

**LOWER ALLEN
ZONING HEARING BOARD**

IN THE MATTER OF: 2501 Gettysburg Road/3303 Hartzdale Drive
 Zone: General Commercial (C-2)
 Applicant: Sheetz, Inc.
 Application No. 2024-04

REQUEST FOR: **SPECIAL EXCEPTION FOR ZONING RELIEF FROM THE
NUMBER OF OFF-STREET PARKING SPACES
REQUIRED FOR THE MULTIPLE USES ON-SITE**

BEFORE: Moran, Chair
 Bonneville, Vice Chair
 Migala, Participating Alternate

DECISION

Applicant filed an application for a special exception for zoning relief for the number of off-street parking spaces required for a convenience store use, a fast food restaurant use, and a gasoline service station /vehicular service establishment use it intends to develop on the properties located at 2501 Gettysburg Road and 3303 Hartzdale Drive, which are located in the General Commercial (C-2) Zoning District. The Zoning Hearing Board (Board) considered and decided Applicant's special exception request at the August 15, 2024 meeting.

EXHIBITS

- B-1 Application for special exception with attached narrative.
- B-2 Plan
- B-3 Parking Demand Evaluation
- B-4 Certificate of Service of public notice and written notice of hearing on special exception application
- A-1 Application
- A-2 Concept Plan
- A-3 Parking Demand Evaluation

FINDINGS OF FACT

1. On or about July 16, 2024, Sheetz, Inc. (Applicant) applied for zoning relief in the form of a special exception for zoning relief from the number of off-street parking spaces required for the multiple uses (convenience store, fast food restaurant, and gasoline service station uses) it intends to develop on the properties located at 2501 Gettysburg Road and 3303 Hartzdale Drive, Lower Allen Township/Camp Hill, Pennsylvania (property).

2. A hearing on the application took place on August 15, 2024.

3. Public notice of the hearing on the application was published in the Patriot News on July 30, 2024, and August 6, 2024. Notice of the hearing was posted at the Lower Allen Township Municipal Building and on Township's website on August 1, 2024, and placed on Applicant's property on August 1, 2024.

4. Notice of the hearing was mailed to Applicant and adjoining property owners on August 2, 2024.

5. No objections as to the method and timing of notice and advertising were raised.

6. No objections as to any of the exhibits submitted into the record at the hearing were raised.

7. The property is located in the General Commercial (C-2) Zoning District.

8. The Applicant has standing to pursue the zoning relief requested as it has the authorizations of the owners of the properties¹.

9. Testimony at the hearing was taken from Josh Weidler, engineer with BL Companies, and Eric Mountz, engineer with Traffic Planning & Design, Inc., on behalf of

¹ The owner of 2501 Gettysburg Road is Farrow Holdings, LLC, and the owner of 3303 Hartzdale Drive is David Becker.

Applicant, Sheetz, Inc.; and Thomas Ernst, a neighbor to the property. Applicant was represented at the hearing by Adam DeBernardis, Esq., from McNees Wallace & Nurick, LLC.

10. The property is approximately 2.38 acres; 2501 Gettysburg Road (0.95 acres) is a corner lot that is the location of the Battery Plus retail store, and 3303 Hartzdale Drive (1.42 acres) is the location of the Camp Hill Auto & Truck auto repair facility.

11. The property is bounded by Gettysburg Road to the south, Hartzdale Drive to the east, and Lebanon Avenue to the west.

12. The property is surrounded by a variety of commercial, retail, and professional services businesses, including an optometrist, a retail store, and a shopping center.

13. There are single family homes to the southeast of the property.

14. The project includes the demolition of two existing commercial buildings and the construction of an approximate 4,996 square foot, one story, commercial building with 42 off-street parking spaces, and a canopy over six fueling pumps, each with two fueling nozzles.

15. Applicant plans to operate a convenience store, a fast food restaurant, and fuel sales uses on the property.

16. All proposed uses are permitted uses in the C-2 Zoning District.

17. Applicant intends to sell prepackaged food and beverage products, as well as other goods commonly associated with a convenience store, as well prepared food and beverages, which can be ordered on-site.

18. Customers will be able to consume food and beverages either on-site in indoor or outdoor dining areas, or off-site.

19. The facility will be open 24 hours per day, seven days a week, and will have approximately ten (10) employees on the premises on its largest shift.

20. The property is currently served by all existing public service systems, including public water, public sewer and utilities.

21. There are three (3) proposed access points to the operation, two (2) along Hartzdale Drive; one at the northwest corner of the site, and the other at the southwest corner of the site; and the third access point is along Lebanon Avenue.

