

HEARING REPORT

APPLICATION:	DCP-MPZC-2022-00702
PROPERTY:	Parcels 125-A-45, 125-A-50, and 125-A-52 Frankstown and Hamilton Avenues, near East Liberty Boulevard
PROPERTY OWNER:	Highway Equipment Company
PROPOSAL:	Zone Change Petition from LNC (Local Neighborhood Commercial) to UI (Urban Industrial)
COUNCIL DISTRICT:	9; Councilman Reverend Ricky Burgess
MEETING DATE:	September 20, 2022

FINDINGS OF FACT

1. An application has been filed by Kevin McKeegan of Meyer, Unkovic & Scott on behalf of the property owner, Highway Equipment Company, for a change the Zoning District for three parcels currently zoned LNC (Local Neighborhood Commercial) to UI (Urban Industrial). A map of the current Zoning is attached.
2. Enactment of this rezoning will permit the involved property to be developed for uses permitted in the UI (Urban Industrial).
3. No application for development has been submitted to the Planning Department.
4. There were no requests for the Zoning Board of Adjustment.
5. Property owners within 150 feet of the proposed zone change area were notified of the proposal. Notice of this Planning Commission hearing was mailed to abutting property owners 21 days in advance and posted on the City Planning website. City Planning staff posted 10 notices in the area on August 29, 2022.
6. The Development Activities Meeting was held on July 7, 2022 virtually with the Larimer Consensus Group, the Registered Community Organization. The report from that meeting is attached.
7. In accordance with Section 922.05.F, the Planning Commission shall review Zoning District Map or Zoning Code text amendments based on the following criteria.
 - a. The consistency of the proposal with adopted plans and policies of the City;
 - b. The convenience and welfare of the public;
 - c. The intent and purpose of this Zoning Code;
 - d. Compatibility of the proposal with the zoning, uses and character of the neighborhood;
 - e. The suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;
 - f. The extent to which approval of the proposed zoning map amendment will detrimentally affect nearby property;

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- g. The length of time the subject property has remained vacant as zoned;
- h. Impact of the proposed development on community facilities and services; and
- i. The recommendations of staff.

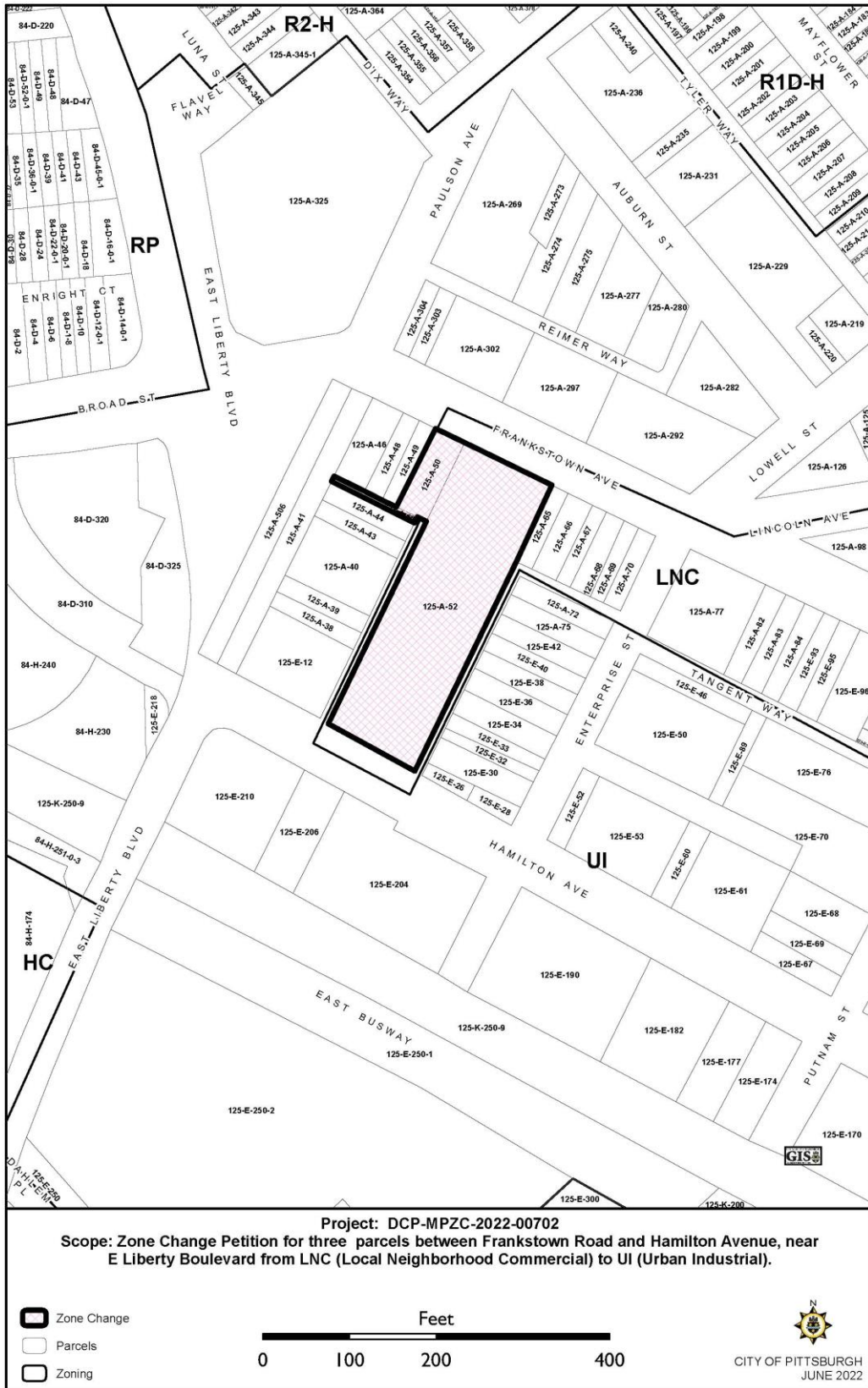
Not all of the criteria must be given equal consideration by the Planning Commission or City Council in reaching a decision.

