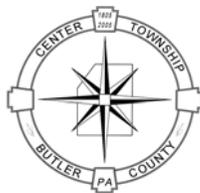


Board of Supervisors:  
Ronald Flatt, Chairman  
Andrew Erie, Vice Chairman  
Brian Hortert, Supervisor  
Edward Latuska, Supervisor  
Thomas Schiebel, Supervisor



Michael Gallagher, Solicitor  
Olsen & Associates, Engineer  
Stephanie Sellers, Secretary  
Anthony Amendolea, Treasurer  
Mark Lauer, Public Works Director  
Richard Round, BCO/Zoning Official

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Board of Supervisors  
Public Hearing Minutes  
Corner Properties Development Group  
Rezone Request R-3 to C-1  
March 27, 2008  
6:30 p.m.

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**CALL TO ORDER:**

The Public Hearing of the Center Township Board of Supervisors to inform, obtain public comment and/or testimony on the request to rezone a part of properties on State Route 8, west of the Clearview Mall, from R-3 (High Density Residential District) to C-1 (Retail and Service Commercial District) was called to order at 6:30 p.m. by Chairman Ron Flatt. The meeting was held at the Township Building at 419 Sunset Drive, Butler, PA 16001.

**ROLL CALL:**

Present in addition to Chairman Flatt, were members Andrew Erie, Brian Hortert, Ed Latuska, and Tom Schiebel; and Court Reporter Cheryl Morris.

**PURPOSE:**

A request has been received to rezone from R-3 (High Density Residential District) to C-1 (Retail and Service Commercial District) approximately three (3) acres, Map and Parcels 2F63-20E and 20EA of property on State Route 8, west of the Clearview Mall. Applicants are Corner Properties Development Group, Inc. The Center Township Planning Commission held a public hearing on February 27, 2008. Twenty-five (25) residents and businesses within 300 feet of the property to be rezoned were notified by first class mail. The notice of a public hearing was advertised in the Butler Eagle March 12 and 19, 2008. The property was posted on March 19, 2008.

**PRESENTATION:**

1. Don Graham, Dillon, McCandless, King, Coulter and Graham, representing Corner Properties Development Group, presented their plan. Corner Properties Development Group has an agreement of sale to purchase two (2) parcels of property, which are 1518 and 1520 North Main Street Extension. The properties are located at the northern most signal for the Clearview Mall, west of State Route 8. The two (2) parcels consist of 6.09 acres (m/l) and currently zoned R-3 (High Density Residential

District). The submitted proposal requests a portion of the property be rezoned to C-1 (Retail and Service Commercial District). The properties currently have two (2) single family dwellings and accompanying out building. The proposed development will consist of a 14,673 square foot retail facility of a pharmacy type use with a drive through window.

2. Roberta J Sarraf prepared a report dated February 27, 2008 after reviewing the area Center Township Comprehensive Plan. In addition, she reviewed the Center Township Zoning Ordinance and Zoning Map to determine the authorize uses in the in the R-3 (High Density Residential District) and C-1 (Retail and Service Commercial District). There are a number of uses permitted in the R-3 District that are either allowed or have similar operational impacts and characteristics in the C-1 District. Her analysis of the Comprehensive Plan indicates:

- a. Page 75, residential development has been moving away from the main thoroughfare, which is an appropriate type of pattern.
- b. Plan indicates the Township is expected to continue to grow.
- c. Page 78, Commercial and manufacture development should be located in close proximity of the main transportation routes where utilities are available.
- d. The future development map, which show the proposed site in an area classified as developed land indicating future growth is not anticipated.
- e. The future land use map depicts two (2) areas of growth:
  - 1) North – located to the northeast of the proposed site flanking West Sunbury Road
  - 2) South – located to the west and south of the proposed site.
- f. Commercial and manufacture districts should not be expanded but nonresidential usage should seek to use existing sites or structures before requesting an amendment to the zoning map.
- g. Page 85, Commercial development be limited to in-filled areas that use vacant structures or development of vacant parcels and not to expand commercial uses onto non-developed properties.

She believes the request is a consistent recommendation with the Center Township future land use map. The map shows the area north of Milheim Drive, including both sides of State Route 8, to just north of Mercer Road intersection. This area is not a prime area for future multi family development and is in transition to the commercial designation. In comparison, she reviewed a conceptual plan for a healthcare facility or nursing home with 104 beds with the possibility of three-story building at rear of

building, parking in the front of the property, and forty percent (40%) coverage. Another conceptual plan proposes a sixty-four (64) unit apartment complex, possibly three stories, and parking would be in the middle of the lot surrounded by the buildings. Under these two (2) options there are more parking and building coverage than the proposed retail development on approximately fifty percent (50%) that is being considered for rezoning. The nursing home facility requires 152 parking spaces, the multi family project requires 131 parking spaces, and the retail facility requires 68 parking spaces and less building coverage. Ms. Sarraf recommends the Board favorably approve the request to rezone.

