

CITY PLANNING COMMISSION

Minutes of the Meeting of December 13, 2011
Beginning at 2:25 p.m.

PRESENT OF THE COMMISSION: Chairwoman Wrenna Watson,
Rabner, Reidbord, Burkley, Thomas, Myers,
Valentine, Costello

PRESENT OF THE STAFF: Ismail, Tymoczko, Layman, Hanna, Rakus

AGENDA ITEMS COVERED IN THESE MINUTES

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Ms. Watson chaired today's meeting and called the meeting to order.

A. ACTION ON THE MINUTES

On a motion duly moved by John Valentine and seconded by Kirk Burkley, the minutes of the November 29, 2011 Commission meeting were approved.

B. CORRESPONDENCE (See Attachment A for staff reports.)

Ms. Watson stated that the Commission was in receipt of one piece of correspondence, a copy of City Council Testimony of December 6, 2011 by Carlino Giampolo concerning University of Pittsburgh/Oakland issues provided to each member by Mr. Giampolo.

C. PLAN OF LOTS (See Attachment B.)

1. Columbus Avenue Subdivision Plan of Lots (Manhattan Street and Columbus Avenue), 21st Ward

Withdrawn for lack of tracings.

2. St. John's Phase 1 Subdivision Plan of Lots (McClure Avenue to Atrim), 27th Ward

Ms. Tymoczko made a presentation in accord with the attached staff report. Director Ismail stated that the subdivision committee had met and recommends approval of the plan. The Chairwoman called for a motion.

MOTION: That the St. John's Phase 1 Subdivision Plan of Lots, 27th Ward, City of Pittsburgh, County of Allegheny, prepared for Pittsburgh Housing Development Corporation by KAG Engineering dated November 30, 2011 and received by the Planning Commission December 13, 2011 be approved and the signatures of the proper officers of the Planning Commission be affixed thereto. (No improvements or monuments needed.)

MOVED BY Mr. Reidbord;

SECONDED BY Mr. Burkley.

IN FAVOR: Watson, Reidbord, Rabner, Thomas, Burkley, Myers, Valentine, Costello

OPPOSED: None

CARRIED

5. Hawk Consolidation Plan (Merrimac Street), 19th Ward

Ms. Tymoczko made a presentation in accord with the attached staff report. Director Ismail stated that the subdivision committee had met and recommends approval of the plan. The Chairwoman called for a motion.

MOTION: That the Hawk Consolidation Plan, 19th Ward, City of Pittsburgh, County of Allegheny, prepared for James O. Hawk by Liadis Engineering and Surveying, Inc., dated November 11, 2011 and received by the Planning Commission December 13, 2011 be approved and the signatures of the proper officers of the Planning Commission be affixed thereto. (No improvements or monuments needed.)

MOVED BY Ms. Myers;

SECONDED BY Mr. Burkley.

IN FAVOR: Watson, Reidbord, Rabner, Thomas, Burkley, Myers, Valentine, Costello

OPPOSED: None

CARRIED

6. Cassique Properties, L. P. Madison Avenue Consolidation Plan of Lots (Madison Avenue, Tripoli Street, and Lovitt Way), 23rd Ward

Ms. Tymoczko made a presentation in accord with the attached staff report. Director Ismail stated that the subdivision committee had met and recommends approval of the plan. The Chairwoman called for a motion.

MOTION: That the Cassique Properties, LP Madison Avenue Consolidation Plan, 23rd Ward, City of Pittsburgh, County of Allegheny, prepared for Cassique Properties, L. P. by Morris Knowles dated November 10, 2011 and received by the Planning Commission December 13, 2011 be approved and the signatures of the proper officers of the Planning Commission be affixed thereto. (No improvements or monuments needed.)

MOVED BY Mr. Burkley:

SECONDED BY Mr. Rabner.

IN FAVOR: Watson, Reidbord, Rabner, Thomas, Burkley, Myers, Valentine, Costello

OPPOSED: None

CARRIED

7. Buncher Plan of Lots No. 3 (Strip District), (16th Street and Smallman Street), 2nd Ward

Ms. Tymoczko made a presentation in accord with the attached staff report. Ms. Tymoczko advised the Commission that they will be seeing this plan again during the first part of 2012; it is the produce terminal for future development. The purpose of the plan now is to record parcel A. They recently received funding and one condition is that this parcel must be recorded before the end of the year. Director Ismail stated that the subdivision committee had met and recommends approval of the plan.

The Chairwoman called for comments from the Public.

