

PLANNING COMMISSION - HEARING AND ACTION REPORT

APPLICATION: Council Bill 2023-1393 / DCP-MPZC-2023-00525

PROPERTY: Fifth Avenue at Kelly Street and Frankstown Avenue
Parcels: multiple, see below

PROPERTY OWNER: TRIPLE R ASSOCIATES LTD; CITY OF PITTSBURGH, URBAN
REDEVELOPMENT AUTHORITY OF PITTSBURGH, GIANT EAGLE INC,

NEIGHBORHOOD: Homewood West

RCO: Homewood Community Development Collaborative

ZONING DISTRICT: Existing: R1D-L (Residential Single-Unit Detached, Low Density
Proposed: UI (Urban Industrial)

PROPOSAL: Zone Change Petition

COUNCIL DISTRICT: 9; Councilman Reverend Ricky Burgess

MEETING DATE: June 26, 2023

FINDINGS OF FACT

1. Council Bill 2023-1393 was introduced in City Council on April 04, 2023 where it was referred to the Planning Commission on April 12, 2023 for the Commission’s report and recommendation.
2. The legislation proposed to change the Zoning District for multiple parcels generally bounded by Fifth Avenue, Kelly Street, Frankstown Avenue, and the Allegheny Valley Railroad Brilliant Line. A map of the current Zoning is attached.
3. The proposed parcels include Block Number 125-G, Lot Numbers 42, 43, 44, 45, 47, 48, 49, 50, 51, 52, 53, 56, 57, 57-1, 59, 60, 62, 63 and 64; all in the Allegheny County Block and Lot System, 12th Ward.
4. Enactment of this rezoning will permit the involved property to be development for uses permitted in the UI, Urban Industrial zoning district.
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, posted on the City Planning website, and posted on-site.
6. No application for development has been submitted to the Planning Department.

