

MINUTES

ZONING & SUBDIVISION REVIEW COMMITTEE

Tuesday – December 11, 2007 – 7:30 p.m. – MCRPC Offices

MEMBERS PRESENT

Larry McAdams, Vice-Chairman
Chuck Garrett
Clifford McCandless
Ron Faull
James Hughes
Elliott Lengel
Patty McAdams

OTHERS PRESENT

Lisa Holm Schrader, Planner
Peggy Heldorfer, Associate Planner
Dan Gracenin, Executive Director
(see attached sheet for others present)

Mr. McAdams, Vice-Chairman, called the meeting to order at 7:30 p.m. **A quorum was present.** Mr. McAdams noted that the Minutes of the November 20, 2007 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. Zoning Ordinance Map Amendment – City of Hermitage – Mr. McAdams explained that there is a request to rezone the Ristvey property of approximately 20 to the east of North Hermitage Road south of Hunter's Woods from Single Family Residential (R-1-100) to Highway Commercial (HC). Ms. Holm Schrader next referenced the City of Hermitage zoning map. She noted that at previous meetings, as well as this evening, the City of Hermitage Route 18 North Corridor Study from 2001 was accepted and is being used by the City of Hermitage. She explained that when looking at zoning requests, we review the request according to the five zoning amendment criteria based on the PA Municipalities Planning Code as adopted by the Commission. She noted that the existing land uses to the north side of the site has access to the Hunter's Woods Development. Accessibility is currently through Hunter's Woods, which is a 50' access on a gravel driveway. Other access is not currently available unless acquired across adjacent properties adjacent to SR 18 or across church property to North Keel Ridge Road. The area slopes from east down to the west towards SR 18. The surrounding zoning and land use to the north is R-1-100 (Hunter's Woods Development); to the east is R-1-100 Single-family Residential (Mount Hickory Development and First Assembly of God Church); to the south is Institutional (Johnson property); and to the west is Highway Commercial (vacant land). She noted that the site could be served by public sewer and water. The floor was open for comments.

In discussion, Mr. McCandless asked where the access drive is for the Hunter's Woods development. Ms. Holm Schrader stated that there is a loop road that comes in off of North Keel Ridge Road. Mr. Dwight Ferguson, legal counsel for Mr. Ristvey spoke next. He noted that the next item on this agenda is the Johnson property rezoning request. He stated that the Ristvey and Johnson properties are a joint rezoning request and the proposed use of the property would be a combined use. Mr. Gracenin explained that the rezoning requests came in separate and would be acted upon as separate actions.

Ms. Holm Schrader referenced an aerial photo and gave some background information regarding the Ristvey and Johnson properties. She noted that we also received a request to rezone approximately 9 acres to the east side of North Hermitage Road south of the Ristvey property and north of the City of Hermitage Municipal Building and the High School facilities from Institutional to Highway Commercial. She noted that the west side of the Johnson property, a very narrow section, extends to SR 18 with that part of the property zoned Highway Commercial. The City of Hermitage has an access drive located along the south of this property

and is also zoned Institutional. The surrounding zoning and land use to the north is R-1-100 (Ristvey property); to the east is R-1-100 (Single-family residential Mount Hickory Development); to the south is Institutional (City of Hermitage properties); and to the west is Highway Commercial. The site would be served by public water and sewer across the remaining lands or from the south. Mr. Hughes asked how big the Johnson remaining lands access is that extends to SR 18. The property owner noted that it is 100' wide and there is a retail establishment building on it currently.

Mr. Dwight Ferguson, legal counsel for Mr. Ristvey and Mr. Johnson presented his views on both rezoning requests. He stated that Route 18 is developing commercially and should be allowed to continue. Mr. Steve Victor referenced an aerial photo and gave some background information regarding the Ristvey and Johnson properties. Mr. Victor explained the proposed rezoning by combining Mr. Ristvey and Mr. Johnson properties to Highway Commercial. He stated that the buffer requirement to Residential properties is currently 50 feet, but they are proposing that a higher standard be utilized. Mr. Victor feels that the Ristvey property is landlocked for its appropriate zoning. He felt that by rezoning the Ristvey and Johnson properties and combining the properties to Highway Commercial would be most beneficial to the area.

