

**CITY PLANNING COMMISSION**

Minutes of the Meeting of May 17, 2016  
Beginning at 2:34 p.m.

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

**PRESENT OF THE STAFF:** Gastil, Layman, Hanna, Rakus, Kramer,  
Lippert, Holloway, Ray

**AGENDA ITEMS COVERED IN THESE MINUTES**

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Ms. Mondor chaired today’s meeting and called the meeting to order and listed the items on the agenda. Ms. Mondor asked for a motion to adjourn to Executive Session. The motion was made by Ms. Burton-Faulk and seconded by Mr. Brown. Roll call, all ayes. Motion carried.

Mr. Gitnik stated that it is not an adjournment since they will be returning. Ms. Mondor asked for a motion to go into Executive Session. Motion was made by Mr. Burton-Faulk and seconded by Mr. Pezzino. Roll call, all ayes. Motion carried.

Ms. Mondor notified the public that an Executive Session was held at the beginning of this meeting to discuss a legal matter.

**A. ACTION ON THE MINUTES**

Ms. Mondor made a correction to the May 3, 2016 minutes – “To clairify when I said we were not allowed to consider jurisdiction, what I meant to say was we will not consider whether it was divine worship regarding the Albright

Church because we have accepted that the prior legal documents accepted from the church stating that no divine worship has taken place.”

On a motion duly moved by Ms. Dick and seconded by Ms. Pezzino the minutes from the May 3, 2016 meeting were approved with clarifications stated by the Chairperson. Ms. Burton-Faulk and Mr. Brown abstained.

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

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

- David Pirain in support of Villas at Winterpark
- Ernest Sota in support of Villas at Winterpark
- Joe Calloway in support of Villas at Winterpark
- Monica Price in support of Villas at Winterpark
- Nicki Zevola Benvenuti in support of Villas at Winterpark
- John Vakopcic in support of Villas at Winterpark
- Louis Holzer in support of Villas at Winterpark
- John McClosky of J. Francis Restoration in support of Villas at Winterpark
- South Side Investors Group in support of Villas at Winterpark
- Pittsburgh Downtown Partnership in support of Pitt Building at 201 Smithfield Street
- Hilltop Alliance in support of Knoxville Incline Greenway
- Pius Street Lofts in support of Villas at Winterpark
- Lawrenceville Corporation in support of the Arsenal Terminal project

**C. DEVELOPMENT REVIEWS (See Attachment B for staff reports.)**

1. Hearing and Action: Knoxville Incline Greenway

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

The Chairwoman called for comments from the Public.

Tim Dolan of Hilltop Alliance spoke in support of the proposal and gave background of how the proposal came into existence.

Gavin Rob of the Southside Neighborhood Association spoke in support of the proposal.

Rick Richso of Hackstown Slopes spoke in support of the proposal.

Councilman Kraus spoke in enthusiastic support of the proposal.

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

Mr. Gitnik stated that he is in full support of the proposal and hopes that it will transition into the Grandview Park.

Ms. Mondor wanted to know if there is a requirement for stewards of the Greenway.

Mr. Lippert stated yes and the Allentown CDC and Southside Neighborhood Association are stewards.

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

**MOTION:** That staff be directed to prepare an ordinance for submission to City Council with the City Planning Commission recommendation that the highest and best use of the properties are as permanent and protected passive open space, and that the properties, according to the attached map, be designated a Greenway as part of the Greenways for Pittsburgh Program.

MOVED BY Ms. Deitrick; SECONDED BY Ms. Burton-Faulk.

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

OPPOSED: None

**CARRIED**

2. Hearing & Action: Site Plan Review #15-175, 3939 Butler Street, residential, retail, parking

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

Mr. Layman also read the Site Plan Review Criteria for new construction in an Urban Industrial Zoning District are as follows:

- a) Orientation
- b) Roof Forms and Materials
- c) Entrances and Windows
- d) Setback
- e) Service and Docking Facilities

Rob Downer of Strauda Architects representing Milhaus presented information on their plans for construction of the first phase of a new mixed use development located on the former arsenal site – bounded by 39<sup>th</sup> Street, Butler Street, 40<sup>th</sup> Street Bridge, and the Allegheny Valley Railroad. Phase one of the development is located along 39<sup>th</sup> Street from Foster Street up to Butler Street, and along Butler Street. He showed illustrations and reviewed materials.

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.

Mr. Gitnik asked where the refuse containers for the retail and HVAC for the Foster St will be housed.

Mr. Downer stated that there will be an integral shoot throughout the building for the garbage and the HVAC units will be on Foster St and they are internal for each apartment unit.

