

MUNICIPALITY OF MONROEVILLE

PLANNING COMMISSION

NOVEMBER 16, 2022

MINUTES

The meeting was called to order at 7:30 p.m. by Vice Chairperson Kimberly Krivda.

PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE

The Pledge of Allegiance was recited and a moment of silence was observed.

ROLL CALL

The Recording Secretary, Sharon McIndoe, called roll and the following were present: Kimberly Krivda, Bruce Walker, Paula Montgomery, Heidi Lawrence, Ronald Massung and Mr. Whealdon. Messrs. Pokusa and Bertoni were absent.

APPROVAL OF MINUTES

There being no corrections, additions or deletions to the minutes of the October 19, 2022 meeting, Mrs. Lawrence duly made a motion to approve them, as submitted and Mr. Walker seconded it. Upon a roll call vote, the motion carried unanimously.

NEW BUSINESS

22-5-C

BOWSER GENESIS

The applicant is requesting conditional use approval, pursuant to Section 401.8 of the Monroeville Zoning Ordinance No. 1443, as amended, to permit a cut and fill operation totaling approximately 40,500 cubic yards of earth. The project area is approximately 16.80 acres and known as Tax Parcel ID 1107-H-175 in the C-2, Business/Commercial Zoning District.

22-6-C

BOWSER GENESIS

The applicant is requesting conditional use approval to establish a vehicle sales business on a 16.80-acre vacant parcel of land adjacent to the existing Bowser Dealership on Route 286. The proper is known as Tax Parcel ID 1107-H-175 in the C-2, Business/Commercial Zoning District.

Mr. Whealdon reported these two applications were tabled because there were some outstanding stormwater technical comments that the applicant needs to address.

Whereupon, a motion was duly made by Mrs. Krivda to table Application Nos. 22-5-C and 22-6-C and Mr. Walker seconded it. Upon a roll call vote, the motion carried unanimously.

ZONING ORDINANCE WORK SESSION

Mr. Whealdon reported Strategic Solutions was in attendance to address revisions to the Zoning Ordinance.

Mr. John Trant and Mr. Matt Pernelli from Strategic Solutions came forward to give a presentation on the proposed ordinance.

Mr. Trant reported he distributed excerpts of the changes. He explained the team has been reviewing it and making revisions. He stated they will be back to the Planning Commission on December 21, 2022 looking for recommendation to move it forward. He reported after this meeting they will send the planning commission a final draft revision of the full document and a proposed zoning map. He further reviewed it will be moved to council and there will be a public hearing on February 14, 2023. He added they have zoning map changes with a similar process which will also be part of the public hearing. He asserted those two things could be considered by council then adopted at their following regular meeting.

Mrs. Krivda inquired whether the public hearing is separate from the work shop hearing. Mr. Whealdon explained there will be an advertisement in the newspaper and the public hearing is at the council work session meeting.

Mr. Trant referred to the zoning map and reported they would review where the different zoning district are located and what uses are permitted. He reported the planning commission saw the draft of the zoning map at the last meeting and they have been working with Mr. Whealdon and Gateway Engineering to get a new proposed map to show all the changes and mark ups from for a final version. Mr. Walker inquired whether the planning commission has a copy of the map and Mr. Trant answered negatively. He added it would be sent by e-mail

Mr. Whealdon reported the biggest change on the zoning map is along the Route 22 Corridor. He explained they were adding in a couple zoning districts that will allow residential to be mixed with commercial and retail. He pointed out on the map the cross hatching in the dark red areas which are the areas that will be rezoned to a boulevard district or a C-3 District. He reported currently everything is C-2 or the commercial district which allows for a lot of different uses. He stated the boulevard and the C-3 also allow a lot of those uses but will permit apartments above stores. He asserted there has been some businesses interested in renting space for housing. He briefly reviewed the zoning districts and explained how most of the maps stays the same with yellow being the R-2, Single-Family Residential, beige is the R-1, Single-Family, the landfill was broken up into a few things and the green is the conservancy. He stated most of the map stayed the same except for the business corridors and he explained they are trying to incorporate housing into residential and retail. He mentioned the Mall will be part of the corridor and housing will be permitted in the mall area.

