



City of Jeannette

Westmoreland County, Pennsylvania



Resolution 19-06

IN RE: ELLIOTT COMPANY : CITY OF JEANNETTE
 PRODUCT TESTING FACILITY : CITY COUNCIL
 CONDITIONAL USE APPLICATION :
 TAX PARCELS 14-01-16-0-085 AND :
 14-01-16-0-669 : April 11, 2019

Findings of Fact, Conclusions of Law, Decision and Conditions for Elliott Company Product Testing Facility Conditional Use Application

Pursuant to Sections 2.7, 2.15, 4.4.26, 3.4-3.7 and 4.3 of the City of Jeannette Zoning Ordinance, adopted October 11, 2017, as amended by Ordinance No. 2018-08 adopted May 10, 2018, and Ordinance No. 2018-13 adopted July 17, 2018 (the “**Zoning Ordinance**”), and the record of the public hearing held before the City Council of the City of Jeannette, the City Council has reviewed the proposed amendment submitted by Elliott Company (“**Elliott**” or “**Applicant**”) to the conditional use approval issued by the City Council on October 11, 2018 relating to Elliott’s proposed Product Testing Facility (the “**Conditional Use Approval**”).

Findings of Fact

1. On September 13, 2018, Elliott submitted an application for a conditional use approval (“**Application**”) to develop a proposed Product Testing Facility (a heavy manufacturing use) in the Urban Center zoning district on a property fronting on Bullitt Avenue designated as Westmoreland County Tax Parcel Id. No. 14-01-16-0-085 (the “**Property**”). On October 5, 2018, Elliott submitted an amendment to the Application, reflecting a change to the height of one of the buildings.
2. The City of Jeannette Planning Commission at its meeting on October 3, 2018, unanimously recommended Conditional Use Approval of the Application.
3. Following publication and posting of notices as required by the Pennsylvania Municipalities Planning Code and Zoning Ordinance, a hearing was conducted by the City Council on October 11, 2018.



City of Jeannette

Westmoreland County, Pennsylvania



4. The Application involves a Property containing approximately 13.365 acres adjoining the southern side of Bullitt Avenue between Sixth and Ninth Streets. The Property is located within the Urban Center (“UC”) zoning district as regulated under the Zoning Ordinance.
5. The subject Property is currently owned by the Westmoreland County Industrial Development Corporation (“**WCIDC**”). Elliott Company holds an equitable interest in the Property pursuant to a Purchase and Sale Agreement dated March 13, 2018.
6. Elliott is proposing the use of the Property for installation and operation of a Product Testing Facility (the “**Project**” or “**Facility**”) to test cryogenic pumps and expanders (small turbines that use the liquid flow to generate electricity). The Facility is intended to facilitate the testing of pumps and related equipment that are used in relation to cryogenic (extremely cold) liquefied gasses – specifically liquid nitrogen (“**LN**”), liquefied natural gas (“**LNG**”) and liquefied petroleum gas (“**LPG**”).
7. As part of the Application, Elliott submitted a preliminary Site Plan, Landscaping Plan and Lighting Plan, a detailed 32-page narrative, a preliminary Stormwater Management Plan, information on proposed signage, a Wetlands Delineation Report, and other documentation, which taken together explain how the proposed Product Testing Facility will comply with the respective standards, requirements and criteria contained in the Zoning Ordinance.
8. The proposed Product Testing Facility is located within the Urban Center (“**UC**”) Zoning District. Zoning Ordinance §2.15 permits both “Manufacturing, Heavy” and “Manufacturing, Light” uses within the UC district, subject to a conditional use approval process.
9. Following the public hearing before City Council on October 11, 2018, City Council granted the Application for Conditional Use, subject to the following conditions set forth in the written Findings of Fact, Conclusions of Law, Decision and Conditions for Elliott Company Product Testing Facility Conditional Use Application:
 - a. The proposed Product Testing Facility shall be developed and operated in a manner consistent with the elements and plans set forth in the Application. It is understood that the preliminary Site Plan and other planning documents submitted with the Application, although appropriate for conditional use zoning approval, are subject to further refinement as the project design proceeds. Such refinements will be reflected in (1) the Preliminary and Final Land development plans to be submitted pursuant to the Westmoreland County Subdivision and Land Development Ordinance, (2) the Erosion and Sedimentation Control Plan and Post-Construction Stormwater Management Plan to be prepared and submitted



City of Jeannette

Westmoreland County, Pennsylvania



pursuant to 25 Pa. Code Ch. 102, Turtle Creek Watershed Stormwater Management Plan (“Act 167 Plan”) and the Jeannette Stormwater Management Ordinance; and (3) construction plans to be submitted and approved under the Statewide Uniform Construction Code. So long as those refinements conform to the standards set forth in the Zoning Ordinance, amendment of this Conditional Use Approval will not be required.

