



ALLENTOWN CITY PLANNING COMMISSION  
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## ALLENTOWN CITY PLANNING COMMISSION

PUBLIC MEETING    AUGUST 8, 2017

### MINUTES

#### MEMBERS PRESENT:

Mark Buchvalt, Vice-Chairman  
Richard Button, Secretary  
Damien Brown  
Christian Brown  
Jeff Glazier  
Richard Niesenbaum

#### CITY STAFF PRESENT:

David Kimmerly, Chief Planner  
Jesse Sadiua, Senior Planner  
Frederick Andrayko, Zoning Supervisor  
Craig Messinger, Interim Director of Public Works  
Mark Geosits, P.E. Senior Civil Engineer/Assistant City Engineer  
Nelson Varughese, Traffic Controls Superintendent  
Richard Rasch, Utility Engineer  
Jeanne Marsteller, Recording Secretary

#### OTHERS PRESENT:

See attached sign in sheet

#### MINUTES:

The minutes of July 11, 2017 were approved by a motion made by Jeff Glazier and second by Christian Brown as written.

### **STREET VACATION:**

#### **Klein Street from Appel Street to 26<sup>th</sup> Street 17-6 (V), requested by Ronald Zampell, Gerald D.Rodda, Jr., Aloma Zampell and Joseph Yocum.**

Aloma Zampell addressed the Commission by stating she lived on Appel Street for 48 years and Klein Street has been closed for 50+ years. To open it now would cause many unwanted situations like noise, safety, pollution from traffic and destroy the privacy and quiet environment that now exists. Removing the foliage on the area would be a large expense as well as the financial expense of installing curbing. This is a low pressure area so it would affect the water drainage and the run-off from the mountain. It won't be wide enough for two lanes and when it snows there would be a problem as to where to push the snow, except onto the neighboring property. Every family has at least two cars, so there would be hundreds of cars going through the area daily. The whole situation would affect the property value and the quality of life for the people and wildlife that live there now.

Mr. Buchvalt explained the staff report shows no objection from the city staff or any of the city departments. However, it is noted from the Lehigh County Authority (LCA) the petitioners should be aware that there is an existing sanitary sewer line that runs through this street and they must be contacted. If the street is vacated there would have to be a sanitary easement with LCA in order for them to maintain that sewer line.

Mr. Buchvalt questioned staff if the vacation can be granted without an easement in place. Mr. Messinger answered it would just be conditional approval. Mr. Buchvalt reiterated the city, based on the time frame, has no interest and lost all rights to this street and with the easement, it will allow LCA to come in and dig up the yard to have access to the pipe if necessary.

Ms. Zampell stated she was told by a city worker, that is a surveyor, the road cannot be open because when a road is closed for so many years, it cannot be opened. Mr. Buchvalt concurred, and stated this is basically a formality because technically it is already done.

Damien Brown asked if neighboring property owners have been notified, specifically the owner of the large property on Appel Street. Mr. Kimmerly replied yes they all got notified.

Janet Gehringer, 2524 Barnes Lane, asked if this gets moved forward, does it reinsure that strip is safe and not opened. Damien Brown said what it means is the neighboring property owners would have clear title to the land that is now in question. The developer in the neighborhood could approach them as individuals and theoretically buy the land to have rights and the city would have to agree to accept this. Mr. Buchvalt added it is pretty much already vacated and they can't open it. This formalizes having the property be divided among the adjoining property owners.

William Lee, 2605 S. 26<sup>th</sup> Street asked exactly where is Klein Street. Mr. Buchvalt pointed out the location on the map. Mr. Lee asked if this has anything to do with the development of the land on the other side of Appel. Mr. Buchvalt answered this is the private residents that adjoin Klein Street. Mr. Lee asked what is bringing this about. Mr. Buchvalt answered they submitted an application. Mr. Button interjected we have one of these about once of month, where there is an unopen street that is not used and the neighbors come and ask us to vacate it. Mr. Lee asked by the people that want to develop the land on the other side. Mr. Buchvalt said no, it is the people that have frontage on that strip of land. Damien Brown reiterated the neighbors requested this.

Mr. Button made a MOTION to recommend to City Council the vacation of Klein Street between Appel Street to 26<sup>th</sup> Street conditioned upon the petitioners contacting the Lehigh County Authority (LCA) to see if a utility easement is required. Mr. Glazier seconded. Motion passed unanimously.

