

Pledge of Allegiance

Present:

Present at the meeting: Zachary Kansler, Robert Mitall, John Bosetti, Ed Patrick, Frank Muzika and Tony Spadaro, Council Liaison. Also in attendance was Chief Administrator Jim Morrison.

Absent: Bill Yant, Jayne Hoy

Minutes: Mr. Muzika moved to accept the April 16, 2019 and July 16, 2019 minutes; seconded by Mr. Kansler. All in attendance voted aye. Motion approved.

Public Comment: None.

Old Business: Consider approval of the Powers Subdivision, S-4-19, a minor subdivision, 4913 Logan Ferry Road, Parcel number 49-03-00-0-023, 28.38 Acres, R-R zoning

Mr. Mitall advised that this application had come before the Commission awhile ago and there were some issues dealing with set-backs, frontages, and side yards, and he confirmed with Mr. Morrison that all issues have been resolved. Mr. Mitall explained that this is a two-lot subdivision with two existing dwellings on the property. There were no comments or questions from the Commission members. Mr. Muzika moved to recommend approval of the application; seconded by Mr. Patrick. All present voted aye. Motion approved.

New Business:

- 1. A discussion concerning Z-1-19, Intersection of Kistler Road and Route 22, proposed Zoning District Change from B District to M-U District, parcel number 49-15-10-0-027, 3.567 Acres**

Michael Garafolo, one of the General Partners of Magam Investment Associates and Chris Hamm with KDH Consulting Engineers were in attendance on behalf of the applicant. Mr. Garafolo explained that the property is clearly zoned commercial and the applicant is requesting a variance to re-zone the property as mixed use. He noted three component points that he believes it would benefit the community to re-zone the property as mixed use: (1) there is currently R-2 and commercial properties on either side and this would act as a buffer between the two districts; (2) the plan is to erect 2 bedroom/1 bath apartments with some commercial units (in discussions with the city regarding the master plan, there is a need for more diversified housing, and he feels this would help that plan); and (3) after putting a request out to the open market for two years, he received very little interest (only from a dumpster company). Mr. Morrison indicated, on a colored map, the areas designated as R-3, R-2, Commercial and the general business overlay district. Mr. Muzika asked how many useable acres were in the property. The architect indicated it was approximately one acre and

it is the flat pad that was created as part of the Rt. 22 expansion. He also stated that the site will handle a commercial development.

Mr. Mitall reiterated that the site is currently zoned Business and asked what type of building is proposed? Mr. Hamm said a three-story building is proposed, with the first floor housing professional businesses (i.e., doctors' offices) – not some type of business that would entail drive-by traffic and the top two stories being 2-story townhouses. Mr. Mitall asked if the townhouse would be a single family house. Mr. Hamm said the plan is for 2 buildings with 3 townhouse buildings per unit, for a total of 6 townhouses. Each building will have approximately 6,600 sf. Mr. Mitall asked what the attraction was to have the development as residential as opposed to a business-type use. Mr. Garafolo said the residential units will help offset the cost of having the foundation, which was part of the geological testing and determined to be a feasibility analysis. With the usable amount of square footage available, they felt it was the best use of the space.

Mr. Mitall said a problem with this coming before the Planning Commission and Council is that it's one lot with no M-U around it and wondered if it would be spot zoning. Mr. Kansler said he initially thought it could be spot zoning, but when looking at the plan and showing the overlay for commercial all around it with the exception of some lots, but it might not be spot zoning because it would be accommodating it to be residential as well as commercial, so it seems like it's kind of a buffer and takes the characteristics of both. He said it is still within the intent of the comprehensive plan. There was some discussion about the abutting properties.

Mr. Mitall asked the members if they wanted to think about it more or make a recommendation tonight. Mr. Morrison said that the decision on rezoning the property should not be based on what is being proposed, but whether it fits the scheme of the zoning as it exists and the general character of the comprehensive plan because the development could go away tomorrow but the land will remain as rezoned. Mr. Hamm said, if the zoning change is approved, the site plan may change from that presented at tonight's meeting. Mr. Mitall said there will not be access to the site from Rt. 22, but only off Kistler Road, so it's not a prime site for strictly commercial property. The real question is whether the development fits in with the comprehensive plan and the character of the neighborhood. Mr. Kansler said he believes it is the best use of the property because of the lack of access from Rt. 22. Mr. Patrick said the height requirement (40') would be more favorable if they are trying to tie it in with residential properties and would be a positive move.

