

**Marshall Township
Planning Commission**

**525 Pleasant Hill Road
Wexford, PA 15090**

February 17, 2015 - 7:00 PM

Present: Ron Baling, Todd Shaffer, Kim Herbert, Bob Edwards

Absent: Jeff Davison, Larry Payne, Elaine Hatfield

Planning Director/

Zoning Officer: Nicole Zimsky

Engineer: Art Gazdik

Secretary: Marianne Salzman

Solicitor: Blaine Lucas (not present)

Others: Francois Bitz

Mr. Baling called the meeting to order at 7:12 p.m.

MINUTES

❖ Approval of the January 19, 2015 Meeting Minutes.

Minutes were not made available to the Commission members for review prior to the meeting and will be on the March 3, 2015 agenda for approval.

Mr. Francois Bitz was given a copy of the DRAFT and UNAPPROVED copy of the minutes from the January 19, 2015 meeting.

PLAN(S)

❖ Thorn Hill Associates, LP; SUB-FIN14-16; Brush Creek and Knob Road, plans dated 7/31/2014; **deadline: 3/31/2015**

❖ Thorn Hill Associates, LP; SP(LD)14-06; Brush Creek and Knob Road, plans dated 7/22/2014; **deadline: 3/31/2015**

❖ Thorn Hill Associates; CU14-03; Brush Creek and Knob Road; plans dated 7/22/2014; **deadline: 3/31/2015**

❖ Thorn Hill Associates; CU14-06; Brush Creek and Knob Road; plans dated 11/14/2014; **deadline: 3/31/2015**

Mr. Greg Banner of Key Environmental again presented the plan. Mr. Baling asked for some explanation on the Trans Associates comment letter that was included in their packet of information. Mr. Banner detailed how they adjusted their plans to comply with the comments by Trans Associates. He indicated that they will prepare a signal plan for Phase 1 and will submit it along with their Highway Occupancy Permit application. In select places, guiderails have been added due to elevation changes. Pedestrian access right of ways will be provided from the hotels to the 6 foot asphalt sidewalk along Brush Creek Road. Discussion ensued regarding overall disturbance, including wetland encroachment, mitigation and conservation easements, and how some changes that have been suggested would require opening up the Core of Engineers and Butler County Conservation District permits again.

Ms. Zimsky asked for building elevations for the final phases. Mr. Banner indicated that they plan on coming in on a phase-by-phase basis. She said it is a requirement of the Ordinance and that they would need to apply for a modification. He said he wants approval of a general grading plan which will show a general foot print for the hotels. Mr. Banner assured that each hotel will be of equal to or better quality than Hotel #1.

Mr. Banner highlighted and commented on the easements currently existing, as well as those proposed on the site.

Ms. Zimsky reviewed her comments:

I. **SUB-FIN 14-16: Thorn Hill Associates A, LP – Subdivision Plan:**

This plan involves the consolidation of two properties and then the re-subdivision of the parcel into four (4) lots. The property, zoned Planned Industrial Park (PIP), is located on Brush Creek Road in the Thorn Hill Industrial Park. The developer has submitted land development plans and intends to construct the following: Hotel 1, 102-rooms, 2015; Hotel 2, 94-rooms, 2016; Hotel 3, 96-rooms, 2017; and Hotel 4, 100-rooms, in 2018.

II. **Subdivision Review Comments**

1. **Section 174-206.B.23.** Location, Width, bearings and purpose of existing and proposed easements and utility rights-of-way.

COMMENT: The 15' pedestrian easement along Brush Creek Road is missing. Additionally, you have removed all internal pedestrian easements; however, people staying in hotel 2 still need to cross onto Hotel 1 property to reach the sidewalk along the entrance drive to get out to the trail. The sidewalk along the entrance drive should be in an easement also. At the last PC meeting it was suggested that there was going to be a gazebo, picnic table and/or potentially a tot lot of sorts in the green space adjacent to Hotel 4. Pedestrian easements should be provided to access that space/amenity. Also, the revised conservation easement was recorded in December, please add the recording information to the plans.

2. **Section 174-207.B.11.** Copies of other deed restrictions, condominium documents or covenants to be imposed upon the use of land buildings and structures. Such covenants, deed restrictions, or condominium documents shall be reviewed and approved by the township Solicitor.

COMMENT: Several agreements need to be drafted, approved and recorded to support this plan, including: Stormwater agreement, shared access agreements, shared parking agreements, maintenance agreement for parking and access areas, and landscaping. After discussions with the developer and Township Solicitor there may be additional agreements needed.

4. **Section 174-403.E.2.** Insofar as practical, side lot lines shall be at right angles to straight lines or radial to curved street lines. Acute angles or small projections should be avoided. However, different shapes will be permitted if they can be shown to be necessary or desirable to relate building sites to the terrain or to provide better site utilizations and building relationships.