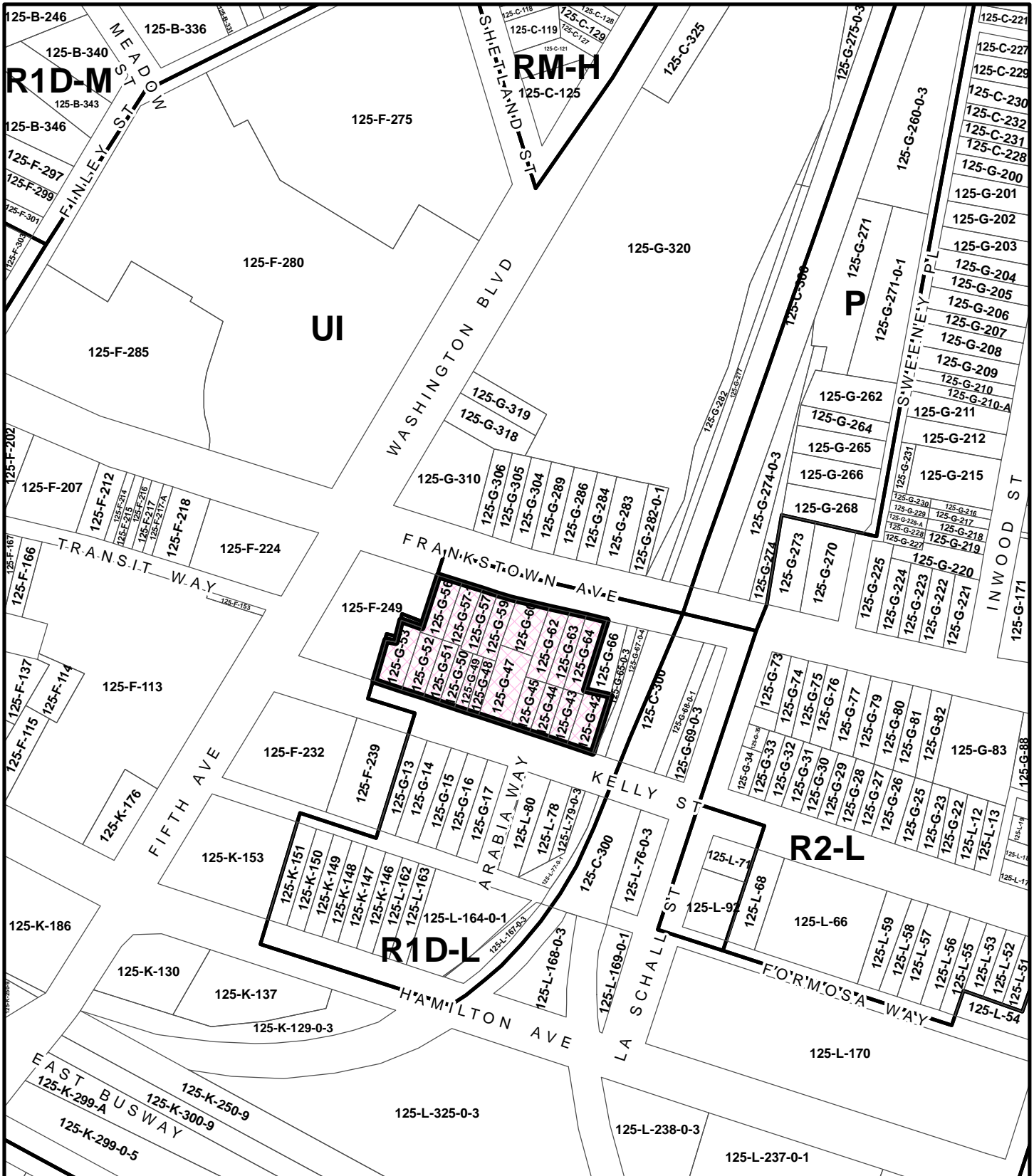
PLANNING COMMISSION - HEARING AND ACTION REPORT

7. A Development Activities Meeting was held on May 11, 2023. The Staff report is attached.
8. The applicant's statement of compliance to the Review Criteria is attached.
9. 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. Not all of the criteria must be given equal consideration by the Planning Commission or City Council on reaching a decision.
 - 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*




RECOMMENDED MOTION

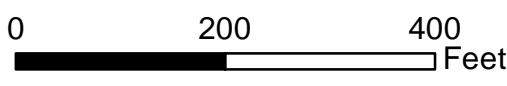
*That the Planning Commission **Recommends Approval** to City Council of the Zone Change Petition DCP-MPZC-2023-00525 to rezone the proposed parcels from Residential Single-Unit Detached, Low Density (R1D-L) to Urban Industrial (UI).*

Submitted: Kevin Kunak, Principal Planner



DCP-MPZC-2023-00525 / Council Bill 2023-1393 - Zone Change Petition from R1D-L (Residential Single-Unit Detached, Low Density) to UI (Urban Industrial)

-  Zone Change
-  Parcels
-  Zoning



CITY OF PITTSBURGH
APRIL 2023



CITY OF PITTSBURGH, DEPARTMENT OF CITY PLANNING
PLANNING COMMISSION

PUBLIC HEARING

DCP-MPZC-2023-00525 / Council Bill 2023-1393 - Zone Change Petition

Planning Commission will be considering a **Zone Change Petition** to change the zoning for multiple parcels **from R1D-L** (Residential Single Unit Detached, Low Density) **to UI** (Urban Industrial) at Fifth Avenue, bounded by Kelly Street, Frankstown Avenue, and the Allegheny Valley Railroad Brilliant Line.

The documents submitted as part of this legislation will be available online on the Department of City Planning's Notices website: <https://pittsburghpa.gov/dcp/upcoming> by typing "**Fifth Avenue**" in the search bar. Email questions to planningcommission@pittsburghpa.gov.

The Planning Commission is interested in obtaining the opinion of residents concerned with this matter. **A virtual public hearing** is scheduled before the Commission on:

Tuesday, June 27, 2023 at 2:00 PM.

