



Legislation Details (With Text)

**File #:** 2003-2006      **Version:** 2

**Type:** Resolution      **Status:** Passed Finally

**File created:** 6/17/2003      **In control:** Committee on Planning, Zoning & Land Use

**On agenda:**      **Final action:** 8/4/2003

**Enactment date:** 8/4/2003      **Enactment #:** 621

**Effective date:**

**Title:** Resolution approving a Conditional Use exception under Section 911.04.A.22 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 911 to Pittsburgh Development Group II, LP for authorization to undertake a major excavation/grading/fill operation by the remaining and regrading of approximately 645 acres of property identified as Parcel No. 2 in the DGD Plan of Lots, located in the Hays neighborhood and zoned PO / Parks and Open Space district, 31st Ward.

**Sponsors:**

**Indexes:** CONDITIONAL USE APPLICATION

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
8/4/2003	2	City Council	Passed pursuant to Case Law	
8/4/2003	2	City Council	Passed Finally	Pass
7/30/2003	1	Committee on Planning, Zoning & Land Use	AMENDED	Pass
7/30/2003	2	Committee on Planning, Zoning & Land Use	Affirmatively Recommended as Amended	Pass
7/24/2003	1	Committee on Hearings	Public Hearing Held	
6/25/2003	1	Committee on Planning, Zoning & Land Use	Held for Cablecast Public Hearing	Pass
6/17/2003	1	City Council	Read and referred	

Presented by Ms. Burns

**AS AMENDED**

Resolution approving a Conditional Use exception under Section 911.04.A.22 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 911 to Pittsburgh Development Group II, LP for authorization to undertake a major excavation/grading/fill operation by the remaining and regrading of approximately 645 acres of property identified as Parcel No. 2 in the DGD Plan of Lots, located in the Hays neighborhood and zoned PO / Parks and Open Space district, 31<sup>st</sup> Ward.

Whereas, the Planning Commission of the City of Pittsburgh has made certain findings with regard to the conditional use application for the proposed major excavation/grading/fill operation located on property accessed from Glass Run Road;

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.

**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 major excavation/grading/fill operation has properly met the Standards as provided in the Pittsburgh Code Section 922.06.E.1 and that the following criteria were 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 of 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 on 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 Excavation/Grading/Fill, Major does not involve the construction of buildings and therefore will not create detrimental impacts;
- (b) That the proposed Excavation/Grading/Fill, Major will not create detrimental impacts on the existing street system and local traffic patterns based on the submitted Transportation Study;
- (c) That the proposed Excavation/Grading/Fill, Major will not create detrimental on-site transportation impacts;

- (d) That the proposed Excavation/Grading/Fill, Major will not create detrimental operational impacts;
- (e) That the proposed Excavation/Grading/Fill, Major will not create health and safety impacts;
- (f) That the proposed Excavation/Grading/Fill, Major will not impact the future development of properties;
- (g) That the proposed Excavation/Grading/Fill, Major will not negatively impact property values on adjoining properties.

Section 3. Under the provisions of Section 911.04.A.22 of the Pittsburgh Code, approval is hereby granted to the Pittsburgh Development Group II, LP for authorization to undertake a major excavation/grading/fill operation by the remining and regrading of approximately 645 acres of property identified as Parcel No. 2 in the DGD Plan of Lots, and located in the Hays neighborhood and zoned PO / Parks and Open Space district, 31<sup>st</sup> Ward, City of Pittsburgh, in accordance with Conditional Use Application Number 711 and the accompanying application, grading plan and additional documentation, which are on file in the Office of the Zoning Administrator, Department of City Planning, and which are incorporated herein by reference thereto, and subject to the following conditions:

