



## Legislation Details (With Text)

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**Effective date:**

**Title:** Resolution approving a Conditional Use Application under the Pittsburgh Code, Title Nine, Zoning, Article V Chapter 911 Section 911.04.A.22 to the City of Pittsburgh, property owner, for authorization to place approximately 50,000 cu. yards of fill on property located within Riverview Park along Mairdale Avenue, zoned "P" Parks District, 26th Ward, Council District No. 1

**Sponsors:**

**Indexes:** PGH. CODE ORDINANCES TITLE 09 - ZONING

**Code sections:**

**Attachments:** 1. 2011-2137.doc

Date	Ver.	Action By	Action	Result
12/19/2011	1	Mayor	Signed by the Mayor	
12/13/2011	1	City Council	Passed Finally	Pass
12/7/2011	1	Standing Committee	AFFIRMATIVELY RECOMMENDED	Pass
11/16/2011	1	Committee on Hearings	Public Hearing Held	
10/12/2011	1	Standing Committee	Held for Cablecast Public Hearing	Pass
10/4/2011	1	City Council	Read and referred	

Presented by Mr. Shields

Resolution approving a Conditional Use Application under the Pittsburgh Code, Title Nine, Zoning, Article V Chapter 911 Section 911.04.A.22 to the City of Pittsburgh, property owner, for authorization to place approximately 50,000 cu. yards of fill on property located within Riverview Park along Mairdale Avenue, zoned "P" Parks District, 26<sup>th</sup> Ward, Council District No. 1

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 along Mairdale 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 fill and grading will not create detrimental visual impacts since the proposed finished grade elevation will not drastically exceed the existing surrounding elevations of roadways and open spaces;
- b) That the proposed fill activity will not create detrimental transportation impacts since it will utilize primarily existing truck routes;
- c) That the proposed fill activity will not create detrimental transportation impacts that result in traffic volumes that exceed the capacity of streets and intersections since any increase in traffic can be accommodated by the existing streets;
- d) That the proposed fill activity will not create detrimental operational impacts on land uses since the hours of operation are within those typical of construction sites and all operation will be contained

within the site;

- e) That the proposed fill activity will not create detrimental health and safety impacts since the activity is intended to create a recreational asset within an existing City Park;
- f) That the proposed fill activity will not create detrimental impacts on future development in the area since it will result in a new amenity for the immediate and greater areas;
- g) That the proposed fill activity will not create detrimental impacts on property values in the area since the activity will be contained on the site and it will result in a new amenity for the immediate and greater areas.

**Section 3.** Under the provisions of Section 911.04.A.22 of the Pittsburgh Code, approval is hereby granted to the City of Pittsburgh, property owner, for authorization to place 50,000 cubic yards of fill on property located along Mairdale Avenue within Riverview Park and zoned P, Parks District, 26th ward, City of Pittsburgh in accordance with Conditional Use Application No. 743 and accompanying site plan and drawings filed by James T. Sauer 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 application for a Land Operations Permit, meeting all the requirements of the Land Operations Ordinance, be submitted to the Bureau of Building Inspection for review and approval; and
2. That a plan be submitted to the City Planning Staff addressing the number of vehicles and their travel routes, including the use of any streets for incidental trucking operations, for review and approval by the Department of City Planning and the Department of Public Works.

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