MUNICIPALITY OF BETHEL PARK ALLEGHENY COUNTY, PENNSYLVANIA

IN RE: PUBLIC HEARING

PHOENIX KEYSTONE GROUP, LLC REZONING APPLICATION 2023-0272

COUNCIL MEMBERS

Timothy J. Moury (President) Mark J. O'Brien (V. President) Timothy Campbell Todd S. Cenci Joseph A. Consolmagno David C. Espinar Lindsay Flinn Joseph Janosik John Oakes

Interim Municipal Manager: Timothy O'Connor

Police Chief: Timothy O'Connor Mayor: Jack T. Allen

Solicitor: Robert L. McTiernan, Esquire

DATE: Monday, July 10, 2023 TIME: 7:30 p.m.

PLACE: Municipality of Bethel Park

5100 West Library Avenue

Bethel Park, Pennsylvania 15102

Reported by: Kim Simms Strnisa

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P-R-O-C-E-E-D-I-N-G-S
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         (Commencing at approximately 7:30 p.m.)
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               PRESIDENT MOURY: Okay. I'd like to
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     call to order the Public Hearing of July 10,
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     2023 for the Phoenix Keystone Group, LLC
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     Rezoning Application.
              Chief O'Connor, would you please call
8
     the roll.
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               CHIEF O'CONNOR: Dr. Campbell?
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               DR. CAMPBELL: Here.
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               CHIEF O'CONNOR: Mr. Cenci?
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               MR. CENCI: (No response.)
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               CHIEF O'CONNOR: Mr. Consolmagno?
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               MR. CONSOLMAGNO: Here.
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               CHIEF O'CONNOR: Mr. Espinar?
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               MR. ESPINAR: Here.
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               CHIEF O'CONNOR: Ms. Flinn?
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               MS. FLINN: Here.
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               CHIEF O'CONNOR: Mr. Janosik?
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               MR. JANOSIK: Here.
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               CHIEF O'CONNOR: Mr. Moury?
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               PRESIDENT MOURY: Here.
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               CHIEF O'CONNOR: Mr. Oakes?
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               MR. OAKES: Here.
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CHIEF O'CONNOR: Mr. O'Brien?
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               MR. O'BRIEN: Present.
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               PRESIDENT MOURY: Eight members
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     present.
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               Just a real quick overview of the way
     the process will work for the Public Hearing.
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     Mr. Harbinson, our Municipal Planner, will
     give an overview of what's in front of us
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     tonight.
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               We will open it up to the Applicant
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     to come up and make any comments, if they so
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     choose. And then we'll open it up to the
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     Public Comment section: The proponents,
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     people in favor; and then the opponents,
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     people that may be opposed to this. And we're
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     just seeking input on this potential rezoning.
               So, at this time, I'd like to turn to
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     our Municipal Planner.
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               MR. HARBISON: Good evening. My
     name's Gerald Harbison. I'm the Municipal
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     Planner for Bethel Park.
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               What was that?
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               PRESIDENT MOURY: Just go ahead.
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               MR. HARBISON: The proposed rezoning
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     would be approximately 5.78 acres at the
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southeast quadrant of Limestone and McMurray
Road.

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The proposed ordinance was advertised in the Pittsburgh Post-Gazette on June 22nd and June 29th. That would be submitted as Exhibit 1.

The property was posted on June 30th at -- at the intersection and in the rear, along the Montour Trail, and along the frontage of the property on Limestone and McMurray Road. I have photographs for that. And that will be noted as Exhibit 2.

Exhibit 3, as required by the Pennsylvania Municipalities Planning Code, is to provide notice to the property owners in question. Those notices went out June 8, 2023. And it's noted as Exhibit 3.

Exhibit 4 is the recommendation from the Bethel Park Planning Commission, the Council. I'll read it into the record:

This letter will serve to confirm the action taken by the Bethel Park Municipal Planning and Zoning Commission on May 10th regarding Phoenix Keystone Group, LLC to request to rezone two parcels and a portion of

- another totaling 5.769 acres at the southeast corner of the McMurray Road and Limestone

 Drive intersection from Commercial-1,
- Neighborhood Commercial, to R-3, One-Family Dwelling.