Mr. Gitnik how will you preserve the Arsenal Wall.

Mr. Downer stated that they will.

How did you meeting go with the Lawrenceville Stakeholders go.

Jordan Wolf with Milhaus stated that she attended the meetings and there were no major issues they were pleased that they are saving the wall. There only questions were façade materials.

Ms. Deitrick as for community meeting letters of support.

Mr. Layman stated that he has them and submitted them for the record.

Ms. Detrick had questions about the intersection being able to get out on the Butler. Pedestrians and Vehicles.

Ms. Wolf stated that they will have a light in Phase 2.

Cindy Janpool of Trans Associations stated that they can only have pedestrian crossing until Phase 2 is complete.

Ms. Detrick wanted to know when phase 2 will begin.

Ms. Wolf stated that they cannot determine yet but approximately later 2017.

Mr. Brown wanted to know the percentage of rainwater will be housed.

The applicant will follow up with precise numbers.

Ms. Dick wanted to know about the ADA accessibility of the units.

Mr. Downer stated 6 per building about 2 percent.

Ms. Pezzino wanted to know about the Milhaus Commitment Letter.

Kevin McKeegan the legal counsel for Milhaus dated March 2 letter is represented in this proposal because it is enforceable by the Zoning Department it relates to public spaces, street scape, upgrading the bus shelter, historic wall retention, easement, bike racking system, and no parking permit on site, in a later stage they will look into an affordable housing component to be brought into at a later phase, and on going discussions.

Ms. Deitrick wanted to know about the Willow and Foster extensions.

Mr. Wolf stated the applicant would like to as much as possible to create an urban grid by extending Foster St.

Ms. Mondor stated that she appreciates the commitment by Milhaus and summarizing the agreement.

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

Mr. Gitnik wants to acknowledge that the Commission did receive the commitment letter from Milhaus.

**MOTION:** That the Planning Commission of the City of Pittsburgh recommends that the Zoning Administrator approve Site Plan Review No. 15-175, for the first phase of a mixed-use development, based on the application and drawings filed by Butler and 40<sup>th</sup>, LLC, property owner, with the following conditions:

1. Final construction plans including site plans, elevations, and materials shall be reviewed and approved by the Zoning Administrator prior to an application for a building permit;
2. Any outstanding comments and recommendations of the Transportation Analysis for phase one shall be reconciled with Public Works and City Planning Staff prior to issuance of occupancy permit;
3. Final landscaping plans shall be reviewed and approved by the Zoning Administrator prior to issuance of an occupancy permit;
4. A final Stormwater Management Plan shall be approved by City Planning prior to issuance of a building permit;

MOVED BY Ms. Burton-Faulk; SECONDED BY Ms. Dick

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

OPPOSED: None

**CARRIED**

3. Hearing & Action: Project Development Plan #16-025, 1106 Reedsdale Street, Reedsdale Hotel renovations

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

Jim McMan of JMAC Architects representing the owners of the Northbank Hotel presented information related to the proposal to renovate and develop a new 10 story hotel at 1106 Reedsdale Street. He showed materials and gave description of the metal and glass canopy and showed how the hotel will be accessible from the T. Parking will be valet. The applicant is still meeting with community groups.

Tony Dolan of the Northbank Hotel spoke about hotel and they will work with the SEA for a parking lease. They should have a resolution within the next 30 days. They have fully gone through the community meeting process. They did not meet with the MCC and the property committee and the larger community as a whole. He met with the casino management and is looking forward to a great working relationship with them.

The Chairwoman called for comments from the Public.

Rafat Quresh of the Sports and Exhibition Authority stated that Alcoa Parking Authority will provide the spaces for valet parking and they are working with Tony Dolan and the once an agreement is made and approve by those parties it will move on to the SEA for approval.

Commission Burton-Faulk is the Executive Director of the Manchester Citizens Corp and she met with Mr. Dolan and his team and they did extensive community outreach. They met with our property task force and representatives from City Council, State Representatives, and the Governor's Office and has received full support from all parties.

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

Ms. Dick asked if they will have a large area for handicapped drop off.

Mr. Dolan stated that this was addressed in the traffic study and they will have enough space to accommodate persons as needed.

Ms. Deitrick asked about the accessibility between the hotel and the light rail.

Mr. Dolan stated that there should already be accessible ramps but if there is not they will make sure there is.

