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Bill No: 2011-1262, **Version:** 1

Committee: Committee on Land Use and Economic Development

Status: Passed Finally

Presented by Mr. Shields

Resolution approving a Conditional Use under the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 911 Section 911.04.A.64 to Park Place School Associates, owner, for authorization to use the existing three-story structure located at 309 South Braddock Ave. as an Elementary School with a maximum of 234 Students on property zoned R2-L, Residential Two-Unit, Low Density District, 14th Ward, Council District No. 9.

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. Whereas the Planning Commission of the City of Pittsburgh has made certain findings with regard to the conditional use application for the use of the existing three-story structure located at 309 South Braddock Ave. as an Elementary School.;

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;

Now; therefore, be it resolved by the City 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 use of the three-story structure located at 309 South Braddock Ave. as an Elementary School 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 school use retains the existing school building structure and site plan, and further restores the building to original use;
- b) That the proposed school use will not create detrimental transportation impacts based on the project's Traffic Plan and transportation management plan;
- c) That the proposed school use will not create detrimental transportation impacts that result in traffic volumes that exceed the capacity of streets and intersections based on the Traffic Study which proposes to mitigate any additional traffic with additional police presence and coordinated programming;
- d) That the proposed school use will not create detrimental operational impacts on surrounding land uses based on the proposed transportation management plan;
- e) That the proposed school use will not create detrimental health and safety impacts since the use remains compatible in a residential district;

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- f) That the proposed school use will not create detrimental impacts on the future development in the area;
 - g) That the proposed school use will not create detrimental impacts on property values in the area.

Section 3.

Under the provisions of Section 911.04.A.64 of the Pittsburgh Code, approval is hereby granted to Park Place School Associates, Owner, for authorization to use the existing three-story structure located at 309 South Braddock Ave. on property zoned R2-L, Residential Two-Unit, Low Density District, 14th Ward, Council District No. 9, City of Pittsburgh as an Elementary School with a maximum of 234 students, in accordance with Conditional Use Application No. 741 and accompanying drawings filed by Kerry Varkonda of Schoolhouse Finance, LLC, 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 condition:

(1) That all recommendations of the Traffic Report be instituted by the school as agreed to by the City's Transportation Planner and City Traffic Engineer.

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