Mr. Massung inquired whether the Veteran's Hospital will open soon. Mr. Whealdon answered they are aiming for late Spring or earlier Summer. Further discussion ensued.

Mr. Trant referred to a packet of excerpts with markups and comments from the team. He explained there are three main components when discussing land uses: the definitions, the regulations and the use chart.

Mr. Pernelli referred to Page 16 and pointed to the bottom of the page with the bed and breakfast. He explained short-term rentals has been a hot topic. He reported they split short-term rentals and bed and breakfasts into two separate definitions and two separate uses. He read the definition: Bed and Breakfast – an enter, occupied, single-family dwelling that contains not more than

three guest bedrooms in which lodging and meals are provided for, for compensation. Guests shall be accommodated for no longer than seven consecutive days. He stated that timeframe is important and pointed out short-term rentals is 30 consecutive days and bed and breakfast is seven days.

Mr. Walker inquired about the difference between the two. Mr. Pernelli explained a bed and breakfast is more like a historic house that a family opens to allow people to stay a few nights and a meal is provided. He stated a rental can be rented for weeks at a time and can be used as an alternative to a hotel. He suggested bed and breakfasts are like a destination and short-term rentals are more like a utility.

Mr. Whealdon reported it is important to have the differentiation because the municipality lost a court case concerning a short-term rental. He explained the current ordinance only identifies bed and breakfast and since the municipality considers a bed and breakfast a short-term rental, the court ruled against the municipality. He stated the municipality specifically needs a definition for both short-term rental and bed and breakfast so the two will be separated.

Mr. Pernelli then referred to Page 30 to the language for farm animals. He reported it is important to have a differentiation between for farm and domestic animals. He read the definition of farm animals: any animal that has been breed and/or raised to live in human habitat not necessarily as an asset and is dependent on people for food and shelter. Included but not limited to cows, miniature cows, pigs, pot belly pigs, goats, Shetland ponies, Ostrich and Emu.

Mr. Pernelli then referred to Page 27 to the domestic pets. He read the definition: any animal that has been breed and/or raised to human habitation including but not limited to dogs and cats.

Mr. Whealdon explained how he gets a lot of inquires concerning whether someone is allowed to have a horse or a cow.

Mr. Pernelli referred to Page 33 to the definition for food truck. He read the definition: a mobile kitchen that serves food and beverages from an enclosed self-contained motorized vehicle or is towed by an operable motorized vehicle. He added the definition for mobile. He explained the words in a definition should have specific definitions.

Mr. Walker inquired why the top part was scratched out. Mr. Pernelli answered that is from the previous ordinance and they felt this new definition was simpler to understand.

Mr. Pernelli referred to Page 36 for animals and pointed out the hobby farm. He explained this is for someone who does not live on a farm but they have a lot of acreage and they want to keep farm animals as a hobby. He added there are regulations for review.

Mr. Massung inquired whether that can only be done on a ten-acre lot and Mr. Pernelli answered affirmatively. Mr. Massung questioned whether there were many tracts in Monroeville that could be used. Mr. Whealdon answered there are several residents that have more or less than ten acres. He suggested it probably would not be a problem with five acres or more. He mentioned the buffering requirements so the animals cannot get up to the neighbors' properties. He again stated there are properties over five acres. Mr. Pernelli asserted it is between five and ten acres because after ten it is considered a farm.

Mr. Walker inquired where the ten acres came from. Mr. Pernelli answered from best practice. He stated a lot of communities use that ten acres because anything above that is defined as a farm.

Mr. Whealdon added for the larger animals the rule of thumb seems to be ten acres per large animal. Mrs. Lawrence disagreed. Further discussion ensued regarding the number of acres. Ms. Montgomery suggested it could be two to five. Mr. Trant explained it could be reduced to five but it opens up a lot more parcels and there could be some unintended consequences with putting a hobby farms on five acres next to half-acre or quarter acre single-family homes. He suggested a ten-acre lot would allow for more separation. Mrs. Lawrence did not feel it needed to be changed. Mr. Whealdon stated there is no requirement currently. Mr. Trant added it could be whatever the commission wants. Mr. Whealdon suggested ten acres is the common minimum. Mrs. Krivda felt ten is too much and Mrs. Lawrence felt that was a definition of a hobby farm.

