BOROUGH OF OAKDALE
RESOLUTION NO. 5-2025

A RESOLUTION OF THE BOROUGH OF OAKDALE, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, GRANTING CONDITIONAL USE APPROVAL TO J&T OAKDALE PROPERTIES, LLC TO ALLOW FOR MULTIFAMILY DWELLING USE ON ALLEGHENY COUNTY TAX PARCEL NOs. 0492-M-00312-0000-00, 0407-N-00397-0000-00, 0492-M-00389-0000-00, and 9946-X-50583-0000-00.

WHEREAS, J&T Oakdale Properties, LLC (hereinafter referred to as "Applicant") has submitted a request for conditional use approval related to the properties identified located along Seminary Avenue and Union Avenue, Oakdale, Allegheny County, Pennsylvania, further identified as Tax Map Parcel Nos. 0492-M-00312-0000-00, 0407-N-00397-0000-00, 0492-M-00389-0000-00, and 9946-X-50583-0000-00 (collectively the "Property");

WHEREAS, the Property is located in the R-2 Residential Zoning District;

WHEREAS, the Borough of Oakdale's Zoning Ordinance permits various uses by conditional use;

WHEREAS, the Applicant has submitted a request for conditional use approval for Multifamily Dwellings in connection with the proposed Walkers Mill Townhome project;

WHEREAS, Borough Staff and the Borough Professional Consultants have reviewed the Application;

WHEREAS, the Borough of Oakdale Council is prepared to GRANT approval of Applicant's request for conditional use of the land for Multifamily Dwellings, subject to certain conditions; and

WHEREAS, Council is prepared to authorize the Borough Manager to execute the written Decision of the Borough, pursuant to Section 913.2(b)(1) of the Pennsylvania Municipalities Planning Code.

4. **Minimum Lot Area (Dwellings attached by one side):** Applicant has requested a modification from the Borough zoning ordinance requirements regarding the minimum lot area required for dwellings attached by one side. Section 375-12.1 of the Borough zoning ordinance establishes the standards for Yard and Bulk Requirements for Two-Family, Townhouse, and Multi-Family Dwellings. Section 375-12.1(A) establishes the requirement of yard and bulk requirements for these uses. As applicable to this request made by the Applicant, Section 375-12.1(A)(2) requires 3,000 square feet of Lot Area for dwellings attached by only one side. The Applicant has requested that Council allow for 2,350 square foot Lot Areas for the dwellings attached by one side only. Specifically, the Applicant is requesting this modification for Lot 102 – A and G, and Lot 103 – A and F. Council is willing to grant this modification request for these units. For the purposes of this Conditional Use and the particular lots referenced in this section, the Applicant will be permitted to have a minimum lot area of 2,350 square feet for dwellings attached by one side only, more specifically for Lot 102 – A and G and Lot 103 – A and F.

5. **Minimum Gross Land Area for Multifamily Dwelling:** Applicant has requested a modification from the Borough zoning ordinance requirements regarding the minimum land area required for the Multifamily Dwelling Use. Section 375-42 of the Borough zoning ordinance establishes standards for specific uses. These standards are in addition to the general standards and criteria for conditional uses that is found in Section 375-41 of the Borough zoning ordinance. Section 375-42(A)(1) of the Borough zoning ordinances discusses the standards for Multifamily Dwellings. 375-42(A)(1)(1)(i) establishes that the minimum gross land area of the overall development site for a Multifamily Dwelling shall be a minimum of five (5) acres. The Applicant has requested a modification from this requirement to allow for a development site of three and thirty-nine one hundredths (3.39) acre lot. The Applicant has also presented drawings and plans indicating that the gross area of the site to be developed is eight and nine hundredths (8.09) acres. Council believes that based on the submissions and drawings presented by the Applicant, the spirit and intent of this ordinance requirement has been met. Therefore, Council is granting the request of the Applicant to allow for a three and thirty-nine one hundredths (3.39) site area within Oakdale Borough with the understanding that the full site area includes an additional four and forty-seven one hundredths (4.47) acres in the Township of South Fayette.

6. **Parking:** Applicant has requested a modification from the Borough zoning ordinance requirements regarding the Visitor Parking standards required for the Multifamily Dwelling Use. Section 375-42 of the Borough zoning ordinance establishes standards for specific uses. These standards are in addition to the general standards and criteria for conditional uses that is found in Section 375-41 of the Borough zoning ordinance. Section 375-42(A)(1) of the Borough zoning ordinances discusses the standards for Multifamily Dwellings. 375-42(A)(1)(1)(ii)(b)(iii) requires "Visitor parking shall be provided in an off-street parking lot and/or on-street through the use of parallel parking." The Applicant has requested a modification from this requirement to allow for the use of perpendicular parking. In making this request, the Applicant also stated that South Fayette Township allows for perpendicular parking. Council has reviewed the drawings submitted by the Applicant showing perpendicular parking as opposed to parallel parking and believes that, based on the submissions and drawings presented by the Applicant, perpendicular spaces for Visitor Parking is acceptable. Therefore, Council is granting the request of the Applicant to allow for the use of perpendicular parking for Visitor Parking.