Rob Pfaffman, the subdivision plan, he believes it is parcel H; he was a consultant on this project with the Neighbors in the Strip in 2005 and 2006. There has been a lack of understanding of the historic preservation of this project and we need to put the preservation back on the table. Mr. Pfaffman said the question is, why you have to tear down a significant part of a federally funded historic preservation project and Mr. Pfaffman said he has some drawings from his previous consulting work that he will be glad to share and will forward them to Director Ismail.

Mr. Pfaffman said he feels that he can demonstrate that this building can be allowed to stay in its present form.

There being no further public comments or comments or questions from the Commission members, the Chairwoman called for a motion.

MOTION: That the Buncher Plan of Lots No. 3 (Strip District), 2nd Ward, City of Pittsburgh, County of Allegheny, prepared for The Buncher Company by PVE Sheffler, dated December 13, 2011 and received by the Planning Commission December 13, 2011 be approved and the signatures of the proper officers of the Planning Commission be affixed thereto. (No improvements or monuments needed.)

MOVED BY Mr. Reidbord;

SECONDED BY [Mr. Valentine](#).

IN FAVOR: [Watson](#), [Reidbord](#), [Rabner](#), [Thomas](#), [Burkley](#), [Myers](#), [Valentine](#), [Costello](#)

OPPOSED: [None](#)

CARRIED

- D. DEVELOPMENT REVIEWS** (See **Attachment D** for staff reports.)
9. For Hearing and Action: [Certification Civic Arena Redevelopment District](#)

[Ms. Tymoczko](#) made a presentation in accord with the attached staff report [and illustrations included in Attachment D](#). Ms. Tymoczko said this will be part of another proposed SP district on the site of the old Mellon Arena area. This is to be able to take advantage of future financing opportunities. Ms. Tymoczko said the Planning Commission is being asked to approve the basic conditions report and the certification of blight. The area is the 28 acre site that will be back before the Commission to be named an SP district early next year. The two property owners are present: the Urban Redevelopment Authority and the Sports and Exhibition Authority. Ms. Tymoczko recommended approval of the proposal and turned the presentation over to representatives from the URA.

Robert Rubenstein, Director of Economic Development for the Urban Redevelopment Authority, at the Mayor's request and in anticipation of future development of the 28 acres we have been asked to begin the process to certify this area as a redevelopment area. This would be a first step toward a multi-pronged effort to raise funding for infrastructure for the site. Certifying this area as blighted would be a first step to help us with tax increment financing and other tools. Mr. Rubenstein said there are two owners as Ms. Tymoczko said, the URA owns the area known as the Melody Tent area, the other two parcels are owned by the Sports and Exhibition Authority and a representative is available. Attachment E, report.

Mr. Rubenstein said to establish the conditions of blight we have engaged Pat Edleman and Trey Barbour to prepare a basic conditions report that has been submitted to the Commission. Mr. Rubenstein turned the presentation over to Mr. Barbour to discuss the report.

Trey Barbour, real estate consultant for Patrick Edelman, said the site consists of three parcels and 28 acres. Mr. Barbour described the property location and stated that the report is broken down into two sections: basic conditions of the site, structures, existing uses, and the blighting conditions if there are any present are outlined in the second portion of the report. Mr. Barbour proceeded to go through the printed copy of the report.

Mr. Barbour said that surface parking takes up about 64 percent of the site and the rest is landscaping and auxiliary uses of the Mellon Arena itself. There are two streets that bisect the site, one is privately owned and the other is public property. Mr. Barbour said in terms of condition of the site, there is a lot of asphalt and sidewalks surrounding the property. There is currently demolition going on and a lot of car traffic and a lot of patching on the site.

The current zoning of the site is Golden Triangle Sub District E and the Golden Triangle District is to develop a pedestrian oriented environment and he believes was put in place after the Arena was built because it is not very pedestrian oriented. The land is tax exempt but does pay taxes on the parking taxes

generated. There are currently four buildings on the site with the arena in the process of being demolished.

Mr. Barbour said there are seven factors of blight outlined by law, only one of those conditions needs to be in the redevelopment area and Mr. Barbour listed those for the Commission members and stated that they found three conditions of blight in this area. They were faulty street and lot layout, defective street design and building layout, and land use.

The first finding was defective street and lot layout and this stems from a lack of street infrastructure within the site. You currently have dead ended streets within the Hill District that limit access into the site and into town and uptown.

The second finding was defective design in the arrangement of buildings, this area was really designed for one use and that was the Arena and the adjacent uses were to support that site.