Mr. Trant explained a hobby farm is for ten acres or more and the definition would have to be changed if the planning commission wants to make it smaller. Further discussion ensued. Mr. Trant corrected his explanation is a regular farm is ten acres. He pointed out a hobby farm could go on any size and a minimum should be established. Further discussion ensued concerning the definition. Mr. Trant suggested the minimum should be five acres if not ten to fifteen. He was concerned with allowing a hobby farm on property less than five acres, it could cause consternation with existing single-family homes. Mr. Whealdon agreed with the five acres for the hobby farm and a resident with less than that could apply to the zoning hearing board for a special exception or variance. Mr. Walker agreed with the recommended five and a variance would be required if it is lower.

Mr. Pernelli reported in the regulations the minimum lot for a hobby farm is five acres so the definition will be to be easier to understand. He referred to Page 46 and pointed that is the location of the definition for mobile vehicle. He explained that is so no one mistakes what a food truck is.

Mr. Trant stated food trucks were discussed previously and he explained how everyone likes them when they are convenient and fun but it becomes a problem when someone drops off a double-wide trailer and leaves it for weeks at a time. He felt it was important to provide a specific definition that it will be a operative, mobile vehicle that will truly be a food truck.

Mr. Pernelli referred to Page 62 to sexually oriented businesses. He reported with definitions the best practice is to include definitions that would fall under sexually oriented businesses in one section to make it easier to read. He mentioned the adult hotel with all the other uses relating to sexually oriented businesses. He stated signs is another example where all the 37 different signs that are available are all in one place.

Mr. Pernelli referred to Page 64 for short-term rental which separates it from bed and breakfast. He read: a residential dwelling unit that is rented wholly or partially for a fee for a period of less than 30 continuous days and does not include a hotel or a bed and breakfast establishment or a bed and breakfast homestay.

Mrs. Montgomery inquired whether Airbnb's are covered. Mr. Pernelli indicated that an Airbnb would be a short-term rental. Mr. Trant added that was the problem because it was not a bed and breakfast but it is a short-term rental. Mr. Pernelli reported Airbnb is a company which is considered a short-term rental.

Mr. Walker stated a short-term rental is when a house it rented with no breakfast and Mr. Pernelli explained it is like a hotel or a room that can be rented. Mrs. Montgomery stated it could be a room or an actual house.

Mr. Whealdon inquired whether the term Airbnb should be mentioned as a cross reference to avoid ambiguity. Mr. Pernelli asserted common businesses can be included. Mr. Whealdon felt where the short-term rentals are considered maybe a parenthesis should be included in the definition including Airbnb.

Mr. Walker inquired whether there were three different categories. Mr. Pernelli stated there were two categories: bed and breakfast, and short-term rental.

Mrs. Montgomery inquired whether any other language should be included defining what is permitted on the property during the short-term stay. Mr. Whealdon stated that is just a definition and there is another section where it lists requirements. He pointed out the definitions are being covered then the regulations in the ordinance will be addressed.

Mr. Pernelli reported the next few pages are putting definitions together.

Mr. Pernelli referred to Page 415 at the bottom is the regulations for bed and breakfast. He pointed out that the Airbnb was removed from the parenthesis from the original ordinance because it is not an Airbnb. Further discussion ensued.

Mr. Pernelli requested questions or comments. Mr. Whealdon explained the planning commission could review it and provide their comments at the next meeting.

Mr. Pernelli referred to Page 426 to short-term rentals and pointed out these are the requirements for short-term rentals. He encouraged the planning commission to provide input. Mr. Trant pointed out on Page 427B where it requires an annual permit and fee from the municipality. He explained the municipality already has a robust code inspection and apartment inspection and program and staff. He asserted Mr. Whealdon would work to incorporate annual inspections for short-term rentals into that program so the municipality can begin to build a log of the short-term rentals in the community and do annual inspections for welfare and safety issues. Mr. Whealdon added an annual inspection is done for the apartment complexes and hotels for fire extinguishers and smoke detectors. He explained it will be done with short-term rentals as the municipality accumulates more. He reported the zoning districts where they intend to limit the short-term rentals is the multi-family or the R-3 and R-4 so there should not be any short-term rentals in the R-1 and R-2 unless they get special permission from the zoning hearing board.

