

Community Meeting on 36<sup>th</sup> & Smallman (Urban Garden on Smallman)  
7/24/17  
Meeting Minutes

**Presentation from Big Creek Associates:**

John McGinley and Ryan Wilson introduce.

John: They run a family business on 36<sup>th</sup> St, a beer wholesaler. They moved to Smallman in early 80s. This is a secondary item. They acquired the property nine months ago, and it's been vacant. It's an industrial space and they want to do something consistent with use. There have been a lot of issues with property and had agreement with EPA to clean up property. They have to provide a cap and fencing, and it could be developed after. They said what do we do with this property to become sustainable until we develop this. They looked at Philly. Urban beer garden. Not loud noise and bars but a community space and they can set up an acoustic band, a food truck to come in and serve, early evening. Don't anticipate staying open every day. But where the community could enjoy and start beautification. They could have a couple years and test it out and see if it's long term. They need to do things consistent with EPA and eventually develop in a way that can benefit community. It's not a bar business, or a restaurant business. It's already zoned for that if wanted to. There's no use specified for these urban gardens and LU and LC said go through the plan. We think it's beneficial to the community. We've got a family business down there and the last thing we want to do is create an atmosphere that will hurt our reputation.

Ryan goes through presentation to show former state of the property. It used to be used for a drum recycling business. They took drums of hazardous waste and stored them there. Big Creek entered into a consent order with the EPA to buy a property in 2016. In January, Big Creek closed on the property. There was liability and no one wanted to own it but they're working towards cleaning it up.

Until they can formulate the long term development, they are seeking income opportunities to pay for the acquisition and cleaning of property. They were approached by restauranteurs and event planners to create an Urban Food and Beverage garden. Open in afternoon and evenings in the later part of the week, Thursdays through Sunday most likely. Seasonal garden: summers only. They will offer locally sourced fair, local food truck vendors, and include creatively reused and recycled products. A portion of the proceeds will be donated to charity to beautify the area. They have been talking to Tree Pittsburgh to explore opportunities. They showed slides of similar sites in Philadelphia. Dave asks them to expand on alcohol sales.

Certain liquor licenses are allowed to have off site catering permit where they can go and limit alcohol sales on a specific location off their property. A bar on Butler could get a catering permit that's for four hours and link to so it's 8 hours a day,

can't go beyond 11 PM. Alcohol can't leave premises. There's not cases of beer being sold. It's solely limited to premises where beer is sold. And it has to be a fenced in area. The food trucks also have restaurants associated; they will manage alcohol sales and food trucks. Beer and wine only. No hard liquor. Those are limitations on catering permit. Time is a lot shorter than a regular bar. Meant for new spaces. Someone using an existing license for a short term special event.

## **Q and A:**

**Aline:** You're subcontracting from a bar or bars? Who's responsible? Are you using one bar's license?

John: They will be responsible. We would have a lease with these people, but we'd be accountable for what happens on property.

Alina: Who sets the tone? Like if you have a lease with Cantina, is the space going to be like Cantina?

John: We determine what happens at the space. No amplified sound. No bands. No things that would concern the community. If you have entertainment, acoustic guitar. They're just not serving beer. Folks serving would be from whatever establishment.

Alina: Are you considering certain bars?

John: We'd use several different bars. Cantina talked to us about it. I know there's community concerns about Cantina. Limited to 75 4-hour licenses. Spirit's been involved. Severino from Cure and Morcilla has also reached out.

**Daniel March:** If this is a public outdoor space, there's some sort of regulation regarding number of persons? What is your envision for capacity? What solution do you have in mind in terms of parking?

John: Capacity, we're still working through. Parking can be leased through Wilson & McGinley. The area that is fenced across is an old warehouse that can accommodate parking.

Ryan: there would be a limitation based on occupancy permit, and they will follow up on. In order to get certificate of occupancy, there's a maximum.

Dave: Number of seats?

Ryan: Right in the middle of property, a gravel pad with two food trucks on each side. That takes up 5,000 sq feet and seating in the middle and seating outside. A dozen picnic tables. 75-100 people max.

**Amy:** Will there be one or two entrances? Fenced?

John: It needs to be fenced regardless. Right now large gate on Smallman with door on 36<sup>th</sup>, but they'd be flexible on access.

Amy: Will that include sidewalk improvements? The Smallman side currently doesn't have a good sidewalk.