The Commission found the request to have merit in that the R-3 zoning is consistent with the surrounding R-3 zoning on the west and south and the R-2 zoning to the east; and, therefore, recommended approval to Council.

Exhibit 5 would be the County of Allegheny Department of Economic Development. They reviewed the plan -- or the proposal. They're an advisory board. And their letter is dated May 18th to Council.

And that is it, all I have. I've got the exhibits from the Municipality into the record.

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(Whereupon, Borough Exhibits No. 1 through No. 5 were marked for identification and introduced into the record.)

MR. HARBISON: And I'll turn it over to Mr. Zapalla, the Applicant.

MR. ZAPALLA: Thank you.

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Good evening. My name's Frank

Zapalla. I'm a principle with Phoenix

Keystone Group. And it's our proposal -- our application to rezone this property that's in question this evening from C-1 Neighborhood

Commercial to R-3 Single-Family Residential.

The reason for the request -- and it's difficult. I don't know if it's an exhibit.

We have -- we do intend to develop the larger 20-acre parcel that is along McMurray Road at the southern end of the Municipality into Single-Family Residential in strict accordance with the zoning ordinance in the Municipality at this time.

And further investigation of the property, with some of the sensitive environmental conditions we have at the southern end of the property, we're looking to maybe move things a little further north.

And as we further investigated it, it seemed to make sense to provide access to Limestone Drive, which would then provide access to our residents to McMurray Road with

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1 | a traffic signal, which is much safer.
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We also would have this access to Limestone Drive for our sanitary sewer connection.

So the research of the property, we know the environmental conditions. We know the traffic conditions. We know where we have site distance. And tieing these together seems to make sense for the -- certainly for the safety of our residents.

And if you look at the aerial, there's Single-Family Residential essentially all around the property. And we think this is a consistent use with -- for the property in that particular area.

On the reverse is simply a further identifi- -- excuse me -- a further identification of the parcels in question.

This is the larger 20-acre parcel.

And these are the three in green that we are requesting the rezoning, again, from C-1

Commercial to R-3 Single-Family Residential to be consistent with the areas around it.

(Indicating.)

And we think it would be a much more

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efficient and safer development overall for our potential residents.
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There's really not much more,

Mr. Chairman, to that. I', be happy to ask

any questions from the Board, or certainly

from -- certainly from the audience as we

proceed tonight.

PRESIDENT MOURY: Okay. Thank you very much.

And just to talk about this. This is the use of the property. This will give them the ability to develop.

If this is approved, this will then go to the Planning Commission to go over the actual use in the development.

Right now, we're just talking about the use of the property going from C-1, which is Neighborhood Commercial, to R-3, which is Single-Family.

So, at this time, I would like to open it up to the Public Comment section.

The proponents; the people that would be in favor of this development.

(No response.)

SIMMS STRNISA COURT REPORTING SERVICE - 724-321-0289 - KSSREPORTING@GMAIL.COM

PRESIDENT MOURY: Let the record show

1 none.

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The opponents; people that would be opposed to this rezoning.

If you could come up and state your name and address for the record.

MS. MALONE: Hello. My name is Terri Malone, and I reside in Bethel Park at Marion Drive for 29 years.

I'm against this project for health and safety concerns for people, wildlife, and the ecosystem in our community, which no one thinks about until the homeless deer end up in our back yard.

People complain about the deer in their yard as if the deer are to blame. The blame lies here with our government officials and the overdevelopment of Bethel Park, which greatly contributes to this issue.

Many studies show how important a balanced ecosystem is for a healthy environment in all forms of life on this planet.

The last BP Council meeting I attended a few months ago, you praised a group for planting trees around Bethel Park, but yet

you seem to have no respect for the trees that have been here for decades and the fact that those trees are homes to many animals and an important part of our ecosystem.

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People need trees as a buffer and to purify the air, not for more cars and traffic in our 70-year-old neighborhood. Many studies support the fact that green space is essential to our environment.