### **SIDEWALK POSTPONEMENT REQUESTS:**

#### **1312 South 8<sup>th</sup> Street, west side of S. 8<sup>th</sup> Street, S17-8, requested by Paxos Group LP (tabled at July 11, 2017 meeting)**

The applicant was not present. Mr. Buchvalt stated this was tabled at the last meeting and he was absent from last month's meeting. The minutes from last month stated there was some discussion about them potentially doing some construction in the future and asked if they were here last month to state that. Mr. Button answered no.

Mr. Glazier stated if we deny it now, they could come back in the future. Mr. Buchvalt asked again if the applicant was present. No one came forward. Mr. Buchvalt continued by saying looking at the topography there is no reason that it could not be installed. Mr. Button added except for the reason that they will be developing the site within the next 2-3 years and want to incorporate the sidewalk into the development. Christian Brown said they could sell it tomorrow or something. Mr. Buchvalt stated another option is to table it for another month and give them one more month to show up and state their case. Is that where it was left last month? Mr. Glazier said no, the minutes would state that, but the understanding is that they were expected to be at this meeting. Christian Brown agreed and if we deny this application, they would probably reapply as he doesn't think there is anything to prevent them from reapplying. Several Commission members agreed.

Mr. Button made a motion to DENY this sidewalk postponement. Damien Brown seconded. Motion passed unanimously.

**1011 Lehigh Parkway East, frontage on W. Wyoming Street, S17-9, requested by Mark C. Van Horn, Esq. for Emerson Lloyd & Bendu Lloyd (continued from July 11, 2017 meeting)**

Attorney Mark Van Horn and Emerson Lloyd were present.

Atty. Van Horn presented a map of the immediate area and pointed out there is a shape issue with this lot, it's a rhomboid type shape. The proposed sidewalk is on the north side of the lot and the south side (Lehigh Parkway East) has an existing sidewalk. It's W. Wyoming up to the intersection is the area sidewalk and curb being postponed. The concerns of Mr. Lloyd's are the installation would impose a hardship because of the extent of where this is located, there is no foot traffic, this part of the neighborhood across the street is the only utilized area by pedestrians. No one really walks along this area, there are only three houses on the north side of Wyoming. All the public facilities are on the opposite side of the street. There are also two large sycamore trees that would need to be removed and that would create a large hole in the streetscape. These properties have exceptionally large lot as well as this being a corner lot with a long lot line. Additional items that are given concern is this is a smaller area, but would raise the issue increasing impervious surfaces as there is more and more runoff creating a problem. There is a slope down to the Lehigh Parkway and to avoid pooling at the bottom of that area this being the trees and the grassy area would help absorb the water.

Mr. Buchvalt stated the Commission does not waive the curb, that is Public Works. As far as the sidewalk goes there are some trees and utility poles there, but installed in the same alignment on the neighbor's property. If you are trying to get down Wyoming, you basically have to cross over to continue and doesn't see a need for sidewalk.

Mr. Glazier said the presumption there is you are turning to the right, but not all traffic may turn to the right. Mr. Buchvalt said there is nowhere else to go. Mr. Glazier answered yes at the end of the street you can go to the left, where there is a sidewalk. Mr. Buchvalt clarified you are saying someone would take a left. Mr. Glazier stated Wyoming is a major street, there is a stop light a block up on Jefferson Street so conceivably people may walk from E. Jefferson Street to the park on Wyoming Street. Mr. Buchvalt said he looked at it as there is sidewalk on his side and then on the other side, so there is no real point in walking on that little strip and the fact of the trees and utility poles there. Mr. Glazier stated he is familiar with this as he drives by it twice a day. The land is relatively flat, no impediments in terms of slope from putting this in. From the street up the land does slope down toward Lehigh Parkway East, but does not seem to be a problem and doesn't know if the trees would be in the way. Mr. Geosits stated the right-of-way is twelve feet wide. Mr. Glazier continued by stating the one issue he sees from one of the telephone poles is a guidewire that goes from the street towards the home and believes this is the only impediment. Can the sidewalk be placed in a safe spot between the telephone pole and where the guidewire comes down without a problem. Mr. Glazier has not measured it and can't answer that question.

Damien Brown stated the size of the parcel, some possible engineering challenges around the trees and utility wire combined with the fact curbs will be required here, it maybe unnecessarily burdensome to require the installation of sidewalks at this time.