The Planning Commission meeting starts with briefing at 1 PM, this hearing portion of this meeting will start no earlier than 2 PM, however, this item may be later on the agenda than 2 PM.

Commission meetings will be hosted on Zoom and streamed on YouTube Live. To join the Zoom webinar, use the link: <https://us02web.zoom.us/j/88275113502> or call 301-715-8592 with Webinar ID: 882 7511 3502. If you are not planning to testify, please watch the YouTube Live stream to allow those testifying to be able to join the meeting: <https://www.youtube.com/PittsburghCityPlanning>

To provide public comment, you can:

- *Email planningcommission@pittsburghpa.gov. Email testimony will be accepted until the business day before the meeting at 12 p.m.*
- *Send a letter to 100 Ross Street, Suite 202, Pittsburgh, PA 15219. Mailed testimony must be received by two business days before the meeting.*
- *Join the virtual meeting and use raise hand function to request to speak.*
- *Call into the meeting and use the raise hand function to request to speak by pressing *9.*

Anyone who requires an accommodation for effective communication or a modification of policies or procedures to participate in a program, service, or activity provided by the City of Pittsburgh should contact the City ADA Coordinator as soon as possible but no later than two business days before the event: ada@pittsburghpa.gov

Development Activities Meeting Report (Version: 4/18/2019)

This report created by the Neighborhood Planner and included with staff reports to City Boards and/or Commissions.

Logistics	Stakeholders
Project Name/Address: Proposed GetGo - Fifth Avenue/ Frankstown Ave/Kelly Street Commons	Groups Represented (e.g., specific organizations, residents, employees, etc. where this is evident): Homewood Community Development Collaborative, Homewood Children’s Village, Homewood Residents, Department of City Planning
Meeting Location: Community Empowerment Center, 7120 Kelly Street & Homewood Children’s Village ZOOM	
Date: 05/11/23	
Meeting Start Time: 7:00 PM	
Applicant: Triple R Associates LTD	Approx. Number of Attendees: 27

How did the meeting inform the community about the development project?

<p>Community engagement to-date includes meetings with Councilman Reverend Ricky Burgess’ office regarding appearance of proposed Get Go and its products. Also had a meeting with the Executive Committee of the Homewood Community Development Collaborative in March. May 11, 2023 DAM is first wider public engagement. Applicant plans to engage public often and when required.</p> <p>Site is located on the edge of Homewood West. Its borders include Frankstown Avenue to the North, Fifth Avenue to the West, Kelly Street to the South, and parcels abutting railroad tracks and a private home to the East. The proposed plan will demolish an existing food establishment, Hook Fish & Chicken, to make space for six (6) gas pumps. The building will include approximately 6,369 square feet of retail, and the site will include 35 total parking spaces and five (5) entrances/exits. The building materials will include cement and brick, along with metal awnings and light fixtures; the fuel pump canopy will include a “subdued, dark bronze”. The site usage will be gasoline sales, and food retail, including produce and food prepared on site. There is proposed green space to the east, which the applicant states could be used for community events and programming. During Q&A, lighting was described as “facing down” in order to minimize light pollution to surrounding residential areas. Proposed operating hours will be from 6 AM to 10 PM, but with the option to potentially become 24/7.</p> <p>Formal Description: Council Bill 2023-1393.</p> <p>Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article I, Section 902.03 Zoning Map, by changing from R1D-L, Residential Single-Unit Detached, Low Density District to UI, Urban Industrial District certain property roughly bounded by Kelly Street, Fifth Avenue, Frankstown Avenue and the Allegheny Valley Railroad Brilliant Line; all in the Allegheny County Block and Lot System, 12th Ward.</p> <p>(Sent to the Planning Commission for a report and recommendation on 4/14/23)</p>
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Input and Responses

Questions and Comments from Attendees	Responses from Applicants
I am concerned you will not have enough space to get in and out.	That is something we have looked at in our site plan. Pedestrian and vehicular interaction/spacing.

