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Introduced: 5/10/2011

Bill No: 2011-1703, **Version:** 2

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 IV, Chapter 911 Section 911.04.A.64 to Schoolhouse Finance, LLC, owner, for authorization to install two accessory modular classroom buildings for one year to the rear of the Environmental Charter School at Frick Park located at 829 Milton Street on property zoned R1D-M, Residential One-Unit Medium Density District, 14th Ward. Council District No. 5

Whereas the Planning Commission of the City of Pittsburgh has made certain findings with regard to the conditional use application for authorization to install two modular accessory classroom buildings for one year to the rear of the Environmental Charter School at Frick Park located at 829 Milton Street;

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 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 two one-story accessory classroom structures in the rear of the existing Elementary School located at 829 Milton St. 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 provides temporary, impermanent structures to accommodate the eventual expansion of the Environmental Charter School into a second school building at Park Place;
- 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 continue staff and parent programming intended to reinforce the agreed upon drop-off and pick-up plan;
- d) That the proposed school use will not create detrimental operational impacts on surrounding land uses;
- e) That the proposed school use will not create detrimental health and safety impacts since the use remains compatible in a residential district;
- 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 Schoolhouse Finance, LLC, Owner, for authorization to install two accessory modular classroom buildings for a period of one year to the rear of the Environmental Charter School at Frick Park located at 829 Milton Street on property zoned R1D-M, Residential One-Unit Medium Density District, 14th Ward., City of Pittsburgh, in accordance with Conditional Use Application No. 742 and accompanying drawings filed by Imagine Schools, which are on file in the Office of the Zoning Administrator, Department of City Planning, which are incorporated herein by reference thereto; and subject to the following conditions:

~~(1) That Conditional Use approval shall be valid for no longer than one calendar year from the date of City Council's affirmative action on this application;~~

(1) That Conditional Use approval shall be valid until July 9, 2012 and shall not extend past that date, at which time the two modular structures shall be removed from the site;

(2) That Planning Department Staff review the use of one accessible space provided as one of the four parking spaces proposed;

(3) That Planning Department Staff review the final modular building elevations and landscaping improvements intended to minimize impacts on Frick Park.

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