



Legislation Details (With Text)

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Title: Resolution approving a Conditional Use exception under the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 911, Section 911.04.A.99 to Najib and Nasra Aboud, property owner, for authorization to occupy an existing structure located at 2126 East Carson Street as a Restaurant with Liquor License, on property zoned "LNC", Local Neighborhood Commercial District, 16th Ward.

Sponsors:

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

Code sections:

Attachments: 1. 2008-0900.doc

Date	Ver.	Action By	Action	Result
12/30/2008	1	City Council	Passed Finally	Fail
12/17/2008	1	Committee on Land Use and Economic Development	AFFIRMATIVELY RECOMMENDED	Fail
12/15/2008	1	Committee on Hearings	Public Hearing Held	
11/19/2008	1	Committee on Land Use and Economic Development	Held for Cablecast Public Hearing	Pass
11/10/2008	1	City Council	Read and referred	

Presented by Mr. Burgess

Resolution approving a Conditional Use exception under the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 911, Section 911.04.A.99 to Najib and Nasra Aboud, property owner, for authorization to occupy an existing structure located at 2126 East Carson Street as a Restaurant with Liquor License, on property zoned "LNC", Local Neighborhood Commercial District, 16th Ward.

Whereas the Planning Commission of the City of Pittsburgh has made certain findings with regard to the conditional use application for the proposed Restaurant with Liquor License located at 2126 East Carson Street;

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 recommendations 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 of the record as provided by the Planning Commission of the City of Pittsburgh, it is herewith affirmed that the proposed conditional use 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, 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 the 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 the streets and intersections likely to be used by traffic to and from the proposed development;
- d) That the development will not create 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;
- 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 use will not create detrimental visual impacts nor create an incompatible relationship with the built environment, as it is to be located in the same structure ;
- b) That the proposed use will not create detrimental transportation impacts as the expansion will not adversely affect vehicular and pedestrian circulation in the area;
- c) That the proposed use will not create detrimental transportation impacts that result in traffic volumes that exceed the capacity of streets and intersections, since existing streets are able to handle any increase in traffic;
- d) That the proposed use will not create detrimental operational impacts on land uses since the activities will be wholly contained in an existing structure and hours will be restricted;

- e) That the proposed use will not create detrimental health and safety impacts since it is a permitted use in a commercial district;
- f) That the proposed use will not create detrimental impacts on future development in the area since it consists of the permitted use of an existing structure surrounded by existing development;
- g) That the proposed use will not create detrimental impacts on property values in the area since the activity is permitted under the Code at this location as a conditional use.

Section 3. Under the provisions of Section 911.04.A.99 of the Pittsburgh Code, approval is hereby granted to Najib and Nasra Aboud, property owner, for authorization to occupy an existing structure located at 2126 East Carson Street as a Restaurant with Liquor License, on property zoned LNC, Local Neighborhood Commercial District, 16th Ward, City of Pittsburgh in accordance with Conditional Use Application No. 738 and accompanying site plan which are on file in the Office of the Zoning Administrator, Department of City Planning, and which are incorporated herein by reference thereto, subject to the following conditions:

1. That an executed lease or similar agreement for all required parking be submitted to the Office of the Zoning Administrator prior to the issuance of a certificate of occupancy;
2. That hours of operation of the proposed Restaurant are not to exceed 11:00 PM, seven days per week;
3. That there is no outside vending or outdoor retail sale of food or other items on or adjacent to the premises, past the stated restaurant hours of operation.