



**TOWNSHIP OF NORTH FAYETTE
RESOLUTION NO. 97-24**

A RESOLUTION OF THE TOWNSHIP OF NORTH FAYETTE, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, GRANTING CONDITIONAL USE APPROVAL ATA IMPERIAL MARTIAL ARTS ACADEMY TO ALLOW A FITNESS CENTER AT 7857 STEUBENVILLE PIKE, OAKDALE, PA 15071, ALSO KNOWN AS ALLEGHENY COUNTY TAX PARCEL NO. 690-H-6.

WHEREAS, Act 247 of 1986, The Pennsylvania Municipalities Planning Code, empowers the governing body of a municipality to regulate subdivisions and land developments within the Municipality; and

WHEREAS, the Township of North Fayette (the "Township") is desirous of orderly and appropriate land use and development to protect the health, safety, and welfare of Township residents; and

WHEREAS, ATA Imperial Martial Arts Academy (hereafter referred to as "Applicant") is the lessee of a property located in the Township at 7857 Steubenville Pike, Oakdale, PA, 15071 in the MU Mixed Use Zoning District and referred to as Allegheny County Tax Parcel No. 690-H-6 (the "Property"); and

WHEREAS, the Applicant has applied for a Conditional Use permit ("Plan") to allow a fitness center on the Property; and

WHEREAS, the Township of North Fayette Zoning Ordinance ("Ordinance") permits various uses by conditional use; and

WHEREAS, the Township Department of Community Development reviewed the Plan and provided a review letter dated September 4, 2024 ("Township Review Memorandum"), attached as Exhibit 'A' that provided comments with regard to the Plan; and

WHEREAS, the Applicant presented the Plan to the Township of North Fayette Planning Commission at its September 5, 2024 public meeting and recommended to the Board of Supervisors that the Conditional Use application be approved; and

WHEREAS, the Applicant now desires the Board of Supervisors consider its Conditional Use approval.

NOW, THEREFORE, BE IT RESOLVED by the Township of North Fayette Board of Supervisors that the Conditional Use approval at 7857 Steubenville Pike, Oakdale, PA, 15071 as submitted by ATA Martial Arts Academy is hereby **APPROVED** subject to Applicant's compliance with the following conditions:

- a. Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhoods.
- b. The scale, massing, and building design shall be compatible with the surrounding neighborhood.
- c. No outdoor loading or service areas, including dumpsters, shall be located within the side or rear yard setback areas.
- d. Applicants must clearly demonstrate that the use will be compatible with the existing neighborhood, particularly with regard to traffic circulation, parking, and appearance.
- e. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- f. The vehicular and pedestrian circulation system shall be designed to minimize conflicts between vehicular and pedestrian circulation.
- g. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.

Further, the Resolution with approvals and conditions as contained herein does not and shall not authorize the construction of improvements or buildings. Furthermore, this Resolution with approvals and conditions as contained herein shall be rescinded automatically upon Applicant's or Applicant's agent's failure to accept, in writing, all conditions herein imposed within thirty (30) days of the approval of the Resolution, such acceptance to be evidenced by Applicant's or Applicant's agent's signature below.

AND NOW, this 10th day of September 2024, upon motion duly made and seconded, the foregoing **RESOLUTION** is hereby adopted.

ATTEST:

**TOWNSHIP OF NORTH FAYETTE
BOARD OF SUPERVISORS**



James Mangan
Township Manager



James Morosetti, Chairman

ATA Imperial Martial Arts Academy, the Applicant seeking Conditional Use approval pursuant to Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, as amended, for a fitness center at 7857 Steubenville Pike, Oakdale, PA, 15071 (a/k/a Tax Parcel ID No. 690-H-6) located in the Township of North Fayette, County of Allegheny, Commonwealth of Pennsylvania, acknowledges receipt of the foregoing Revised Findings of Fact, Conclusions, and Decision of the Board of Supervisors of North Fayette Township document, dated September 10, 2024, pertaining to same and accepts all the conditions contained therein.

