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Bill No: 2005-0996, **Version:** 1

Committee: Committee on Planning, Zoning & Land Use

Status: Passed Finally

Presented by Mr. Udin

Resolution approving a Conditional Use under the Pittsburgh Code, Title Nine - Zoning, Article V, Section 911.04.A.28 and .29 to WPXI-TV for authorization to operate a Helicopter Landing Facility (Helipad) on property located near Evergreen Rd and US 19 North in the Summer Hill neighborhood and to be zoned CP / Commercial Planned Unit Development district, 26th Ward.

Whereas the Planning Commission of the City of Pittsburgh has made certain findings with regard to the conditional use application for the proposed Helicopter Landing Facility (Helipad) located on property near Evergreen Rd and US 19 North;

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 recommendation of the Planning Commission.

Be it resolved that the Council of the City of Pittsburgh hereby enacts as follows:

Section 1. Upon a review of the record as provided by the Planning Commission of the City of Pittsburgh, it is herewith affirmed that the proposed Helicopter Landing Facility (Helipad) has properly met the Standards as provided in the Pittsburgh Code Section 922.06.E.1 and that the following criteria were 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 development will not create detrimental transportation impacts, such that the proposed development is determined to adversely affect the safety and convenience of 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 streets and 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 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; and
- (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 Helicopter Landing Facility (Helipad) will be located on grade and will not create detrimental impacts;
- (b) That the proposed Helicopter Landing Facility (Helipad) will not create detrimental impacts on the existing street system and local traffic patterns based on the submitted Transportation Study;
- (c) That the proposed Helicopter Landing Facility (Helipad) will not create detrimental on-site transportation impacts;
- (d) That the proposed Helicopter Landing Facility (Helipad) will not create detrimental operational impacts;
- (e) That the proposed Helicopter Landing Facility (Helipad) will not create health and safety impacts;
- (f) That the proposed Helicopter Landing Facility (Helipad) will not impact the future development of properties;
- (g) That the proposed Helicopter Landing Facility (Helipad) will not negatively impact property values on adjoining properties.

Section 3.

Under the provisions of Section 911.04.A.28 and .29 of the Pittsburgh Code, approval is hereby granted to WPXI-TV for authorization to install a new, at-grade Helicopter Landing Facility (Helipad) on property located in the Summer Hill neighborhood and to be zoned CP/Commercial Planned Unit Development, 26th Ward, City of Pittsburgh, in accordance with Conditional Use Application #720 and the accompanying application, site plan and additional documentation, which are on file in Zoning-Development Review, Department of City Planning, and which are incorporated herein by reference thereto, and subject to the following conditions:

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1. That the use of the helipad shall be limited to a total of 700 landings and 700 take-offs in any calendar year and, of that total, there shall be no more than 5 landings and 5 take-offs per calendar year between the hours of midnight and 6:00 a.m.;
 2. That under no circumstance shall the rotors of a helicopter located on the Helipad remain in motion for a period exceeding 20 minutes;
 3. That WPXI agrees that the proposed Helipad, which shall be the only helicopter landing facility located on the Property, is to be constructed in the location depicted in Site Plan prepared by EES Archteck dated November 2004 unless the City of Pittsburgh requires that the Helipad be constructed at another location on the Property;
 4. The Primary and Secondary flight paths for the Helipad shall be restricted to those flight paths depicted in the application;
 5. WPXI shall make its Helipad flight logs available for inspection by Summer Hill at intervals of not less than 90 days; and
 6. WPXI agrees to install a vegetative sound buffer on the Property behind the homes currently located on abutting Ivory Avenue properties pursuant to a mutually acceptable landscape plan approved by WPXI and by each of the respective property owners.

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