Mr. Glazier clarified that there are one or two conditions that would allow for a postponement. Mr. Buchvalt said there are current characteristics of the site and looking at the overall pedestrian traffic. Damien Brown interjected the neighborhood warrants sidewalks and thinks the engineering challenges presented by the property are a matter of opinion, but some questions do exist in that area. Mr. Button asked if the reason is there is not a lot of pedestrian traffic because there is no sidewalk there. Atty. Van Horn said no, because if you are walking up

Lehigh Parkway you would not turn right because there are only two property owners there. You would cross the street if you were going to the church and the Regency Apartments or the park. Unless you are visiting the applicant or his neighbor, there would be no reason to turn the corner. Damien Brown added but people do take walks around the block. Mr. Glazier said it is a matter here of turning left. If you turn left and walk down to Lehigh Parkway there are three more blocks of home down that street. If you want to go to the park and you were on the south side of the street you could walk straight into the park because there is a "T". There are some areas that we deal with where the issue of traffic is more clear cut. Right now the engineering of the guidewire would affect placement of the sidewalk being put in safely and the trees are basically on the street.

Christian Brown said the trees are significant, but considerably disfigured and potentially in jeopardy from the installation of curb and sidewalk. We cannot control the curb, but the curb alone could warrant the trees coming down, but that would be evaluated by the City Forester. In order to put sidewalk in a 12-foot swath, between the face of the curb and the back of that 12 foot, you would encroach the tree roots and further compromise the trees that are already in pretty bad shape due to the overhead wire pruning. The trees become less of a factor in this decision because the curbing with probably take them out, again we have no control over. Otherwise we could swoop the sidewalk further away from the 12-foot zone, but it would be more in conflict with the guidewires as it gets closer to the intersection.

Mr. Buchvalt is struggling with the reality of it being needed. If you want to get to the park, church or apartments you are going to be on the other side of the street if this is extended or not. If you are coming up from the park and want to go down Lehigh Parkway East, you would walk on the sidewalk on the other side. The only useable area for this sidewalk is someone visiting the applicant then turn around and go back.

Damien Brown asked City Staff if it has been determined if curbing will be installed. Mr. Messinger answered the curb will be occurring. Christian Brown asked has the city forester looked at the area yet. City staff stated no. Mr. Buchvalt asked then do we postpone until the trees are looked at to see if they are coming down or not. Christian Brown stated that is his position, to follow the guidelines, the trees are the only thing that impose the reason to defer, but if the trees are suddenly not part of the equation, then it unfortunately for the applicant, changes. Damien Brown suggested granting a brief postponement like two years until that work is complete. Christian Brown asked how soon is that work scheduled. Mr. Geosits answered this season. Mr. Buchvalt asked when will the decision be made about the trees? Mr. Geosits replied when the crew gets to this location. Christian Brown said a lot of time it happens while they are excavating to see how bad the encroachment would be. Mr. Glazier stated he would be ok with a two-year delay and then the situation would become clearer.

Damien Brown made a motion to GRANT the postponement of sidewalk along W. Wyoming Street for a period of two (2) years. Mr. Niesenbaum second. Motion passed unanimously.

#### **LAND DEVELOPMENTS:**

**520 Hamilton Street (Croc Rock), 520 Hamilton Street, LMA-2017-00005 preliminary/final plan approval requested by City Center Investment Corp. The application proposes to demolish existing building and construct 13,500 sq. ft. 6-story building with retail and office on the first floor and 69 residential dwelling units total on remaining floors.**

Robert DiLorenzo, Project Manager and David Miller of Rettew Engineering, represented the applicant

Mr. DiLorenzo gave a brief overview of the project. It is proposed at this site a mixed-use development project composed of 69 residential dwellings, around 9,400 square feet of office space and 1,000 square feet of retail space that would front Hamilton Street. In the rear of the building it is proposed to include 3 artist work spaces that would front Maple Street, across from Bradbury Sullivan Community Center. In regards to the office space off of Hamilton Street, it is proposed to include co-working space, off of the success of the co-working space at 532 Hamilton Street (Velocity). There has been a very high demand for this type of work space and for independent entrepreneurs, likeminded people, individual consultants and people looking for smaller work space without the obligation off having to lease an entire office space.