John: Fencing would be on inside, so yes.

Amy: There's a lot of bleeding out from bars. Would there be measures of controlling people hanging out in the alley?

John: We'd be happy to address. We close at 11. It's early enough that people would be seeking somewhere else to go. We'd have security.

Amy: That parking lot, is that enough to accommodate the amount of patrons?

John: It's a big area. Lot of spaces. There are probably 60 cars at any given time and it's half full, so the capacity would be 120-150.

Amy: I can envision people blowing through the one-way alley between Smallman and Charlotte.

John: This is a side project, It doesn't help us to have problems for you guys. Maybe additional signage?

**Lori:** No one has wanted to touch this property and I wanted to thank you for coming to clean it up for the community.

**Heather:** I know that your business is there, but you don't live there, right? You don't have to listen to people at a beer garden until 11.

John: It is our problem if it becomes your problem. At the end of the day, we see this as a community project as much as a private, financial one.

Couple: I don't have a good idea of what you want. I thought you'd have something from architect. You don't know bars or architect. While it's conceptual, it seems like a significant impact to the 40 houses around that area. There are kids. I'm not sure if it's conducive to the space. I think in this way, the noise pollution and drinking there, and the amount of people in a residential directly next to it that has been

quiet for so many years seems nonconforming. It seems directly opposed to fabric of community.

John: I have young kids. I live in a great neighborhood but if I lived around here, I would have been scared for them to play in that corner lot. If my 8 year old ended up with a ball, it would have been dangerous. There's a lot of concerns about the corner already. It's an industrial space. There's a lot of facilities that can create a lot of noise. We're mindful and not perfect but we neighbor residential and industrial. When you look at conforming uses, we could build a restaurant, we could put in a cement factory...a lot of the things offer value short term but also add value.

Couple: I understand it's zoned industrial but my concern is with an open air facility. A restaurant is different. With how late this is planning to go, this seems like a fundamental change to the neighborhood fabric.

John: Is it time, noise, that's your concern?

Couple: All of it. Arsenal Cider is only open until 9.

John: If the concern is around timing, 9 or 10 is fine, we can work with you on that. If the fundamental issue is that it's there, that's a different thing.

**Andrea:** can you move last call up to an hour or two before closing?

John: Sure. And we don't have to do music, no amplified sound.

**Justin:** This is a temp plan for long term development. What's the long term plan?

John: We don't know yet. It's not sustainable to be a long term plan.

Justin: Some of our concerns are that your plans are very broad at this point. It's hard to conceptualize what it is you're proposing. This could be something that creates a lot of noise and makes a real negative impact. Or it could be a covered area with sound enclosures, with area for kids, a playground. It's too general at this point to make a decision. Maybe another meeting would be useful.

Ryan: We could make the plan available so everyone can see. The conceptual design is done. You can see it tomorrow. It's pretty detailed. We don't want there to be an impression that we put a slideshow together with just some pictures we took from the internet.

Dave: We can share notes and site plan. He mentioned sound enclosures. What kind of fence?

John: A basic chain link fence. We kicked back and forth between acoustic. We're willing to talk through these issues to see what the community wants to see. If noise

is the issue, and you want the music shut off at 9, fine. We'll do what meets your concerns. Our primary job is to make sure that our warehouse works. We don't need community groups up in arms at us about this.

**Allison:** I'm concerned about market saturation. With all the other bars that have come in, people spend all day traipsing from bar to bar, and my fear that this is only going to add to that and further encourage drunks to be walking up and down our residential block on Charlotte.

John: We're willing to close early enough that people will be going out, not coming in.

**Cory:** There's going to be space in the middle for alcohol and restrooms. Is it tent and port-a-johns, a permanent structure, or what?

John: Somewhere in between a permanent structure and a tent. For the bathroom, maybe a port a trailer like the ones you see at a golf tournament.

Ryan: Compare it to Stage AE's restroom trailers. Something nice and confined but not putting in sewers and plumbing.

**Janessa:** BYOB? Is that gonna happen?

Ryan: No, not permitted.

Janessa: This reminds me of Bayardstown, it was BYOB. It closed. You could buy and get kegs.

Ryan: It was a membership. We're not envisioning that.

Janessa: It reminds me of Bayardstown and now it's closed. If you have security, that person could then control that as people come in.

Ryan: If you have a bar you can sell a 12-pack, but we can't do that with this license.