Mr. Patrick moved to forward the application to Council for consideration of rezoning the property from Business to M-U. Mr. Kansler seconded. Mr. Morrison advised that a public hearing would first be needed. Mr. Mitall asked Mr. Patrick if he would change his motion to schedule a public hearing as soon as possible. Mr. Patrick agreed to amend the motion to schedule a public hearing rather than forwarding it to Council. Mr. Kansler seconded the amendment. All present voted aye. Motion to schedule a public hearing approved.

2. A discussion concerning a proposed amendment to the Murrysville Traffic Improvements Plan as it relates to the development of the Fustings Corporate Park

Mr. Morrison reminded the members that it has been more than a month since this issue was approved by Council and the developer is working with PennDOT on getting an HOP. As part of the process, an issue was raised as part of that process, which Mr. Morrison will present as an alternative at this meeting. The development proposes improvements on both Manor Road and Wilson Road. In addition, PennDOT was requiring that an improvement be planned for Route 22, heading west, by installing a turning lane onto Manor Road. This was warranted and was part of the original design of the highway. For several different reasons, it never got constructed was brought forward. The warrant is based on an SPR projection that by 2025 there will be sufficient development to the east that will require the turning lane. Mr. Morrison said he would say that the developer, Mr. Fusting, is objecting to being responsible for that improvement because: (1) it was warranted prior to his interest in the property and doing construction, and (2) the projection to 2025 is a planning effort at this point and not an actual need. The Fusting development, as proposed, would require the payment of a traffic impact fee would be somewhere between \$340,000-\$420,000. Mr. Fusting is proposing that he would be responsible for the improvements that are to be made on Manor and Wilson Roads, which would be a widening of Manor Road, a lengthening a turn lane on Manor below Wilson Road, a left-hand turn lane heading south on Manor to access the Watson property, and a left-hand turn coming up Manor to access Wilson. In addition, a traffic signal is proposed there during the third phase of the development. The proposed improvements total \$1,773,000. Mr. Fusting is proposing that his traffic impact fees be credited towards those proposed improvements. In addition, Mr. Fusting said he is not going to proceed with the development if the HOP is dependent on him funding the right-hand turn on Rt. 22. Staff met several times with PennDOT and tried to nail down what the expectation was. The outcome was, essentially, if the Municipality would permit, in their traffic improvement plan at some point, to have that improvement built; then they would issue the HOP permit. So, what they required was that the Municipality indicate that at some time in the future this improvement be planned and, when necessary, build the improvement. Staff subsequently met with the county and some other state officials to find funding sources.

With all that said, if the Commission and Council want to buy into the plan, the traffic improvement plan would have to be amended. What's being proposed is to add the improvements to Manor and Wilson, to be scheduled to be built in 2020, and Mr. Fusting can start the development, and that the widening would be scheduled in 2025. That doesn't mean it has to be built in 2025; it's just scheduled for 2025. That was the commitment that PennDOT was looking for. In order to accomplish this and not to impact the cost per trip, there are some changes that would be proposed in the traffic impact plan to make sure that the fees that have been collected and the costs of improvements that are in the plan won't create a situation where the traffic impact fee amount has to be increased. The proposal is to either back certain projects off to future years or eliminating some projects out of the plan. If the Commission wishes to move forward, it would be required to schedule a public hearing and invite the transportation impact committee to hear the reasons for the improvement and to amend the plan and pass it on to Council.

