

PENN HILLS PLANNING COMMISSION Meeting Packet JANUARY 25, 2024 7:30 PM



Prepared for the Penn Hills Planning Commission
by Meg Balsamico, Principal Planner
Penn Hills Department of Planning & Economic Development



PENN HILLS PLANNING COMMISSION MEETING

AGENDA

JANUARY 25, 2023

7:30 PM

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES – November 16, 2023

CONDITIONAL USE

1. Tysen Miller of KU Resources, Agent for the applicant, Dino Folino of FJIC Green LLC. located at 109 Dark Hollow Road Oakmont, PA 15139 is requesting Conditional Use approval to construct an indoor public recreational facility for nine (9) indoor pickleball courts. In addition, the applicant is also requesting a waiver of section 11.5 D (4) of Ordinance 2420 to allow the parking area to be 80 feet from the existing single-family dwelling located at 1583 Hunter Road where 100 feet is required. The facility will be located in the vicinity of Hunter Road and Colorado Street in the C, Conservation Zoning District. The lot and block numbers are #0445-B-057-0000-00, #0444-R-052-0000-00 and #0445-C-277-0000-00.

All interested residents are invited to attend. Further information may be obtained by contacting 412-342-1174.

Persons with disabilities, requiring accommodations to participate in the proceedings, are requested to call 412-342-1174, 48 hours prior to the meeting to discuss how we may meet your needs. Hearing impaired may contact the Municipality through the State Relay Office at 1-800-654-5984 or 711.

Legal Advertisement to be published in the Pittsburgh Post-Gazette Local Xtra, (Penn Hills) Edition, on January 11, 2024, and January 18, 2024

LEGAL AD MUNICIPALITY OF PENN HILLS PLANNING COMMISSION MEETING

On Thursday, January 25, 2024, the Planning Commission of the Municipality of Penn Hills will meet at 7:30 PM, in the Penn Hills Municipal Building, Council Chambers, 102 Duff Road, to consider the following:

ANNUAL REORGANIZATION MEETING – ELECTION OF OFFICERS

CONDITIONAL USE

1. Tysen Miller of KU Resources, Agent for the applicant, Dino Folino of FJIC Green LLC. located at 109 Dark Hollow Road Oakmont, PA 15139 is requesting Conditional Use approval to construct an indoor public recreational facility for nine (9) indoor pickleball courts. In addition, the applicant is also requesting a waiver of section 11.5 D (4) of Ordinance 2420 to allow the parking area to be 80 feet from the existing single-family dwelling located at 1583 Hunter Road where 100 feet is required. The facility will be located in the vicinity of Hunter Road and Colorado Street in the C, Conservation Zoning District. The lot and block numbers are #0445-B-057-0000-00, #0444-R-052-0000-00 and #0445-C-277-0000-00.

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AFFIDAVIT OF PUBLIC NOTICE (POSTINGS)

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The Consequent Officer(s))
(Signature(s) of Code Enforcement Officer(s))

Thursday, 11/16/2023 PENN HILLS PLANNING COMMISSION MEETING MINUTES 7:38 P. M.

Present: Mr. Kerestus Absent: Ms. King

Dr. Kincaid

Mr. Schaaf via phone call

Mr. Chiappinelli

Mr. Paul D. Zavarella, Planning Commission Attorney Meg Balsamico, Planning Dept., Municipal Planner

P. Jacquie Pierre-Small, Secretary

Call to Order Pledge Roll Call

A motion was made by Dr. Kincaid to approve the minutes of the 10/26/2023 meeting. The motion was seconded by Mr. Kerestus.

Mr. Swatchick – 648 Gramac Ln. - name was misspelled in the 10/26/2023 Planning Commission meeting minutes on pages five (5) & eight (8).

The minutes were approved by a 4 - 0 vote with two changes to correct the spelling of Mr. Swatchick's name.

Mr. Chiappinelli presented Site Plan #547 – REVISED MEMO – Expansion of a Legal Non-Conforming Storage Yard without a Principal Structure.

NOTE: See Condition # 6 below – It has been changed to reflect the revisions that were made to the proposed lighting for the site.

This case was tabled at the September 28, 2023, Planning Commission meeting and has been rescheduled for Thursday, November 16, 2023, PC Meeting. Please refer to your packet from the September 28th meeting as needed.

The applicant's engineer has submitted a revised application which includes response letters to the comments from Gateway Engineers review letter dated September 11, 2023, the Planning Department's recommendation memo to the Planning Commission dated September 21, 2023, ACED's letter dated September 25, 2023. In addition, they also submitted revised land development plans, a PA Natural Diversity Inventory receipt dated September 26, 2023, and the Regulated Waters Presence/Absence Investigation, (to determine the presence of Wetlands on the site).

The variance approval that was granted would have expired on September 28, 2023. An extension of time was requested by Mr. Aivaliotis at the September PC meeting, and this

was reported to Planning Director Chris Blackwell and the extension of time was granted provided that the work is substantially completed by the end of November. I was at the site on October 9, 2023, with the applicant and their engineer and I recommended to Mr. Aivaliotis that he could begin the work to restore the site.

At the September 28, 2023, meeting the applicant's engineer stated that a wetlands delineation study would be completed. The study dated October 8, 2023, is enclosed in your packet for your review. It was determined that no wetlands were observed within the Area of Investigation, (AOI) and that one watercourse was observed. The watercourse was 15 -20 feet lower in elevation than the surrounding AOI.

The enclosed copy of the Pennsylvania Natural Diversity Inventory (PNDI) Project Information revealed that the project has a potential impact, and that further information was required to be submitted to the PA Fish and Boat Commission and the U.S. Fish and Wildlife Service. The applicant's engineer submitted the additional information as requested on September 26, 2023. The Planning Department has not been updated regarding a response from the Fish and Boat Commission or the U.S. Fish and Wildlife Service. The Planning Department recommends that the applicant's engineer provide a copy of the correspondence from both agencies stating that the potential impacts have been addressed and that that the project will be in compliance with the PA Fish and Boat Commission and the U.S. Fish and Wildlife Service. A copy of the correspondence from both agencies shall be submitted to the Planning Department prior to the issuance of the final Occupancy Permit from Penn Hills.

As stated in my previous memo, I spoke with Allegheny County Senior Resource Conservationist Anne Fox and she recommended that a binder could be placed on top of the asphalt millings; the asphalt millings, (RAP, Reclaimed Asphalt Pavement) can be used as a sub-base and then paved over or the asphalt millings could be removed and taken to a landfill and 2A gravel could be added to the site to replace the asphalt millings. I spoke with Ms. Fox following the September PC meeting and she also stated that the applicant could have a less expensive sealant applied on top of the asphalt millings rather than paving over top of the asphalt millings. The concern is that if the asphalt millings are not compacted and sealed properly, they could leach into the stream.