In regards to the residential, it is proposing studios, 1 bedroom and 2 bedroom units. As far as the matrix of the breakdown of the 69 residential units, there is a proposed 21 studio units 43 one-bedroom units and 5 two-bedroom units. The one unique component of this building compared to the other residential buildings developed

downtown, is all the units on the sixth floor will include a loft space. There will be a two-bedroom plus a loft, a one-bedroom plus a loft, studio plus a loft on the sixth floor.

Mr. Buchvalt explained the city staff letter dated August 7<sup>th</sup>, and asked if there is any issues or questions or will they all be will complies. Mr. Miller answered they will comply.

Damien Brown asked on the lower level floor plan, where the artist working space is located there is a trash room to the rear and assume trash is funneled there through a series of chutes in the building and asked how the trash pickup will work. Mr. DiLorenzo explained that is correct. There is a trash chute shaft that will run up through all the residential floor with a trash room on each residential floor. All waste will be thrown down the chute, collected in a trash compactor into bins which are stored in the room on the lower level. The trash room will also service the commercial trash as well. The retail component and office component's trash will be collected and brought down to the trash room. The trash containers are on carts and have met with Waste Management and they would come into the building and roll the carts out of the building via the depressed curb on Maple Street, and dump trash. Damien Brown summarized then Waste Management would enter the building when they arrive and retrieve the trash themselves. Mr. DiLorenzo said that is correct.

Mr. Buchvalt stated there is parking arrangement with the deck. Mr. DiLorenzo stated yes so another component to this building is proposing a walkway from the Community deck into the building and there is an agreement with the Allentown Parking Authority to incorporate this facility into the deck. This would require obtaining an encroachment permit, but that is a staff review process. Mr. Button asked if these would be reserved spaces. Mr. DiLorenzo answered the Parking Authority have a system in place where they are constantly tallying and checking the number of spaces available in the deck. Some of that parking is expected to take place during off-peak hours, in the evening on weekends so the parking authority have a constant tally of how many cars are in the garage. It would not be specific reserve spaces for the residents of this building, but the parking authority would have it built into their system that there would always be spaces available for residents in the deck. The walkway would connect at the second level and has been successful at other locations, Strata East & Strata West, which is very much appreciated by the tenants for convenience.

Damien Brown asked if the treatment of the walkway is going to be glass as shown on the rendering as it complements the building. Mr. DiLorenzo stated the final design concept of the treatment is to be glass or close to it, but is not yet finalized. Jane Heft, design director of City Center, answered the steel window frames and glass will be the same that is being used on the stair tower along Hamilton Street to give it a modern look and to complement each other. Damien Brown asked looking at the east elevation, approximately where will the roof line of the building to the east will fall. Will it be roughly below the top floor of the apartments with the loft? Mr. DiLorenzo stated the rendering shows roughly where that will fall in reference to the adjacent building. Damien Brown continued by asking if there is a small courtyard or landscape space in part of it? Mr. DiLorenzo answered it is more of a light pocket than an actual courtyard, it is not going to be space that is advertised for the tenants to use, its creating more of a light pocket adjacent to the next building to allow the units to have windows. Damien Brown responded that makes sense.

Christian Brown would like to applaud City Center with the variation in the architecture and bringing in much needed character and a bit of tradition to downtown and Hamilton Street. The unit masonry, the scalloped shingles on the mansard style roof and dormers makes everything about it a much needed example of hopefully more to come. Mr. Button agrees.

Atty. Joel Weiner, addressed the Commission as representative of the owners of the building to the east. Atty. Weiner said one of the concerns is they currently have three stories of windows, what is not shown on the plan is the relationship to the wall of the building. And second, when the Federal Building was being built, their building almost ended up in their basement courtesy of their construction and would like to know what plans are in the work to buttress the buildings during construction. The Commonwealth building has been in place since 1903 and the second, third and fourth floors all have windows and is not sure if the courtyard is against it, but it is appearing they are going right up against the building and the existing windows. Atty. Weiner stated they have been kept in the dark, got misinformation from the principal of the company and have no idea what their plans are. The other concern is if the roof has angles it would obviously create problems on the neighboring roof and the back parking lot if snow, ice and other debris falls off. Not sure what the distance is shown, if there is a ten-foot light shaft or something it would then fall in their area.