7. **Subdivision and Land Development:** Applicant must submit and shall need to be in compliance with all Subdivision and Land Development Application requirements and approvals. This includes but is not limited to compliance with provisions of Borough Ordinances, including Zoning, Subdivision and Land Development, Grading, Floodplain, and Stormwater Ordinances. Additionally, seven (7) modification requests were submitted by the Applicant and reviewed by Council, the Borough Engineer, and Solicitor. After review, it was concluded that three (3) of the proposed modification requests would be addressed in the Subdivision and Land Development application process. This decision does not convey the approval of the modifications regarding 315-41(F) relating to Streets and Right of Way width, 315-41(A) relating to Streets and Cul-de-sac length, and Section 315-44(F) regarding secondary access. These requirements and requests will be further evaluated during the Subdivision and Land Development process. It should be further noted that, although assumed as a response to the application for conditional use, this decision only pertains to the subject Conditional Use approval. All other approvals must still be sought by the Applicant for this proposed development, including fulfillment of all Preliminary and Final Subdivision and Land Development applications and processes.

8. **Traffic Impact Study:** The Ordinance requires a traffic impact study be provided for developments which propose fifty (50) or more dwelling units, or 30,000 or more square feet of gross floor area of a building or buildings, or any development which, according to the Institute of Transportation Engineers standards, will generate in excess of fifty (50) trips per day. The proposed development for which this Conditional Use is required includes sixty-nine (69) dwelling units. The Applicant has requested that the requirement to provide a traffic impact study to the Borough be deferred as a requirement of Conditional Use approval to time of application for Preliminary and/or Final Land Development approval. Council is willing to grant the request that the requirement to provide a traffic impact study be deferred as a requirement of the Preliminary and/or Final Land Development approval.

9. **Setback Requirements:** The ordinance requires lots which abut on more than one street shall provide the required front yards along every street. In Section 375-12.B and Section 375-12.1.A the ordinance requires a minimum front yard frontage of twenty (20) feet. The Applicant must request a formal modification or comply with the setback requirements as measured from the property line. The Applicant has requested that Council allow for a reduced front setback of thirteen (13) feet for Lot 102 and a reduced front yard setback of fifteen (15) feet for Lots 101 and 103. The requested reduced setback for Lot 103 applies only to the front yard adjacent to the Seminary Avenue right-of-way. Council is willing to grant this modification request for these units. For the purposes of this Conditional Use and the particular lots referenced in this section, the Applicant will be permitted to have a minimum front yard setback of 13 feet for Lot 102 and a minimum front yard setback of 15' for Lots 101 and 103 (applicable only to the Seminary Avenue frontage of Lot 103).

10. **Noise:** Applicant shall ensure that the noise emanating from the proposed use does not cause a nuisance to the neighboring residential properties. Site facilities shall be arranged to minimize impact of noise created on-site.

11. **Time:** Applicant shall ensure that any construction or improvement on the lots is only operational from 9:00 a.m. EST until 9:00 p.m. EST or dusk, whichever is earlier. Site facilities shall be arranged and managed to minimize nighttime noise that could affect neighboring Borough residents.

12. **Landscape Buffer:** Due to the parcel being adjacent to a commercial district, landscape buffer is requested. Applicant shall provide a landscape buffer plan for review and approval by the Borough.

13. **Borough Consulting Engineer Comments:** The Applicant shall address outstanding comments identified in LSSE Civil Engineers and Surveyors, Inc.'s (LSSE) letter dated March 6, 2025, to the satisfaction of Borough Consulting Engineer and Borough Council

SECTION 3: Scope of Approval. While implied in the foregoing paragraphs and recitals, the approval of Council only provides the Applicant with the authority to use the property for Multifamily Dwellings. This resolution does not confer, grant, or approve any potential development on the Property. Further, Council's approval, by way of this resolution, does not extend to granting any forms of approval regarding any portion of the subdivision or land development for the proposed Walkers Mill Townhome development. The Applicant is required to file a Subdivision and Land Development Application with the Borough, all of the necessary filing fees, and obtain separate approvals from Council regarding the proposed Walkers Mill Townhome development.

Further, as is noted in Section 2, Paragraph 7, Council is only granting approval to the modifications labeled as No. 4, 5, 6, and 7, as applicable during the review of the conditional use application. Council has reserved their right to approve, deny, or otherwise amend the modifications requested by the Applicant labeled as Nos. 1, 2, and 3.

SECTION 4: Compliance with Applicable Law. Applicant shall also comply with all applicable statutes, codes, or ordinances during the permitting and construction of the project.

SECTION 5: Authorization. The Borough Manager is authorized to sign the aforementioned written Decision on behalf of the Borough Council.

SECTION 6: Expiration. This approval shall expire one (1) year from the date of this Decision.

IN WITNESS WHEREOF, we have hereunder set our hands and seals this 6th day of March 2025.

ATTEST:

Vicki Kaine
Borough Manager

BOROUGH OF OAKDALE

Jonathan DeBor
President of Council