

IN THE MATTER OF : BEFORE THE LOWER ALLEN TOWNSHIP
THE APPLICATION OF : ZONING HEARING BOARD
LOWER ALLEN COMMONS, II LLC : CUMBERLAND COUNTY, PENNSYLVANIA
: :
: DOCKET NO. 2022-02

DECISION GRANTING A SPECIAL EXCEPTION

The Applicant seeks a special exception to reduce the required number of off-street parking spaces. A hearing was held before the Board on March 17, 2022.

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 Lower Allen Commons, II LLC, 100 Front Street, Suite 560, West Conshohocken, PA. The owner of the subject property is Lower Allen Township Development Authority.

3. The subject property is a parcel of approximately one acre of land in a C-4 zoning district, known as Condominium Unit 1, 3521 Gettysburg Road.

4. The subject property is a vacant parking lot.

5. The Applicant proposes to erect a building having approximately 5,000 square feet, 2,177 of which shall be occupied by a Starbuck's facility, with drive-through service, and the remainder of which may be occupied by a food service establishment.

6. The Applicant proposes to provide 44 off-street parking spaces. Based upon demands of other similar facilities, Applicant believes 25 to 30 spaces will be adequate for the Starbuck's facility.

7. No one objected to the requested relief.

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 a total of 167 off-street parking spaces for the proposed uses on the subject property.

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 44 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 hereby granted, subject to the following conditions: 1) the tenant for the portion of the building not used by Starbuck's shall not have drive-through service; and 2) the appropriateness of the number of off-street parking spaces allocated to the yet to be determined tenant shall be evaluated at the time the tenant is identified; and 3) Applicant shall maintain

strict conformance with the testimony, plans and evidence presented to the Board.

LOWER ALLEN TOWNSHIP ZONING
HEARING BOARD

Date:

4-20-2022

Ann Moran

[Signature]

Solicitor