The first motion was removed. A second motion was made by Larry McAdams to recommend approval of the rezoning based upon the criteria as stated and reviewed. A roll call was taken. The motion did not pass due to a tie vote. On the final vote Chuck Garrett, Ron Faull, James Hughes and Elliott Lengel suggested the zoning remain as it is. Sam Scott, Larry McAdams, Fred Brenner and Cliff McCandless supported the zoning change. It was determined that the request would be reviewed by the full commission at the January 23, 2007 meeting. No recommendation was determined.

Additional dialogue by the public followed the vote. Mr. Scott and Mr. McAdams tried to clarify the process for those willing to listen.

## **ADJOURNMENT**

There being no further business to conduct, the meeting adjourned at 7:00 p.m.

Respectfully submitted,

Lisa Holm Schrader,  
Planner