Ms. Holm Schrader next explained the five zoning amendment review criteria for the Ristvey and Johnson properties based on the PA Municipalities Planning Code. The floor was open for comments.

Mr. McCandless questioned what municipalities are involved in the Draft Multi-Municipal Comprehensive Plan. Mr. Gracenin stated that it involves the Cities of Sharon, Hermitage, Farrell and the Borough of Wheatland and the plan has not been adopted as of this date. Mr. Harbison, representing the residents of Mt. Hickory Boulevard explained a petition opposing the rezoning requests submitted by Mr. Ristvey and Mr. Johnson and requested that MCRPC recommend against the rezoning of these two properties. A resident from the Hunter Woods development asked Mr. Ristvey why he did not build on his residential property. Mr. Ristvey stated that he had problems from the neighbors and the City of Hermitage in developing his property as residential development. He stated that the development is limited because of access. Ms. Holm Schrader reminded everyone that we are reviewing the zoning issue not the land development of Mr. Ristvey.

After discussion, a motion was made by Mr. Hughes to recommend denial of the City of Hermitage Zoning Ordinance Map Amendment based upon the impacts this type of development would have on immediately adjacent residential properties and the availability of other highway commercial lands in this area and elsewhere in the City of Hermitage. Mr. Lengel seconded. The motion passed.

2. Zoning Ordinance Map Amendment - City of Hermitage – Mr. McAdams explained that there is a request to rezone approximately 9 acres, east of North Hermitage Road, south of the Ristvey property and north of the City of Hermitage municipal properties/park from Institutional to Highway Commercial. Mr. McAdams stated that this item was reviewed in detail along with the Ristvey rezoning request.

A motion was made by Mr. Hughes to recommend denial of the City of Hermitage Zoning Ordinance Map Amendment based upon the proposed Institutional land use within the current and pending comprehensive plans and the availability of other highway commercial lands in this area and elsewhere in the City of Hermitage. Mr. Faull seconded. The motion passed.

3. Zoning Ordinance Text Amendment – City of Hermitage – Ms. Holm Schrader explained request for a zoning ordinance text amendment for the City of Hermitage to add Pet Day Care Facilities and allow them as a Special Exception in the R-2, R-3 and R-4 Zoning Districts. She noted that the definition of a Pet Day Care Facility is a building or group of buildings used to provide compensated day care services for domestic pets on a non-overnight basis.

Ms. Holm Schrader noted that Veterinary Offices would be added and Kennels would be amended to these criteria. She noted that all kennel buildings and fenced exercise areas or runs must be at least fifty feet from any neighboring property line. She stated that outdoor runs and facilities for animal keeping and care shall

be constructed and shall be adequately screened from neighboring properties. Also, pet crematories shall be permitted as an accessory use to a veterinarian office and must be located on a lot having a minimum size of one acre.

Ms. Holm Schrader noted that Pet Day Care Facilities must be located in a building on a lot having a minimum size of one acre. She noted that all pet day care buildings and fenced exercise areas must be at least 50 feet from any neighboring property line. Adequate screening shall be required when abutting any residential use and no overnight accommodations are permitted. Mr. Garrett questioned if they address noise. Ms. Holm Schrader stated that noise would be addressed under screening.

A motion was made by Mr. Hughes to recommend denial of the City of Hermitage Zoning Ordinance Text Amendment. Motion died due to lack of a second.

Mr. McCandless questioned if we would need two motions, one would be to define pet day care facilities and one would allow them as a special exception in the R-2, R-3, and R-4 zoning districts. Ms. Holm Schrader stated that this is a text amendment and only one motion is needed. Mr. McAdams feels that they are trying to put a commercial use into a residential neighborhood. Ms. Holm Schrader explained that child day care facilities are permitted in residential neighborhoods, which generates traffic in the residential neighborhood.

After further discussion concerning pet day care facilities and the special exceptions in the R-2, R-3 and R-4 zoning districts, a motion was made by Mr. McCandless to recommend approval of the City of Hermitage Zoning Ordinance Text Amendment based upon compatibility of this type of land use with other uses in these districts. Mr. Lengel seconded. The motion passed.

ADJOURNMENT

There being no further business to conduct, the meeting adjourned at 9:00 p.m.

Respectfully submitted,

Lisa Holm Schrader, Planner

LHS/ew