COMMENT: The Lot 3 is very extreme in its shape. Please explain how this is necessary or desirable to relate building sites to the terrain or to provide better site utilizations and building relationships.

II. Additional Comments

1. Please see the Land Development comments.
2. Please add front-yard setback information for proposed Lot 4.

Mr. Banner commented that there are number of agreements for access agreements, shared parking and property maintenance that will need to be put together and submitted to the Township for review and approval. Mr. Shaffer commented that those agreements should be prepared and approved in conjunction with the Subdivision application. Mr. Banner agreed and said that they would have to be recorded with the Subdivision and will run with the land.

Mr. Shaffer asked, for the sake of safety, to include a sidewalk for pedestrian access to the hotel entrance. Mr. Banner disagreed that they are necessary and are often missing from many hotels and, in this plan, there is not enough room.

Ms. Herbert asked about the signage at the entrances and if tractor trailers could use the hotels and, if not, would signs be installed prohibiting trucks. She also asked if the sign will have the name of all four hotels on it and how big it would be. Mr. Banner indicated it would be approximately 6' x 4' or 6' x 5' and internally illuminated. He also added that there would not be signage for the hotels on the highway as they are not the brand or type of hotel that people check into on a whim, but rather make reservations for in advance.

Mr. Gazdik reviewed his comment letter:

General

1. The Developer shall address all outstanding comments contained in the Planning Directors review letter(s).
2. The Developer shall address all comments and recommendation contained in the Trans Associates review letter(s) or report(s).
3. It is not necessary to shown the proposed building locations on the recording plans.

Subdivision and Land Development (174)

4. The location of the Conservation Easement now shown on the plans is the revised Conservation Easement location as approved for recording by the Army Corps of Engineers, RIDC and Marshall Township. This revised recording document must be referenced on the subdivision recording plan as Deed Book Volume 15831, Page 365, 174-207.10.
5. An approved sewage facilities planning module shall be provided, 174-207.B.9.b.
6. Show existing and proposed perimeter monuments on the plan(s), the proposed property corners will have to be set as a condition of plan approval, as per 174-207.B.1., and 174-508.
7. All of the Marshall Township Municipal Sanitary Authority (MTMSA) Easements should be shown as twenty (20') feet in width. All existing trail easements that are co-located with the sanitary sewer easement should be shown as 20' in width. Also, the existing MTMSA 20' sanitary easement and the co-located 20' Trail Easement that crosses northeast corner of Lot 1 is not shown on the plans or proposed recording plan and should be added, 174-207.10.
8. The proposed 20' width MTMSA sanitary sewer easement should also be shown on Recording Plan Sheet 2 of 4 so that all MTMSA easements are shown on that sheet, 174-207.10.
9. It shall be noted that the centerline all MTMSA easements shall be based upon the constructed location of the sanitary sewer, 174-207.10.
10. All existing and proposed easements should be shown on Recording Plan Sheet 3 Of 4., 174-207.10.

11. Ingress Egress easements should be shown to provided access through abutting lots and to allow for access such as shared facilities such as the proposed dumpster location to be shared by Lot 1 and Lot 2, 174-207.10.
12. Public Pedestrian Access Easements should be provided to allow for access from each of the proposed lots to the asphalt trails that are proposed, 174-503.1.2(b).

Stormwater Management (165)

13. The proposed surface and subsurface detention facility will be privately owned and will require a Stormwater Management Agreement, as per 165-107.4.

Ms. Zimsky reviewed her Land Development Comments:

II. SP(LD)14-06: Thorn Hill Associates A – Land Development Application:

This plan, located on Parcels 56 and 63R in Thorn Hill Industrial Park, proposes the construction of four hotels. The developer is planning on phasing the construction of the hotels as follows: Hotel 1, 102-rooms, 2015; Hotel 2, 94-rooms, 2016; Hotel 3, 96-rooms, 2017; and Hotel 4, 100-rooms in 2018. The developer is proposing 418 parking spaces to accommodate the parking needs on the site. This property is located in the Planned Industrial Park (PIP) zoning district. Hotel, Motel and Hotel-Motel Office Complex is a conditional use in the PIP District and a conditional use application has been submitted and is up for review, as well as a subdivision application.

II. Land Development Review Comments:

1. **Section 174-205.B.9.(s).** Location, width, bearings, and purpose of existing and proposed easements and utility rights-of-way.