22. The convenience store use requires 23 off-street parking spaces (3,378 sq. ft./150 sq. ft.); the fast food restaurant use requires 53 off-street parking spaces (1,588 sq. ft./30 sq. ft.); and the fuel sales use requires two (2) off-street spaces (6 fuel positions/3 fuel pumps); which totals 78 off-street parking spaces required for the proposed operation.

23. Applicant plans to provide 42 off-street parking spaces on-site.

24. The proposed operation will not adversely impact parking outside of the site as it will not utilize parking on streets or other areas beyond the site itself.

25. The site design provides for the availability of emergency services to all uses of the operation.

26. Peak traffic and parking demands generated by the proposed operation will be accommodated in a safe and efficient manner

27. The proposal will not adversely impact the character of the existing neighborhood nor will it substantially detract from the use of neighboring property.

CONCLUSIONS OF LAW

1. The Lower Allen Township Zoning Hearing Board has jurisdiction to hear the above-captioned application pursuant to Section 220-269(B)(6) of the Lower Allen Township Zoning Code and 53 P.S. Section 10909.1(a)(5) of the Pennsylvania Municipalities Planning Code.

2. Proper notice of the hearing was given to the public and to all interested parties.

3. Exhibits B-1 through B-4, and A-1 through A-3, were properly admitted into evidence.

4. Applicant has sustained its burden of proof for a special exception for zoning relief from 36 of the off-street parking spaces required for the uses proposed for the operation described in its application and attached narrative in accordance with the attached discussion and decision.

DISCUSSION

The property is located in the General Commercial (C-2) Zoning District which is regulated by Article 9 of Chapter 220 – Lower Allen Township Zoning Code (Zoning Code). Applicant is proposing to develop the property to construct and operate a convenience store with fuel sales, and a fast food restaurant. The Ordinance provides the off-street parking requirements for each use. Section 220-239(A). A convenience store use requires one (1) off-street parking space per 150 sq. ft of gross floor area (GFA). Applicant's proposed convenience store will be 3,378 sq. ft., which equates to 23 required off-street parking spaces. A fast food restaurant use requires one (1) off-street parking space per 30 sq. ft of GFA. Applicant's proposed fast food restaurant will be 1,588 sq. ft., which equates to 53 required off-street parking spaces. A gasoline service station use requires one (1) off-street parking space per 3 fuel pumps. Applicant is proposing six (6) fuel pumps, which equates to two (2) off-street parking spaces. The operation on the property will require 78 off-street parking spaces. Applicant is proposing to provide 42 off-street parking space. The Ordinance allows for a reduction in the number of required off-street parking spaces by the Board's approval of a special exception application where the Applicant can justify the reduction and still provide adequate parking facilities and stacking distances to serve the proposed uses of the structure or land. Section 220-241 Applicant applied for a special exception for zoning relief from 36 of the off-street parking spaces required for the proposed operation on the property.

Applicant submitted a parking demand evaluation (PDE or evaluation) prepared by Traffic Planning and Design, Inc. (TPD) describing the parking demands of the proposed operation on the property at its peak times during the week and weekend. See Ex. B-3 & A-3. This evaluation was based on parking generation data obtained from the Parking Generation Manual, 6th Edition, 2023 (Manual), which was prepared by the Institute of Transportation Engineers (ITE)². Based on the data, it was determined that the average peak parking demand rate for a convenience store on a weekday was 8.21 per 1,000 sq. ft. of gross floor area, which equated to 41 parked vehicles on the property at the average peak parking demand time ($8.21 \times 4.966 = 40.77$). TPD also used the ITE Manual to calculate the average peak parking demand rate on a Saturday (5.67 per 1,000 sq. ft.), which equated to 29 parked vehicles on the property at the average peak parking demand time ($5.67 \times 4.966 = 28.16$).

The PDE was also based on manual parking counts at an existing Sheetz store located at 1508 Cedar Cliff Drive in Camp Hill. The Cedar Cliff location consists of a 4,913 sq. ft. store with six (6) fuel pumps which is comparable to the Sheetz store proposed in the application. The peak parking demand period for a convenience store/gas station use is 12:00 – 1:00 p.m. during a weekday. (ITE 2023 Manual) Applicant's traffic engineer, Eric Mountz, did manual counts on a Wednesday and Thursday, between 11:30 a.m. and 1:30 p.m. to cover the peak time. The manual counts revealed that the peak parking demand was 35 vehicles at 12:15 p.m. Thursday, July 11, 2024 at the Cedar Cliff Sheetz location.

² The manuals are typically the industry standard in calculating parking demand for various uses. ITE solicits and obtains data nationwide based on manual parking counts for various uses. ITE compiles the data for a particular land use and develops a parking demand rate that is utilized to calculate the peak parking demand, or the single highest parking demand over the course of a day. This is done by multiplying the rate by the store size, for a convenience store use.

