

## **CONDITIONAL USE DECISION**

**IN RE:           APPLICANT: ALLAN LUNDBERG**  
**PROPERTY OWNERS: LEGENDS OF PITTSBURGH**

### **FINDINGS OF FACT**

1. The Borough of Tarentum (hereinafter “Borough”) is organized and existing under the laws of the Commonwealth of Pennsylvania.
2. The Borough has enacted a Zoning Ordinance known as the Borough of Tarentum Zoning Ordinance and codified as Chapter 265 of the Code of the Borough of Tarentum (hereinafter “Ordinance”).
3. On May 30, 2023, Allan Lundberg (hereinafter “Lundberg”) filed a request for a conditional use permit to use the property for a fitness and training center located at 344 West 9<sup>th</sup> Avenue, Tarentum, Pennsylvania 15084. Said property is at parcel ID number 1223-N-90.
4. The property is located within the Mixed-Density Residential District (R-2) zoning district.
5. The Ordinance does not provide for a Fitness and Training Center in the R-2 zoning district.
6. Pursuant to said request for a conditional use, a public hearing was held on July 28, 2023, at 5:00 o’clock P.M. at the Tarentum Borough Building.
7. Said public hearing was held after due notice as required by the Borough Code and the Pennsylvania Municipalities Planning Code (hereinafter “MPC”).

8. Following the public hearing on July 28, 2022, Council held a regular meeting wherein they approved the conditional use application of Lundberg.

9. Pursuant to an additional request for a conditional use, a public hearing was held on September 5, 2023, at 5:00 o'clock P.M. at the Tarentum Borough Building.

10. Said public hearing was held after due notice as required by the Borough Code and the MPC.

11. Following the public hearing on September 5, 2023, Council held a regular meeting on September 12, 2023 wherein they approved the conditional use application of Lundberg.

12. Pursuant to an additional request for a conditional use, a public hearing was held on December 12, 2023, at 5:00 o'clock P.M. at the Tarentum Borough Building.

13. Said public hearing was held after due notice as required by the Borough Code and the MPC.

14. Following the public hearing on December 12, 2023, Council held a regular meeting on January 9, 2024 wherein they approved the conditional use application of Lundberg.

15. Pursuant to an additional request for a conditional use, a public hearing was held on April 2, 2024, at 5:45 o'clock P.M. at the Tarentum Borough Building.

16. Said public hearing was held after due notice as required by the Borough Code and the MPC.

17. At the public hearing, Lundberg, and any and all interested parties were given ample opportunity to testify with respect to all provisions and considerations of said application.

18. The subject property was previously used as a Church and was vacant at the time of the public hearing.

19. At the public hearing, Allan Lundberg testified as follows:

- (a) Lundberg would be changing the previously approved plan to build a structure over the playing surface to proceeding with the playing surface without a structure built over it.

20. Two (2) residents testified as follows:

- (a) One (1) resident asked about the height of the fence;
- (b) One (1) resident had a concern about the basketball court and soccer field; and
- (c) Two (2) residents did not voice an objection to the application for the conditional use.

21. This relevant code sections to this matter are Section 265-502-Specific Conditional Use Standards and Section 265-203-Use Definitions.

22. The proposed use is not inconsistent with the residential character of the neighborhood.

23. The proposed use will not adversely affect the health, safety or welfare of the residents of the surrounding area.

24. The proposed use will not deteriorate the environment or generate extraordinary nuisance conditions.

25. Following the public hearing on April 2, 2024, Council held a regular meeting wherein they approved the conditional use application of Lundberg.

**CONCLUSIONS OF LAW**

1. The Borough of Tarentum has jurisdiction to grant the request for a conditional use approval.

2. The proposed conditional use is consistent with the Comprehensive Plan for Development within the Borough of Tarentum.

3. The proposed use is consistent with the intent and purposes of the Borough of Tarentum Zoning Ordinance and does not adversely affect the public interest.

4. The Borough of Tarentum has complied with all notice requirements of the Township Zoning Ordinance and the Pennsylvania Municipalities Planning Code.

**DECISION**

After due consideration of the request for Conditional Use approval and the testimony presented at a duly advertised public hearing, the Borough of Tarentum Council does hereby grant said request for Conditional Use.

IT APPEARING TO THE COUNCIL OF THE BOROUGH OF TARENTUM, that the foregoing constitutes the complete Findings of Fact, Conclusions of Law and Decision of Council, said Decision is APPROVED AND ADOPTED on the \_\_\_\_ day of April, 2024.

BOROUGH OF TARENTUM  
COUNCIL

By \_\_\_\_\_  
President, Scott Dadowski

ATTEST: (SEAL)

\_\_\_\_\_  
Secretary