COMMENT: This information needs to be provided on the plans. Sheet C.25 was added to the plans to show property lines and easements, but looks incomplete. The 15' pedestrian easement along Brush Creek Road is missing. Additionally, you have removed all internal pedestrian easements; however, people staying in hotel 2 still need to cross onto Hotel 1 property to reach the sidewalk along the entrance drive to get out to the trail. The sidewalk along the entrance drive should be in an easement also. At the last PC meeting it was suggested that there was going to be a gazebo, picnic table and/or potentially a tot lot of sorts in the green space adjacent to Hotel 4. Pedestrian easements should be provided to access that space/amenity.

2. **Section 174-205.B.14.** Traffic Study

COMMENT: Revised plans have been forwarded to Bob Goetz and we are waiting for comments. At a minimum the required Knob Road improvements need to be shown on the land development plans.

3. **Section 174-205.B.18.** Final location of fire hydrants and fire lanes.

COMMENT: The Fire Marshal is completing his review.

4. **Section 174-205.B.20.** Copies of deed restriction, covenants and condominium documents to be imposed upon the use of land, buildings and structures. Said covenants, deed restrictions and condominium documents shall be subject to the review and approval of the Township Solicitor.

COMMENT: Several agreements need to be put in place for this development to occur, including, but not limited to, Access, parking, stormwater, and landscaping. Please get these agreements to the Township so that the Solicitor can begin the review of the documents.

5. **Section 174-603.C.** No disturbance is permissible within 25 feet of the edge of any flowing stream, lake, or wetland.

COMMENT: The proposed development/disturbance is located within 25 feet of wetlands. The Applicant is seeking a modification from this requirement.

III. Additional Comments:

1. The submitted conditional use materials state that 15% of the parking you are proposing fall under the Zoning Ordinance definition of “compact spaces.” Please add a “Compact Cars Only” sign to the details.
2. Is Hotel 1 sharing garbage facilities with Hotel 2? If so, this is another agreement that will need to be drafted.
3. Please provide a detail for the light standard being used in the development.

Mr. Gazdik reviewed his comment letter:

As requested, I have completed this review of the land development plans, geotechnical report and stormwater management report for the above referenced project and have the following comments.

General

1. The Developer shall address all outstanding comments contained in the Planning Directors review letter(s).
2. Final location(s) of required fire lanes and fire hydrants must be approved by the Township Fire Marshall, 174-503.H.
3. The Developer shall address all comments and recommendation contained in the Trans Associates review letter(s) or the report(s) that Trans Associates prepared for the

developer. In particular the proposed left turn lanes to be added on Brush Creek Road should be shown on the site plans; and also shown on the particular Phase plan sheet when they are proposed to be installed. A narrative should also be provided to explain the developer Phasing approach for the installation of the proposed left turn lanes.

Zoning (208)

4. It is recommended that the Phase 1 plan include the pedestrian connections needed to provide for a "temporary trail connection" to the existing Township Trail System, 208-1509. The Township Recreation Director, Heather Jerry has indicated that the Township would provide the funds to make the proposed temporary connection from the existing limestone trail along Brush Creek to the proposed "6' asphalt sidewalk" that the Developer has proposed along Brush Creek Road. In addition Ms. Jerry would like to discuss having the Developer allow the continued use of the existing driveway and unimproved parking area, located at the south end of the site, until such time as Phase 3 is developed. The Developer has indicated that they are agreeable to this if an appropriate access easement would be drafted by the Township that includes liability considerations to protect the Developer.
5. All ADA accessible ramps locations and details for the same should be shown on the plans. An ADA accessible ramp should be added to allow access to the existing crosswalk location at the intersection of Brush Creek and Knob Road, 174-503.I.2(b).

Grading (88)

6. A design report and detailed engineering plans for the proposed retaining walls will be required, as per 88-13.A.(2).
7. A Grading Permit and Grading Permit Agreement, is required prior to proceeding with work, as per 88-17.
8. An NPDES construction discharge permit for the site will be required prior to permit issuance , as per 88-15.
9. Provide grading specification and details that conform to those contained in the Geotechnical Engineers Report to be provided and section 88-16.
10. It is recommended that guide rail be shown where roadways or parking fields abut slopes in excess of 3:1.

Subdivision and Land Development (174)

11. The location of the Conservation Easement now shown on the plans is the revised Conservation Easement location as approved for recording by the Army Corps of

Engineers, RIDC and Marshall Township. This revised recording document must be referenced on the subdivision recording plan as soon as the recording information for the revised Conservation Easement is available, 174-207.10.

12. All of the Marshall Township Municipal Sanitary Authority (MTMSA) Easements should be shown as twenty (20') feet in width. All existing trail easements that are co-located with the sanitary sewer easement should be shown as 20' in width. Also, the existing MTMSA 20' sanitary easement and the co-located 20' Trail Easement that crosses northeast corner of Lot 1 is not shown on the plans or proposed recording plan and should be added, 174-207.10.
13. Provide Allegheny County HOP Permits for each of the entrance roads, 174-205.B.10.
14. An approved sewage facilities planning module will also need to be provided, 174-207.B.9.b.