Mr. Pernelli referred to Page 217 to hobby farms. He pointed out the requirement of five acres is listed. Mrs. Krivda questioned whether a hobby farm is different than a working farm and Mr. Parnell answered affirmatively. He explained it is not just for commercial products because small things can be sold and it cannot be for a large-scale agriculture processes but for someone wanting a cow. Mr. Whealdon added there is something like that currently by the landfill where a resident has a large parcel with some horse, barn and stable. He asserted it is not noticed in the location.

Mr. Pernelli referred to Page 320 for food truck. He pointed out under A. Licensing they will add a special permit for the food trucks like the short-term rentals. He referred to where they are allowed

and he stated there are huge trucks being allowed in every zoning district. Mr. Whealdon reported currently the food trucks have to be out of the way on private property and they have to have permission from the property owner. He stated they make application and he tells them where it can be done. He explained zoning permits would be issued so the municipality can keep a record of who has done what without going to the zoning hearing board. He pointed out most of the applicants are last minute for the upcoming weekend so all those permits would be done administratively in house.

Mr. Pernelli referred to the use chart on the last couple of pages starting on Page 89. He reported it covers all the uses and where things are permitted and not permitted. He added it would be cleaner in the final document.

Mr. Trant reported they cross referenced the definitions in the use chart to make sure all possible uses are accommodated and all the uses are defined.

Mrs. Montgomery inquired whether there is a legend for the letters. Mr. Trant answered affirmatively and mentioned the use by rights and the different uses that could be used. He reported "n" is not permitted, conditional use is "cu", use by right is "p" for permitted and special exception is "se".

Mr. Pernelli again stated the chart will look better in the final draft. Mr. Trant explained a clear version will be produced again. He reported the full document will be distributed to the planning commission with the proposed zoning map in draft form to review. He requested any questions or comments be given to staff for the December 21, 2022 meeting then it can be recommended to council to move toward the public hearing in February.

Mr. Jack Finnegan, attorney, came forward representing Next Tier Company that owns the Westinghouse Nuclear site. He reported there are two huge office buildings of several 100,000 square and they are interested in developing that entire site which goes down to the Turnpike. He added they are interested in mixed use, apartments, office buildings, a town center and commercial with apartments above which would be a general mixed use. He stated they preferred to have the current zoning classification which is L-Special Use and R-3 and have an overlay so it can be appropriately developed. He reported they currently do not have any details and they want to review the zoning ordinance and be able to present to the planning commission. He explained it is an isolated area behind the Forbes Hospital and goes down to the Turnpike going north and east. Again, he reported they have not seen the ordinance or map but they were hopeful to include what was suggested so that site can be developed consistent with the ordinance.

Mr. Whealdon reported the property is located off Northern Pike with Circle W Drive and is across the street from Coral Funeral Home. Mr. Finnegan stated it is the old Westinghouse Nuclear Center but there is a huge piece of undeveloped property that goes all the way to the Turnpike. Mr. Whealdon added that property is included in the medical overlay district. He explained they were looking at UPMC and Forbes AHN and they are trying to come up with ways to expand future expansion of the medical district. He suggested that property was include in the overlay district because there may be some collaboration between AHN and Next Tier in the future so the overlay district has another set of regulations. Mr. Finnegan mentioned their other consideration is medical office buildings but it has to be funded.

Mrs. Montgomery inquired about Next Tier and Mr. Finnegan was uncertain. He stated he represents the owners of the property.

ADJOURNMENT

There being no further business to come before the Planning Commission at this time, Mr. Walker duly made a motion to adjourn the meeting at 8:14 p.m. and Mr. Massung seconded it. Upon a voice vote, the motion carried unanimously.

Respectfully submitted,

Anthony Pokusa,
Chairman

AP/sam