I contacted the PA DEP Bureau of Waste Management for additional guidance regarding the use of asphalt millings. A representative from DEP's Bureau of Waste Management contacted me and advised me that there are certain situations where a binder may not be required when asphalt millings are used. If the millings are used as a laydown area for the storage of vehicles and equipment, it can be used as long as there is enough binder in the millings itself and after thorough compaction is completed it is able to hold itself in place. This is acceptable per DEP's Industry Coproduct Determination for the use of asphalt millings, which I have enclosed. If it looks as if there is a potential chance of it leaching into the stream or dispersing into the air, then a binder would be required that would meet PennDOT specifications. Per the recommendations of the Bureau of Waste

Management, this is intended to limit the reclaimed asphalt pavement materials from washing and leaching. The Planning Department recommends that Penn Hills Municipal Engineer inspect the site to determine if the millings have been compacted properly and if the millings are not sufficiently compacted, a binder or a sealant shall be placed on top of the asphalt millings. In accordance with PA DEP Bureau of Waste Management Industry-Wide Coproduct Determination and in accordance with 25PA Code, Chapter 287.9 (relating to industry-wide coproduct determinations), RAP is formed of small particles, typically up to less than an inch in size, of bitumen and inorganic materials produced by the mechanical grinding of bituminous pavement surfaces that have not been subject to a spill or release of regulated substances or mixed with other solid waste. RAP is not the equivalent of used asphalt, which is typically in the form of chunks, typically greater than one inch in size and thus, is not considered clean fill under the Department's Management of Fill Policy.

The letter from Allegheny County Economic Development's Planning Division was received on September 25, 2023, and was discussed at the September 28, 2023, Planning Commission meeting. The applicant's engineer also submitted a letter addressing the comments from ACED which is enclosed.

The revised land development plans are enclosed, and revisions have been made per the recommendations of the Planning Department, Penn Hills Municipal Engineer and ACED. The applicant's engineer has addressed all of the recommended conditions in their response letters with the exception of condition #3 and condition #8 which have been placed as conditions of approval based on the additional information required from the PA Fish and Boat Commission, the U.S. and Wildlife Service and PA DEP's guidance on the use of asphalt millings.

The Planning Department recommends the approval of the land development plans provided that the applicant meets the conditions listed below and offers the following motion:

"I recommend that the land development plan for the expansion of the legal non-conforming contractor's storage yard be approved with the following nine (9) conditions:

- 1. The applicant shall comply with the recommendations of Penn Hills Municipal Engineer.
- 2. The applicant shall comply with the recommendations from the Planning Division of Allegheny County.
- 3. The applicant's engineer shall provide a copy of the correspondence from both agencies stating that the potential impacts have been addressed and that that the project will be in compliance with the PA Fish and Boat Commission and the U.S. Fish and Wildlife Service. A copy of the correspondence from both agencies shall be submitted to the Planning Department prior to the issuance of the final Occupancy Permit from Penn Hills.

- 4 A six-foot opaque fence shall be installed around the expansion area and the existing fencing shall be repaired or replaced with opaque fencing and the entrance drive to the property shall be repaired with a dust free gravel surface.
- A grading permit and an occupancy permit shall be obtained from the Department of Code Enforcement and the applicant shall submit a Performance Bond for the work to be completed which is 110% of the cost of completion. The improvements shall be substantially completed by November 30, 2023.
- The proposed existing light pole that is shown on the revised landscaping plan dated November 14, 2023, shall be repaired and underground wiring shall be installed, and shield(s) shall be added to the lighting fixture to prevent the spillover of glare onto adjacent properties and onto the roadway. The work shall be completed prior to the issuance of the occupancy permit.
- 7 The landscaping shall be installed as depicted on the revised landscaping plan.
- An inspection of the site by Penn Hills Municipal engineer shall be completed to determine if the millings have been compacted per Penn DOT's specifications and if the millings are not sufficiently compacted, a binder or a sealant shall be placed on top of the asphalt millings.
- 9. Sidewalks shall be constructed along the frontage of the property if they are constructed on adjacent properties.

<u>The Board Members, Meg, Adam Ventura, Attorney and Mr. Aivaliotis discussed the following issues/conditions.</u>

They are ok with all Nine (9) conditions.

The cost for solar lighting is too high, the underground wiring will be repaired.

The work will start as soon as the Board's approval is given, and the work will be finished before the end of the year.

The drawings show the driveway running parallel against the fence.

It's a gravel entrance from Sandy Creek Road, a pull off area.

Part is in the right-of-way and part on the property.

Landscaping is proposed along the fence. New fencing will be installed.

Mr. Kerestus will be a council member next year.

Mr. Chiappinelli made a motion to approve Site Plan #547 with nine (9) conditions.

Mr. Kerestus seconded the motion.

Site Plan #547 – REVISED MEMO – Expansion of a Legal Non-Conforming Storage Yard without a Principal Structure was approved with the following nine (9) conditions. By a 4-0 vote.

- 1. The applicant shall comply with the recommendations of Penn Hills Municipal Engineer.
- 2. The applicant shall comply with the recommendations from the Planning Division of Allegheny County.
- 3 The applicant's engineer shall provide a copy of the correspondence from both agencies stating that the potential impacts have been addressed and that that the project will be in compliance with the PA Fish and Boat Commission and the U.S. Fish and Wildlife Service. A copy of the correspondence from both agencies shall be submitted to the Planning Department prior to the issuance of the final Occupancy Permit from Penn Hills.
- 4. A six-foot opaque fence shall be installed around the expansion area and the existing fencing shall be repaired or replaced with opaque fencing and the entrance drive to the property shall be repaired with a dust free gravel surface.
- 5. A grading permit and an occupancy permit shall be obtained from the Department of Code Enforcement and the applicant shall submit a Performance Bond for the work to be completed which is 110% of the cost of completion. The improvements shall be substantially completed by November 30, 2023.
- 6. The proposed existing light pole that is shown on the revised landscaping plan dated November 14, 2023, shall be repaired and underground wiring shall be installed, and shield(s) shall be added to the lighting fixture to prevent the spillover of glare onto adjacent properties and onto the roadway. The work shall be completed prior to the issuance of the occupancy permit.
- 7. The landscaping shall be installed as depicted on the revised landscaping plan.
- 8. An inspection of the site by Penn Hills Municipal engineer shall be completed to determine if the millings have been compacted per Penn DOT's specifications and if the millings are not sufficiently compacted, a binder or a sealant shall be placed on top of the asphalt millings.
- 9 Sidewalks shall be constructed along the frontage of the property if they are constructed on adjacent properties.

There will be no Planning Commission meeting in December 2023.

<u>Dr. Kincaid</u> made a motion to adjourn the meeting.

Mr. Schaaf seconded the motion.

The meeting was adjourned at 8:04 P. M.





MUNICIPALITY OF PENN HILLS PLANNING DEPARTMENT MEMORANDUM

TO: The Penn Hills Planning Commission

FROM: Meg Balsamico, Principal Planner

DATE: January 17, 2024

SUBJECT: Conditional Use Proposed Public Recreational Facility

APPLICANT: Tysen Miller, Vice President, Director of Engineering, KU

Resources, Agent for the Owner

OWNER: Dino Folino of FJIC Green, LLC.

