



Text File

Introduced: 3/7/2006

Bill No: 2006-0173, Version: 2

Committee: Committee on Planning, Zoning &
Land Use

Status: Passed Finally

Presented by Mr. Bodack

Resolution (~~denying~~) **approving** a Conditional Use exception under the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 911, Section 911.04.A.22 to Michael Facchiano Contracting on behalf of Community Specialists Corporation, property owner, for authorization to place approximately 88,000 cubic yards of fill on property located at 900 Agnew Road, zoned "UI", Urban Industrial District, 31st Ward.

Whereas the Planning Commission of the City of Pittsburgh has made certain findings with regard to the conditional use application for the proposed major fill operation located at 900 Agnew Road;

Whereas the Planning Commission of the City of Pittsburgh has recommended denial 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 City Council of the City of Pittsburgh 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 conditional use has ~~not~~ 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;

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- 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 fill operation **may will not** create detrimental visual impacts;
- b) That the proposed fill operation **may will not** create detrimental transportation impacts and adversely affect safety and convenience of residential neighborhoods;
- c) That the proposed fill operation **may will not** create detrimental transportation impacts that may result in traffic volumes or circulation patterns that exceed the capacity of streets and intersections likely to be used;
- d) That the proposed fill operation **may will not** create detrimental operational impacts including potential impacts of hours of operation and management of traffic;
- e) That the proposed fill operation **may will not** create detrimental health and safety impacts;
- f) That the proposed fill operation **may will not** create detrimental impacts on future development in the vicinity;
- g) That the proposed fill operation **may will not** create detrimental impacts on property values.

Section 3. Under the provisions of Section 911.04.A.22 of the Pittsburgh Code, approval is hereby **denied granted** to Michael Facchiano Contracting on behalf of Community Specialists Corporation, property owner, for authorization to place approximately 88,000 cubic yards of fill on property located at 900 Agnew Road and

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zoned "UI", Urban Industrial District in accordance with Conditional Use Application No. 719 and accompanying drawings filed by Michael Facchiano Contracting and 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)