

The regular meeting of the Millcreek Township Planning Commission was held on Tuesday, March 7, 2023, at 5:30 p.m. in the Assembly Room of the Millcreek Township Municipal Building, 3608 West 26th Street. Planning Commission members present, Chairman Mr. Gene Strohmeyer, Messrs. Fugate, Kubeja, Prozan, Stewart, and Reade. Also, present were Matthew Puz, Zoning & Development Officer, Julie Maggio, Assistant Zoning & Development Officer, Matthew Waldinger, Director of Planning & Development, and Attorney Jennifer Hirneisen, Counsel for Township. Absent was Mr. Sitter.

The meeting was called to order at 5:36 PM by Mr. Strohmeyer.

At this time, Mr. Strohmeyer informed the public that the Planning Commission proceedings were streamed live online and are accessible at <https://www.millcreektownship.com/meetings>.

Following the Salute to the Flag, a motion was made by Mr. Kubeja, seconded by Mr. Prozan, and carried that the Minutes of the Meeting of January 3, 2023, be approved.

Mr. Strohmeyer expressed the members deepest sympathy to the family of the Planning Commission Member Linda McCabe who passed away February 22, 2023. Linda joined the Planning Commission in January 2016, and will be missed. A moment of silence was observed in her memory.

The following Land Development was heard:

WESTMINSTER DEVELOPMENT, LLC. Land Development Plan. A land development plan to show the construction of a 5,014 square foot building addition with associated parking at 4810 Pittsburgh Avenue (tax parcel ID 33-097-418.0-010.06) along the west line of Pittsburgh Avenue, south of West Grandview Boulevard, in the South Gore Tract. **Index 776-012**

Mike Sanford, 4721 Atlantic Ave, Sanford Surveying & Engineering, spoke on behalf of this petition. He stated the project would be for a building addition with parking on the western side of the existing building. The site does not have a lot of access to get to the rear with room to have a one-way drive along the north side of the building. The Township passed a new Zoning Ordinance which required a 5' Buffer C on the north line. They did not have the land to accommodate this, so they applied for a variance to the Zoning Hearing Board and received a variance to reduce the Buffer C on the north side. This allowed them to make their submission to the Planning Commission for the building and parking addition. The Township asked them to comply with the SWM Ordinance because the Ordinance had changed from when the property was originally developed.

Mr. Strohmeyer asked if the one-way driveway was only for employees and if it would create a problem. Mr. Sanford replied that the owner of the property explained that the employees report to work and then go home so there were no issues with it. They also were requesting a sidewalk deferral for this project.

There were no other public comments.

After discussion, it was moved by Mr. Stewart, seconded by Mr. Kubeja, and carried 6-0 to recommend approval of the petition to the Board of Supervisors.

The following Rezoning was heard:

TIMOTHY M BIRKMIRE AND TAMMY LYNN BIRKMIRE for portions of properties located at 2055, 2103, 2155, and 2209 Edinboro Road, consisting of approximately 4.6 acres, now zoned R3 Moderate Density Residential, asking for the portions of the properties to be classified as C2 Regional Commercial. **Indices 738-020, 040, 050, and 052; County Indices 33-187-584.0-009.00 & 010.00 and 33-188-584.0-013.00 & 013.01**

Timothy Birkmire, 2103 Edinboro Rd, stated that he would like to rezone that portion of these properties because he was not aware that the zoning line was moved in 2022. He would like to have it revert back to the zoning line from 2018.

Mike Sanford, 4721 Atlantic Ave, Sanford Surveying & Engineering, spoke on behalf of this petition. He stated that the area that they would like to be rezoned was 4.6 acres as located on the sketch provided. He indicated that the area to the north was zoned C2 and south of the area was zoned R3. He explained that in 2018, Mr. Birkmire had proposed a subdivision plan that he prepared to create a property line to accommodate a residential development which was approved. In mid-2018 south of this property line, an apartment developer had it rezoned to Residential. November 2018 the north of the that line Mr. Birkmire sought Commercial rezoning and it was granted. After the two rezonings were concluded in 2018, that property line coincided with the zoning line. In 2021-2022 the Township had meetings and updated the Zoning Ordinance. Unfortunately, Mr. Birkmire was unaware that the line had changed. He stated that the Township was aware where that property line was and that the residential developer submitted a land development plan that went up to the line. Now as a result, there was the commercial area to the north and the residential development to the south with the small strip in between the residential zoned property. They were here tonight to discuss a piece of property that was already approved in 2018 as commercial and were asking to have the line moved back to the 2018 rezoning. If this request was not approved, Mr. Birkmire would be left with a 188' x 1000' piece of residential property. He noted that the property as indicated on the drawing was approved and recorded. Also, the apartment developer's plans were approved by the Supervisors in December of 2022. This would leave a tiny piece of land between the property line where the commercial zoning was. Mr. Birkmire was respectfully asking that the zoning be reinstated and reapproved of where it was.

Mr. Strohmeyer asked why the zoning line was moved.

Matthew Waldinger, Planning & Development Director, asked Mr. Sanford when the subdivision establishing the line to the south was recorded. Mr. Sanford replied that it was recorded last week. The plan was approved in 2019, reapproved in December of 2022, and the plan was recorded last week. Mr. Waldinger then informed Mr. Strohmeyer that the line being described did not exist when the Zoning Code was updated. Mr. Sanford was not wrong that it was approved but it was not recorded. Therefore, it did not exist. When the new Zoning Map was being created, they felt that drawing the line at the southern intersection of Rinderle Drive was a logical place to do it.

Mr. Strohmeier asked why Mr. Birkmire was not notified. Mr. Waldinger replied that the map was published and went out in a draft form for the public to see, comment, and/or request a change. He stated that Mr. Sanford was not wrong that Mr. Birkmire was not notified by a letter but neither was anyone specifically. The MPC allowed the Township to make the changes if they published the map, had public meetings, and public input.

Mr. Reade asked Mr. Waldinger whether the presentation that Mr. Sanford had made should have taken place at the public meetings that were held rather than this Planning Commission meeting. Mr. Waldinger responded that if it was brought to our attention, then the Township could have discussed it before the new rezoning map was finalized, which would have eliminated the problem that there was now.

Mr. Prozan asked how difficult it would be to develop the apartments. Mr. Sanford replied that being 188' wide and deep would be very hard. Developers want the property to be uniform.

Mr. Sanford noted that when the zoning map was being discussed, he received a lot of phone calls from his clients about their properties and it was extremely hard to look at the map without context. Unfortunately, the public notices don't reach a percentage of people in the Township.

Mr. Prozan stated that for three years, they had public meetings and hardly anyone showed up. He felt that no one cared unless it affected them.

Mr. Kubeja stated that he thought it should go back to commercial because it would be unusable and a small section of land.

Mr. Reade thought that this section of residential property have value to the developer of the apartment complex even though he did not own it. The Birkmire's owned it. This residential strip was not an island that sat by itself. It was a portion of a parcel.

There were no other public comments.

After discussion, it was moved by Mr. Kubeja, seconded by Mr. Prozan, and carried 4-1 (Mr. Reade voted against the rezoning & Mr. Fugate abstained from the vote) to recommend approval of the petition to the Board of Supervisors

There being no further business to come before the Commission, the meeting was adjourned on motion by Mr. Stewart, seconded by Mr. Fugate, and carried unanimously at 6:02 PM.

Doug Prozan
Secretary