When I was researching, I typed in "do trees renew air," and I got over 14 million hits. One source was the National Wildlife Federation website, which stated: Trees are a truly beautiful part of the natural environment, and they are also amazingly efficient machines constantly working to make Earth a healthier planet. Trees create habitat for plants and animals. Wherever trees are established, wildlife and the other plants are sure to follow, ensuring a healthier ecosystem. Trees provide shelter and food for a variety of birds and small animals. Trees are sometimes called the lungs of the Earth because they absorb pollutants through their leaves, trapping and filtering

contaminants in the air. Like all green plants, trees also produce oxygen.

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Lastly, trees also help our climate.

One tree can take in more than one ton of carbon dioxide in its lifetime.

I see things differently. When a project like this is proposed, I think all of you should look at all perspectives, not just at the dollar signs, because you can't put money over health.

Each and every one of you should be looking at the pros and cons for the community's health and day-to-day living and how important trees are to a neighborhood and community before you start making deals with builders to destroy every bit of green space in Bethel Park.

After all, you are elected by the people, and what you do to our environment is a direct reflection on how much you care about the community. We put our trust in you to do what is morally right.

Thank you.

PRESIDENT MOURY: Thank you.

MS. MALONE: And I have a copy, if

1 you want it.

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PRESIDENT MOURY: You can just leave it with Mr. Steele.

Okay. If there's any other opponents of this project, if you would like to come up and state your name and address.

MR. CRUM: Good evening, all. My name is Russell Crum. I reside at 691 McMurray Road.

I'm beside this, where they're putting this in. I -- I really oppose it because of the -- like what the lady had mentioned, it's an environmental impact.

I remember ten years, maybe more,

John Quigley (phonetic) was trying to develop

that land. And because of all the watersheds

and, you know, protected areas of that, they

really couldn't do anything.

And, also, there was -- I'm stating from what he told me. But there was a heavy-duty problem with the sewage. There was no room to send the sewage out through Upper St. Clair. Peters didn't want it. Bethel didn't want it. There was no proper way to remove the sewage if he was to develop that

1 land.

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Also, watching from the senior care that went in -- the apartments went in, the wildlife has quadrupled in our back yards.

Everything has moved over. That's the only patch of woods left.

I see deer constantly roaming around.

I see coyotes. I see foxes. I see raccoons.

I see every bit of wildlife there is in

multitudes now that that is the only patch of
land there.

My family's been there for four generations now, counting my kids. And it's always been a nice place. You know, there's been woods around.

And I just -- I think, mainly, I'm concerned, like, what do they plan on doing and how are they going to impact that area with houses?

So, I appreciate your time.

PRESIDENT MOURY: Thank you very much.

Are there any other opponents; people that are opposed?

If you could come up and state your

1 | name and address for the record please.

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MS. DAVIS: Good afternoon. I'm
Rebecca Davis. I live at 695 McMurray Road.

I'm in opposition of this, not only because of what Russ has to say, but I live there, too. And I've been there for 23, 24 years.

And the animals that are there -and I'm not just, you know, this great animal
advocate, although I am. I've never come
anywhere and spoke or anything about this.

But, like he said, there's owls,
there's -- there's the turkeys and all their
babies, and they fly up in those trees.
What's going to happen to all these animals?
What's going to happen to us?

I mean, we bought these properties, all of us people did, because we had some woods and we had all this stuff. And we're paying 5- and \$6,000 a year for 20 years so that this can be maintained.

And now, all of a sudden, somebody comes and they want to take this little patch of land that's back there. 20 acres, I mean, that's not much. But when you start putting

all those houses in there, that's a lot.

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And now the township here is going to collect another 5- or 6- or \$7,000 from these residents. And when they're saying you're looking at money, you're looking at the money.

You're not looking at your residents that live here and bought this property because we wanted to be in the suburbs. We want to have a back yard where our kids could play.

We want somewhere where these coyotes and the deer and the fox and the coons and everything can live. Where are these an- -- I mean, you don't care about animals, right, at all?

where are these little baby deer -one mother deer just had three little babies,
and it's out running around in the woods.

What do you think's going to happen to these animals? They've got nowhere to go. They took the woods over there on Limestone away from them, and now there's nothing.

