

IN THE MATTER OF : BEFORE THE LOWER ALLEN TOWNSHIP
THE APPLICATION OF : ZONING HEARING BOARD
CEDAR CLIFF PROPERTIES, LLC : CUMBERLAND COUNTY, PENNSYLVANIA
:
: DOCKET NO. 2021-06

DECISION GRANTING A SPECIAL EXCEPTION

The Applicant seeks a special exception to reduce the number of off-street parking spaces required in connection with proposed restaurant uses. A hearing was held before the Board on August 19, 2021.

FINDINGS OF FACT

1. Notice of the hearing was properly advertised, the subject property was posted, and all property owners required to be notified of the hearing were notified in accordance with the Codified Ordinances.

2. The Applicant is Cedar Cliff Properties, LLC, 670 Grays Woods Blvd., Port Matilda, PA 16870.

3. The subject property is owned by First National Bank of Pennsylvania, 100 Federal Street, Pittsburgh, PA 15212. The Applicant has an equitable interest through an executory agreement of sale.

4. The subject property is approximately 3 acres in area, and improved with two commercial buildings and associated parking and access drives. One building is occupied by a CVS Pharmacy, and the other is vacant, having most recently been occupied by a bank.

5. The subject property is part of a condominium project and is located in a C-1 district.

6. The Applicant proposes to establish in the vacant building, which, after expansion, will contain 4,310 square feet, two restaurant businesses which will operate fast casual restaurants.

7. One restaurant (Chipotle) will seat a maximum of 40 people, and have a pick-up window accessible by automobile. The other (Jersey Mike's) will seat a maximum of 30 people.

8. The CVS Pharmacy has 57 off-street parking spaces.

9. The Applicant proposes to provide 34 off-street parking spaces for the restaurant uses, for a total of 91 spaces for the subject property.

10. The Applicant provided a parking analysis supporting its belief that 91 spaces will be adequate for all of the uses.

CONCLUSIONS OF LAW

1. The Board's jurisdictional authority to decide a request for a special exception is provided in Sections 220-269(B)(6) and (D) of the Codified Ordinances.

2. The Codified Ordinances require 55 off-street parking spaces for the CVS, and 144 spaces for the restaurants, for a total of 199 spaces.

3. Section 220-241 of the Codified Ordinances authorizes the Board to reduce, by special exception, the number and size of off-street parking space requirements where the Applicant can justify the reduction and still provide adequate off-street parking facilities.

4. The Applicant has established to the Board's satisfaction that 91 off-street parking spaces will be adequate, and has demonstrated compliance with all of the standards and criteria for the requested special exception.

5. The proposed special exception will not be detrimental to the public health, safety or welfare.

DECISION

Based upon the foregoing findings and conclusions, and in consideration of the testimony and evidence presented to the

Board, it is the decision of the Board that the Applicant's request for a special exception be and is approved, subject to the condition that the Applicant shall maintain strict conformance with the testimony, evidence and plans submitted to the Board.

Dated:

9.21.2021

LOWER ALLEN TOWNSHIP ZONING
HEARING BOARD



Solicitor