- a. The applicant shall receive approval for a Land Operations Permit prior to any grading or remining activities taking place on the site;
- b. The applicant shall provide a full time Site Inspector, per the requirements of the Land Operations Permit, who will report to BBI and will oversee the grading and remining operations;
- c. The applicant shall submit any revised Grading Plans to assure that the hillsides along East Carson Street remain undisturbed, including, but not limited to, original and final grades, disturbed and undisturbed lands, the location and topography of engineered fills, and land area to be deeded over to the City for park purposes; to the City Planning Commission for review prior to the issuance of the Land Operations Permit if necessary;
- d. The applicant shall not burn any materials on the site at any time;
- e. The applicant shall maintain a water truck or trucks on the site at all times to control dust as a result of the remining and grading operations;
- f. The applicant shall reseed the areas within 60 days, weather permitting, upon completion of the remining and grading activities;
- g. The applicant shall restore all remined and graded areas to at least 95% maximum density proctor test per the Lennon, Smith, Souleret Engineering, Inc. grading plan dated April 2003;
- h. The applicant shall not undertake any logging activities along the perimeter of the site in the areas designated on the drawing prepared by Lennon, Smith, Souleret Engineering, Inc. dated 30 May, 2003, titled "Prohibited Logging Areas Prepared for Pittsburgh Development Group II, L.P.";
- i. The applicant shall not work between the hours of 10:00 P.M. and 7:00 a.m. within 500 feet of any adjoining property and within 1000 feet of any residential property in Baldwin Borough;

- j. The applicant shall not use any residential streets to access the site;
- k. The applicant specifically shall not use Agnew Road for accessing the site during the activities governed by this approval.
- l. The applicant shall adhere to the transportation plan of Trans Associates dated April 23, 2003, except for trucks transporting coal from the site which shall be routed based on condition "m" listed below;
- m. The applicant shall route trucks to and from the site via Glass Run Road, East Carson Street, the Hot Metal Bridge, Second Avenue, B Street, First Street, Grant Street to I-376- trucks leaving the site shall be covered;
- n. The applicant shall not use East Carson Street between the Hot Metal Bridge and Smithfield Street Bridge, or Second Avenue between the Glenwood Bridge and the Hot Metal Bridge for trips to and from the site.
- o. The applicant shall stage all construction vehicles exclusively on developer's property; there shall be no staging of construction vehicles, or parking of worker's vehicles on local residential streets.
- p. The applicant shall dedicate a perimeter open space area of between 200 and 250 acres that will include the hillsides of the property and a perimeter trail system, as reflected in the plan submitted by Lennon, Smith, Souleret Engineering, Inc. dated June 2003, - this area will remain zoned PO / Parks and Open Space;
- q. The applicant shall dedicate a portion of the future development site for the future development of multiple athletic fields and/or recreational areas;
- r. The applicant shall preserve old growth trees in the undisturbed areas to be dedicated as future open space areas;
- s. The applicant shall obtain all other required permits or obtaining appropriate waivers or exemptions from such permits for remining and grading of the site including but not limited to additional permits in the City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania, including but not limited to the Department of Environmental Protection, and the United States prior to the issuance of the Land Operations Permit;
- t. The applicant shall be required to receive all necessary approvals or permits for any use of the property beyond remining, grading and site preparation, including any necessary community processes, rezoning, master plan approval, subdivision approvals and land development plans - this approval is granted only to permit the remining, grading and site preparation as shown on the plans submitted by the applicant;
- u. The applicant shall at all times comply with the Soil, Erosion and Sedimentation Control Plan prepared by Lennon, Smith, Souleret Engineering, Inc. dated May, 2003 and the No-Harm Evaluation Storm Water Management Plan prepared by Lennon Smith Souleret Engineering dated May, 2003;

- v. The applicant shall provide security on the site whenever operations are not in progress;
- w. The applicant shall dispose of any residual waste found on the property in accordance with applicable regulations;
- x. The applicant shall submit to the City prior to the commencement of any operations its plan for the identification and disposal of hazardous waste in order to provide for the appropriate collection, transportation and disposal of any hazardous materials if they are encountered on the site; and
- y. The applicant shall conduct any blasting only on weekdays that are not holidays between the hours of 9:00 a.m. and 5:00 p.m.
- z. The applicant shall include these conditions in any construction contract.

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