ATTEST:

ATA Imperial Martial Arts Academy

By:

Print (Name/Title):

Date:

COMMONWEALTH OF PENNSYLVANIA)
)
COUNTY OF ALLEGHENY)

SS:

On this, the _____ day of _____, 2024, before me, the undersigned officer, personally appeared _____ (Name), _____ (Title), known (or satisfactorily proven) to me to be the person whose name is subscribed to the within instrument, who stated he/she has full authority to execute same on behalf of ATA Imperial Martial Arts Academy, and that he/she executed the same for the purposes therein contained.

Witness my hand and notarial seal this ___ day of _____, 2024. My commission expires the ___ day of _____, 20__.

SEAL

Notary Public

EXHIBIT 'A'



Memorandum

To: Planning Commission Members

Cc: Brendan Stadtfeld, Applicant (via email)

Board of Supervisors (via email)
Tom McDermott, Esq., Township Solicitor (via email)
Shawn Wingrove, P.E., Township Engineer (via email)
Andrew Hartwell, AICP, Assistant Township Manager (via email)
Debbie Midgley, Planning Technician (via email)

From: Michael Wozniak
Assistant Director, Community Development

Date: September 4, 2023

Re: Application 2023-16-CU – ATA Imperial Martial Arts Academy Conditional Use
Township Review Comments No. 1

I have reviewed the above referenced application and my comments are as follows:

1. Application Summary:

An application for Conditional Use approval of Fitness Center (Martial Arts Academy) located at 7857 Steubenville Pike, Oakdale, PA 15071 in the MU Mixed Use Zoning District (Allegheny County Parcel ID No. 690-H-6).

2. Waivers/Modifications:

A. As part of this application, no modifications or waivers are being requested.

3. Variances:

A. No variances have been granted or are currently under consideration for the site by the Zoning Hearing Board.

**Application 2023-16-CU – ATA Imperial Martial Arts Academy Conditional Use
Township Review Comments No. 1
September 4, 2023**

4. Township Engineer Review:

A. LSSE did not review this Conditional Use Application.

5. Community Development Review:

A. There are no Community Development Comments.

6. Township Solicitor Review:

A. Please refer to any comments from the Township Solicitor.

7. County Planning Agency Review:

A. The Planning Division of the Allegheny County Department of Economic Development (ACED) does not review Conditional Use Applications.

At this time, the application is complete. It is my recommendation that the Planning Commission recommend approval of the ATA Imperial Martial Arts Academy Conditional Use Plan to the Board of Supervisors.

Please let me know if you have any questions or concerns.

MW

EXHIBIT 'B'



EXHIBIT 'B'

September 10, 2024

***IN RE: APPLICATION FOR CONDITIONAL USE APPROVAL FOR A FITNESS CENTER AT
7857 STEUBENVILLE PIKE. (Application No. 2024-16-CU)***

**FINDINGS OF FACT, CONCLUSIONS, AND DECISION
OF THE BOARD OF SUPERVISORS OF NORTH FAYETTE TOWNSHIP**

Applicant/Property Owner:

APPLICANT

ATA Imperial Martial Arts Academy
7857 Steubenville Pike
Oakdale, PA 15071

PROPERTY OWNER

Parkway Plaza, LLC
3591 School Road
Murrysville, PA 15668

Procedural History

The Applicant filed the above application for Conditional Use on August 8, 2024. The planning commission recommended approval on September 5, 2024. On September 10, 2024, the Board of Supervisors of the Township of North Fayette held a public hearing regarding the Application of ATA Imperial Martial Arts Academy, for Conditional Use Approval of a fitness center located at 7857 Steubenville Pike.

FINDINGS OF FACT

1. Parkway Plaza, LLC is the owner of record of Allegheny County Tax Parcel Nos. 690-H-6.
2. The property, which is the subject of this application, is located at 7857 Steubenville Pike, Oakdale, PA, 15071, in the Township of North Fayette.
3. ATA Imperial Martial Arts Academy is the lessee of 7857 Steubenville Pike.

4. The subject property is located in the MU Mixed Use Zoning District.
5. The Application is subject to the general standards and criteria for a Conditional Use as outlined in the Township's Zoning Ordinance, specifically §27-601 and §27-647.

