



Legislation Details (With Text)

**File #:** 2004-0898    **Version:** 2  
**Type:** Resolution    **Status:** Passed Finally  
**File created:** 12/7/2004    **In control:** Committee on Planning, Zoning & Land Use  
**On agenda:**    **Final action:** 1/25/2005  
**Enactment date:** 1/25/2005    **Enactment #:** 51  
**Effective date:** 2/4/2005

**Title:** Resolution approving a conditional use exception under Section 911.04.A.64 of the Pittsburgh Code, Title Nine, Zoning, Chapter 911 to the Third Presbyterian Church, Owner, and Kentucky Avenue School, Lessee for authorization to expand the existing elementary school located at 5701 Fifth Avenue and zoned "R2-L" Residential Two-Unit Low Density District, 7th ward.

**Sponsors:**

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

**Code sections:**

**Attachments:** 1. 201.doc, 2. 2004-0898 v-2.doc

Date	Ver.	Action By	Action	Result
1/25/2005	2	City Council	Passed pursuant to Case Law	
1/25/2005	1	City Council	AMENDED	Pass
1/25/2005	2	City Council	Passed Finally, As Amended	Pass
1/19/2005	1	Committee on Planning, Zoning & Land Use	AFFIRMATIVELY RECOMMENDED	Pass
1/5/2005	1	Committee on Planning, Zoning & Land Use	Held in Committee	Pass
1/4/2005	1	Committee on Hearings	Public Hearing Held	
12/15/2004	1	Committee on Planning, Zoning & Land Use	Held for Cablecast Public Hearing	Pass
12/15/2004	1	Committee on Hearings	Public Hearing Scheduled	
12/7/2004	1	City Council	Read and referred	

Presented by Mr. Udin

**AS AMENDED**

Resolution approving a conditional use exception under Section 911.04.A.64 of the Pittsburgh Code, Title Nine, Zoning, Chapter 911 to the Third Presbyterian Church, Owner, and Kentucky Avenue School, Lessee for authorization to expand the existing elementary school located at 5701 Fifth Avenue and zoned "R2-L" Residential Two-Unit Low Density District, 7<sup>th</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 elementary school development located at 5701 Fifth 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 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 school located at 5701 Fifth 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 establishment, maintenance, location and operation of the proposed use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- b) That the proposed use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted nor substantially diminish or impair property values within the neighborhood;;
- c) That the development of the proposed use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in that district;
- d) That adequate utilities, access roads, drainage and other necessary facilities have not been or will not be provided;
- e) That adequate measures have not been or will not be taken to provide ingress and egress designated so as to minimize traffic congestion in the public streets;
- f) That the proposed use will not, in all other respects, conform to the applicable regulations or the district in which it is located.

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

- a) That the proposed school expansion will not create detrimental visual impacts as it will be located within an existing and no exterior extensions or alterations are involved.
- b) That the proposed school expansion will not create detrimental transportation impacts since the vehicular and pedestrian circulation in the vicinity of the subject tract will not appreciably change with the expansion of the school, and thus, will not adversely affect the safety of the neighborhood.
- c) That the proposed school expansion will not create detrimental transportation impacts that result in traffic volumes or circulation that exceed the capacity of the streets and intersections since the size of the school will remain small.
- d) That the proposed school expansion will not create detrimental operational impacts on adjacent and surrounding land uses since all activities including pick-up and drop-offs will occur at the same location.
- e) That the proposed school expansion will not create detrimental health and safety impacts on surrounding properties since its use as an elementary school is permitted in residential areas.
- f) That the proposed school expansion will not create detrimental impacts on future and potential

development in the vicinity.

- g) That the proposed school expansion will not create detrimental impacts on property values since after the expansion, the school will still be contained in the same structure with interior improvements only.

Section 3.

Under the provisions of Section 911.04A.64 of the Pittsburgh Code, approval is hereby granted to Kentucky Avenue School for authorization to expand the existing elementary school to 150 students at 5701 Fifth Avenue on property zoned "R2-L" Residential Two-Unit Low Density District, 7<sup>th</sup> ward, City of Pittsburgh, in accordance with Conditional Use Application No. 712 and accompanying site plan filed by Kentucky Avenue School which are on file in the Office of the Zoning Administrator, Department of City Planning and which are incorporated herein by reference thereto and with the following conditions:

1. That the school follows the traffic plan submitted to the City;
2. That the school implements the contractual agreement with parents to follow the traffic plan;
3. That the school provides additional staff support in the morning, barring unforeseen circumstances, to monitor parents dropping off their children; and
4. 4. 4. 4. The occupancy of the School be limited to 135 students.

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