RECOMMENDED MOTION

That the Planning Commission of the City of Pittsburgh **Recommends Approval** to City Council of Zone Change Petition DCP-MPZC-2021- 00702 to rezone three parcels 125-A-45, 125-A-50, and 125-A-52 from Loca Neighborhood Commerical (LNC) to Urban Industrial (UI) .

SUBMITTED BY: Anne Kramer, Principal Planner

HEARING REPORT



Zone Change Petition to amend Pittsburgh Code, Title Nine, Zoning, Article 1, Section 902.03 Zoning Map, by Changing from LNC, Local Neighborhood Commercial to UI, Urban Industrial, property in the 12th Ward at 6465 Hamilton Avenue (Block and Lots 125-A-52, 125-A 50 & 125-A-45).

DCP-MPZC-2022-00702

Applicant –TWG Development (“TWG” or “Applicant”) by Kevin F. McKeegan, Esquire

Date of Planning Commission Hearing – September 20, 2022

Property Involved – 6465 Hamilton Avenue; Block and Lots 125-A-52, 125-A-50 and 125-A-45

PLANNING COMMISSION REVIEW CRITERIA

Pittsburgh Zoning Code Section 922.05.F sets out the criteria to be considered by the Planning Commission or City Council when acting on any proposal to amend to the City’s Zoning District Map. The text of Section 922.05.F is set out below, with responses on behalf of the Applicant in italics following each criteria.

922.05.F – Review Criteria

The criteria for review of a proposed amendment to the Zoning District Map or the text of the Zoning Code are set out in this section. Not all of the criteria must be given equal consideration by the Planning Commission or City Council in reaching a decision. The criteria to be considered shall be as follows:

1. The consistency of the proposal with adopted plans and policies of the City;

The lots under consideration (the “Zone Change Lots”) are three adjoining and adjacent tax parcels, under common ownership with a larger assemblage containing thirteen parcels, inclusive of the Zone Change Lots (the thirteen-lot assemblage being the “Site”). The Zone Change Lots are zoned “LNC Local Neighborhood Commercial” (“LNC”) while the remaining ten lots at the Site are classified as “UI Urban Industrial” (“UI”).