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 #16-025, for the renovation and addition of an existing structure for hotel and restaurant use based on the application filed by the JMAC Architects, on behalf of Reedsdale Associates LLC/Northbank Hotel Group, LP, property owner with the following conditions:

1. Applicant shall apply for an Administrator's Exception for valet parking prior to approval of an application for a building permit.
2. That final plans, elevations, and materials shall be reviewed and approved by the Zoning Administrator prior to approval of an application for a building permit.
3. That a final landscaping plan shall be reviewed and approved by the Zoning Administrator prior to issuance of an occupancy permit.

MOVED BY Ms. Deitrick; SECONDED BY Ms. Askey

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

OPPOSED: None

**CARRIED**

4. Hearing & Action: Project Development Plan #16-076, 211 Smithfield Street, Exterior Renovations.

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

Marty Powell of Architect for PBM Partners gave history of the building and reviewed their plans for exterior renovations that consist of new windows along the street level; new cornice between the street level and second level to match the existing; restoration of the windows, surrounds, and details for the upper levels; and replacement rooftop HVAC units.

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.

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

**MOTION:** That the Planning Commission of the City of Pittsburgh approved Project Development Plan #16-076 for exterior renovation and exterior rooftop HVAC units based on the application and drawings filed by The Design Alliance on behalf of the property owner, PBM Partners, with the following condition:

1. Final construction plans including final site plan and elevation shall be submitted for review and approval by the Zoning Administrator prior to an application for a building permit.

MOVED BY Ms. Pezzino; SECONDED BY Ms. Dick

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

OPPOSED: None

**CARRIED**

**D. CONTINUED HEARING AND ACTION****5. Steep Slope Overlay #16-03, Hackstown Street, Villas at Winter Park**

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

Larry Baumiller on behalf of Synergy Capital, Inc. gave presentation and details on the proposed application for a new subdivision development, with 14 new single family dwellings on parcels 3-S-166 and 12-N-182 in the Allegheny County Lot and Block system on behalf of Winter Park Development, LLC, property owners.

There will be 3 streets that will be extended Hackstown, Magdalene, and Gregory. As required by the code, 50% of all natural hillsides shall be maintained. The detached single family home will be 3 levels with 2 car garage. There will be some variation in design. Screened accessory parking will be screened and HVAC units will be placed in the rear of the dwellings. Vegetation will not be removed to improve views. Tree canopies will not be disturbed. The vegetation will be added to match what is already there. The homes will be 3 feet apart. They will extend the preexisting storm sewers.

There have been numerous community meetings, calls and emails with interested parties. A number of letters of support have been written and submitted to commissioners.

Tyson Miller of KD Resources went over the changes to the site plan as requested by the local community groups. They have met with DPW and the Fire Chief to make work for all parties. The sizes of the units have decreased moving the development north towards the river. There is a provision for off street parking for the visitors. The walls are no more than 10 feet high and there are stepped walls.

Harold McCuteon of KD Resources reviewed the Geo Technical Reports and reviewed the stability analysis.

The Chairwoman called for comments from the Public.

Gavin Robb the Attorney representing Paul and Don Lawerencie and Susan Barringer spoke in opposition of the plan stating that it is non workable and it is inappropriate and too large. They do not meet the EPA or SSO Standards. This project does not preserve natural land forms. They cannot remove the vegetation to display views of the city. The natural drainage patters will be substantially altered. PIUS Street is a very tight street 1 way with limited parking. A small box truck cannot make a 3

point turn-around. 7 years of this is very inconvenient for his clients and the community.

Joe Bower of Garvin Bower representing Attorney Robb's clients gave his professional objections to the geo technical support submitted by the applicant.

David Montgomery Attorney for the Pius Street Lofts Condominiums Association spoke in support for the project.

Kara O'Connor the Vice President of the Pius Street Lofts Condominiums Association read a letter of support of the project.

Rich Self of 52 St. Michael Street spoke in opposition expressing his concerns with the egress and the parking on Hackstown.

Teresa Comadina of Hackstown Street spoke in opposition to the project stating that it is in violation of the code.

Bill Core a Partner with RE 360 Properties spoke in support of the project stating that they need this development to keep south development going. This is a small development company trying to make a difference in the area.

Brad Palmazino 110 Pius Street representing the South Side Slopes Neighborhood Association spoke in opposition of the project due to slope stability, construction management and site access.

Councilman Bruce Kraus spoke in opposition to this project.

