

Upon motion by Brian P. McGrath, seconded by John H. Groh, the following Ordinance was duly enacted, 3 voting in favor of enactment, 0 voting against enactment.

**ORDINANCE NO. 2016-8**

**An Ordinance to amend the Millcreek Township Zoning Ordinance, No. 2011-8, as amended, by changing the classification of a certain parcel of land situate in the Township of Millcreek, Erie County, Pennsylvania, described as follows, to-wit: 15.596-Acre Parcel on the North side of the 1700 block of Norcross Road, now zoned RR Rural Residential and R-2 Low Density Residential District, to be rezoned to C-1 Local Commercial District.**

**WHEREAS**, a petition has been received by the Millcreek Township Board of Supervisors requesting the change in classification of land herein described as set forth in Section 1; and

**WHEREAS**, the Planning Commission, after public hearing and upon due notice recommended that Ordinance No. 2011-8, known as the Zoning Ordinance, as amended, be amended as set forth in Section 1; and

**WHEREAS**, after due and timely notice by publication, as required by law, a public hearing upon the proposed amendment making the change as herein set forth has been held by the Supervisors, and said Supervisors have tentatively approved the same amendment as herein set forth; and

**WHEREAS**, said amendment is in accordance with the spirit and intent of the Millcreek Township Comprehensive Plan.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Supervisors of Millcreek Township, Erie County, Pennsylvania, that Ordinance No. 2011-8, known as the Zoning Ordinance, as amended, be and the same is hereby amended as follows:

**SECTION 1.** The classification of all that certain piece or parcel of land situate in the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania, more particularly described as follows:

**BEGINNING** at a southwesterly corner of the piece herein described, at a point in the northerly right-of-way line of Norcross Road, a.k.a. State Route 4030 (a variable width right-of-way), and being the southeasterly corner of other land of Norcross Land Management, L.P. (Record Book 1274, Page 2275); thence along the easterly line of other land of Norcross Land Management, L.P., the following 5 courses and distances: N. 24°-38'-00" W., 281.71 feet; S. 65°-20'-00" W., 96.90 feet; N. 24°-38'-00" W., 7.65 feet; N. 81°-02'-00" W., 7.33 feet; N. 22°-12'-30" W., 241.66 feet; thence S. 64°-06'-35" W., along the northerly line of other land of Norcross Land Management, L.P., 268.00 feet to an angle point; thence S. 87°-38'-00" W., continuing along the northerly line of other land of Norcross Land Management, L.P., 232.61 feet to a northeasterly corner of land now or formerly of Belle Valley United Presbyterian Church (Deed Book 733, Page 81); thence S. 59°-45'-23" W., along the northerly line of land of Belle Valley United Presbyterian Church, 86.07 feet to a southeasterly corner of land now or formerly of Daniel J. & Kathleen A. Dahlkemper (Record Book 1162, Page 2394), as recorded in Erie County, PA as Map Number 2004-157; thence N. 28°-35'-54" W., along an easterly line of land of

Dahlkemper, 444.83 feet to the southeasterly corner of land now or formerly of Our Lady of Mt. Carmel Parish (Deed Book 1548, Page 277); thence N. 63°-49'-47" E., passing through the lands now or formerly of John & Anna Bobango (Deed Book 570, Page 330) and Robert O., Sr. & Catherine Kraft (Deed Book 1519, Page 29), 976.37 feet to a point in the westerly line of land now or formerly of Dennis Piskorski (Record Book 671, Page 2026); thence S. 25°-27'-12" E., along the westerly line of land of Piskorski, 535.43 feet to a point at the southwesterly corner thereof; thence N. 64°-06'-35" E., along the southerly line of land of Piskorski, 143.46 feet to a southwesterly corner of land now or formerly of Stanley J. Orbanick & Nancy E. Pianta-Orbanick (Instrument Number 2011-022991), map as recorded in Erie County, PA as Instrument Number 2011-013199; thence N. 63°-54'-55" E., along the southerly line of land of Orbanick, 61.66 feet to a point; thence S. 25°-22'-00" E., along the westerly lines of land of Orbanick, and lands now or formerly of Realife Assembly of God (Instrument Number 2015-027484) and Robert L., Jr. & Barbara A. Grygier (Record Book 930, Page 1404), 254.02 feet to the northeasterly corner of land now or formerly of Robert S. Conti (Record Book 791, Page 2193); thence S. 68°-53'-00" W., along the northerly lines of land of Conti and land now or formerly of Matthew C. & Carra L. Alloway (Record Book 1076, Page 1928), 200.00 feet to a point; thence S. 25°-22'-00" E., along the westerly line of land of Alloway, 50.00 feet to the northeasterly corner of land now or formerly of Edward H. & Shirley E. Dinger (Deed Book 1342, Page 309); thence S. 68°-53'-00" W., along the northerly lines of land of Dinger and land now or formerly of Edward T. Kemp (Instrument Number 2010-009143), as recorded in Erie County, PA in Map Book 26, Page 165, 200.00 feet to a point; thence S. 25°-22'-00" E., along the westerly line of land of Kemp, 274.93 feet to a point in the northerly right-of-way line of Norcross Road, aforesaid; thence S. 68°-53'-00" W., along the northerly right-of-way line of Norcross Road, 104.72 feet to the Place of Beginning. Containing 15.596 acres of land located in the 1700 block on the north side of Norcross Road and Option C. Being part of Erie County Tax Index Number (33) 106-477-019, 107-477-020 and all of (33)112-477-035, now zoned RR Rural Residential District and R-2 Low Density Residential District, shall be rezoned to C-1 Local Commercial District.

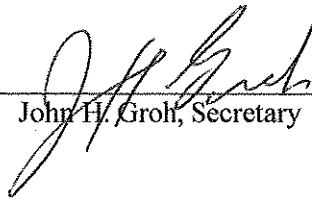
SECTION 2. The Millcreek Township Zoning Map, attached and made a part of Ordinance No. 2011-8, as amended, shall be amended and changed to carry out the provisions of Section 1 of this Ordinance.

SECTION 3. The change in use classification and permitted uses having been effected upon application of the property owner, all uses of the property shall comply with those permitted in the district. The owner(s) is/are given a reasonable time to bring all uses of the property into compliance with those permitted in the district, and shall request any extension of time for doing so by submission to the Zoning Administrator.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person or circumstances is for any reason held invalid or unconstitutional by any court, such holding shall not be construed to affect the validity of any of the remaining provisions of this Ordinance or its application, for such portion shall be deemed as a separate, distinct and independent provision from the remaining provisions which shall be and remain in full force and effect. It is hereby declared the legislative intent that this Ordinance would have been adopted had such invalid or unconstitutional provision of its application not been included herein.

SECTION 5. All Ordinances or parts of any Ordinances inconsistent herewith are hereby repealed.

**BE IT ENACTED**, this 28th day of June, 2016.



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John H. Groh, Secretary