

# Hearing and Action Report

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**APPLICATION:** DCP-MPZC-2021-00368  
**PROPERTY:** Banksville Road, Parcel 36-S-25  
**PROPERTY OWNER:** BRPD-O LLC  
**Existing ZONING DISTRICT:** (split) Parks, P and Neighborhood Industrial, NDI  
**Proposed Zoning District:** Neighborhood Industrial, NDI  
**PROPOSAL:** Zone Change Petition  
**COUNCIL DISTRICT:** 2; Councilman Kail-Smith  
**MEETING DATE:** May 18, 2021

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## FINDINGS OF FACT

1. An application has been filed by Ryan Wotus of Goldberg, Kamin & Garvin, LLP on behalf of the property owner, BRPD-O LLC, for a change the Zoning District for a portion of one parcel currently split-zoned Parks (P) and Neighborhood Industrial (NDI) to become Neighborhood Industrial (NDI). 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 Neighborhood Industrial Zoning District (NDI). The applicant's request for the Zone Change is to accommodate PennDOT's requirement for relocation of existing advertising sign, in conjunction with a planned road improvement project. An application for relocating the sign has not yet been submitted.
  3. There were no requests for the Zoning Board of Adjustment (ZBA) related to the Zone Change Petition. In case 22 of 2018, the ZBA approved the Special Exception for the relocation of the advertising sign; the applicant will need an extension to the ZBA approval or seek a new approval when they submit the sign application for relocating the sign.
  4. 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. Due to COVID-19 restrictions, notices cannot be printed, distributed in person, or posted at sites. This alternative process is authorized by Pennsylvania Act 15 of 2020 (SB 841).
  5. There is no Registered Community Organization for this area and so no Development Activities meeting was required.
  6. 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;
    - 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.
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**PLANNING COMMISSION**

**18 May 2021**

## Hearing and Action Report

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

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### RECOMMENDED MOTION

That the Planning Commission of the City of Pittsburgh **Recommends Approval** to City Council the Zone Change Petition DCP-MPZC-2021-00368 for a portion of parcel currently split-zoned Parks (P) and Neighborhood Industrial (NDI) to become Neighborhood Industrial (NDI), as filed by Ryan Wotus of Goldberg, Kamin & Garvin, LLP on behalf of the property owner, BRPD-O LLC.

SUBMITTED BY: \_\_\_\_\_

Anne Kramer, Senior Planner

**PROJECT & CASE NUMBER:** Zone Change Petition for Banksville Road parcel 36-S-25  
DCP-MPZC-2021-00368  
**ADDRESS/PID:** Banksville Road parcel 36-S-25  
**PLANNING COMMISSION HEARING DATE:** May 18, 2021

## Planning Commission Review Criteria

### Project Development Plans

#### 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 proposal is consistent with the settlement agreement by and between the City and Lamar Advertising to relocate the advertising structure to permit the City to make certain improvements to the Banksville Road, Carnahan Road, and Wetzel Avenue intersection. In addition to consistency with the City's plans and policies, the City's policies support the rezoning of a split-zoned parcel to cure the existing zoning conditions. Sound land use policies discourage split-zoned properties to permit appropriate use and development of property within one zoning district.*

2. The convenience and welfare of the public;

*The proposal, pursuant to the agreement between the City and Lamar, allowed for the reconstruction of the Banksville Road, Canahan Road, and Wetzel Avenue intersection to cure existing deficiencies in the intersection. The reconstruction of the intersection was for the convenience, safety, and welfare of the general public utilizing the public roads. Similarly, rezoning of a split-zoned parcel is consistent with appropriate zoning regulations thereby creating a benefit to the public welfare.*

3. The intent and purpose of this Zoning Code;

*The current split-zone condition of the Lot as NDI and P does not follow the intention and purpose of the Zoning Code. Specifically, the portion of the Lot designated as H, is contrary to the intent of the H zoning district, which is for the H zoning designation to apply to areas, in part, not suitable to development because of the difficulty of providing essential public facilities and services. The Lot directly abuts Banksville Road, a major arterial road in the City that provides ease for access to public facilities and services on the Lot.*

*In addition, the Lot abuts and is partially zoned within the NDI zoning district. Based upon access, location, topography, and potential uses, it is more appropriate for the entirety of the site to be rezoned to permit a broad range of uses, to accommodate uses that are compatible with office and other commercial uses, and the rezoning will further encourage the expansion of the existing development patterns, each of which are goals of the NDI zoning district. See Sec. 904.03.A.*

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

*The proposed rezoning of the entire parcel to NDI conforms to the existing zoning directly adjacent to the Lot, including, the portion of the Lot that is currently within the NDI district. The essential character of the neighborhood is a commercial corridor supporting numerous uses that are permitted within the NDI zoning district. The proposed rezoning will further that continuity along the corridor.*

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

*The rezoning of the portion of the Lot that is currently zoned within the H district is suitable for the uses that are permitted within the NDI. The rezoning will create continuity in the immediate neighborhood which is zoned and operated by uses permitted within the NDI zoning district.*