Mr. Barbour said the last finding was economically and socially unfeasible land uses and there are different facets of this. The first is that the site is publicly owned and therefore no tax revenue is generated for the City. Based on a report the was Commissioned by the Pittsburgh Penguins they determined from looking at it from a mixed use and privately owned perspective this site would generate about 4.6 million dollars in real estate revenue if fully developed.

Mr. Barbour said the building is vacant and being demolished and all employment uses have shifted to the Consol Energy Center other than the surface parking. There is currently 18 acres of surface parking and we feel there is a better economic use for the site.

Mr. Barbour said that based on those three factors we recommend blighting certification for Mellon Arena development area.

The Chairwoman called for comments from the public.

Rob Pfaffman, 223 Fourth Avenue, Suite 800, opposed. Mr. Pfaffman read a brief statement concerning the demolition of the Arena. Mr. Pfaffman said he had received a call from Ed Rims of Triple Properties in Toronto and had a lead on a tenant but that Mr. Pfaffman would have to agree to a non-disclosure of their name. Mr. Pfaffman said the potential tenant was Cirque De Soleil. Mr. Pfaffman said the Allegheny Conference had no interest in the development. Mr. Pfaffman said the court has not ruled on the Arena and could require the reconstruction of the roof. Attachment F.

Jeff Slack, 1651 Beechwood Boulevard, Urban Planner and on the board of Preservation Pittsburgh. Mr. Slack said he is here to comment on the absurdity of the property being certified as blighted. Property that was blighted 50 years ago is blighted again even though there is only one building on the lot. Mr. Slack said this suggests fraud and it points to self-serving motives. Pennsylvania Law would allow for a blighted designation if the property was unsafe or unsanitary. Neither exists. Mr. Slack went onto to detail all of the conditions that he felt were

not met in this case. Mr. Slack mentioned a Pennsylvania Law with far more stringent regulations for blight and said that the Lower Hill doesn't qualify under that list either. Attachment G.

The Chairwoman called for questions or comments from the Commissioners.

Mr. Thomas asked Mr. Rubenstein if this is more a condition for re-development and isn't the term blighted an antiquated term. Mr. Rubenstein said the term blight is determined by Pennsylvania Urban Redevelopment Law and finding at least one of those conditions is required to certify an area for redevelopment.

Mr. Reidbord said the previous speaker mentioned fraud; reasonable people can disagree on interpretations, law and facts and to allege fraud here is disingenuous and really not appropriate. I know Mr. Rubenstein, he is an employee of the Urban Redevelopment Authority, and I don't think he would commit fraud in a case like this. I know Mr. Barbour and don't think he would commit fraud. I think they have used their best professional judgment in their recommendations to the Planning Commission. For someone to say there is fraud here goes beyond the boundaries of civility.

Mr. Burkley said he has seen it happen where people come in and say this is what the entire community wants and is with every large thing, Mr. Burkley said as with every large project that comes before the zoning board almost 95 percent of the people, not only said they were ok with this, they wanted this to happen. Do those people's voices don't count. I am getting a little tired of people saying that this is what the people want and the people are being stepped on, not true. Some people yes. Mr. Burkley said he is tired of the statement that special interests got what they want and the people got stomped on, that is not accurate.

Mr. Valentine wanted to add to that that Councilman Lavelle received emails from people and 87 percent of the people in the Hill District were in favor. Mr. Valentine said with all due respect, when preservation don't get their way it is always special interests or corruption and it is not. Audience attempting to discuss with members. The Chairwoman called order. Mr. Valentine said the igloo has been before the Commission before; we are here today to vote on the issue of the criteria for blight. Mr. Valentine made a motion to approve and Mr. Burkley seconded the motion.

Ms. Watson opened the floor for further discussion. Ms. Watson said she asks people and does her own surveys and feels that the Commission members sometimes have to do what is in the best interest of the City. Mr. Valentine said he agrees and what he was saying is in response to this is what the community wants when it is not what the community wants. Ms. Watson said she was saying something a little different, and we are also here to do what is in the best interest of the city.

Mr. Burkley said it always frustrates him when elected officials say they are going to do just what the community wants, that isn't what you are here to do, this is a republic, where we elect people to make decisions on behalf of the community and the city that is in their best interest. Particularly in this issue, you never know

D. Director's Report :

The next meeting will be on January 10, 2012.

E. ADJOURNMENT:

3:10 p.m.

APPROVED BY:

Kirk Burkley
SECRETARY

Attachments

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