Mr. Patrick asked if there was enough property on the right side of 22 to accommodate a lane. Mr. Morrison said PennDOT did a total taking of that hill, all the way up to the paved parking lot. The real question is what will happen to the pole, which will probably have to be moved eventually if and whenever the turning would be constructed. PennDOT has proposed a wall similar to what is seen on a divided highway. Mr. Kansler said that was just done on Rt. 130 at Pleasant Valley Road; they cut into the parking lot at Rite-Aid, put a jersey barrier along the road, and that's the turning wall for the parking lot. Mr. Mitall said there is already a shoulder there, so they would just be putting a lane in and no shoulder. Mr. Morrison again said that Mr. Fusting is offering to offset/credit the traffic impact fees with the improvements to Manor and Wilson with no contribution to the 22 project. Mr. Patrick asked Mr. Morrison if, in his view, that sounded like a reasonable offer. Mr. Morrison said he believes it to be. Regarding the 22 project, Mr. Morrison said he was never a big supporter of the position that PennDOT put both the Municipality and the developer in in having the project warranted and the reasons not putting it in. He said he was surprised, to some extent, that PennDOT compromised on it by including it in a plan, and the Municipality will certainly diligently pursue all funding opportunities for that because, under the traffic impact fee ordinance, only half of the project on a state road can be funded with impact fees. Mr. Patrick asked if the state was willing to put in any amount; Mr. Morrison said it is not. Mr. Mitall said that, even though PennDOT's plan called for a turning lane there, they elected not to put it in, and now they recognize that it may be necessary because of development to the east. Mr. Morrison said that is right. Mr. Patrick asked if any of the local representatives could help. Mr. Morrison said staff has had participation from both Senator Pittman and Representative Brooks throughout the whole process. He continued by advising that, fortunately, the county stepped up and identified a couple sources and staff is in the process of making application.

Mr. Patrick asked if, looking at the plan, this project could move up from 11-12 to higher on the list. Mr. Morrison said he doesn't see it ever moving up. Mr. Mitall asked how much money was in the account. Mr. Morrison said he believes it to be around \$1,600,000. Mr. Patrick said another area staff is working on is the Old William Penn/Sardis Road area so, basically, the projects are being weighed and the OWP/Sardis area seems to be a higher priority to the community than the turning lane. Mr. Morrison said that is correct, so the Sardis project could be scheduled higher on the impact list.

Mr. Mitall said that, basically, what Mr. Morrison is saying is to have a public hearing with the full impact fee committee and let the public weigh in on this. Mr. Morrison replied in the affirmative. Mr. Morrison referred the members to the TIP project list and said that the hot points are Cline Hollow and OWP/Sardis and those areas need to be addressed.

Mr. Mitall asked Mr. Morrison to explain his concerns about people taking alternate routes rather than waiting for the light in this proposed development. There was some discussion about alternate routes and Mr. Morrison said Manor Road has become extremely busy in the last 5-6 years and the number of cars coming up through there is significant. There was discussion about the traffic signalization. Mr. Mitall confirmed that Mr. Morrison is recommending, at this point, is to have a public hearing on this issue. Mr. Morrison said that he wanted to introduce the subject to the Commission to see if it was worthy of moving

forward. He said the Municipality made a commitment to PennDOT to at least address it with the Planning Commission and Council to have it considered for inclusion in the TIP plan. He added that the Traffic Committee needs to do that.

Mr. Patrick asked how the Commission cannot hold up the Fusting plan and still be fair to him. He said Mr. Fusting is trying to do something quickly while the other thing is just a “pie in the sky.” Mr. Morrison said Mr. Fusting has been patient through the process and PennDOT has been very difficult with the project. Mr. Fusting claims he has other alternatives. Mr. Morrison advised that Mr. Fusting said the project will not happen if this issue is not able to be resolved. Mr. Patrick asked if it is possible to move forward if Mr. Fusting widens Wilson and fixes the issue at Manor Road and put in abeyance the turn lane on 22. Mr. Morrison said yes – it is his understanding that PennDOT will issue the HOP if the Municipality commits to this in its planning document. Mr. Patrick asked if, once the Municipality commits, it is required to be done by a certain date. Mr. Morrison said staff is planning a date. Mr. Patrick asked if that date could be pushed forward of if the Municipality is held hard to that date. Mr. Morrison said it is part of a planning effort and dates can always change. Mr. Patrick said that his concerns are alleviated. Mr. Kansler moved to have the full traffic impact committee attend for a scheduled public hearing; Mr. Patrick seconded. All present voted aye. Motion approved.