Questions and Comments from Attendees	Responses from Applicants
Self-serve Gas is 24 hours?	It will probably not be 24 hours. Plan currently is 6 AM to 10 PM. But if Get Go receive feedback, can adjust.
That is a very heavily traveled area.	GE/Get Go has accounted for that with additional entry points. Subject to DOMI approval. Trying to factor in pedestrian travel as well.
What about the people that live on Kelly Street, and the traffic and noise and lighting?	Lighting for safety, but lighting is down lighting so it should not cause nuisance. Not open 24/7, so should stop by 10 PM.
It will have a beer cave?	We will seek a liquor license.
What is the timeline?	Several steps to go, but tentatively Q2/Q3 2024.
Unique Get Go – will it be open and receptive to local community small businesses and entrepreneurs?	GE/Get Go prefers to hire from the community. Contractors – unsure about hiring practices of the contractors, but will get more information for a future date.
Is there a manager training program?	Yes. And this one, not open 24/7 would employ about 20-25 people. If 24/7, would employ closer to 30. One salaried general manager, two salaried shift managers. Mix of part-time and full-time, e.g. 10 part-time and 10 full-time.
Fresh bakery; we have Dana’s bakery that has been open in Homewood for over 40 years.	Get Go will provide breads and donuts, but will look into community procurement.
Hire enough people to clean and hire enough people to clear out outdated products.	Giant Eagle is working to fix the narrative of unclean stores.
Price points for products in the store – will it be similar to other Get Gos?	“Price Lock guarantee” for Giant Eagles and Get Gos for 8 months. However, vendors have “scan-back pricing”. It counts only for Giant Eagles and not Get Gos; cannot pass on savings. New CEO is working on a tiered pricing structure, based on demographics and competition. So lower prices in Tier 1 compared to prices in Tier 3. Can have more specifics in the next meeting.
Does Get Go take food stamps?	Fairly certain, but will get information. (Resolved, they do.)

Other Notes



Planner completing report: Ose Akinlotan, Neighborhood Planning Manager & Keith Portugal, Planner



City of Pittsburgh

510 City-County Building
414 Grant Street
Pittsburgh, PA 15219

Master

File ID: 2023-1393

Type: Ordinance

Status: In Standing
Committee

Version: 1

**Page
Number:**

In Control: Commission -
Planning
Commission

File Created: 03/31/2023

Subject:

Final Action:

Title: Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article I, Section 902.03 Zoning Map, by changing from R1D-L, Residential Single-Unit Detached, Low Density District to UI, Urban Industrial District certain property roughly bounded by Kelly Street, Fifth Avenue, Frankstown Avenue and the Allegheny Valley Railroad Brilliant Line; all in the Allegheny County Block and Lot System, 12th Ward.

(Sent to the Planning Commission for a report and recommendation on 4/14/23)

Internal Notes:

Agenda Date: 04/04/2023

Indexes:

Agenda Number:

Sponsors: Council Member Burgess^

Enactment Date:

Attachments: 2023-1393 Parcels to be Rezoned Fifth and Frankstown, 2023-1393 Zoning Map w Rezone Parcels

Enactment Number:

Volume:

Hearing Date:

Drafter: louise.criss@pittsburghpa.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	04/04/2023	Read and referred	Committee on Land Use and Economic Development			
Action Text: Read and referred to the Committee on Land Use and Economic Development							

1	Standing Committee	04/12/2023	Referred for Report and Recommendation	Commission - Planning Commission	Pass
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Action Text: A motion was made that this matter be Referred for Report and Recommendation to the Planning Commission. The motion carried.

Text of Legislative File 2023-1393

Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article I, Section 902.03 Zoning Map, by changing from R1D-L, Residential Single-Unit Detached, Low Density District to UI, Urban Industrial District certain property roughly bounded by Kelly Street, Fifth Avenue, Frankstown Avenue and the Allegheny Valley Railroad Brilliant Line; all in the Allegheny County Block and Lot System, 12th Ward.

