

**NORTH FAYETTE TOWNSHIP
PLANNING COMMISSION**

**REGULAR MEETING
TUESDAY, JULY 15, 2014
7:30 P.M.**

The meeting was called to order with Mr. Bob Owens presiding.

MEMBERS PRESENT:

Bob Owens, Chairman
Bill Fitzgerald, Vice Chairman
David Cosnek, Board Member
Fred Lutz, Board Member
Charles Kyle, Board Member
Tom McDermott, Township Solicitor
Shawn Wingrove, EIT
Cheryl Cherico, Recording Secretary

MEMBERS ABSENT:

Kevin Brett, P.E., Township Engineer
Laura Ludwig, Community Development Director

OTHERS PRESENT:

Frank Bonura, Gladiator Wrestling Club
Justin Waters, Gladiator Wrestling Club

UNFINISHED BUSINESS:

A motion was made by Mr. Bill Fitzgerald, seconded by Mr. Fred Lutz, to approve the minutes from the June 17, 2014, meeting. Motion carried.

NEW BUSINESS:

1. Application 2014-15CU – Frank C. Bonura (Gladiator Wrestling Club) Conditional Use – Application for a Conditional Use to allow Indoor Recreation at 7905 Steubenville Pike in a B-1 Neighborhood Commercial Zoning District.

Mr. Owens asked a representative to approach the Board.

Mr. Bonura approached the Board. He said he had received the letter from the Township Engineer and talked to Mr. Wingrove about the review comments. He said Mr. Wingrove had suggested he add parking and shrubbery on the drawing. He said it would be a private club and not people randomly coming in off the street unless they were looking to join the club. He said the hours of operation would be maybe four hours a day and possibly not every week in the beginning until the business would build up more. He said they currently practice in the summer three days a week from 6 p.m. to 8 p.m. As far as the buffer zone, he said the first 75 feet is down probably 6 feet from the road. He said the residential units are pretty much right behind here (he pointed to the drawing) listed as bufferyard D & E and C is a business. He said whatever buffer they needed there as far as shrubbery would not be a problem. He presented a sketch plan of the site to the Board.

Mr. Fitzgerald said the property actually abuts where Spencer Service Station was located.

Mr. Bonura said yes.

Mr. Fitzgerald said across the street is the Garden of Eating, the Painted Giraffe, etc.

Mr. Bonura said yes.

Mr. Fitzgerald asked why they would even need a buffer there.

Mr. Owens said he was questioning that himself.

Mr. Bonura said he had talked with Ms. Ludwig when he originally purchased the property to see what the process would be to get this project going. Unfortunately, he said he had to wait a while for the survey which is why he was just coming in now. He said the parking and buffering were listed on the letter he received from the Township Engineer. He said the other item was the ingress/egress. He said he also intends to purchase the parcel next to this one that runs down near the entrance to Walden Woods. He said he didn't know if that would help to use that property as ingress or egress, but it could be a possibility. He said that was an item that Ms. Ludwig had said could be discussed once the process got started and that is why he hadn't addressed this when he first submitted the Conditional Use application. He pointed to the drawing and said the area up here would pretty much be a blind hill.

Mr. Fitzgerald asked how many people would be training at a time.

Mr. Bonura introduced Mr. Waters and said he would be the coach. He said he had asked him to come tonight in case the Board had any questions like this.

Mr. Waters said there were 44 kids at last night's practice. He said it ranges during the season. There are kids from age 5 to 21 year old college students. He said he would expect 55 to 60 on average.

Mr. Owens asked if that was at one time in the building.

Mr. Waters said no, that would be throughout the day. He said he might be running two different practices for 1 ½ hours each and a half hour in between the two practices. He said there might be one practice of the younger group that could be 40 kids and then another one of the older group that would have only 20.

Mr. Owens asked Mr. Bonura why he was looking to purchase the additional parcel.

Mr. Bonura said he was buying it because the price was right.

Mr. Owens said it wasn't considered part of the approval.

Mr. Bonura said no, he thought maybe it could help with the ingress and egress but that wasn't why he was buying it.

The Board reviewed the comments of Mr. Wingrove.

Mr. Wingrove made the following comments:

We have completed our review of the above referenced Conditional Use application, dated June 15, 2014, as received by our office June 27, 2014. The Conditional Use application to allow indoor recreation proposes the use of an existing building for a club wrestling team. The property is located along 7905 Steubenville Pike, and is Zoned B-1 – Neighborhood Commercial District.

