

**BEFORE THE BOARD OF COMMISSIONERS
OF LOWER ALLEN TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA**

IN THE MATTER OF THE : **DOCKET No. ZOA 2008-01**
VERTICAL PROPERTIES, L.P.’S :
APPLICATION TO AMEND :
SECTION 220-87(I) TO PERMIT :
ACCESSORY OFFICE USES FOR :
NON-RELATED BUSINESSES IN :
THE I-1 INDUSTRIAL DISTRICT :

ADJUDICATION

BY THE BOARD OF COMMISSIONERS: May 27, 2008

Vertical Properties, L.P. (herein “Vertical”) filed with the Board of Commissioners (herein “Board”) an application for amendment to Zoning Ordinance on or about December 31, 2007 to permit a business office accessory to a principle use in the I-1 Industrial District. Lower Allen Township Staff (herein “Staff”) acted on the application of Vertical by docketing the Application to Docket Number ZOA 2008-01 and Ordinance 2008-01 was prepared. The application was presented to the Board on January 7, 2008.

A public hearing was held on May 12, 2008 pursuant to advertising requirements of the Municipalities Planning Code. Public notices were published in the *Patriot News, Metro West Edition*, on April 23, 2008 and April 30, 2008.

The Board of Commissioners has reviewed the Application, and has opted to approve the text amendment by enacting Ordinance 2008-01 as follows:

I. FINDINGS OF FACT

1. The Owner and Applicant for the text amendment is Vertical Properties, L.P., 4400 Gettysburg Road, Camp Hill, Pennsylvania 17011.
2. Applicant owns a tract in Lower Allen Township, located at 1332 Slate Hill Road, Camp Hill, Pennsylvania 17011. The property is further described as tax parcels 13-25-0020-052, 13-25-0258-002 and 13-25-0020-050. The property consists of approximately 50 acres and is located in the I-1 Industrial Zone.
3. The Lower Allen Township Planning Commission recommended a previous text amendment that would have permitted 60% of the proposed building to be unrelated office space. This action was taken on February 19, 2008.

4. The Cumberland County Planning Department recommended approval of the Text Amendment provided that the non-related office space would be 50% or less of the gross square footage. This action was presented in a March 10, 2008 letter.

5. Applicant presented testimony through Steven Quigley, representing H. Edward Black and Associates of 2403 North Front Street, Harrisburg, Pennsylvania 17110. The Applicant indicated that the parcels consist of the former Hart farm and related buildings. The proposed use would be the construction of a business office, construction equipment yard, concrete batch plant and related storage areas.

6. Applicant requested a text amendment to permit the Applicant to build a business office structure for anticipated growth in the business. The Applicant believes that the unrelated office space will eventually be used by the Applicant in its business.

7. Staff recommended approval of the proposed text amendment but conditioned its approval on making the percentage of non-associated use a subordinate amount.

8. Applicant's text amendment limits the non-related business office space to 45% of the gross floor area of the building. The percentage of non-related business office space comports with the staff recommendation.

9. Approval of Applicant's text amendment through Ordinance 2008-01 will have no adverse impact on the public health, safety and morals of the citizens of the Township.

II. CONCLUSIONS OF LAW

1. The Board of Commissioners has the power to determine what uses are permitted in a particular zoning district through the general powers granted by Section 603 of the Municipalities Planning Code of 1988, as amended, (herein "MPC"), 53 P.S. Section 10603 as amended.

2. The Township has complied with the requirements of Section 609 of the Pennsylvania Municipalities Planning Code (53 P.S. Section 10609(b)(1)) by providing for public notice and public hearing on this matter.

3. Approval of this text amendment through enactment of Ordinance 2008-01 as proposed by Township Staff will have no adverse effect on the public health, safety or morals of the citizens of the Township.

III. DECISION

By reason of the foregoing, Zoning Application 2008-01 is approved.

ATTEST:
(Corporate Seal)

BOARD OF COMMISSIONERS
OF LOWER ALLEN TOWNSHIP

(Assistant Secretary)

(Vice) President