3. A discussion concerning developing an ordinance to regulate small wireless facilities

Mr. Mitall said that Mr. Kansler has experience in this field and that it is very complicated. Mr. Morrison said it is also very heavily regulated but the state has not passed any legislation that he is aware of. The FCC has established what can be charged and how long the Municipality can take to approve it. Mr. Morrison presented some ordinances for review and asked for direction on how to proceed with developing an ordinance. He asked for consideration as to small towers being an administrative approval versus a conditional use and still have the towers remain as a conditional use. Given that most of the subdivisions don’t have utility poles in them, it might be worthwhile taking a look at limiting them to certain roads in the Municipality to ensure coverage and that they go on existing poles to the extent possible. He said he’s not sure about the technology but believes they need fiber optics, so they won’t be coming to Murrysville any time real soon; he isn’t aware of a whole lot of fiber optics in Murrysville. There was discussion about the 5G system, which has more of a demand where there is higher population and heavy traffic. Mr. Kansler said that West Penn Power and Verizon are at an impasse. Mr. Morrison said this issue has been brought to the forefront because Crown has applied for a free-standing pole across from Respirationics; the Municipality doesn’t have anything to regulate it and it will be sent through a conditional use process. Mr. Muzika asked if there is already a small cell transmitter in the area of the brewery. Mr. Morrison said he isn’t aware of one. Mr. Kansler said he doesn’t think they are applying but if the Municipality catches them they will cite them. Mr. Kansler explained what the transmitter looks like and said new FCC rulings say the aesthetic requirements have to be extremely reasonable.

Mr. Mitall asked if they could be restricted to certain zoning districts. Mr. Morrison said the coverage area has to be researched but that it could be restricted to main thoroughfares. Mr. Kansler said he thinks limiting them to certain zoning districts could be challenged and that he thinks they are allowed to go where it's needed to identify coverage and it's not seen as a zoning issue but more a right-of-way usage issue. Mr. Morrison said there are some major routes that are already poled and might be worth exploring. Mr. Mitall asked he the Commission should proceed with developing an ordinance and asked Mr. Kansler if he has any that he has done. Mr. Kansler said it has been a few years since he did one and, with recent changes, he wouldn't feel comfortable recommending what he has historically used. The ordinances Mr. Morrison provided were more recent (February and April of 2019). Mr. Patrick said he can understand the need for high speed in commercial areas, but asked how pressing it would be to have it in residential areas. Mr. Morrison said he believes they are looking more to the future demand – smart appliances, home video cameras, etc. Mr. Patrick asked about minimum distances and suggested that topography is an issue. Mr. Kansler said he believes the optimum range is 500 feet and cited Irwin as an example where he believes there would have to be one in every block. Mr. Morrison said he could invite Crown representatives to the next meeting to answer these questions. Mr. Mitall said the number of units will depend on the density of users.

Mr. Muzika asked what happens to the units when they become obsolete due to new technology. Mr. Kansler explained that the ordinances require that if units are inactive for 30-60 days they have to be removed. Members agreed to invite Crown representatives to the next meeting and put it on the agenda. Mr. Morrison said they can begin the conditional use process and he will notify Crown by the 30th as to whether the application will be accepted.

Other Business:

Mr. Morrison said he is getting requests from Council to re-visit the sign ordinance. Mr. Mitall said that when Mr. Cohen worked in the office, there was a sub-committee that worked with signs, landscaping, etc. and there were numerous reports given out. Mr. Morrison asked if that included electronic signs, because that seems to be the issue. Mr. Mitall said that was included. He asked if Council was in favor of electronic signs; Mr. Morrison said he believes they want to see regulation of them. Mr. Mitall said this has previously been discussed and he would assume there is a writing somewhere.

Adjournment:

Mr. Kansler: Moved to adjourn at 8:00 p.m.

Ms. Muzika: Seconded

Motion Approved: 5-0