The Cedar Cliff Sheetz applied for multiple requests for zoning relief, including the number of required off-street parking spaces, which was approved by the Board by decision dated December 23, 2019. At that time, Sheetz proposed that it needed 40 off-street parking spaces for the same multiple uses proposed in the current application. The Ordinance required 79 off-street parking spaces. The manual count conducted on July 11, 2024, revealed a peak parking demand of 35 parked vehicles, which is less than, but within range of Sheetz proposal in 2019. Eric Mountz, Applicant's traffic engineering expert, has worked on 80+ Sheetz projects over his career, and stated the 42 off-street parking spaces is in line with every Sheetz store. He testified that Sheetz knows their parking demand. (E. Mountz, Notes of Testimony, 8/15/2024, p.25.

Applicant proposes 42 off-street parking spaces on the property to serve the multiple uses on-site, which exceeds the average peak parking demands of 41 parked vehicles and 29 parked vehicles utilizing ITE's 2023 Parking Generation Manual for a weekday and weekend respectively, as well as exceeds the peak parking demand of 35 vehicles observed during the manual parking counts conducted at the existing Sheetz Cedar Cliff location. Applicant submitted sufficient evidence to justify the reduction of required off-street parking spaces from 78 spaces to 42 spaces, which will still provide adequate parking facilities and stacking distances to serve the proposed uses of the Sheetz operations on the property.

The Zoning Code states the following for a Special Exception application and its requirements for approval:

Section 220-269 Zoning Hearing Board

D. Special exceptions.

In this chapter, special exceptions may be granted or denied by the Zoning Hearing Board pursuant to expressed standards and criteria contained in this chapter. The Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria and prescribe the application form to be used. The Board may grant approval of a special exception, provided that the applicant complies with the following standards and that the proposed special exception shall not be detrimental to the health, safety or welfare of the neighborhood. The burden of proof shall rest with the applicant.

(1) The applicant shall establish, by credible evidence, compliance with all conditions on the special exception contained within this chapter which give the applicant the right to seek the special exception.

(2) The applicant shall establish, by credible evidence, that the proposed special exception shall be properly serviced by all existing public service systems. The peak traffic and parking demands generated by the subject of the application shall be accommodated in a safe and efficient manner or improvements shall be made in order to effect the same. Similar responsibilities shall be assumed with respect to other public service systems, including, but not limited to police protection, fire protection, utilities, and parks and recreational facilities.

(3) The applicant shall establish, by credible evidence, that the proposed special exception shall be in and of itself properly designed with regard to internal circulation, parking, buffering and all other elements of proper design as specified in this chapter and any other governing law or regulation.

(4) The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.

(5) For uses, structures or any development within the overlay Floodway (FW) and Flood Fringe (FF) Districts, the applicant shall present evidence of the effect of the use, structure or development on flood levels, flood frequencies and velocities; the susceptibility of the use, structure or development to flood damage; the availability of emergency access to the use, structure or development in times of flood; the necessity of the use, structure or development to be located near the floodplain; and the compliance with the requirement that the use, structure or development will not be located in the floodplain if the use, structure or development increases the base flood elevation.

(6) The applicant shall inform the Board whether any structures on the property are listed upon the National Register of Historic Places or any other registry of historic structures.

(7) The proposed special exception shall not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and the use of property adjacent to the area included in the special exception application shall be adequately safeguarded.

The property is currently served by public water, public sewer and utilities which will continue for the proposed operation. Applicant submitted credible evidence (parking demand evaluation) that the peak traffic and parking demands generated by the multiple uses proposed for the site shall be accommodated in a safe and efficient manner. Applicant's site plan shows that the proposed Sheetz is properly designed with regard to internal circulation, parking, and buffering. Applicant established that the proposed operation will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and the use of property adjacent to the property will be adequately safeguarded.

Accordingly, we find that the Applicant has sustained its burden of proving entitlement to the special exception requested for zoning relief from 36 off-street parking spaces required for the Sheetz convenience store, fast food restaurant, and fuel sales uses proposed for the property.

ORDER

Applicant is granted a special exception as authorized by Section 220-241 of the Ordinance for zoning relief from 36 off-street parking spaces required for the multiple proposed uses on the property pursuant to Sections 220-239(A) of the Ordinance. The special exception granted applies to the properties located at 2501 Gettysburg Road and 3303 Hartzdale Road, Lower Allen Township, PA.

(SIGNATURE PAGE TO FOLLOW)

LOWER ALLEN TOWNSHIP ZONING HEARING BOARD

Date: 9/20/24

By: Ann Moran
Ann Moran, Chair