LOCATION: In the Vicinity of Hunter Road and Colorado Street

ZONING: C, Conservation Zoning District

LOT AND BLOCK: #0445-B-57-0000-00, #0444-R-52-0000-00 and

#0445-C-277-0000-00

Enclosed in your packet is an application for a request for a Conditional Use for your review and consideration. The property owner is Dino Folino of FJIC Green, LLC. of 109 Dark Hollow Road, Oakmont, PA 15139. Tysen Miller, of KU Resources has submitted the application on his behalf. The applicant is requesting Conditional Use approval to construct a public recreational facility for nine (9) indoor pickleball courts. The facility will be located in the vicinity of Hunter Road and Colorado Street and the lot and block numbers are #0445-B-057-0000-00, #0444-R-052-0000-00 and #0445-C-277-0000-00. The applicant is also requesting a waiver of section 11.5 D (4) of Ordinance 2420 to allow the parking area to be 80 feet from the existing single-family dwelling located at 1583 Hunter Road where 100 feet is required.

The applicant was granted a Conditional Use in January of 2021 for the construction of a soccer facility but due to the challenges of the land that included steep topography, the location of the property in a landslide prone area, the large amount of grading to be completed, the relocation of the gas line and the piping of the stream, the soccer facility was never constructed and the Conditional Use expired in January 2023.

The combined size of the three parcels is 36.32 acres +/- . The zoning classification of this property is C, Conservation. Public and Private Recreational Facilities require a Conditional Use

Approval by Mayor and Council.

Section 5.9 of Penn Hills Zoning Ordinance 2420 states the following:

"C District Permitted Uses - The C Conservation District is intended to encourage the conservation of certain lands within the Municipality where the economics of building and supplying public services and facilities argue against the most usual type of building development; where only high expenditures for grading, increased foundation costs and other additional site preparations will make the land more buildable; where commercial and industrial uses of the land are prohibited; and to discourage any use because its character or location within the district would create requirements and costs for public services substantially in excess of such requirements and costs in areas of the Municipality where land is not of the same physical character.

The lands within this district are identified by studies within the Penn Hills Land Use Policy Plan as lands possessing physical features presenting potential hazards to development. These features include, but are not limited to:

Steep slopes (slopes in excess of 25%) Slide-prone soils Flood-prone areas Undermined areas

As it may be demonstrated that lands in this district can be utilized for more intensive uses, consideration may be given to a change of zoning classification as may be appropriate for the area and in accordance with the Comprehensive Plan for the Municipality.

The following uses are permitted in a C District. No uses are permitted to be conducted in the public right-of-way. Structures and uses not clearly permitted in a C District are prohibited.

- 5.9.A. The permitted uses in a C District are the same as permitted in an R-1 District which are:
- 5.1.A. The permitted uses in an R-1 District are:
 - (1) Single-family residences
 - (2) Agriculture/gardening
 - (3) Accessory uses
 - (4) Signs as permitted in Section 9
 - (5) Farms and farm animals on parcels of five acres or more
 - (6) No-Impact Home Occupation

A Conditional Use approval is required for a public recreational facility in the C, Conservation Zoning District. Section 5.20 of Ordinance 2420 states the following:

- 5.20 <u>C District, Conditional Uses</u> The approval of conditional uses by the Council is regulated by the applicable provisions of Section 11 of this ordinance.
 - 5.20.A. The following uses are conditional uses in a C District:
 - (1) Public and private recreational facilities

This project has been scaled back significantly from what was proposed for the soccer facility. The applicant's engineer completed a preliminary bulk cut/fill analysis and the estimated amount of fill that will be brought to the site will be "100 cubic yards which is estimated to require 7 triaxle dump trucks as each truck can haul about 15 cubic yards of fill". There will be no re-location of the gas line and they are not proposing to pipe the stream. They have estimated that the construction of the pickle ball facility will take 6 months to build, and they are hoping to begin in May of 2024 if they have obtained all required permits.

They are proposing to construct a pre-engineered 23,040 square foot building to house nine indoor pickle ball courts, restrooms, 2 retaining walls, 2 parking lots will be constructed: 1 parking lot with 19 parking spaces and 1 ADA parking space and 1 parking lot with 31 parking spaces and 2 ADA parking spaces for a total of 50 regular parking spaces. Section 10.1 D provides the requirement for the number of parking spaces and there is no specific requirement for pickle ball, racquet ball or tennis courts but based on section 10.1 D (19), Other – for all uses which could not reasonably be placed in one of the classifications stated in the Ordinance, the required number of spaces

shall be determined by the Planning Commission. The applicant's engineer based the parking calculations on a minimum of 4 cars per court which would total 36 spaces and parking for 5 employees totaling 41 spaces which would leave 9 spaces open for players waiting to play for a total of 50 spaces plus 3 ADA parking spaces for a total of 53 parking spaces. The Planning Department has reviewed their parking calculations and find that they are acceptable and recommend that the Planning Commission accept the proposed number of spaces.

The applicant is requesting a waiver of section 11.5 D (4) of Ordinance 2420 to allow the parking area to be 80 feet from the existing single-family dwelling located at 1583 Hunter Road where 100 feet is required. This is shown on the drawings submitted by the applicant. The applicant has proposed to plant a heavy buffer of evergreen trees, shrubs and deciduous trees to buffer the parking lot from the neighboring single family home. The landscaping shall be maintained on a continual basis and the plantings shall be replaced as needed. The Planning Commission can also consider requiring that the property owner have opaque fencing installed in front of the parking lot in addition to the landscaping to further screen the parking lot. The property owner who resides at 1583 Hunter Road was mailed an agenda and a copy of this recommendation will also be mailed to the owner of the property.

In addition to meeting the advertising and posting requirements, the Planning Department also sent the Planning Commission's meeting agenda to surrounding property owners on Hunter Road, Colorado Street, Kansas Street, Greenridge Drive, Ryans Lane, Oakview Drive, and Blanchar Drive. The Planning Department received phone calls from several residents of the area who expressed concerns about the poor condition of Hunter Road and the potential for damage to the road from construction vehicles. They also have concerns about the location of the entrance to the facility being near a sharp bend on Hunter Road and are concerned that this could create hazardous conditions and an increase in traffic accidents on Hunter Road. Hunter Road is a state road and, the Planning Department recommended the following condition: The property owner or their agent shall obtain a Highway Occupancy Permit from Penn DOT for Hunter Road, (PA State Route 2080), prior to the start of any grading work, the placement of fill on the property or site preparation work to the property and if required by PennDOT a traffic study shall be completed and a bond shall be provided by the property owner to PennDOT for any damages to the road that may be caused during the grading or construction phase.

There is no available sewage on the property and the applicant, and his engineer have proposed a holding tank for the sewage which will have to be pumped out and hauled away by a company.

When the applicant was proposing to construct the soccer fields this was proposed and discussed with the Allegheny County Plumbing Division. They will have to obtain approval and the required permits from the Plumbing Division of the Allegheny County Health Department.

If the Conditional Use is approved, the land development plans will have to be approved by the Planning Commission and will have to meet all requirements of Penn Hills Zoning Ordinance #2420, Penn Hills Subdivision and Land Development Ordinance #2136 and Penn Hills Storm Water Management Ordinance #2642.

