

General Business Overlay Ordinance Responses to Questions from June 4, 2008 Public Hearing

A public hearing was held on Wednesday, June 4, 2008 with regards to Ordinance No. 771-08, General Business District Overlay Ordinance. At the hearing, the administration agreed to provide responses to all questions posed by citizens and to post such responses on the municipal website. After reviewing the DVD recording of the public hearing, the municipal staff has documented the questions posed during the public comment period and has prepared responses to those questions. After reviewing the questions and responses listed below, additional questions and comments can be forwarded to the Chief Administrator or can be aired publicly at the June 18, 2008 Council meeting.

John Scott – Delmont

Mr. Scott questioned the limitations of the underlying zoning of R-R on the Morosini Tract, fronting Route 66.

The Overlay Map is platted to show those properties in the overlay. While this is a zoning classification change, no base zoning changes are proposed. In other words, the existing R-R classification would require a separate application or request of Council to change the base zoning by separate ordinance. The overlay allows for more development on more intensively zoned properties and less on R-R properties. Council would have to examine the rationale for the “base” of R-R zoning apart from the currently proposed ordinance.

John Sico – Export

Requested comparable square footages.

The following are sizes of area shopping centers and stores as a point of reference:

- Walnut Hollow Plaza: 35,000 square feet.
- Giant Eagle: 60,000 square feet.
- Village of Murrysville Plaza: 70,000 square feet.
- Walmart: 155,000 square feet.

Audrey Sico - Export

What is the current buildout or how many square feet of business exist in Murrysville?

- Estimated 2.7 million square feet within the B District.
- Estimated 375,000 square feet within the Mixed Use District.

The Patz Report (2004) identifies:

- 375,000 square feet of retail (including the Walnut Hollow Plaza but excluding the 155,000 square foot Walmart, mostly within Salem Township)
- 410,000 square feet of office.
- Remaining 2.29 million square feet is comprised of warehouse, storage, and manufacturing uses not expressly classified as office or retail.

Mr. Jim Mock offered testimony during the public comment period, and submitted the following notes to the administration.

- Manor Development-School Board meeting.
 - a. Minutes and Actions made public?
 - b. Is this board knowledgeable of what transpired, or was promised?

The Municipality cannot publish or represent actions at a School Board meeting. The Municipality's consideration of School District issues has been limited to the comprehensive plan objective of 5.2 million square feet of additional nonresidential construction, in part to balance the tax base. In this scenario, School District and municipal taxes are considered.

- Has the question of legality of "Franklin's" Zoning Ordinance been resolved?

A land use attorney has reviewed the concepts of the ordinance and the Municipality is unaware of any additional legal issues other than the substantive challenge filed by Manor Development regarding their property.

- Why is what is being called "compromise" necessary?

The mediation committee chose to utilize the ordinance, a draft of which had been recommended by the Planning Commission prior

to Manor Development's filing of a substantive challenge. The Commission, in recommending the ordinance, and the Council subcommittee believed that the ordinance helped to implement the Comprehensive Plan by providing for more business and mitigating impacts. This was a comprehensive approach and did not concentrate only on the Manor Development property. Manor requested B zoning rather than the Overlay. Council denied the B Zoning in December of 2007 but stated it would "work with" the developer to evaluate options. The ordinance represents a compromise within the context of an ordinance that would have included the subject property regardless and the public actions of Council at its December, 2007 meeting.

- Power Point:
All positive, what are the negatives?

Planning Commission did consider the "negatives" or potential nuisances associated with commercial centers. Therefore, the ordinance does contain specific standards for access, traffic management, lighting, buffering, screening, and open space. Such will be reviewed with each plan submitted so that the potential negatives can be minimized on a case by case basis.

- Ordinances: If now Overlay calls property residential, it can be changed **without** public input or adjacent property consideration?

The ordinance makes a zoning map change on designated parcels to allow for approval of commercial and mixed use developments. The amount available depends on the underlying district. For example, a Rural Residentially zoned parcel would yield less coverage and an R-3 Multi-Family would yield substantially more. Any development on a particular parcel designated in this overlay would have to abide by its standards which are much more restrictive than the current Business District standards. Also, each application would require a site plan, a public hearing and full review process.

- Regarding "Wal-Mart":
Has the board or anyone evaluated the benefits, costs, income, nuisance for large box stores.

Given the existing split in local taxes between Salem Township and Murrysville, Walmart is difficult to evaluate. Generally, studies show that large retail uses are less beneficial in terms of municipal services required and more beneficial to local school districts. The Comprehensive Plan considered a balance of the tax base with the

understanding that property owners pay municipal and school taxes. Recent market studies of Murrysville suggest that there is not a large market for traditional “big boxes” but is a need to concentrate or larger commercial centers with specialty retail. Those studies suggest that a certain mass or amount is needed in a center to help sustain its survival in the long term. Also, local police have found that the number of calls relates to the specific type of store. Particularly, Wal-Mart generates more calls than other “box” or department stores. Several parcels could accommodate a “big box” currently. The purpose of the proposed ordinance is to provide for the limited number of such stores that the local market will bear in an area with greater buffering and more restrictions. It is not to encourage more stores on “stand alone” lots. Legally, the Municipality must provide for such stores and could not apply such severe restrictions to existing Business zoned parcels given their typical size.