The following listing presents items identified during our initial review that do not conform to the Township of North Fayette's Zoning Ordinance (Chapter 27):

Zoning

1. The Ordinance requires all off-street parking areas located adjacent to existing residences screened by Bufferyard A. (Section 701.BB.(2).) **Status: A plan identifying the required bufferyard has not been provided.**
2. The Ordinance requires all off-street parking be located on the lot. (Section 703.BB.(4).) **Status: A plan showing required and proposed parking has not been provided.**
3. The Ordinance requires all lots used for indoor recreation facilities have a minimum of two points of ingress and egress. (Section 701.BB.(5).) **Status: The lot contains only one point of ingress and egress.**

The plans have been reviewed for conformance to the Township Ordinance standards only. The review is based on surveys and drawings prepared by others and assume this information is correct and valid as submitted. Independent confirmation of adequacy or applicability or surveys, design data or procedures has not been provided.

The application, as submitted, does not conform to the Township of North Fayette's Zoning Ordinance (Chapter 27). Additional comments may be made and we reserve the right to comment further pending submission of revised plans.

Mr. Wingrove said this is a situation like there has been in the past where the hillside pretty much provides the buffer. He said Mr. Bonura could possibly plant some shrubs at the top should it be the Planning Commission's desire. Beyond that, he said they are just asking him to show a plan that he could provide adequate parking on the lot per the ordinance requirement. For the last item, the ingress and egress, Mr. Bonura is working to purchase that second lot to address the issue.

Mr. Fitzgerald said even with that piece of property and the way it is set up, it seems like there are pretty good site lines there where the current ingress and egress is located. He said if he was going to create another one, he would literally almost have to go through that piece of property where the police park up to the crest of the hill and then jump out. He said he wasn't going to speak for the Township, but personally he has seen places where the site line wasn't as good go through. He said the site line is good at the existing entrance and adding a bufferyard might do something to disturb the ability to see up at the top of the hill when it wouldn't be buffering from anything.

Mr. Owens said the way the road rolls up and down in that area makes it seem more detrimental to actually have that buffer zone.

Mr. Cosnek asked what the required bufferyard would be there.

Mr. Wingrove said it would be Bufferyard A which is two rows of plantings 15' apart with a mix of deciduous and evergreen trees. He said that is a pretty significant buffer. He said it is in the ordinance for when it would be abutting a residential area. He said there a couple houses across the street.

Mr. Owens said there are apartments across the street in Walden Woods.

Mr. Lutz said no, it isn't even near there.

Mr. Fitzgerald said it is where the mobile home place used to be right across from Essex Plaza. He said it would be better off without the bufferyard.

Mr. Cosnek asked if he would have to ask for a waiver to not plant that bufferyard.

Mr. Fitzgerald asked Mr. McDermott for a ruling on that.

Mr. McDermott said it is part of the zoning ordinance, even the double entry is part of the zoning ordinance. He said in most instances you would want an entrance and exit and the bufferyard, but in this one instance. . .

Mr. Cosnek asked if they would need to apply for a variance.

Mr. McDermott said yes, but Mr. Bonura already purchased the other lot. He said they would need to do a lot consolidation to be able to consider it one lot and be able use the other lot for ingress or egress. He believed Mr. Wingrove had asked Mr. Bonura to show the parking, etc, without actually having to do a site plan at this point.

Mr. Wingrove said that was correct. He said at this level, the applicant could provide a sketch plan to the Planning Commission to show that adequate parking exists for the use. He said at this point in time for the Conditional Use, the sketch plan would be sufficient. When he moves forward if they would be developing the land or improving the parking lot, that would trigger the land development process so he would be coming through the process again if he was going to make exterior improvements. He said at that point, he would need an engineered actual site plan. He said parking lot expansions and improvements in the past have gone through the land development process.

Mr. McDermott asked if he would be required to do certain improvements such as parking or lighting in order to get an occupancy permit.

Mr. Wingrove said he hasn't looked at the sketch plan, but if he can show now that he has adequate parking and that it complies with the ordinance then he could possibly not need to do improvements for an occupancy permit. He said it depends on how the lot is now. From the survey, it is hard to tell. He said he hadn't been by the site and asked if the lot was paved now.