There are ten (10) proposed conditions that have been placed on the applicant's request. They have been discussed with the applicant and the applicant's agent and they agree with the conditions. "The applicant's engineer states in the attached narrative that "following the approval of the Conditional Use approval, a full and complete land development application will be submitted, and all required local, state and federal permits will be obtained as required. A site survey and a geotechnical investigation and a slope stability analysis was completed for the prior development and additional geotechnical investigative work will be required for this development to analyze the soils prior to the construction of the proposed building and retaining walls." This will be part of the Environmental Report that is required to be completed per Section 16.3 of PH Zoning Ordinance 2420 and Section 8.17 of PH Subdivision and Land Development Ordinance #2136.

The applicant and his engineer have been advised by the Planning Department that the submittals will be reviewed by Penn Hills Municipal Engineer and that they will have to comply with their recommendations.

This request will be placed on the Agenda of Penn Hills Mayor and Council at the February 26, 2024, meeting of Penn Hills Mayor and Council.

At the conclusion of the hearing, the Planning Commission can make the following motion:

"I recommend to Penn Hills Mayor and Council that the Conditional Use be approved with the ten (10) conditions stated on the enclosed draft Resolution to be presented to Penn Hills Mayor and Council at their February 26, 2024, meeting for consideration and approval.

MI B/mb

Cc: Tysen Miller, KU Resources
David Hohman, KU Resources
Mr. Dino Folino, FJIC Green, LLC.
Mr. Anthony Folino
Mr. Richard Mantsch
File

MUNICIPALITY OF PENN HILLS

Resolution No. 2024 - ____

A RESOLUTION OF THE MUNICIPALITY OF PENN HILLS, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, GRANTING CONDITIONAL USE APPROVAL TO DINO FOLINO OF FJIC, LLC. FOR THE CONSTRUCTION OF A PUBLIC RECREATIONAL FACILITY FOR NINE, (9), INDOOR PICKLE BALL COURTS TO BE LOCATED IN THE VICINITY OF COLORADO STREET AND HUNTER ROAD, (LOT & BLOCK #0445-B-057-0000-00, #0444-R-052-0000-00 and #0445-C-277-0000-00)

WHEREAS, public recreational facilities require Conditional Use approval in the C- Conservation Zoning District Zoning District under the terms and provisions of the Penn Hills Zoning Ordinance 2420 and,

WHEREAS, Tysen Miller of KU Resources, Inc. agent for the owner of the property, Dino Folino of FJIC Green, LLC. has applied for Conditional Use approval to construct a public recreational facility for nine, (9), indoor pickle ball courts to be located in the vicinity of Hunter Road and Colorado Street, lot & block # #0445-B-057-0000-00, #0444-R-052-0000-00 and #0445-C-277-0000-00, located in the C-Conservation Zoning District and,

WHEREAS, the Planning Commission has conducted a public meeting to consider the application and has recommended approval of this application, and

WHEREAS, the Department of Planning and Economic Development and the Planning Commission have recommended approval of this application, and

WHEREAS, Section 11 of Penn Hills Zoning Ordinance 2420 sets forth standards for public and private recreational facilities, and

WHEREAS, the proposed development meets these standards with the exception of Section 11.5 D. (4) of Penn Hills Zoning Ordinance 2420 which requires that structures and parking areas must be a minimum of one hundred (100) feet from any existing single-family home for which the applicant is granted a modification to allow the parking area to be located eighty feet (80) from the existing single-family home located at 1583 Hunter Road.

WHEREAS, Mayor and Council approve this Conditional Use request with the following conditions:

1. The proposed project shall meet all portions of Section 11 of Penn Hills Zoning Ordinance 2420, Conditional Uses. A modification of Section 11.5 D. (4) of

Penn Hills Zoning Ordinance 2420 shall be granted to permit the parking lot to be located 80 feet from the single-family home located at 1583 Hunter Road where 100 feet is required provided that a landscaped buffer is maintained and shall be planted between the parking lot and the property line as depicted on the landscape plan submitted by KU Resources, the property owner's agent.

- 2. The property owner or their agent shall submit a land development plan to the Penn Hills Planning Commission for consideration and approval which shall meet all requirements of Penn Hills Zoning Ordinance #2420, Penn Hills Subdivision and Land Development Ordinance #2136 and Penn Hills Storm Water Management Ordinance #2642 and shall include the submittal of a survey of the property/existing conditions plan, a site plan, a landscaping plan, a grading plan, a stormwater management plan, an erosion, sediment control plan, a lighting plan, a utility plan and the property owner shall comply with any additional conditions that the Planning Commission deems as necessary to protect the public health, safety and general welfare.
- 3. The property owner or their agent shall submit an Environmental Report that will include an Environmental Impact Statement to the Planning Commission with the land development application that shall be in accordance with Section 16 of Ordinance 2420 and section 8.17 of Ordinance 2136.
- 4. The property owner or their agent shall obtain a revision to their NPDES Permit from the Allegheny County Conservation District and the property owner or their agent shall obtain a permit for the sewage holding tank from the Plumbing Division of the Allegheny County Health Department.
- 5. Following the approval of the land development plans, a grading permit, and a building permit shall be obtained from the Penn Hills Department of Code Enforcement, and all required local, state, and federal permits shall be obtained prior to the start of any grading work, the placement of fill on the property or site preparation work to the property. Upon completion of the construction of the facility, an occupancy permit shall be obtained from the Penn Hills Department of Code Enforcement prior to the opening of the facility.
- 6. The property owner shall submit a performance bond that is equal to 110% of the project cost which shall be submitted with the grading and building permit application.
- 7. The property owner of their agent shall obtain a Highway Occupancy Permit from PennDOT for Hunter Road, (PA State Route 2080), prior to the start of any grading work, the placement of fill on the property or site preparation work to the property, and if required by PennDOT a traffic study shall be completed and a bond shall be provided by the property owner to PennDOT for any damages to the road that may be caused during the grading or construction phase.
- 8. The property owner or their agent shall hire and pay an inspector with their own funds from the offices of Penn Hills Municipal Engineer to verify and document

the type of fill, the quantity of fill being placed on the property and the date that the fill was brought to the site.

- 9. The facility shall open no earlier than 7:00 AM and close no later than 9:00 PM daily.
- 10. The parking lot shall provide a total of 55 parking spaces, 52 regular parking spaces and 3 ADA parking spaces and parking shall be prohibited along the public streets and along the public right of way for the patrons and employees of the public recreational facility.

NOW, THEREFORE, BE IT RESOLVED at a public meeting duly convened by Mayor and Council that the Municipality of Penn Hills approves this Conditional Use application.

