



## Text File

**Introduced:** 10/28/2008

**Bill No:** 2008-0859, **Version:** 1

**Committee:** Committee on Land Use and  
Economic Development

**Status:** Passed Finally

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.94 to the North Shore Community Alliance, owner, for authorization to occupy an existing two-story structure located at 1439 North Franklin Avenue as a Custodial Care Facility for nonviolent female offenders with children, on property zoned "R2-H", Residential Two-Unit High Density District, 21st Ward.

Whereas the Planning Commission of the City of Pittsburgh has made certain findings with regard to the conditional use application for the proposed custodial care facility located at 1439 North Franklin 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 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 facility will not create detrimental visual impacts nor create an incompatible relationship with the built environment, as it is to be located in an existing structure;
- b) That the proposed facility will not create detrimental transportation impacts as the change of use will not adversely affect vehicular and pedestrian circulation in the area;
- c) That the proposed facility will not create detrimental transportation impacts that result in traffic volumes that exceed the capacity of the streets and intersections since no measurable increase in traffic volume is expected;
- d) That the proposed facility will not create detrimental operational impacts on land uses since the activities will be wholly contained in an existing structure;
- e) That the proposed facility will not create detrimental health and safety impacts since the use remains compatible in a residential district;
- f) That the proposed facility will not create detrimental impacts on future development in the area since it consists of the continued use of an existing structure;
- g) That the proposed facility 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.94 of the Pittsburgh Code, approval is hereby granted to

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the North Shore Community Alliance, owner, for authorization to occupy an existing two-story structure located at 1439 North Franklin Avenue as a Custodial Care Facility for non-violent female offenders with children, on property zoned R2-H, Residential Two-Unit High Density District, 21st Ward, City of Pittsburgh in accordance with Conditional Use Application No. 736 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 Operations Management Plan shall be submitted in accordance with Section 911.04.A.94 (a) prior to the issuance of a certificate of occupancy.

Pursuant to Case Law *Whale's Tale vs. City of Pittsburgh*, 467A. 2d.665(1983), Mayor's signature not required.