(Sent to the Planning Commission for a report and recommendation on 4/14/23)

The Council of the City of Pittsburgh hereby enacts as follows:

Section 1. Amending the Pittsburgh Code, Title Nine, Zoning, Article I, Section 902.03 Zoning Map, by changing from Residential Single-Unit Detached, Low Density District (R1D-L) to Urban Industrial District (UI), all that certain property identified as:

Block Number 125-G, Lot Numbers 42, 43, 44, 45, 47, 48, 49, 50, 51, 52, 53, 56, 57, 57-1, 59, 60, 62, 63 and 64; all in the Allegheny County Block and Lot System, 12th Ward.

KIMBERLY CLARK-BASKIN, CMC
CITY CLERK



CITY OF PITTSBURGH
OFFICE OF THE CITY CLERK
CITY-COUNTY BUILDING
Referral Notice

TO: Planning Commission

FROM: Office of the City Clerk

DATE: Friday, April 14, 2023

Bill No. 2023-1393 Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article I, Section 902.03 Zoning Map, by changing from R1D-L, Residential Single-Unit Detached, Low Density District to UI, Urban Industrial District certain property roughly bounded by Kelly Street, Fifth Avenue, Frankstown Avenue and the Allegheny Valley Railroad Brilliant Line; all in the Allegheny County Block and Lot System, 12th Ward.

Instructions: This Legislation is being referred to you for:

- REPORT AND RECOMMENDATION
- LEGAL OPINION
- STATUS REPORT
- OTHER

Due Date: Thursday, July 13, 2023

Special Instructions: Please provide a report and recommendation for the attached Bill No. 2023-1393.

Your attention to this matter is appreciated.

Sincerely,

A handwritten signature in blue ink that reads "Kimberly Clark-Baskin".

Kimberly Clark-Baskin, CMC
City Clerk



Legislation Details (With Text)

File #: 2023-1393 **Version:** 1

Type: Ordinance **Status:** In Standing Committee

File created: 3/31/2023 **In control:** Commission - Planning Commission

On agenda: 4/4/2023 **Final action:**

Enactment date: **Enactment #:**

Effective date:

Title: Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article I, Section 902.03 Zoning Map, by changing from R1D-L, Residential Single-Unit Detached, Low Density District to UI, Urban Industrial District certain property roughly bounded by Kelly Street, Fifth Avenue, Frankstown Avenue and the Allegheny Valley Railroad Brilliant Line; all in the Allegheny County Block and Lot System, 12th Ward. (Sent to the Planning Commission for a report and recommendation on 4/14/23)

Sponsors: Reverend Ricky V. Burgess

Indexes:

Code sections:

Attachments: 1. 2023-1393 Parcels to be Rezoned Fifth and Frankstown, 2. 2023-1393 Zoning Map w Rezone Parcels

Date	Ver.	Action By	Action	Result
4/12/2023	1	Standing Committee	Referred for Report and Recommendation	Pass
4/4/2023	1	City Council	Read and referred	

Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article I, Section 902.03 Zoning Map, by changing from R1D-L, Residential Single-Unit Detached, Low Density District to UI, Urban Industrial District certain property roughly bounded by Kelly Street, Fifth Avenue, Frankstown Avenue and the Allegheny Valley Railroad Brilliant Line; all in the Allegheny County Block and Lot System, 12th Ward. (Sent to the Planning Commission for a report and recommendation on 4/14/23)

The Council of the City of Pittsburgh hereby enacts as follows:

Section 1. Amending the Pittsburgh Code, Title Nine, Zoning, Article I, Section 902.03 Zoning Map, by changing from Residential Single-Unit Detached, Low Density District (R1D-L) to Urban Industrial District (UI), all that certain property identified as:

Block Number 125-G, Lot Numbers 42, 43, 44, 45, 47, 48, 49, 50, 51, 52, 53, 56, 57, 57-1, 59, 60, 62, 63 and 64; all in the Allegheny County Block and Lot System, 12th Ward.