Stormwater Management (165)

15. The proposed surface and subsurface detention facility will be privately owned and will require a Stormwater Management Agreement, as per 165-107.4.

Mr. Bitz had several comments about the trip calculation fees and the four way intersection they are building. He commented that Brush Creek Road is the worst road in the Township to which Ms. Zimsky reminded him that it is a County Road.

He added that it is very annoying that there are no building elevations available today but there were elevations a year ago of the hotels with skating rinks.

Mr. Shaffer added that he is concerned that what we have today does meet the Ordinance and doesn't require any variances. But if the parcels are sold, we may have to entertain very different plans and intentions and be faced with applications for variances in later years.

Mr. Banner said that this is a phased development and you can build pad ready sites but it can take years to be developed based on the economy. Mr. Banner assured that it will be a nice looking development and won't look as congested as it seems to be on paper.

Mr. Shaffer still feels that the site is too congested, especially with all of the access through the center of the parking lot, which is shared by all hotels. Mr. Banner feels he has a plan that meets all of the ordinances.

Mr. Shaffer moved to recommend approval of the Subdivision plan, conditioned upon the comment letters by Staff dated 2/12/15 and the approval by the Township of all agreements that have to be drafted to run with the land. Mr. Edwards seconded the motion. Vote in favor was unanimous. [4-0].

Ms. Herbert, expanded by detailing her concerns: The potential of selling the lots to separate owners in the future, the lack of information and details of future construction for each hotel and the safety for pedestrians within the site due to the flow of people and cars and the overall congestion of the site.

Discussion continued between the Planning Commission and Mr. Banner regarding the potential addition of restaurants to the future hotels.

Mr. Bitz addressed the Board and insisted that restaurants are not a permitted use within the PIP District. Ms. Zimsky read the Table of Uses to the Board and demonstrated the restaurants are a permitted use in the PIP District. She reminded him that the Zoning was revised in 2008.

Mr. Baling moved to recommend approval of the Land Development application, conditioned upon the comment letters by Staff dated 2/12/15 and minimum hotel grade and building material specifications be added to covenants or other document to be approved by the Township Solicitor and standards be no less than what has been presented to Staff for Hotel #1 and the addition of a sidewalk on the north side of the south entrance and crosswalks across the driveway. Mr. Edwards seconded the motion. Vote in favor of was unanimous [4-0].

Mr. Baling moved to recommend approval of the Conditional Use application - Hotels, Motels, subject to comment letters by Staff dated 2/12/15. Mr. Shaffer seconded the motion. Vote in favor was unanimous [4-0].

Mr. Baling moved to recommend approval of the Conditional Use application - Floodplain, subject to comment letters by Staff dated 2/12/15. Ms. Herbert seconded the motion. Vote in favor was unanimous [4-0].

- ❖ Ordinance Amending Chapter 208 establishing certain general and specific standards relating to the location, placement, construction and maintenance of tower-based and non-tower based wireless communications facilities; providing for the regulation of such facilities in public rights-of-way; and providing for enforcement of regulations.

Ms. Zimsky explained that Mr. McFadden, through a presentation at a recent North Hills Council of Governments meeting, attended a presentation by a law firm who offered to draft an Ordinance for the members governments regarding mini towers. Mr. McFadden contracted with them and the Ordinance is before the Planning Commission for their consideration. It is her opinion that the proposed Ordinance is very comprehensive and the language is complex.

Ms Herbert indicated that her review of the Ordinance had no less than 20 comments and asked if the Township Solicitor has reviewed it. Mr. Shaffer agreed. Ms. Herbert asked to meet with Ms. Zimsky to review the Ordinance and discuss her concerns in detail. Mr. Edwards and Mr. Shaffer agreed that more time was needed to share comments and ask questions, particularly having the Township solicitor review the document.

Ms. Herbert moved to table the Ordinance amending Chapter 208 to the Planning Commission meeting of March 3, 2015. Mr. Shaffer seconded the motion. Vote in favor was unanimous. [4-0]

Mr. Bitz asked if someone could get a permit for a tower tomorrow before the Township approves this Ordinance. Ms. Zimsky said that it hasn't be advertised yet.

ADJOURN

Since there was no further business to come before the Commission at 9:30 p.m., Mr. Baling moved to adjourn the meeting. Mr. Shaffer seconded the motion. Vote in favor of the motion was unanimous. [4-0].

Respectfully submitted,

Marianne Salzman
Planning Commission Secretary