Behind my house, there's a bamboo area. It's a water area. There's box turtles

back there. There are endangered species back
there.

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I mean, and that water land back there, what are they going to do with that? How are they going to get rid of the natural water that's there? And the -- and the -- I think it's a stream or something that runs under there, what are they going to do with that? Are they just going to say, "Let's bury it. Nobody will know"?

We do know. And we care. All of us care. I wouldn't get up here if we didn't care. I just -- I feel so bad that people could come in and say, "Oh, there's a parcel of green. Let's build a house. Let's build ten houses."

You know, it's just a corner at first, and now, oh, we're going to do the 20 acres eventually. As soon as they get the first one in, it's like, one, two, three, they just keep on going.

And everybody here is like, oh, yeah, we're going to get, you know, another 5,000 from this family, another from that. We're going to get, you know, another \$70,000 a year

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1 to, you know, give to Bethel Park.
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But if you do this, how many people in Bethel Park are going to say, "The heck with this. I'm moving to West Virginia. I don't want to live in this mess no more"?

That's all I have to say. I just -- I hope that -- I'm not mad at you guys. I'm just -- but I'm just -- it just feels so

hurtful that it seems like nobody cares.

PRESIDENT MOURY: Thank you.

MS. DAVIS: You're welcome.

PRESIDENT MOURY: Are there anybody

else -- opponents to this project?

If you could state your name and address for the record, please.

MR. GOLOBISH: My name is Cory
Golobish. I live on 693 McMurray Road.
Actually, directly between the two previous speakers.

Unlike them, I have not lived there for 30 years. I've lived there for two. I purchased that house shortly after finding out that my wife was pregnant with our first child.

And what made us fall in love with

in serious need of updating. It was looking at the back yard.

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We went out there, we saw the big, expansive back yard. We saw the huge natural area behind it. And that's what made us fall in love with the property.

So the idea that it could be built up -- and, yes, right now, it's just -- there's a buffer between me. It would be Russ between us. We'd still see it. It would still be driving, like I said, all this wildlife through our lot, condensing it all down, affecting the runoff.

But it's the dangerous precedent that I feel, at least from our point of view, what that says. If that starts getting built up, it's going to make its way right through the green area.

And that greenway is the only thing separating us between the Montour Trail that runs through it. It's the only thing that gives all the nature a place to reside in that area.

If we take that away, we get rid of

the local wildlife refuge that is there. It
drives everything into our back yards. It
gets rid of the little bit of pocket of
natural beauty that resides right there around
the trailhead, around all the homes, the
neighborhood that's behind us. It gives
everybody that buffer.

2.3

And without that, it has this -- I'm afraid, this dangerous cascading effect that could work its way up McMurray Road and slowly cause it just to be one big development. And me looking to raise a child there, that is not really what I want.

So I can -- I can see the draw of

it. It's a nice big parcel of land right

there in the corner. It's got a lot of stuff

around it. But it's also one of the few, like

I said, natural refuges we have in the area.

It adds a lot of natural beauty to the area. And me personally, that's what I fell in love with. That's what made me move into Bethel, so I would hate to see that go.

PRESIDENT MOURY: Thank you very much.

Are there any other people that would

- 1 like to speak; opponents?
- Okay, come on up. If you could
- 3 state your state and address for the record,
- 4 please.
- 5 MR. CHEEZUM: John Cheezum, 381
- 6 | Southridge, Upper St. Clair.
- 7 I'm pretty much opposed to this
- 8 because I don't see an answer for the traffic.
- 9 Is -- where would the road come in off the --
- 10 (indiscernible.) Where would the road come
- 11 out? Where would the road come out on
- 12 Limestone?
- There's already been many serious
- 14 | accidents at the intersection with the trail.
- Now you're going to add 30 more residences
- 16 | that are going to come up to Limestone, turn
- 17 left at the traffic light, that's nice. Turn
- 18 | right, head down Limestone, hit Clifton to go
- 19 down to into Library. That's going to be
- 20 dangerous.
- 21 Are they going to put a light at
- 22 Limestone in their new road?
- 23 PRESIDENT MOURY: As I stated
- 24 earlier, sir, this is the zoning of the
- 25 property.