THIS RESOLUTION APPROVE COUNCIL OF THE MUNICIPALITY O	ED AND ADOPTED BY THE MAYOR AND F PENN HILLS ON THIS DAY
OF, 2024 A.D.	
PAULINE CALABRESE, MAYOR	DATE
SCOTT ANDREJCHAK, MANAGER	DATE



Municipality of Penn Hills

102 Duff Road, Penn Hills, PA 15235 Phone: 412-342-1172 Penn Hills Department of Planning



UNIVERSAL APPLICATION FORM PROPERTY/LAND USE

Note: Please Print or Type This Application

APPLICANT:	
Name: _ Tysen O.Miller PE	Telephone Number:412-469-9331
Address & Zip Code: KU Resources, Inc. 22 S Lind	
Relationship to Owner of Record: Project Engin Email: tmiller@kuresources.com	neer
OWNER OF RECORD OF SUBJECT PROPERTY:	
Name: _FJ IC Green , LLC	Telephone Number: <u>412-287-9281</u>
Address & Zip Code: <u>109 Dark Hollow Road, Oakr</u>	nont, PA 15139
Relationship to Owner of Record: Owner	
Email:dfolino@afolino.com	
PROPERTY INFORMATION:	
Present Zoning: C	_ Lot & Block #: <u>445-B-57, 444-R-52, & 445-C-</u> 277
Location: Hunter Road, Verona, PA 15147	
Nature of Structures on Property: None	
Lot Area (Sq. Ft.) <u>1,585,100</u> Width: <u>1,40</u>	00 +/- Depth: <u>800+/-</u>
Present Use: Vacant	
Proposed Use: Public Recreational Facilities*	

APPLICANT'S NARRATIVE/EXPLANATION OF REQUEST:

Per Zoning Ordinance Section 11.5.D for Public and Private Recreational Facilities, the proposed development meets all required conditions, with the exception of parking located within 100' of an existing residence. Min. lot size is met, min. open space is met, structures setback is met, adequate landscape buffers are proposed, and the applicant understand the limitation of operating hours maybe implemented. For more detailed information please see the included narrative and drawings.

Page :	2					
c	Approval of Site Plan					
	Subdivision Application					
	Home Occupation – Submit Home Occupation Addendum w	/Universal Application				
	Home Occupation/No Impact Submit Home Occupation Add	dendum w/Universal Application				
1	Conditional Use/Planned Unit Residential Development					
X	Conditional Use/Other					
	Zoning Amendment					
	Curative Amendment / Council					
	Curative Amendment / Zoning Hearing Board					
	Non-Conforming Use Registration					
	Special Exception					
	Variance					
	Temporary Use					
	. Appeal					
x	other See Modification Request form for Waiver regarding parki	ng				
CERTIFI	CATION OF AUTHORIZATION BY OWNER:					
	I certify that I am either the owner or have been authorized by the owner to submit this application.					
	I also certify that I am aware of applicable Penn Hills Ordinance and that they are available for review in the office of the Penn Hills Department of Planning and Economic Development.					
	2 :	zo, ciopinom.				
	Tysen Miller, Project Engineer	12-15-2023				
	Signature of Owner or Agent (PHOTO ID REQUIRED)	Date of Application				



Municipality of Penn Hills

102 Duff Road, Penn Hills, PA 15235 Phone: 412-342-1172 Penn Hills Department of Planning



UNIVERSAL APPLICATION FORM PROPERTY/LAND USE

Note: Please Print or Type This Application

APPLICANT:

741 H 974111	
Name: Tysen O.Miller PE	Telephone Number: 412-469-9331
Address & Zip Code: KU Resources, Inc. 22 S Linde	n St., Duquesne, PA 15110
Relationship to Owner of Record:Project Engine Email:tmiller@kuresources.com	eer
OWNER OF RECORD OF SUBJECT PROPERTY: Name: _FJ IC Green , LLC	Telephone Number: <u>412-287-9281</u>
Address & Zip Code: 109 Dark Hollow Road, Oakm	ont, PA 15139
Relationship to Owner of Record:	
Email:dfolino@afolino.com	
PROPERTY INFORMATION: Present Zoning:C Location:Hunter Road, Verona, PA 15147 Nature of Structures on Property: None	
Present Use: Vacant Proposed Use: Private Recreational Facilies	

APPLICANT'S NARRATIVE/EXPLANATION OF REQUEST:

Per Zoning Ordinance Section 11.5.D for Public and Private Recreational Facilities, the proposed development meets all required conditions, with the exception of parking located within 100' of an existing residence. Min. lot size is met, min. open space is met, structures setback is met, adequate landscape buffers are proposed, and the applicant understand the limitation of operating hours maybe implemented. For more detailed information please see the included narrative and drawings.

Page	2	· · · · · ·		
	_ Approval of Site Plan			
	_ Subdivision Application			
	_ Home Occupation – Submit Home Occupation Addendum w/	Universal Application		
	_ Home Occupation/No Impact Submit Home Occupation Add	endum w/Universal Application		
	_ Conditional Use/Planned Unit Residential Development			
X	_ Conditional Use/Other			
	_ Zoning Amendment			
	_ Curative Amendment / Council			
	_ Curative Amendment / Zoning Hearing Board			
	_ Non-Conforming Use Registration			
	_ Special Exception			
	_ Variance			
	_ Temporary Use			
	_ Appeal			
X	_ other See Waiver Form regarding parking			
CERTIFICATION OF AUTHORIZATION BY OWNER: I certify that I am either the owner or have been authorized by the owner to submit this application. I also certify that I am aware of applicable Penn Hills Ordinance and that they are available for review in the office of the Penn Hills Department of Planning and Economic Development.				
		12-15-2023		
	Signature of Owner or Agent (PHOTO ID REQUIRED)	Date of Application		



MODIFICATION REQUEST FORM SUBDIVISION AND LAND DEVELOPMENT **ORDINANCES 2136 AND 2420**

All Subdivision and Land Development must conform with Ordinances 2136 and 2420. Any requests for modifications must be fully described below and submitted with your application. The Planning Commission makes decisions on modification requests. They make their decision in accordance with Section 3.8 of Ordinance 2136.

1.	Section of Ordinance 2136 or 2420 from which you are requesting a modification? Section 11.5.D.(4)
2.	Describe the request and minimum modification of the Ordinance that is necessary to achieve your objective?
	One area of proposed parking is within the 100' setback from one existing residence.
3.	Reason (s) that you believe this modification is necessary: To minimize earthwork and avoid any earthwork operations within the stream or the stream setbacks,
	locating the one parking area within the 100' residential setback is preferable than the potential for a lot more earthwork and possibly more trucks accessing the site via Hunter Road. Robust, evergreen landscape buffers are planned in this area.
Owne	r's Agent: Typen Mille Project Engineer
Applic	cant's SignatureDate12-19-2023

Cut/Fill Report FOLINO PICKLEBALL

Generated:

2023-12-15 10:11:32

By user:

jcritchfield

Drawing:

K:\Clients\Folino Construction\FOL23477PHPR - Penn Hills Pickleball

Revisions\CADD\KU-Xref\K:\Clients\Folino Construction\FOL23477PHPR - Penn Hills

Pickleball Revisions\CADD\KU-Xref\X-REF-DSN-23477.dwg

Volume S	Summary						
Name	Туре	Cut Factor	Fill Factor	2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)	Net (Cu. Yd.)
EW- EG-FG	full	1.000	1.000	41565.49	2201.21	2300.37	99.15 <fill></fill>

Totals	7			
	2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)	Net (Cu. Yd.)
Total	41565.49	2201.21	2300.37	99.15 <fill></fill>

^{*} Value adjusted by cut or fill factor other than 1.0

Preliminary bulk cut/fill analysis indicates approx. 100CY shortage of fill, which could be borrowed on-site from other areas of the property. If this amount of soil were required to be trucked in, it would only require approx. 7 triaxle dump trucks, as each truck can haul about 15 CY.

