

CITY PLANNING COMMISSION

Minutes of the Meeting of January 12, 2016
Beginning at 2:07 p.m.

PRESENT OF THE COMMISSION: Chairwoman Christine Mondor,
Gitnik, Brown, Burton-Faulk, Blackwell,
Deitrick, Dick, Pezzino

PRESENT OF THE STAFF: Layman, Hanna, Rakus, Kramer, Ray,
Chubb

AGENDA ITEMS COVERED IN THESE MINUTES

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Ms. Mondor chaired today’s meeting and called the meeting to order.

A. ACTION ON THE MINUTES

On a motion duly moved by Ms. Blackwell and seconded by Ms. Pezzino the minutes from the December 8, 2015 meeting were approved. Mr. Gitnik abstained.

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

Ms. Mondor stated that the Commission was in receipt of correspondence:

- Letter from Ed Lukisick in opposition of the Bed and Breakfast Ordinance.
- Letter of appeal from First Avenue Partners.
- Letter from Walnut Capital in support of the Yeshiva School Project.

2. Hearing & Action: Conditional Use Application #749, Land Use Control File #776, 2120 Wightman Street, Multi-suite residential

Ms. Rakus made a presentation in accord with the attached staff report. Ms. Rakus recommended approval of the proposal.

Mr. Jacobs of Yeshiva Schools presented his request for the use of an existing 2 ½ story structure as multi-suite residential (limited) with four sleeping rooms and one dwelling unit. The multi-suite residential will be used as housing for students at the Yeshivath who are not local. One dwelling unit will be provided for resident adults. There will be cosmetic improvements made to the exterior structure and bike parking will be added, but no significant changes will be made to the residential character of the structure. Parking will be provided in the rear for the resident adult unit.

Three letters of support were submitted from Mozart Management, Rabbi Aiken, and Marvista Rentals.

The Chairwoman called for comments from the Public.

There being no comments from the Public, the Chairwoman called for questions and comments from the Commission members.

Ms. Dick wanted to know if there will be accessibility provisions.

Mr. Jacobs said they will work with BBI to ensure there is accessibility.

Ms. Deitrick wanted to know how many people will be living there and will there be an occupancy permit and did the applicant reach out to the Squirrel Hill Urban Coalition?

Mr. Jacobs said 13 students and they did receive support from the Coalition.

They will possibility add an accessible unit on the 1st floor.

There being no more questions or comments from the Commission, the Chairwoman called for the motion.

MOTION:

Motion 1

Whereas, Section 922.06 of the City's Zoning Ordinance requires that the following criteria be met before a Conditional Use be recommended for approval:

- (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 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, land uses and proposed land use 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 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.

Now therefore be it resolved by the Planning Commission of the City of Pittsburgh that in the specific application of these standards to Conditional Use Application No. 749 for the proposed multi-suite residential use:

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- a) The change in use from single family home plus class rooms to multi-suite residential does not involve any exterior modifications except the addition of a four space bike rack. There is no visible change that would affect the surrounding neighborhood.
 - b) Residents of the multi-suite residential use will be students at the adjacent Yeshivath Achei Tmimim of Pittsburgh school. Currently they reside with families within the neighborhood where they may need transportation to the school. The residents will walk to school. There will be a reduction in transportation demand.
 - c) The residents, most of who are under age 16, are not allowed to have automobiles.
 - d) The residents will be supervised by the residents of the apartment on the first floor. They take all their meals at the school. There are no deliveries to the property that are different in scale or character from deliveries to a single family home. The residents are early to bed and early to rise as part of their school program.
 - e) The operation of the multi-suite residential (limited) use will be the same as a single family home. There are no emissions, noises or vibrations different from those generated by a single family home use.
 - f) The operation of the multi-suite residential (limited) use will not be discernable from the street. There will be no signage or any other physical improvement that would affect any future development on any other parcel within the vicinity.
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MOVED BY Ms. Blackwell; SECONDED BY Ms. Pezzino

IN FAVOR: Mondor, Gitnik, Brown, Burton-Faulk, Blackwell, Deitrick,
Dick, Pezzino

OPPOSED: None

Motion 2

That the Conditional Use Application No. 749, to use an existing 2 ½ story structure at 2120 Wightman Street as a multi-suite residential with four rooms and one swelling unit, be approved subject to the following condition:

Final Site plan and bicycle parking plan shall be reviewed and approved by the Zoning Administrator prior to an application for a building permit.

MOVED BY Ms. Detrick; SECONDED BY Mr. Brown

IN FAVOR: Mondor, Gitnik, Brown, Burton-Faulk, Blackwell, Deitrick,
Dick, Pezzino

OPPOSED: None

3. Hearing & Action: Project Development Plan #15-068, 5150 Baum Boulevard, new construction of drive-through fast food restaurant

Ms. Rakus made a presentation in accord with the attached staff report. Ms. Rakus recommended approval of the proposal.

Bill Sittig representing the applicant gave an overview of the project at the corner of Cypress and Baum Boulevard.

The applicant plans to construct a new one-story fast food restaurant with a drive through. The Special Exception for the drive through was approved with the conditions they use a low decibel, high definition sound system that is operated at low volumes and the hours of operations limited to 10 a.m. to midnight for both the restaurant and drive-through. A 9 foot high fence will be erected in the rear of the site.

Boyd Ernser a Landscape Architect gave information pertaining to landscape and the Storm Water Management Plan and all entrances are ADA accessible.