1 MR. CHEEZUM: Yes.

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PRESIDENT MOURY: What you're talking about will come through, if it's approved, through the Planning Commission --

MR. CHEEZUM: Oh, Okay.

PRESIDENT MOURY: -- the development stage of the property.

MR. CHEEZUM: Okay. That's why I would be opposed to this.

The other thing is, the Mon Trail in that section -- the Montour Trail in that section is a cut. The material, which wasn't used to fill in valleys, was rock and used to build different structures along the railroad.

That piece of property is solid rock under it. It's a cliff. They're going -- the people that get a house along there are going to be looking over a cliff at the trail.

There's already been an issue with the remodeling at the JAB jewelry store, the former machinery shop, with stormwater runoff going down onto the trail. I hope that is taken into consideration, how many are -- that's, again, that's later. The traffic.

Thank you very much.

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               PRESIDENT MOURY: Thank you very
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     much.
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               Is there anybody else that would be
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     in opposition to this that would like to
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     speak?
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               (No response.)
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               PRESIDENT MOURY: Hearing none; is
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     there any comments from Council?
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               MR. O'BRIEN: Yes, Mr. Chairman.
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               PRESIDENT MOURY: Mr. O'Brien.
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               MR. O'BRIEN: Jerry, I'd like to ask
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     you what can be put in that C-1 Neighborhood
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     Commercial development right now, without,
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     legally, all the different things that could
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     be put in for a C-1 Neighborhood Commercial on
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     the property currently without...
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               MR. HARBISON: This is the Zoning
     District Schedule for the C-1 --
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               MR. O'BRIEN: Yes.
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               MR. HARBISON: -- permitted uses:
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     Retail uses, excluding restaurants, adult book
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     stores, and discount retail business not to
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     exceed 4,000 square feet per business, food
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     stores not to exceed 5,000 square feet,
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     financial institutions not to exceed 3,000
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     square feet, business or professional offices,
     services, or health services offices not to
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     exceed 4,000 square feet, self-service
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     laundry/dry cleaning shops not to exceed 3,000
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     square feet, repair shop not to exceed 3,000
     square feet, beauty and barber shops,
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7
     educational studios, a shopping center use are
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     permitted.
9
               And there's limitations on that, but
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     shopping centers are permitted.
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               And you have churches, living
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     quarters, personal care boarding home, daycare
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     facility, fire station, recreation uses.
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     that's pretty much it.
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               MR. O'BRIEN: So, hypothetically,
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     any one of those on that list can come in
17
     tomorrow, and we wouldn't have any legal right
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     to deny it. This is in the current zoning
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     district.
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               MR. HARBISON: They're all permitted
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     uses, yes, sir.
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               MR. O'BRIEN:
                             Thank you.
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               PRESIDENT MOURY: Thank you.
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               Are there any comments from Council?
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(No response.)

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               PRESIDENT MOURY: Hearing none, could
     I have a motion to adjourn.
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               DR. CAMPBELL: So moved.
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               PRESIDENT MOURY: By Dr. Campbell.
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               Second?
               MR. OAKES: Second.
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 7
               PRESIDENT MOURY: By Mr. Oakes.
               All in favor, say aye.
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9
               DR. CAMPBELL: Aye.
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               MR. CONSOLMAGNO: Aye.
               MR. ESPINAR: Aye.
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               MS. FLINN: Aye.
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               MR. JANOSIK: Aye.
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               PRESIDENT MOURY: Aye.
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               MR. OAKES: Aye.
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               MR. O'BRIEN: Aye.
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               PRESIDENT MOURY: The Public Hearing
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     is adjourned.
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               (Whereupon, the Public Hearing was
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     adjourned at 7:54 p.m.)
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CERTIFICATE

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I hereby certify that the transcript of the proceedings and evidence contained herein are a true and accurate transcription of my stenographic notes taken by me at the Bethel Park Council Public Hearing of the within cause, taken on July 10, 2023, and that the transcription was reduced to printing under my direction, and that this is a true and correct transcript of the same.

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August 10, 2023

Si/mms/S

Certified Court Reporter

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