Exhibit "A"

Proposed Amendment to Pittsburgh Code, Title Nine, Zoning, Article 1, Section 902.03 Zoning Map, by Changing the Zoning Classification of Nineteen (19) Vacant Parcels in the 12th Ward from R1D-L, Single Unit Detached Residential Low Density to UI, Urban Industrial.

DCP-MPZC-2023-00525

Date of Planning Commission Hearing and Action – June 27, 2023

Property Involved – Block and Lot Nos. 125-G-42 through 125-G-53, inclusive; 125-G-56; 125-G-57 & 57-1; and 159-G-59 through 64, inclusive (19 parcels in total)

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 a brief analysis 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 nineteen (19) adjoining and adjacent tax parcels. One parcel (125-G-50) is titled in the name of Giant Eagle, Inc., five parcels (125-G-42, 125-G-43, 125-G-48, 125-G-51 and 125-G-64) are owned by the City of Pittsburgh and the remaining thirteen parcels are owned by Triple R Associates, Ltd., a Florida limited partnership. The Zone Change Lots contain in total approximately 56,633 square feet (1.3 acres +/-) and are vacant and unimproved. On April 14, 2023, Pittsburgh City Council asked the Planning Commission to provide a recommendation on changing the classification of the Zone Change Lots from R1D-L (Single Family Detached Residential Low Density) to UI (Urban Industrial). A copy of City Council's request is attached as Exhibit “A.”

Immediately to the west of the Zone Change Lots and fronting on Fifth Avenue is a parcel with a street address of 6960 Fifth Avenue (Block and Lot number 125-F-249); this parcel is the location for a local fast-food restaurant; contains approximately 17,854 square feet in size and is zoned UI, Urban Industrial (the “Restaurant Parcel”). Land to the north of the Restaurant Parcel across Fifth Avenue is zoned UI, Urban Industrial, as is land across Frankstown Avenue to the north of the Zone Change Lots. A short distance to the east of the Zone Change Lots (separated in part by a railroad bridge) is land zoned

UI, Urban Industrial. Parcels across Kelly Street to the south of the Zone Change Lots are zoned either UI, Urban Industrial or RIDL.

If the Zone Change Lots are reclassified to UI, Urban Industrial, then Giant Eagle, Inc. would advance plans to combine the Restaurant Parcel with the Zone Change Lots, creating a site for development of a "GetGo" convenience grocery store and automobile fuel facility (the "Project"). Adoption of the proposed zone change amendment will facilitate the Project, bringing a new location for grocery purchases to a neighborhood that lacks many options for food sales.

2. The convenience and welfare of the public;

Neither the convenience nor the welfare of the public is enhanced if the Zone Change Lots remain vacant and undeveloped. The Project can only move forward if the Zone Change Lots are reclassified to UI, Urban Industrial. The Project would not only increase opportunities for convenient food shopping in the neighborhood, it would also create a new, vibrant gateway into the Homewood neighborhood, instead of the vacant parcels now greeting those traveling down either Kelly Street or Frankstown Avenue.

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 Homewood neighborhood if the proposed amendment is adopted.

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 Lots to the UI zoning covering the Restaurant Parcel. The Planning Commission should note that UI zones already exist at or near all four sides of the Zone Change Lots.

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

The Zone Change Lots are all small in size and are vacant. Most of the Zone Change Lots were cleared of structures in the mid- 1990's and early 2000's so most of the site has been vacant for upwards of twenty years. Many of the Zone Change Lots are too small, or too narrow to be used for single-family detached dwellings under Pittsburgh Zoning Code requirements. 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 Restaurant Parcel.

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;

Almost all of the Zone Change Lots have been vacant and unused for upwards of twenty years. One last structure on the Zone Change Lots was demolished in 2017-2018. Absent the zoning map amendment, it is more likely than not that the Assembled Parcels will remain vacant and unused.

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.