



Legislation Details (With Text)

File #: 2006-0293 **Version:** 1

Type: Resolution **Status:** Passed Finally

File created: 4/11/2006 **In control:** Committee on Planning, Zoning & Land Use

On agenda: **Final action:** 5/9/2006

Enactment date: 5/9/2006 **Enactment #:** 282

Effective date: 5/16/2006

Title: Resolution approving a Conditional Use under the Pittsburgh Code, Title Nine, Zoning, Articles IV Chapter 911 Section 911.04.A.64 to Pittsburgh Public Schools Facilities Division for authorization to install a third modular classroom building on a temporary basis to the rear of Colfax Spanish Academy/Elementary School located at 2332 Beechwood Boulevard on property zoned R2-L, Residential Two-Unit, Low Density District, 14th Ward.

Sponsors:

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

Code sections:

Attachments: 1. 2006-0293.doc

Date	Ver.	Action By	Action	Result
5/17/2006	1	Mayor	Signed by the Mayor	
5/9/2006	1	City Council	Passed Finally	Pass
5/3/2006	1	Committee on Planning, Zoning & Land Use	AFFIRMATIVELY RECOMMENDED	Pass
5/1/2006	1	Committee on Planning, Zoning & Land Use	Public Hearing Held	
4/19/2006	1	Committee on Planning, Zoning & Land Use	Held for Cablecast Public Hearing	Pass
4/11/2006	1	City Council	Read and referred	

Presented by Mr. Bodack

Resolution approving a Conditional Use under the Pittsburgh Code, Title Nine, Zoning, Articles IV Chapter 911 Section 911.04.A.64 to Pittsburgh Public Schools Facilities Division for authorization to install a third modular classroom building on a temporary basis to the rear of Colfax Spanish Academy/Elementary School located at 2332 Beechwood Boulevard on property zoned R2-L, Residential Two-Unit, Low Density District, 14th Ward.

Whereas the Planning Commission of the City of Pittsburgh has made certain findings with regard to the conditional use application for the proposed temporary modular classroom building located on the property of Colfax Spanish Academy/Elementary School at 2332 Beechwood Boulevard;

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 temporary modular classroom building on property located at 2332 Beechwood Boulevard 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 proposed 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 the 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 or 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;
- 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 of the modular structure is temporary and will not create permanent detrimental impacts;
- b) That the proposed use of the modular structure will not create detrimental transportation impacts since the parking requirement will continue to be met on site;
- 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 any increase in traffic can be accommodated by the existing streets;

- d) That the proposed use will not create detrimental operational impacts on surrounding land uses since the operation of the entire site, as an elementary school will not change;
- e) That the proposed use will not create detrimental health and safety impacts since the use remains compatible in a residential district;
- f) That the proposed use will not create detrimental impacts on the future development in the vicinity since there is no change in use of the site and no expansion of the site itself involved;
- g) That the proposed use will not create detrimental impacts on property values since the proposed use of the modular structure is to be temporary.

Section 3. Under the provisions of Section 911.04.A.64 of the Pittsburgh Code, approval is hereby granted to Pittsburgh Public Schools Facilities Division, Owner, for authorization to install a third modular classroom building on a temporary basis to the rear of the existing Colfax Spanish Academy/Elementary School located at 2332 Beechwood Boulevard on property zoned R2-L, Residential Two-Unit Low Density District, 14th ward, City of Pittsburgh, in accordance with Conditional Use Application No. 725 and accompanying drawings filed by IKM Incorporated, which are on file in the Office of the Zoning Administrator, Department of City Planning, and which are incorporated herein by reference thereto.

Pursuant to Case Law *Whale's Tale vs. City of Pittsburgh* 467 A.2d.665 (1983)