CONCLUSIONS

1. Before approving a conditional use application, the Board of Supervisors shall determine that the proposed use will not alter the established character and use of the neighborhood or district in which it is located, and that it will not substantially impair the use or development of adjacent properties. The Board of Supervisors shall use the following general standards, among other things, in its evaluation. These standards shall be in addition to any other requirements for a specific type of use or development.
 - A. The proposed use complies with all applicable provisions and requirements for that type of use contained in the Zoning Ordinance, unless a variance to any provision has been granted by the Zoning Hearing Board, and with other applicable Township, County and Commonwealth and Federal ordinances, laws, and regulations. The proposed use shall obtain applicable permits, licenses, and approvals from the Township, Allegheny County, Commonwealth of Pennsylvania, and Federal agencies before final approval of the conditional use application shall be granted. *The Instant Application meets this criterion.*
 - B. The proposed use is compatible with the surrounding land uses. It does not have a negative impact on the existing neighborhood or development in terms of air and water quality, noise, illumination and glare, restrictions to natural light and air circulation or other hazardous conditions that could endanger surrounding residents or impair the use of surrounding properties. *The Instant Application meets this criterion.*
 - C. The proposed site for the conditional use is suitable in terms of topography and soil conditions and size, based on number of projected users and the frequency of use of the proposed use. *The Instant Application meets this criterion.*
 - D. The proposed use provides screening or buffer areas as required by the Zoning Ordinance. *The Instant Application meets this criterion.*
 - E. The proposed use conforms to the scale, character and exterior appearance of existing structures and uses in the neighborhood in which it is located. *The Instant Application meets these criteria.*
2. The Board of Supervisors has taken into consideration the comments and recommendations of the Township's Administrative staff, including the Director of Community Development, as well as the comments, recommendations, and reports of its professional consultants. It has also considered and weighed the comments, plans, and other submissions of the applicant in reaching its conclusions.

3. The Planning Commission on September 5, 2024, recommended to the Board of Supervisors that the Conditional Use for a fitness center be approved, with adherence to the plans as submitted.
4. Considering all the information and comments of the applicant and by the Township administrative staff and professional consultants, the Board of Supervisors concludes that the Approval of the Application for Conditional Use is warranted so long as such approval contains the conditions expressed in these Findings, Conclusions, and Decision.

EXPRESS CONDITIONS

1. Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhoods. *The Instant Application meets this criterion.*
2. The scale, massing, and building design shall be compatible with the surrounding neighborhood. *The Instant Application meets this criterion.*
3. No outdoor loading or service areas, including dumpsters, shall be located within the side or rear yard setback areas. *The Instant Application meets this criterion.*
4. Applicants must clearly demonstrate that the use will be compatible with the existing neighborhood, particularly with regard to traffic circulation, parking, and appearance. *The Instant Application meets this criterion.*
5. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety. *The Instant Application meets this criterion.*
6. The vehicular and pedestrian circulation system shall be designed to minimize conflicts between vehicular and pedestrian circulation. *The Instant Application meets this criterion.*
7. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties. *The Instant Application meets this criterion.*

DECISION

- I. Decision regarding Application for Conditional Use Approval of a fitness center: Based on the Application, Plans, and other submissions, and upon the evidence, testimony, documents, and comments presented at the Public Hearing, upon the Planning Commission's recommendations, upon the recommendations of the Township Community Development Director and Township Engineers, and upon the foregoing Findings of Fact and Conclusions, the Board of Supervisors of North Fayette Township does hereby grant approval of this Application for Conditional Use, pursuant to the Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, as amended, for a fitness center at 7857 Steubenville Pike, Oakdale, PA, 15071 in the MU Mixed Use Zoning District (Allegheny County Tax Parcel No. 690-H-6), expressly contingent upon and subject to the following conditions:
 - A. Within thirty (30) days of receiving this written Decision of the Township, Applicant may notify the Township of its refusal to accept any or all of the conditions of this Approval, in which case the Township shall be deemed to have denied Approval of the Application. In the event the Applicant does not, within said period, notify the Township of his refusal to accept any condition, Approval of the Application, with all conditions as set forth above, shall stand and be part of this conditional Approval as granted.

TOWNSHIP OF NORTH FAYETTE BOARD OF SUPERVISORS, By:



James Morosetti, Chairman
North Fayette Township, Board of Supervisors

9/10/24

Date



Robert Doddato, Vice Chairman
North Fayette Township, Board of Supervisors

9/10/24

Date



Mark O'Donnell, Treasurer
North Fayette Township, Board of Supervisors

9/10/24

Date