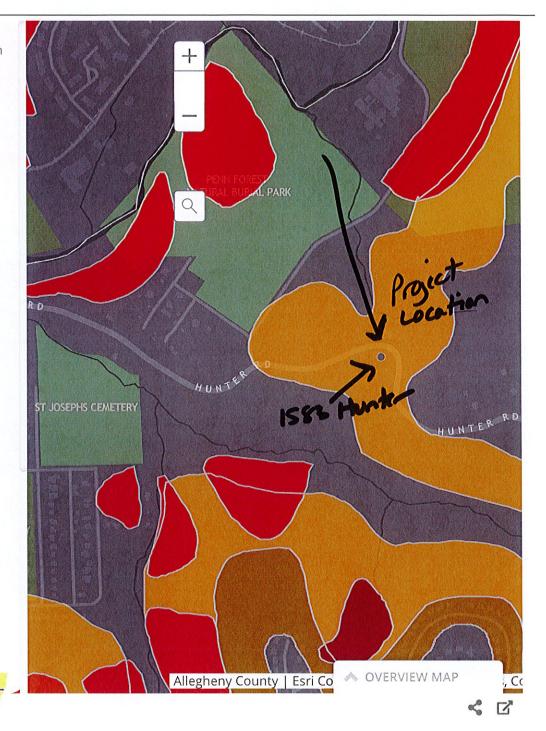
LANDSLIDE PORTAL

This map identifies areas with potential slope stability problems significant to development. It is not designed to replace detailed studies, rather it delineates areas where technical site examinations are most vital to the safety and welfare of the general public. See the accompanying report for more information.

Pomeroy, John S. "Landslide Susceptibility and Land Modified by Man Map of Part of the Baden 7-1/2 Minute Quadrangle, Allegheny County, and Vicinity, Pennsylvania." USGS Publications Warehouse, 1974, pubs.usgs.gov/of/1974/0121/report.pdf.

Landslide Susceptibility

- Recent Landslide
- Prehistoric Landslide
- Slopes with
 Conspicuous
 Soil Creep
- Outcrop Area
- Bed' and Ruck



Home Causes, Types, & Effects Best Practices Map Tools Assistance Online Resources

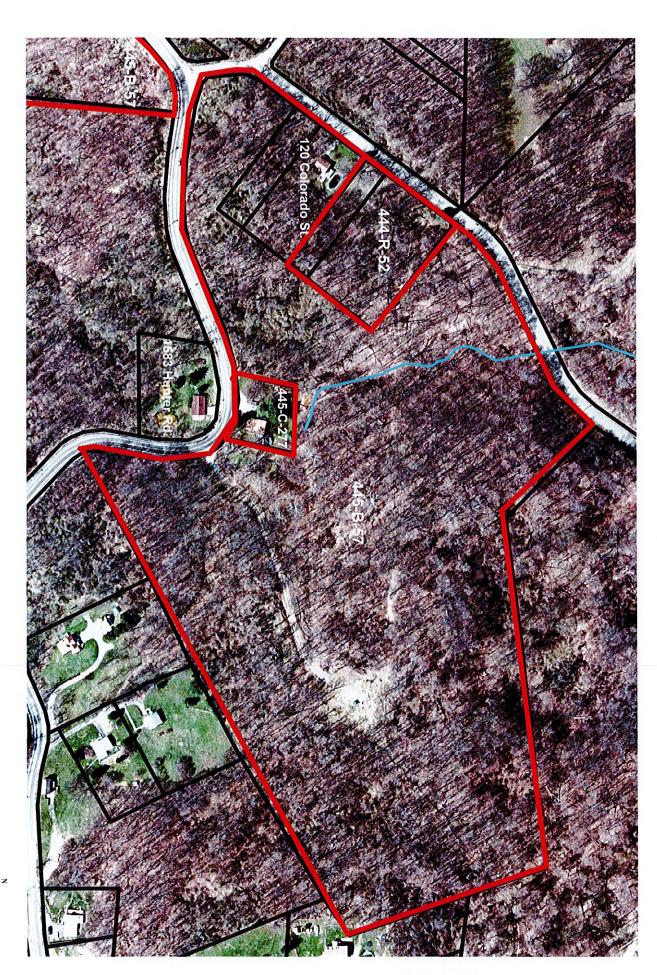
For informational purposes and government use only. Not to be relied upon by the general public.



This map identifies areas with Project Location potential slope stability problems significant to development. It is not designed to replace detailed studies, rather it delineates areas where technical site examinations are most vital to the safety and welfare of 1583 Hunter the general public. See the accompanying report for more information. Pomeroy, John S. "Landslide Susceptibility and Land Modified by Man Map of Part of the Baden 7-1/2 Minute Quadrangle, Allegheny County, and Vicinity, Pennsylvania." USGS Publications Warehouse, 1974, pubs.usgs.gov/of/1974/0121/report.pdf. Landslide Susceptibility Recent Landslide Prehistoric Landslide Slopes with Conspicuous Soil Creep Outcrop Area of Thick 'Red Bed' and OVERVIEW MAP Allegheny County | Esri Co esri

Home Causes, Types, & Effects Best Practices Map Tools Assistance Online Resources

For informational purposes and government use only. Not to be relied upon by the general public.





Parcel ID: 0445-B-00057-0000-00

Property Address : HUNTER RD VERONA, PA 15147 Municipality: 934 Penn Hills

Owner Name : FJ IC GREEN LLC

School District:	Penn Hills Twp	Neighborhood Code:	93405
Tax Code :	Taxable	Owner Code:	Corporation
Class:	Agricultural	Recording Date :	5/22/2017
Use Code :	>10 ACRES VACANT	Sale Date :	5/22/2017
Homestead*:	No	Sale Price:	\$70,000
Farmstead:	No	Deed Book:	16804
Clean And Green	Yes	Deed Page :	262
0.1		Processor of the same	0151001

Other Abatement: No Lot Area: 34.5100 Acres

SaleCode: Multi-Parcel Sale

The deadline to apply is March 1st of each year.

Details may be found on the <u>County's abatement page</u>.

2024 Full Base Year Market Value 2024 County Assessed Value

Land Value	\$74,300	Land Value	\$1,900
Building Value	\$0	Building Value	\$0
Total Value	\$74,300	Total Value	\$1,900

2023 Full Base Year Market Value 2023 County Assessed Value

 Land Value
 \$74,300
 Land Value
 \$1,900

 Building Value
 \$0
 Building Value
 \$0

 Total Value
 \$74,300
 Total Value
 \$1,900

Address Information

Owner Mailing: 109 DARK HOLLOW RD

OAKMONT, PA 15139-1123

^{*} If this property had a recent sale or deed change the 'YES' that is showing may apply to the prior owner.

New owners wishing to receive the abatement must apply.