- b. If and to the extent that the Applicant requires that the height of the proposed Maintenance Storage Building and the Covered and Screened Storage Area exceed the 18 foot height limit for accessory structures under Zoning Ordinance §2.7.8.C, Applicant shall apply to and obtain approval from the Zoning Hearing Board for a variance from such height limit with respect to the height of the proposed Maintenance Storage Building and Covered and Screened Storage Area.
 - c. Applicant shall prepare, submit and obtain approval from Westmoreland County Development of Planning and Development of a Final Land Development Plan pursuant to the Westmoreland County Subdivision and Land Development Ordinance.
 - d. Applicant shall design and implement measures for erosion and sedimentation control and stormwater management in compliance with the requirements set forth in 25 Pa. Code Ch. 102, the Turtle Creek Watershed Stormwater Management Plan (“Act 167 Plan”) and the City of Jeannette Stormwater Management Ordinance, Ordinance 12-03. Prior to undertaking regulated earth disturbance activities, Applicant shall (1) prepare and obtain approval from the Westmoreland Conservation District and/or Pennsylvania Department of Environmental Protection of an erosion and sedimentation control plan and NPDES Permit for stormwater associated with construction activities; and (2) prepare, submit and obtain approval from the City of Jeannette of a Best Management Practices (“BMP”) Operations and Maintenance Plan as required under Article IV of the City Stormwater Management Ordinance.
 - e. In accordance with Sections 4.4.26.J and 12.5 of the Zoning Ordinance, the Applicant shall provide the City with copies of all licenses or permits required by federal, state and local agencies for the proposed Product Testing Facility as soon as available from such agencies.
10. Since October 11, 2018 Elliott has continued to refine its Site Plan and other planning documents for the proposed Product Testing Facility. In the course of preparing its Final Land Development Plan that has been submitted to, and is currently under review by, the



City of Jeannette

Westmoreland County, Pennsylvania



Westmoreland County Department of Planning and Development pursuant to the Westmoreland County Subdivision and Land Development Ordinance, Elliott made certain revisions to its proposed Site Plan.

11. In connection with such refinements, Elliott developed a landscaping plan that, while varying from with the strict requirements of the Zoning Ordinance regarding tree planting and spacing, would provide better screening and appearance than the landscaping plan that would otherwise be required by the Zoning Ordinance.
12. On March 25, 2019, Elliott submitted to the City of Jeannette a written request that the City approve of a modification to the Conditional Use Approval to: (a) provide a modest adjustment with respect to the landscaping requirements of the Zoning Ordinance and (b) reflect certain non-material refinements to the Project's site plan.
13. On April 3, 2019, the Zoning Hearing Board of the City of Jeannette granted to Elliott variances with respect to (i) the applicable height requirements of the Zoning Ordinance allowing the proposed Maintenance Storage Building and the Covered and Screened Storage Area structure to each have a height of up to 26 feet, and (ii) the tree planting requirements of the Zoning Ordinance.
14. At its meeting on April 8, 2019, the Planning Commission unanimously recommended approval of the requested amendments to the Conditional Use Approval.
15. Following publication and posting of notices as required by the Pennsylvania Municipalities Planning Code, a hearing was conducted by City Council on April 11, 2019.
16. At the hearing, representatives of Elliott presented the proposed amendments and responded to questions from members of City Council and residents.

Conclusions of Law

17. The revisions to the Site Plan conform to the applicable standards set forth in the Zoning Ordinance and the terms of the Conditional Use Approval of the proposed Product Testing Facility, as modified to reflect the issuance by the Zoning Hearing Board of the above-reference landscaping plan variance.
18. Elliott has satisfied condition #2 of the Conditional Use Approval by obtaining the building height variance described above from the Zoning Hearing Board. All other conditions set forth in the Approval remain in full force and effect.
19. The proposed use, as described in the Application and as modified as described above, meets all of the specific requirements set forth in Zoning Ordinance §§ 2.15; 2.7.5-2.7.8;



City of Jeannette

Westmoreland County, Pennsylvania



2.7.9; 3.4; 4.4.26 and Article 6; 2.7.10 and Art. 7; ZO §2.7.11; ZO §2.1.12 and Art. 9; and §4.4.26; and the general requirements and standards for all Conditional Uses in Zoning Ordinance §4.3.

Decision

- 20. Upon motion duly made and seconded, the City Council of the City of Jeannette grants the Request for Amendment to the Conditional Use Approval filed by Elliott Company for the proposed Product Testing Facility.



THE CITY OF JEANNETTE

Curtis J. Antoniuk
Mayor and President of Council

ATTEST:

Michelle Langdon
City Clerk/CFO