3. A report from Trans Associates, Transportation Engineers, states that a plus intersection could be constructed and the proposed use as a Rite-Aid pharmacy is very comparative to traffic generation to the R-3 (High Density Residential District).

4. Dan Daniluk, Corner Properties Development Group, discussed how his company decides on location to build. There are a number of characteristics used in searching for property; (1) population and traffic being established; (2) safety and access; and (3) close proximity to residential areas or medical facilities. Corner Properties spent over a year in searching for a proper location. Since they are relocating a store from the Clearview Mall, they wanted to maintain the convenience for their customer base and create a minimal impact on the area.

#### **BOARD COMMENTS:**

1. Schiebel asked if they have a firm commitment to Rite-Aid, in writing, contingent on the rezoning. The Real Estate committee, prior to filing the application with the Township, approved the agreement.

2. Flatt questioned the projected amount of EDU's to be used. One is sufficient and will not be applying for any additional EDU's.

#### **PUBLIC COMMENTS:**

1. Roger Lutz, 208 Summit Road, questioned if the area remaining R-3 (High Density Residential District) in the propose request directly affect the amount of property owners who were notified or required to be notified. Were any traffic studies done to determine an actual number of trips instead of an opinion stating similar to the zoning district? Is there any direct evidence anyone would build a sixty-four (64)-unit apartment complex or a more reasonable unit complex? Has any research been completed on amount of noise created by the drive through? Were there any vacant buildings or properties more suitable? This property was considered for rezoning before. The Comprehensive Plan states that commercial applications should seek to reuse existing commercial zoned areas and should not encroach into residential areas.

2. Amy Wilson, 114 Summit Drive, asked which police department had jurisdiction for the area. Was any information received from the Pennsylvania State Police on the

impact of patrolling, crime, and drug enforcement? She appreciates the opportunity to speak. This development is not in the best interest of the residents.

3. Scott Lutz, 108 Shady Drive, the mall entrance is the site of several serious accidents. He asks the Board take into consideration the traffic flow in the area.

4. Harry Peterson, 110 Elise Drive, has concern with storm water management.

5. Jennifer Pavkovich, 112 Shanor Heights, asked if the current Rite-Aid in the mall outgrew their space? Why does a larger pharmacy need to be built?

6. Jerome Oliver, 120 Belleshire Drive, owns property at 1508 North Main Street Extension. If the property is rezoned to C-1 (Retail and Service Commercial District), is it open for development for any use allowed in the C-1 District? He is neutral on this request. If the property is rezoned, he will be requesting his property be rezoned to C-1 (Retail and Service Commercial District). Also, he has property zoned as C-1, which could support the development.

7. Beverly Schenck, 105 Iroquios Drive, states that the request is spot zoning. State Route 8 was use as a boundary for the two (2) districts. At the time of the Comprehensive Plan, R-3 District was to allow a better use for the property owners.

8. John Keffalas, 110 Iroquois Drive, polled the audience on number of people living on the west side of State Route 8 and how many were in favor of the request.

9. Dewayne Hindman, 152 South Benbrook Road, when are the developers going understand that the residents want green space, not concrete and blacktop.

10. David Festog, 114 Elise Drive, has concerns with the lighting. If the property is not rezoned, apartments could be built, which would increase crime, noise, and sewage problems. He thinks the development would be good for the area. If the property is not rezoned, the Board should take action to zone the property R-1 (Single Family Residential District).

11. Robin Whann, 109 Summit Road, asked if the developer is turned down on this request, would the pharmacy move from the Clearview Mall. There are twenty-three (23) children in the area, which will be impacted by the zoning change.

12. Phil Mennor, 112 Elsie Drive, would prefer a pharmacy to an apartment complex.

13. Carol Austin, 144 La Ray Drive, states there are existing structures that could be used instead of encroaching into residential areas.

14. Owen Oesterling, owner of Oesterling Sand Blasting and Painting, residents always oppose development and progress within the Township. A business that will benefit the Township is a plus.

Flatt stated it is inappropriate for the Board members to discuss this rezoning request outside of this meeting, agenda, and regular meetings. It would be inappropriate for the members of the public to contact individual members of the Board. The Board will have their agenda setting meeting on April 7, 2008. The Board will take action concerning this matter on April 9, 2008.

**ADJOURNMENT:**

***Hortert made a motion to adjourn the meeting at 8:28 p.m. Erie seconded. Motion carried unanimously.***

RONALD E FLATT  
Chairman

ANDREW ERIE  
Vice Chairman

BRIAN K HORTERT  
Supervisor

EDWARD G LATUSKA  
Supervisor

THOMAS G SCHIEBEL  
Supervisor