Municipality of Penn Hills

Code Enforcement



Parcel ID: 0445-C-00277-0000-00

Property Address: HUNTER RD VERONA, PA 15147 Municipality: 934 Penn Hills

Owner Name: FJIC LLC

School District:

Penn Hills Twp

Neighborhood Code:

93405

Tax Code:

Taxable

Owner Code:

Corporation

Class:

Residential

Recording Date:

5/22/2017

Use Code:

VACANT LAND

Sale Date: Sale Price: 5/3/2017

Homestead*: Farmstead:

No

\$29,500 16804

Clean And Green

No

Deed Book: Deed Page:

257

Other Abatement:

No No

Lot Area:

22,500 SQFT

2024 Full Base Year Market Value

2024 County Assessed Value

Land Value

\$13,600 Land Value

\$13,600

Building Value

\$0 Building Value

\$0

Total Value

\$13,600 Total Value

\$13,600

2023 Full Base Year Market Value

2023 County Assessed Value

Land Value

\$13,600 Land Value

\$13,600

Building Value

\$0 Building Value

\$0

Total Value

\$13,600 Total Value

Address Information

\$13,600

Owner Mailing:

109 DARK HOLLOW RD

OAKMONT, PA 15139-1123

^{*} If this property had a recent sale or deed change the 'YES' that is showing may apply to the prior owner. New owners wishing to receive the abatement must apply. The deadline to apply is March 1st of each year. Details may be found on the County's abatement page.

Municipality of Penn Hills

Code Enforcement



Clean And Green

Parcel ID: 0444-R-00052-0000-00
Property Address: COLORADO ST
VERONA, PA 15147

Municipality: 934 Penn Hills

Owner Name: FJIC GREEN LLC

School District : Penn Hills Twp Neighborhood Code : 93405

Penn Hills Twp Neighborhood Code: 93405 Tax Code: Taxable Owner Code: Corporation Class: Residential Recording Date: 5/22/2017 VACANT LAND Use Code: Sale Date: 5/22/2017 Homestead*: Sale Price: No \$70,000 Farmstead: No Deed Book: 16804

Other Abatement: No Lot Area: 1.7600 Acres

Yes

SaleCode: Multi-Parcel Sale

262

* If this property had a recent sale or deed change the 'YES' that is showing may apply to the prior owner.

New owners wishing to receive the abatement must apply.

The deadline to apply is March 1st of each year.

Deed Page:

Details may be found on the <u>County's abatement page</u>.

2024 Full Base Year Market Value 2024 County Assessed Value

Land Value\$18,600Land Value\$100Building Value\$0Building Value\$0

Total Value \$18,600 Total Value \$100

2023 Full Base Year Market Value 2023 County Assessed Value

Land Value \$18,600 Land Value \$100
Building Value \$0 Building Value

Total Value \$18,600 Total Value \$100

Address Information

Owner Mailing: 109 DARK HOLLOW RD

OAKMONT, PA 15139-1123

Municipality of Penn Hills

Code Enforcement



CONDITIONAL USE APPLICATION PENN HILLS PICKLEBALL FACILITY MUNICIPALITY OF PENN HILLS ALLEGHENY COUNTY, PENNSYLVANIA

Prepared for:
FOLINO CONSTRUCTION, INC.
109 DARK HOLLOW ROAD
OAKMONT, PENNSYLVANIA 15139

Prepared by:
KU RESOURCES, INC.
22 SOUTH LINDEN STREET
DUQUESNE, PENNSYLVANIA 15110

DECEMBER 2023



INTRODUCTION

This Conditional Use Application has been prepared by KU Resources, Inc., on behalf of Folino Construction, Inc., in anticipation of the proposed pickleball development located at the Site. The Site includes parcels 445-B-57, 444-R-52, and 445-C-277 (34.51, 1.76, and 0.05 acres respectively), in the Municipality of Penn Hills, Allegheny County, Pennsylvania (Site). The site is bound by Hunter Road to the south, Colorado Street to the west and north, and wooded land to the east and resides in Zoning District C.

The Site is currently a heavily wooded area north of Hunter Drive in Penn Hills. The Site lies within the Plum Creek watershed. An existing house was demolished in 2018.

Both historically and currently, the Site is a wooded area north of Hunter Drive in Penn Hills. The Site is bound by Hunter Road to the south, Colorado Street to the west and north, and wooded land to the east. According to the Federal Emergency Management Agency, the portion of the Site that is to be redeveloped is not located within the 100-year flood zone.

The topographic features of the Site are shown on the included figures herein. Overall, the Site slopes from the south to north. The Site is within the Plum Creek watershed and drains to an Unnamed Tributary of Plum Creek, which is classified by the PADEP as warm water fishes (WWF), but not high quality (HQ) or exceptional value (EV).

CONDITIONAL USE REQUIREMENTS

Per Zoning ordinance section 5.9 C District Permitted Uses the permitted uses in a C District are the same as permitted uses in an R-1 District. Below is the list Permitted uses of R-1 District:

- Single-family residences
- · Agriculture/gardening
- Accessory uses
- Signs as permitted in Section 9
- Farms and farm animals on parcels of 5 acres or more
- No-Impact Home Occupation

The proposed development, a public* recreational facility, does not meet any of the approved uses for the C zoning district and thus will require the review and approval of a Conditional Use Application. Per Zoning ordinance section 5.12 R-1, District Conditional Uses are regulated by the applicable provisions in Section 11 of the ordinances. Per Zoning ordinance section 5.20.A(1), public and private recreational facilities are a permitted Conditional Use in the C District and is regulated by the applicable provisions of Section 11. The conditions and our proposed responses to meet Section 11.5.D Public and Private Recreation Facilities are:

1. <u>Direct access to an arterial or collector street:</u> The proposed development will have direct access to Hunter Road. It is anticipated that a PennDOT Highway Occupancy Permit will be required.



- 2. The preparation of the said permit had begun in 2021 with the now defunct Soccer Development and, will be revised and coordinated with PennDOT as required. The Municipality will be kept abreast of its status.
- 3. <u>Minimum lot size two (2) acres:</u> The lot size of the proposed re-development is approximately 36.3 acres.
- 4. A minimum of 30% of the Site shall be preserved as undeveloped open space: The proposed redevelopment will only impact approximately 2.0 acres leaving roughly 94% of the total property undeveloped (34.3 acres).
- 5. Structures and parking areas must be located a minimum of one hundred (100) feet from an existing single-family home: The closest existing single-family home is located across Hunter Road at 1583 Hunter Road, Verona, PA 15147. The distance between this residence and any proposed structure is greater than 100) feet. A variance will be requested for the proposed parking that will be within 100'. A heavy evergreen buffer will be placed in this area.
- 6. Recreation facilities must be adequately buffered from adjacent properties by elevation, landscaping, fencing, etc.: The proposed development will be partially buffered by the existing topography of the Site. Additionally, there will be an elevation difference between Hunter Road and the proposed development; the development is anticipated to be at a higher elevation. Lastly, there will be a heavy evergreen landscape buffer between the proposed facility, the parking, and Hunter Road.
- 7. The Municipality may impose limitation on operating hours to protect adjacent properties: It is understood by Folino Construction that there could be limitations on the operating hours, should it be necessary to protect adjacent properties.