Mike Andresh a Traffic Engineer gave results of the traffic study and informed the commission that DPW did not suggest any signage.

The Chairwoman called for comments from the Public.

Janet Scanlon President of the Bloomfield Citizens Council stated that they have embraced Arby's and the community is very happy to have them. They have problems with the site plan. The main operation is too close to the residences and they asked for 8 foot fencing and trees and the developer has complied but the order window should be out front on Baum Boulevard. The hours of operation are a concern. The developer has agreed to a 10 a.m. to 10 p.m. for a period of 1 year for the drive-through. After one year there will be no limit on hours. We would like the commission to step in and help them with this issue.

Doug Graham, 5152 Cypress Street, would like the reasonable alternative turn be made onto Cypress Street.

Cathy Laffery, Osceolo Street, would like to oppose the hours due to the speaker being too loud after 10 p.m. She also asked if the commission would look into the safety of the playground.

Evan Noumou has issues with the enormous air pollution in the area. His suggestion is to bring more trees to clean the air.

Lenore Williams of the Baum-Centre Initiative spoke in support of the project. Their only concern is the size of the lot for the use and they will work with Arby's to make it work.

There being no more comments from the Public, the Chairwoman called for questions and comments from the Commission members.

Ms. Dick asked about the accessibility of the restrooms and entrances.

Mr. Sittig stated that the restrooms and entrances are handicap accessible. He also stated the 1 of the 2 entrances are handicap accessible.

Mr. Gitnik wanted to know if the sidewalk width was large enough for a wheelchair.

Mr. Andresh stated yes it is 6 foot wide.

Mr. Gitnik wanted to know if a memo was submitted.

Mr. Sittig stated no and that the hours of operation are a Zoning Board discussion not Planning Commission.

Ms. Detrick asked about the North East bound traffic turning left off of Baum.

Mr. Andresh stated that the intersection is signalized. It should be metered by the signal. He stated that there will be gaps controlled by that signal. It will be easier to get in than get out.

Ms. Detrick asked the applicant to address the impact on the park across the street relating to trash pick-up.

Mr. Sittig stated that once a day during the opening time they will pick up the trash. If there is more trash, Arby's will pick up more frequently.

Ms. Mondor wanted more information relating to pedestrian safety like possibly a countdown signal. Please revisit the request to the City.

Ms. Pezzino wanted to know how tall are the trees.

Mr. Andresh stated they are taller than the fence.

Ms. Pezzino asked if any other trees can be put up between the site and Jiffy Lube?

Mr. Andresh stated that there is no more room for additional trees.

Ms. Mondor asked about the conditions in place for volume control.

Mr. Sittig stated that they do have something in place for that and will make modifications if needed.

There being no more questions or comments from the Commission, the Chairwoman called for the motion.

MOTION: That the Planning Commission of the City of Pittsburgh approves Project Development Plan #15-068 for new construction of a one-story structure for use as fast food restaurant based on the application and drawings filed by Arby's Restaurant Group on behalf of the property owner Munhall Ventures II, with the following conditions:

a. Any changes to the site related to the design element along Cypress Street be reviewed in staff design and approved by the Zoning Administrator.

b. Final construction plans including final elevations and site plans shall be submitted for review and approval by the Zoning Administrator prior to approval of an application for a building perm

MOVED BY Mr. Brown;

SECONDED BY Ms. Dick

IN FAVOR:

Mondor, Gitnik, Brown, Burton-Faulk, Blackwell, Deitrick, Dick, Pezzino

OPPOSED:

None

CARRIED

4. Hearing & Action: Council Bill 2015-2186, Bed and Breakfast Legislation, allow use in Parks District

Mr. Layman made a presentation in accord with the attached staff report. Mr. Layman recommended approval of the proposal.

The Chairwoman called for comments from the Public.

Monica Watt of the Highland Park Community Council spoke in opposition to the legislation for the following reasons; it's a very flawed process, the community should have had a part in this; and the riverfront could be damaged due to this legislation.

Jeff Wilhelm of Reed Smith submitted a 4 page letter on behalf of his clients on 7646 Lock Way opposing this ordinance.

Ed Luksick of 7646 Locke Way spoke in opposition to this ordinance.

Richard Wilson of Allegheny Valley Railroad Company spoke in opposition of this ordinance due to cars parking on the railroad's property.

Jody Noble Choder 7665 Locke Way West spoke in defense of the allegations made against her business stating that she is not operating an illegal bed and breakfast.

Andrea Garrity counsel to the Choderwood spoke in support of her client and in opposition to this legislation.

Mr. Layman responded stating as a reminder to the Commission that this legislation is city-wide. This requires that any application for a bed and breakfast will go through the zoning board for special exception. This hearing and legislation does not immediately grant approval to one site, it only allows use in parks and hillside districts. Mr. Wilhelm made reference to section 3 of the ordinance these would be use standards in general which a clerical error is. Section 3 in the council bill should be stricken from record there is no intent to change bed and breakfast general.

There being no more comments from the Public, the Chairwoman called for questions and comments from the Commission members.

Ms. Blackwell wanted to know what should the commission take from the testimony?

Ms. Mondor stated that most testimony referred to a specific case this is for the entire city.

Ms. Pezzino wanted to know if this was approved, any individual case would not automatically approve it would have to go through zoning board.

Mr. Layman: Yes

D. **ADJOURNMENT:**

3:30 p.m.

APPROVED BY:

Paul Gitnik, Esq.
SECRETARY

Attachments

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