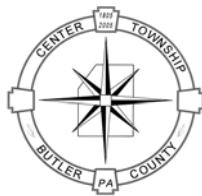


Board of Supervisors:  
Ronald Flatt, Chairman  
Andrew Erie, Vice Chairman  
Brian Hortert, Supervisor  
Edward Latuska, Supervisor  
Thomas Schiebel, Supervisor



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

Planning Commission  
Public Hearing Minutes  
Corner Properties Development Group  
Rezone Request R-3 to C-1  
February 27, 2008

**CALL TO ORDER:**

The Public Hearing of the Center Township Planning Commission 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 Ken Frenchak. The meeting was held at the Township Building at 419 Sunset Drive, Butler, PA 16001.

**ROLL CALL:**

Present in addition to Chairman Frenchak, were members Andrew Lynd, Robert Paroli, Bob Sloan, and Cheryl Schaefer; Ron Olsen and Jeff Pierce, Olsen and Associates; 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. 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 February 13 and 20, 2008. The property was posted on February 19, 2008.

**PRESENTATION:**

Matt Marshall, attorney for Corner Properties Development Group, presented their plan to rezone approximately three (3) acres of the six (6) acres to allow for a northern and western buffer area of R-3 (High Density Residential). Clearview Mall, across State Route 8, east of the property, is zoned C-1 (retail and Service Commercial District). State Route 8 is consistent with commercial zoning. Comprehensive Plan reflects future use of this area as commercial. The intended use, if the property were rezoned, would be for a retail pharmacy facility. The building will be approximately 15,000 square feet with drive through pharmacy services. The entrance will be lined up with the current entrance of the Clearview Mall. In regard to stormwater management, the developer will comply with all Federal, State, and Local regulations.

Dan Daniluk, Corner Properties Development Group presented further issues including, landscaping, road right-of-way, stormwater management, and lighting. The project would last approximately six (6) months from start to finish.

Jeff Pierce, Director of Community Planning, Olsen and Associates prepared a Planning/Technical report for Corner Properties Development Group rezoning request. The report used, as source documents, the Center Township Comprehensive Plan, the Center Township Zoning Ordinance, the Center Township Land Use Assumption Report and Transportation Capital Improvements Plan, and the Act 537 Official Plan Revision for Center Township. The report shows the pros and cons of rezoning this property, highway entrance/exit issues, stormwater issues, and high density development for State Route 8, and impact fees.

### **RESIDENTS' COMMENTS:**

Eric Bell, 116 Elise Drive, asked the developer if they considered rezoning the remaining R-3 (High Density Residential District) to R-1 (Single Family Residential District) to prevent the possibility of a high rise apartment building being built in the future. The developer replied that it was never considered because they considered the area nonbuildable.

Scott Lutz, 108 Shady Drive, is concerned with the intersection. He feels that by adding another business, combined with current mall traffic, the intersection would become more dangerous. He also has concerns with the vehicle and pole lights interfering with the neighboring properties.

Laurie and Randy Schmeid, 104 Moore Road, asked, "What is the difference in tax revenue the Township receives from the two (2) residential homes currently on the property and the commercial building?", if built.

Phil Mennor, 112 Elise Drive, is concerned with the stormwater management.

Dave Festog, 114 Elise Drive, spoke in favor of the pharmacy being developed. If an apartment complex were built there would be more traffic and possibly more crime. He asked who would be responsible in maintaining the property that is not developed.

Harry Peterson, 110 Elise Drive, is in favor of the project but is concerned with stormwater management.

***Sloan made a recommendation to approve Corner Properties Development Group's 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), which consists of Map and Parcels 2F63 20E and 20EA.***

"I do think it now is the time for a change of the zoning to begin occurring across from the Clearview Mall. This strip of land is projected to become aC1 zone as noted in the Comprehensive Plan for the Twp. I would like to note that the developer has indicated an additional buffer around the C1 property to be developed instead of changing the

entire property to C1 which I feel would benefit the existing neighboring properties. I might also suggest that the BOS take under consideration changing the entire strip of properties going south to Summit Drive. This would also be consistent with the Comprehensive Plan and would take away the argument of rezoning for the benefit of one.

One consideration we the PC and the BOS must pay close attention to, will be the water retention of the property and how to protect the property owners around the development. This is an absolute must in my opinion.

I do not feel this is spot zoning as it is directly across from the Mall which is currently C1, making this property “adjacent”. Also, as I travel from town to town I have noticed that properties across from Malls are also C1 properties even though they are divided by a highway. The property is also slated for a C1 re-zone according to the comprehensive Plan. Also the supporting article provided by A J Lynd about re-zoning will support the decision to do so.

I would also like to cite some supporting data from the Comprehensive Plan.

1. The Preface paragraph on page 4.
2. The land is projected as a growth area from single family to C1. See map on page 80.
3. Page 78 third paragraph
4. Land use page 85 the Recommendation Statement and also page 86 the Objective statements”

**Paroli seconded.** Schaefer thinks it is spot zoning, therefore voted no. **Motion carried 4 to 1 in favor.**

**Lynd made a motion to adjourn the public hearing at 7:45 p.m. Paroli seconded. Motion carried unanimously.**

Robert J. Paroli  
Planning Commission Secretary