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

*The proposed rezoning of a portion of the Lot will have limited to no detrimental effect on properties situated nearby. The Lot is currently partially located within the proposed zoning district and is situated along the Banksville commercial corridor. The other abutting uses in the vicinity are all commercial in nature. The remainder of the H zoning district and other nearby zoning districts are located at a different elevation thereby eliminating adverse impacts.*

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

*The portion of the Lot subject to the rezoning request has remained vacant, with the exception of the outdoor advertising sign and surface parking, as long as Applicant has been able to determine. There are no known uses that have been developed on this portion of the Lot.*

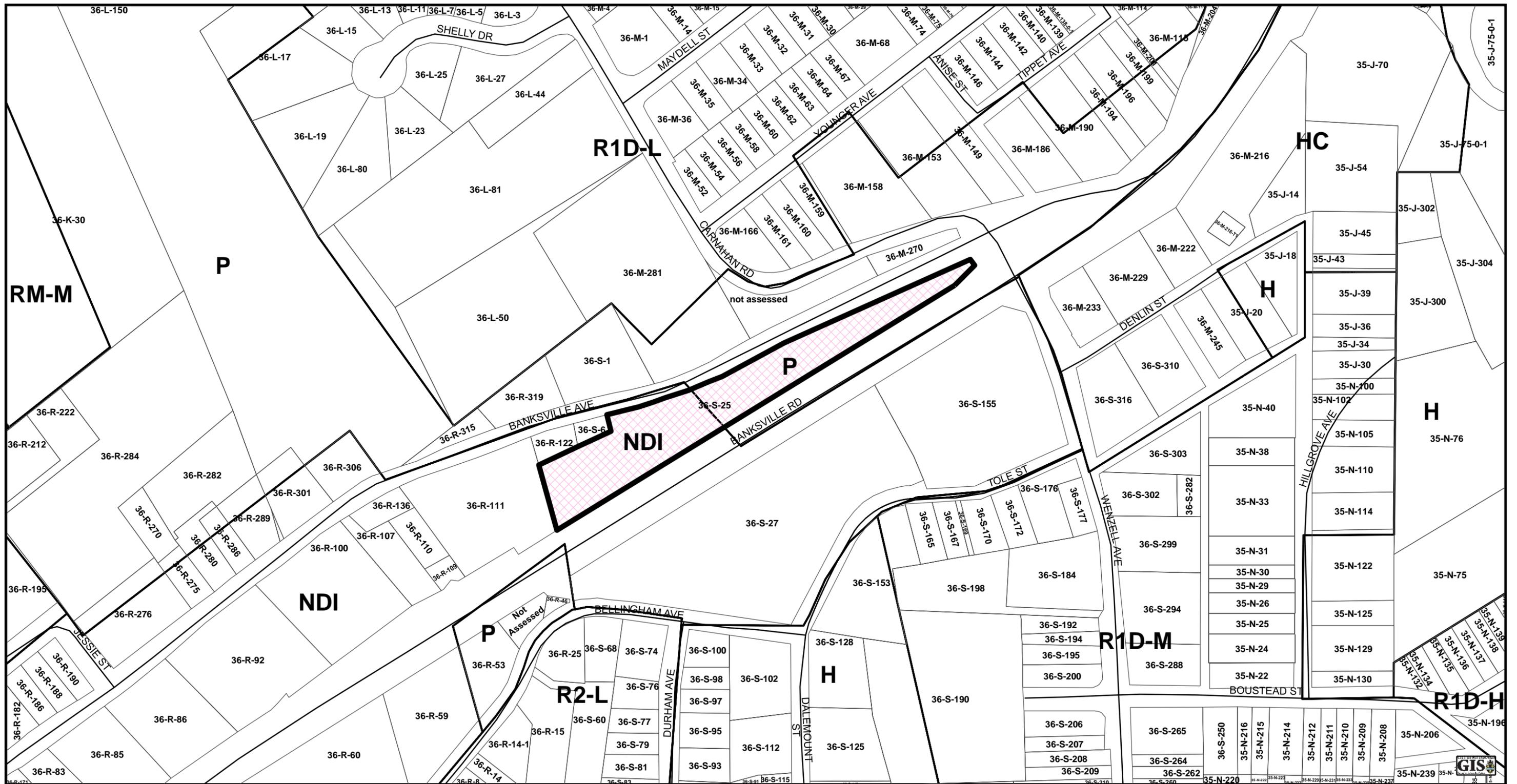
8. Impact of the proposed development on community facilities and services; and

*The proposed development will have no impact upon community facilities and services.*

9. The recommendations of staff.

*Applicant anticipates that staff will be supportive of the request as the same is in accordance with the prior settlement agreement of the City to permit the proposed use and follows sound land use policies to cure an existing split-zoned condition of the Lot.*

The applicant shall have the burden of demonstrating that the proposal meets the applicable review criteria.



**DCP-MPZC-2021-00368 Banksville Road. Zoning Map Change for a portion of the subject property that is currently zoned P (Parks and Open Space) to NDI (Neighborhood Industrial)**

-  Streets
-  Project Area
-  Parcels
-  Zoning