Mr. Bonura said no, it is actually a lot of weeds and gravel. He said his game plan was to paint the exterior of the building and bring in a couple of tri-axles of gravel to spread over the whole lot.

Mr. Wingrove said from past practice, he didn't believe that would trigger land development.

Mr. Lutz said as far as parking goes, the parents would most likely bring their kids there and drop them off and not stay.

Mr. Waters said he doesn't like it when they do stay. He said he always encourages parents to drop the kids off because the kids don't do as well when they are being watched.

Mr. Cosnek said he was saying he could have as many as 40 people pulling in and out of there.

Mr. Waters said he could have that many at one time.

Mr. Cosnek said there are more than 40 parking spaces there.

Mr. Waters said yes, it is a big lot.

Mr. Cosnek said that isn't really an issue.

Mr. Fitzgerald said he didn't think any of it was an issue.

Mr. Owens said he agreed and believed the bufferyard situation was kind of an over kill. He said his only question left had to do with if there was any lighting there.

Mr. Bonura said there are a couple of dusk to dawn lights on the front and side of the building.

Mr. Owens asked what motions would be needed.

Mr. McDermott said they could make a motion for the hearing to be set. He said they could also make a motion recommending approval or denial of the Condition Use or they could postpone a decision until next month. He said if they wanted to add conditions to approval, they could do that as well. He said their other option would be to table a recommendation until next month.

Mr. Kyle said he didn't see a problem with this and just wanted to make sure the applicant understands what direction they would be going next.

Mr. Bonura said if he received favorable consideration tonight, he intended to go to the engineer and have the plans drawn up for the interior for ADA compliance, move forward with the sewage and move forward with plans to paint the exterior of the building.

Mr. Owens said he doesn't like to see anyone delayed if it isn't necessary.

Mr. McDermott said if necessary for their presentation for the Zoning Hearing Board or whoever, the minutes would reflect that the Planning Commission is favorably disposed to the approval, that the Planning Commission doesn't believe there should be any buffers to the extent that they are actually going to be negative to site distance and therefore the Planning Commission would actual favor a variance if they needed one.

Mr. Fitzgerald said the Planning Commission also doesn't believe ingress or egress is an issue.

Mr. McDermott said yes, and that would all be reflected in the minutes.

Mr. Cosnek asked if that was up to the Zoning Hearing Board to decide that.

Mr. McDermott said he was saying they would have to go to the Zoning Hearing Board if there was something that technically requires a variance.

Mr. Owens asked if anyone had any further questions or comments. Hearing none, he asked the Board for a motion on the application.

A MOTION WAS MADE BY Mr. BILL FITZGERALD, SECONDED BY Mr. DAVE COSNEK, AND CARRIED, TO RECOMMEND THAT THE BOARD OF SUPERVISORS SCHEDULE A CONDITIONAL USE PUBLIC HEARING.

ROLL CALL:	BILL FITZGERALD	YES
	DAVE COSNEK	YES
	FRED LUTZ	YES
	CHUCK KYLE	YES
	BOB OWENS	YES

Mr. Owens asked for a motion on the application.

A MOTION WAS MADE BY Mr. BILL FITZGERALD, SECONDED BY Mr. FRED LUTZ, AND CARRIED, TO RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS FOR CONDITIONAL USE TO ALLOW INDOOR RECREATION AT 7905 STEUBENVILLE PIKE SUBJECT TO THE COMMENTS OF THE TOWNSHIP ENGINEER'S REVIEW LETTER DATED JUNE 30, 2014, BEING ADDRESSED AND WITH CONSIDERATION OF THE COMMENTS FROM THE PLANNING COMMISSION DURING THE MEETING.

ROLL CALL:	BILL FITZGERALD	YES
	DAVE COSNEK	YES
	FRED LUTZ	YES
	CHUCK KYLE	YES
	BOB OWENS	YES

COMMENTS:

Mr. Owens asked if anyone had any comments or questions about anything. There were none.

ADJOURNMENT:

A MOTION WAS MADE BY Mr. FRED LUTZ, SECONDED BY Mr. DAVE COSNEK, AND CARRIED, TO ADJOURN THE MEETING AT 8:04 P.M.

Respectfully submitted,

Cheryl Cherico
Planning Commission Recording Secretary