**Lori:** I'm a developer and part of the East Liberty Chamber of Commerce. We have worked with some of the folks at Wilson McGinley warehouse and they counsel large event planners on how best to control the alcohol. They go in and counsel the folks so it's safe and community friendly.

Ryan: As a beer wholesaler, we promote responsible drinking. And it extends to anything we're involved with.

**Q:** The EPA helps you clean?

John: They have an agreement with EPA to have certain uses for the property. They came in and gave it the stamp of approval with these restrictions. One of the restrictions is fencing on the property. It's not healthy to be on it without cap, but we'll cap it. The capping is hard gravel. Technically we don't need to cap it if we fence it. But we're doing both. We can't ever do residential once it's capped.

**Alina:** What about light? People's homes that will be affected by that? Have you had any other idea that don't include beer? Something family friendly? Beer sells, it's a business. Have you had any other ideas? We're so saturated with beer and liquor.

Ryan: One of the buildings we owned this year was art all night. We don't want it to be like southside. Creative reuse.

**Justin:** Where's the revenue steam for this place? Other bars selling? Other food selling? If you guys only make a small portion, who's responsible?

John: More of a co-op, not a rental. You need someone whos accountable which will be us.

Justin: If this is a space for the community, what's the draw? It's already a saturated area. There's tons of areas that have nice outdoors and craft destinations. I don't see it being a community thing. If your revenue model isn't based on sales of alcohol, our community could use something else. Someone would rent community garden space. There's gotta be a draw other than alcohol. There's a lot of good destinations in our area that you're going to be competing against.

John: I understand that side of it but we think this is something you want to go to. Maybe we could put a section of the property. Maybe we do cornhole. Maybe we work with Phipps Conservatory to beautify the lot. The first stumble is how do we get through zoning. If we come to you guys with a strict plan, we just wasted a lot of resources if it doesn't manifest. We believe entertainment of some sort is part of the draw.

Ryan: The space has to be special and unique. It's not all the way there because we can't get there without talking to you guys.

Amy: Would that space be able to accommodate a farmers market or artist market?

John: I'd have to look but I think that's a good idea. Is that something you'd be interested in?

Amy: If you had a market that stopped at 5, and you'd be supporting local artists, that'd be great. The late hours and noise are part of the problem.

Dave, email questions:

Will the surface be leveled?

John: Yes. Hard compact gravel.

Would you be willing to leave parking or amenities available for community use even when the beer garden is not in use?

John: Yes, we'd be open to that but we'd have to figure out how to make that work from a liability standpoint and a safety standpoint.

The programming on the site is about 5,000 sq feet?

John: Yes.

**Justin:** When do you plan to be open?

John: Most likely next summer. We originally were shooting for October, but that doesn't look like it'll happen now. No winter use.

**Alina:** In winter, it would just be a fenced in lot?

John: Yes.

**Closed Door Portion:**

Concerns we've heard so far are hours, saturation, noise, occupancy.

- My concern is the draw, who are they marketing to and if it's Cantina, they're drawing the wrong kind of crowd...I am concerned with the type of clientele. It doesn't fit with the community.

- The food trucks are pretty noisy themselves and have food smells. They'll have air conditioning on them and be noisy too.

- If they have all that property, why won't they move the programming as far away as possible?

- If Cantina is doing it for 3 weekends, Cantina is doing it to his Cantina crowd. And the Spirit people will market to their crowd. Each place has its own vibe. It could be more cacophonous. It depends how it's run.

- As a developer, I understand where they're coming from. They're cleaning up a really bad lot that no one else will touch. I've worked with them and they're very responsible. They will work with you to address your concerns.

- I get that it's urban industrial. I get that. But the truth is the other industrial warehouses on the block are fine because they operate M-F during business hours and the trucks rumble in and out and when we come home it's quiet. There's a respectful symbiosis between the residents and the businesses. It's a question of motivation. Are they helping a long neglected parcel of land? And they're buying it and trying to squeeze money out of it? This business model is all over the place; a low capital investment for them for decent ongoing financial input.

-It's concerning that they keep saying they're not in the bar business. A red flag is a turnover of different vendors. The responsibility there has to be someone's full time job. It's not going to be this community urban garden.

Zoning hearing is at 9 am on Thursday. Everyone can attend the zoning board. They will also accept written testimony. Email it to Dave. You can't read a written testimony, but should speak off the cuff if you attend the Zoning Board hearing.