Over the last 21 months this has been the most hotly contested debates. Each meeting was represented by either him or his staff. A lot of information was left out by the applicant. Not one person that has wrote the support letters has stepped up in support forward until magically 4 days ago. Not one of these people was at any meeting that my office called to discuss this project in fact he has never met the representative from the Condominium Association in fact she never attended not one meeting that took place. In August last year this board denied this project and he request that you deny it again for the intrusive manner in which it will be constructed and the unbelievable impact it will have on long standing property owners. This is not the intent of this administration and he believes in the board and hopes that they will do the right decision.

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

Mr. Gitnik wanted to know if the temporary cut study was done.

Mr. McCutcheon stated no.

Mr. Gitnik asked about the soil for landslide susceptibility.

Mr. McCutcheon stated that they are working with a very narrow band of soils that the entire development process will address. He showed report of where the potential soils will be removed. The soil of concern will be gone

Mr. Gitnik - What was the coal cover how much do you hit a mine?

Mr. McCutcheon - If one is there it would be 65ft in the air.

Ms. Dick What type of rock did you hit and how deep did you go

Mr. McCutcheon - About 30 feet, by spreading the borings gave a good process on the site. There was a variety of clays, shales clay stones a little sandstone it changes as you go up the hillside.

Ms. Detrick – June 2015 was the first round with this and we had a lot of questions about the neighborhood process and nothing was resolved and she will not be supporting the project.

Ms. Mondor - This project has been underrepresented. She showed the document which should show relationship of the building to site disturbance. It makes it impossible to judge if this is correct or not. We asked for this the 1<sup>st</sup> time and it still is not. We cannot understand nor can the public.

Mr. McCutcheon – there are other things that can be used and there are things to supplement those concerns

Mr. Gitnik wanted to know what is the disturbance are did you use.

Mr. McCutcheon – 2 to 4 ft. They may need to shorten a wall if needed. They will work with city engineer they are properly marked in accordance with the code.

In response to the turn-around issue and they have spoke to some residents who are in favor because they will now have somewhere to turn around

Mr. Brown wanted to know why did the councilman state there was 21 months of no support now there are all these letters.

Mr. McCutcheon stated that supporters normally do not speak.

Mr. Brown stated he did not hear a partnership here you need have integral relationship with the community you wish to work with.

Mr. McCutcheon The applicant is meeting all the dimensions permitted and everything that goes with it. People are complaining because people complain.

Josh Adamik with Synergy stated that the reason for the letters are coming now is due to an article written by the Councilman stating the no one supports this project. That is how we received the letters.

Ms. Mondor wanted to know how many of them are residents?

Mr. Adamik a number of the letters are from residents as well as stakeholders.

Ms. Deitrick who is the Southside Investor Group?

Mr. Adamik stated it is an informal group that owners within their membership own about 20% of the Southside. Mc McCloskey approached him about the article in the Post-Gazette and he owns a dozen of properties in that area.

Mr. Gitnik asks for a qualified Geotechnical report prior to asking the commission to make a formal vote.

Ms. Burton Faulk stated that she believes complete qualified geotechnical report which will state what can and cannot be done with preservation and stability.

Mr. Layman stated it is not the City's position that this isn't a qualified geotechnical report.

Ms. Mondor stated that it either we delay it until we get what we want or have a continuation we can vote up or down and ask for additional information.

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

**MOTION:** To deny without prejudice.

MOVED BY Ms. Burton; SECONDED BY Mr. Brown

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

OPPOSED: None **CARRIED**

E. **PLAN OF LOTS** (See **Attachment C.**)

6. Salter Way Subdivision Plan (1002 Salter Way), 23<sup>rd</sup> Ward

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

**MOTION:** That the Salter Way Subdivision Plan, submitted by Banali Rabia Hassan El Haj dated February 25, 2016, and received by the Planning Commission May 17, 2016 be approved and the signatures of the proper officers of the Planning Commission be affixed thereto. (No improvements or monuments needed.)

MOVED BY Mr. Brown; SECONDED BY Ms. Dick.

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

OPPOSED: None

**CARRIED**

7. 2116 Carey Way Subdivision Plan (2116 Carey Way), 16<sup>th</sup> Ward

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

**MOTION:** That the 2116 Carey Way Subdivision Plan, submitted by 2116 Carey Way, LLC, dated April 25, 2016, and received by the Planning Commission May 17, 2016 be approved and the signatures of the proper officers of the Planning Commission be affixed thereto. (No improvements or monuments needed.)

MOVED BY Mr. Brown; SECONDED BY Ms. Dick.

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

OPPOSED: None **CARRIED**

F. **ADJOURNMENT:** 5:22 p.m.

APPROVED BY: Paul Gitnik, Esq.  
SECRETARY

Attachments

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