



Legislation Details (With Text)

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**On agenda:**    **Final action:** 5/28/2002  
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**Title:** Resolution approving a Conditional Use exception under Section 911.04.A.64 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 911 to Everlasting Covenant Church, for authorization to occupy an existing 4-story structure as an elementary charter school for grades K thru 5 and to construct a 4-story extension on the westerly side of the structure, with parking for 49 automobiles, on property located at 130 Larimer Avenue and zoned "RM-M" Residential Multi-Unit Moderate Density, 11th Ward.

**Sponsors:**

**Indexes:** CONDITIONAL USE APPLICATION, PGH. CODE ORDINANCES TITLE 09 - ZONING

**Code sections:**

**Attachments:** 1. 2002-0229.doc

Date	Ver.	Action By	Action	Result
5/28/2002	1	City Council	Passed pursuant to Case Law	Pass
5/20/2002	1	Committee on Planning, Zoning & Land Use	AFFIRMATIVELY RECOMMENDED	Pass
5/8/2002	1	Committee on Planning, Zoning & Land Use	Held in Committee	Pass
4/30/2002	1	Committee on Hearings	Public Hearing Held	
3/25/2002	1	Committee on Hearings	Public Hearing Scheduled	
3/13/2002	1	Committee on Planning, Zoning & Land Use	Held for Cablecast Public Hearing	Pass
3/5/2002	1	City Council	Read and referred	

Presented by Ms. Burns

Resolution approving a Conditional Use exception under Section 911.04.A.64 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 911 to Everlasting Covenant Church, for authorization to occupy an existing 4-story structure as an elementary charter school for grades K thru 5 and to construct a 4-story extension on the westerly side of the structure, with parking for 49 automobiles, on property located at 130 Larimer Avenue and zoned "RM-M" Residential Multi-Unit Moderate Density, 11<sup>th</sup> Ward.

**Be it resolved by the Council of the City of Pittsburgh as follows:**

**Section 1.** Whereas, the Planning Commission of the City of Pittsburgh has made certain findings with regard to the Conditional Use Application for the proposed charter elementary school located at 130 Larimer Avenue;

Whereas, the Planning Commission of the City of Pittsburgh has recommended approval of this application for

Conditional Use;

Whereas, City Council has reviewed the record of the Planning Commission and herewith adopts the findings and recommendation of the Planning Commission.

Now, therefore, be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. Upon a review of the record as provided by the Planning Commission of the City of Pittsburgh, it is herewith affirmed that the proposed charter elementary school at 130 Larimer Avenue has properly met the Standards as provided in the Pittsburgh Code Section 922.06.E.1 and that the following criteria was considered:

- a) That the development will not create detrimental visual impacts, such that the size and visual bulk of the proposed development is determined to create an incompatible relationship with the surrounding built environment, public streets and open spaces and land use patterns;
- b) That the development will not create detrimental transportation impacts, such that the proposed development is determined to adversely affect the safety and convenience of residential neighborhoods or vehicular and pedestrian circulation in the vicinity of the subject tract, including traffic reasonably expected to be generated by the proposed use and other uses in the area given the existing zoning, existing land uses and proposed land uses in the area;
- c) That the development will not create detrimental transportation impacts, such that the proposed development will result in traffic volumes or circulation patterns that exceed the capacity of streets and intersections likely to be used by traffic to and from the proposed development;
- d) That the development will not create detrimental operational impacts, including potential impacts of hours of operation, management of traffic, servicing and loading operations, and any on-site operations associated with the ongoing functions of the use of the site, in consideration of adjacent and surrounding land uses which may have differing sensitivities to such operational impacts;
- e) That the development will not create detrimental health and safety impacts, including but not limited to potential impacts of noise, emissions, or vibrations from the proposed development, or functions within the proposed site which would otherwise affect the health or safety of others as a direct result of the operation of the proposed use;
- f) That the development will not create detrimental impacts on the future and potential development of parcels in the vicinity of the proposed site of the development; and
- g) That the development will not create detrimental impacts on property values.

Section 2. It is further stated that the following findings of the Planning Commission are herewith adopted:

- a) That the proposed school will not create detrimental visual impacts as it will mean renovation and occupancy of an existing vacant structure with a proposed extension that will be no higher than the existing structure and will be of similar color and material;
- b) That the proposed school will not create detrimental transportation impacts since all student drop-off and bus loading and unloading are easily accommodated on the 2-acre site;

- c) That the proposed school will not create detrimental transportation impacts that result in traffic volumes or circulation that exceed the capacity of streets and intersections since the school will adopt staggered hours and the site is well served by public transportation that offers a reasonable alternative to driving for faculty and staff;
- d) That the proposed school will not create detrimental operational impacts on adjacent and surrounding land uses since all activities will remain on an existing contained site that was originally built to accommodate the proposed use;
- e) That the proposed use will not create detrimental health and safety impacts on surrounding properties since its renovation and use as a neighborhood school will benefit the area;
- f) That the proposed school will not create detrimental impacts on future and potential development in the vicinity and will instead encourage such development; and
- g) That the proposed extension will not create detrimental impacts on property values.

Section 3. Under the provisions of Section 911.04.A.64 of the Pittsburgh Code, approval is hereby granted to Everlasting Covenant Church for authorization to occupy the existing four-story structure located at 130 Larimer Avenue as an elementary charter school for grades K thru 5 and to construct a 4-story extension on the westerly side, with a capacity of 600 students and with parking to accommodate 49 automobiles, on property zoned "RM-M" Residential Multi-Unit Moderate Density District, 11<sup>th</sup> Ward, City of Pittsburgh, in accordance with Conditional Use Application No. 703, and accompanying site plan filed by Perkins Eastman Architects, which are on file in the office of the Zoning Administrator, Department of City Planning, and which are incorporated herein by reference thereto.

THIS RESOLUTION IS APPROVED AND /OR VETOED PURSUANT TO CASE LAW WHATL'S TALE VS. CITY OF PITTSBURGH, 467 A.2.D665 (1983)