PROPOSED RE-DEVELOPMENT

It is the intent to create a quality indoor pickleball facility which will support the local community for years to come. The proposed facility would include approximately nine (9) pickleball courts and the supporting ancillary facilities. The number of people playing pickleball grew by 159% over three years to 8.9 million in 2022, according to the Sports & Fitness Industry Association, and interest is rapidly growing in western Pennsylvania creating the need for more pickleball courts in the area.

PROPOSED RE-DEVELOPMENT AMENITIES

The proposed development amenities include a paved parking area for the players (estimated at 4 cars/court, equaling 45 spaces) and for staff (estimated at 5 spaces for a total of 50 spaces). This includes the minimum required (2) ADA parking spots. An access drive from Hunter Road will connect to two small parking lots that will have concrete sidewalks to connect visitors to the building entrances. Several retaining walls will be needed to create the proposed areas to avoid impact top the existing stream buffer and to reduce the amount of overall disturbance.

ENVIRONMENTAL

Unlike the proposed 2021 soccer development, this proposed facility will not impact the existing on-site stream and will not impact the 35' stream buffer zone. No stream-specific permitting is anticipated.



ENGINEERING/PERMITTING

Following the submission, review, and approval of this Conditional Use Application, a full and complete Land Development Application will be submitted to the Municipality, as well as all required local, state, and federal permits which will be required to complete the proposed re-development. Field work was done previously for the site survey and geotechnical investigation/slope stability analysis. Additional geotech investigation will be required for this development to analyze the soils at the proposed building and retaining walls.

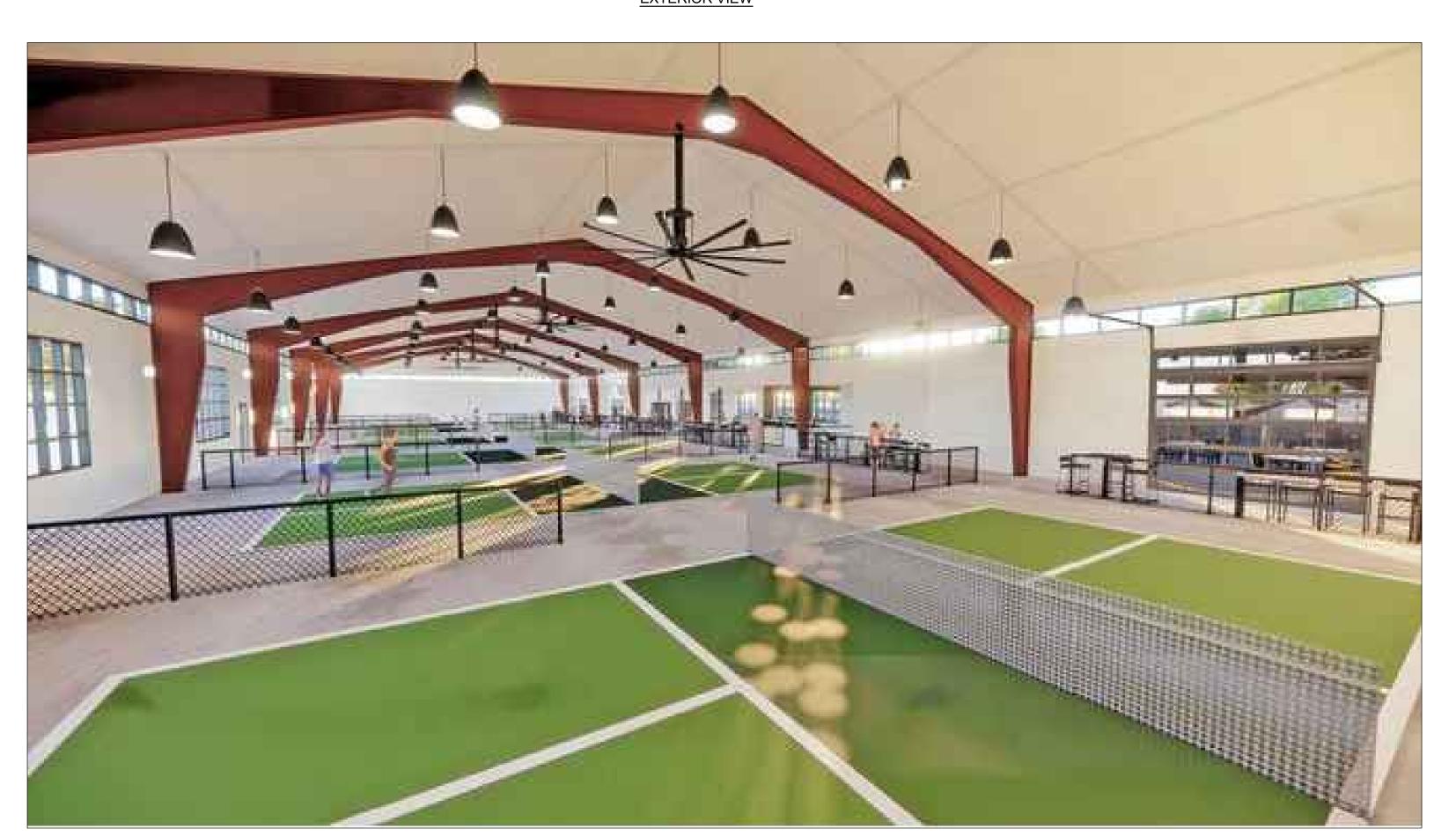


DRAWINGS





PICKLEBALL FACILITY
EXTERIOR VIEW



PICKLEBALL FACILITY
INTERIOR VIEW

CALL BEFORE YOU DIG! KU DESIGN TICKET# TICKET NUMBER



PENNSYLVANIA LAW REQUIRES 3 WORKING NOTICE CONSTRUCTION PHASE AND 10 WORKING DAYS IN DESIGN STAGE - STOP CALL Pennsylvania One Call Systems, Inc.

PENNSYLVANIA ACT 187 (1996) NOTIFICATION OF EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN THE COMMONWEALTH, CALL PENNSYLVANIA ONE CALL SYSTEM, INC. AT 1-800-242-1776 BEFORE ANY DISTURBANCE.

A CONOLOGICAL STATE OF STATE O

SCALE: NTS

DATE: 12/15/2023

DRAWN: JRC

OUTOKED WILLOUTE

CHECKED: KU-CHECKED

APPROVED: KU-APP

REFERENCE:
BOUNDARY SURVEY BY:
KU RESOURCES, INC
117 SAGAMORE HILL ROAD
PITTSBURGH PA 15239

TOPOGRAPHIC SURVEY BY: KU RESOURCES, INC & LIDAR DATA OBTAINED THROUGH PASDA

REGISTERED PROFFESIONAL

NOT FOR CONSTRUCTION

PREPARED BY:



KU Resources, Inc. 22 South Linden Street Duquesne, PA 15110 412.469.9331 412.469.9336 fax

www.kuresources.com

PREPARED FOR:

FOLINO CONSTRUCTION 109 DARK HOLLOW ROAD OAKMONT, PA 15139

PROJECT:

PENN HILLS PICKBALL REVISIONS NO. & STREET CITY, COUNTY, STATE

DRAWING TITLE:

ARCHITECTURAL DRAWINGS

SHEET NO.

A-001