The Zone Change Lots contain approximately 0.8 acres, while the Site (inclusive of the Zone Change Lots) is roughly 1.8 acres in size. The Site is vacant and not in use but contains buildings and yard previously used by a heavy contractor for storage of equipment and materials. The Zone Change Lots contain an empty warehouse structure and a parking lot. None of the buildings on the Site (including the warehouse structure on the Zone Change Lots) are in useable condition and a substantial investment is needed just to address significant structural deficiencies in those buildings.

Because the Zone Change Lots are part of the Site, the Zone Change Lots likely would not be developed separate from the Site as a whole. The “split zone” situation between the LNC and UI classifications impedes the

consistent development of the Site. While there is some overlap in permitted uses between the LNC and UI zoning classifications, there are differences in site development standards between the two classifications. In particular, property classified as LNC is allowed a maximum floor area of 2:1 and a maximum height of 45 feet, not to exceed 3 stories. In the UI zone, the maximum floor area is 3:1 (4:1 when the property in question is within 1,500 of a Major Transit Facility) and permitted height may be as much as 60 feet, not to exceed 4 stories.

If the entire Site is classified as UI, then it will be possible to proceed with a unified development of a highly visible and important location in Larimer. In particular, changing the classification of the Zone Change Lots allows TWG to move forward with a project using the Site for development of a new 5-story building, containing 200 dwelling units wrapping a 224-space garage structure (the “Project”) along with lobby, leasing office, retail and meeting room space.¹ Because TWG understands and supports the need for additional affordable housing opportunities in the Larimer neighborhood, at least 10% of the apartment units in the Project will be “affordable” with rents pegged to a 50% AMI standard.

Adoption of the proposed amendment will facilitate the Project, allowing for development of a high-quality mixed-use project. A development such as that proposed by TWG will bring needed affordable and market-rate housing to Larimer, improve the City’s tax base and spur development of other near-by properties

2. The convenience and welfare of the public;

Neither the convenience nor the welfare of the public is enhanced by treating the Zone Change Parcels differently from the balance of the Site. Doing so substantially hinders any consistent development of the Site. Given the current lot configurations and the “split zone” circumstance, it is unlikely that any substantial development would occur on just the Zone Change Parcels.

3. The intent and purpose of this Zoning Code;

Section 901.03 of the Zoning Code identifies the following as purposes of the Zoning Code:

- Facilitate development of good quality;*
- Spur reinvestment in the existing building stock; and*
- Maintain and strengthen the City’s neighborhoods.*

These purposes will be met for the Larimer neighborhood if the proposed amendment is adopted.

¹ The UI zone allows, by special exception, development of five story buildings, no such height relief, except by variance, is available in the LNC zone.

4. Compatibility of the proposal with the zoning, uses and character of the neighborhood;

The proposal before the Commission is to add the Zone Change Parcels to the UI zoning covering the balance of the Site. The Planning Commission should note that UI zone covering the Site extends eastwardly from it down Hamilton Avenue across Washington Boulevard as far as N. Dallas Avenue as well as covering parcels across East Liberty Boulevard and Frankstown Avenue from the Site. In addition, as shown on Exhibit "A", there is a substantial overlap in permitted uses between the UI and LNC zoning districts.

5. The suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;

Because the Zone Change Parcels are part of the Site, the LNC classification of the Zone Change Parcels discourages investment in the Site because of the limits on building size applicable in the LNC zone. The "highest and best" use of the Zone Change Parcels can only incur if they are incorporated into and with UI classification applicable to the balance of the Assembled Parcels.

6. The extent to which approval of the proposed zoning map amendment will detrimentally affect nearby property;

Far from having a detrimental impact on nearby properties, the zoning map amendment will likely act to encourage others to invest in nearby properties.

7. The length of time the subject property has remained vacant as zoned;

The Zone Change Parcels (and the Site as a whole) have been vacant and unused for several years. Absent the zoning map amendment, it is more likely than not that the Assembled Parcels will remain vacant and unused. The buildings on the Site are structurally unsound and unusable in their current condition. Absent a consistent zoning classification across the Site, it is unlikely that anyone would make the significant investment needed to rehabilitate or redevelop and improve the site.

8. Impact of the proposed development on community facilities and services;

The zoning change will not affect existing community facilities and services.

9. The recommendations of staff;

To be provided by staff.