Mr. Buchvalt stated the plans look like along the buildings there is a jog where it is pulled away and asked the developer to explain. Mr. DiLorenzo clarified if they are speaking of the three windows closest to the north end. Atty. Weiner said no, I am speaking of all the windows that go the whole 100-foot depth of that building. Mr. DiLorenzo said they do pull back and have a jog of five feet and probably will pull back an additional three feet on that end to provide a light pocket, so you are not looking directly at a brick wall on either side. Mr. DiLorenzo stated as we continue to move forward and prior to construction, we will be in communication with Atty. Weiner and would work together. Atty. Weiner said that would certainly be welcome as the only way they found out was from the public notice and are concerned about what is going to happen. Any approvals that are given in design and the foundation if it undermines the structure, existing windows and together with the assurance of safety would be the obvious concerns.

Christian Brown asked how much room is there now between the buildings. Atty. Weiner answered there is a parting wall for about the first 10 feet of height and after that there is about 25 feet before you get to the next building, that goes two stories and then the third floor and fourth floor have a clear view out. Atty. Weiner added the Croc Rock building was originally Eastern Light and was a high one-story building, there was a fire and was built back and believes there are separate walls. Christian Brown asked is there any portion of the buildings that are attached. Atty. Weiner stated there is a portion of the building that attaches completely. Behind the false façade it is only about 12-foot-high so the second, third and fourth floors are all windows that look out right now and asked if the Croc Rock property is 100 foot wide. Mr. DiLorenzo answered this is 60 foot wide.

Damien Brown stated what is being proposed is an improvement and in theory could add windows to the first floor but the view would not be as far, but doesn't see any consideration can be given beyond the property line as there still will be light. Atty. Weiner stated part of it has to be if there is a five to ten-foot area it makes it interesting and looking at the obvious concern is that a space is left open for light and air and the structural integrity is maintained. Tower Six did not have a basement, so there were no structural issues and not sure what the plans are. Mr. DiLorenzo reiterated it is their intention to share the plans with the neighbors and take into their concerns. There is a half basement towards the rear near Maple Street so any shoring that would be required will not be up against the neighbors to the east's building.

Mr. Buchvalt asked if they will comply with the staff review comment letter dated August 7, 2017. Mr. DiLorenzo answered correct.

Motion was made by Damien Brown to grant CONDITIONAL PRELIMINARY/FINAL plan approval subject to addressing the comments contained in the staff's letter dated August 7, 2017 to the satisfaction of City staff and share plans with the adjacent property owner in regards to the buffer between this building and the windows in the neighboring building and comply with all structural requirements for the foundation. Christian Brown seconded the motion. Motion passed unanimously.

**Family Dollar Retail Store, 423 & 435 Hanover Avenue, LMA-2017-00006, sketch plan review requested by Durban Development LLC. The application proposes to demolish existing car wash and auto sales facilities and construct 9,200 sq. ft. Family Dollar retail store.**

Benjamin Syput, development director with Durban Development LLC was present.

Mr. Syput explain they are proposing a 9,200 sq. ft. Family Dollar retail store at 423 & 435 Hanover Avenue. The plan currently shows 29 parking spaces on site, sidewalk connectivity from the front sidewalk along the building to Hanover Ave. A dumpster enclosure to include two dumpsters, a five-foot parking buffer along Hanover Avenue, and signage that meets the code requirements. There are also two thirty-foot-wide full access crossovers from Hanover and subsequent to the submission and after coordination with Mr. Geosits on eliminating the full access crossovers to a left in only and not being able to permit a left out onto Hanover Avenue. The southern crossover has been shifted a few feet to the south to allow the delivery truck to maneuver on site for delivery. Will further look into the access with the no left turn out with a truck.

Mr. Buchvalt stated he did the development to the west and north, and was trying to get a traffic signal at Hanover Avenue. PennDot would not warrant it and restricted to left hand turn. Even the left turns in, people trying to pull in can really back up traffic on Hanover Avenue. This is a much better improvement than what it is today, but will have their work cut out for them making the traffic work with the Traffic Department. It is good to have two points

of access, but there are a lot of ins and outs so close together on a very busy road. Mr. Syput stated they looked at the possibility of one large entrance/exit in the same location as the southern driveway and rotated the building with one row of parking along the front, which may be an option. Mr. Buchvalt said even with this layout maybe have the north driveway a right turn in only and the other one full access, having both full access will cause conflict especially for people coming out being tempted to make a left turn. Mr. Buchvalt's commented on buffering the two house located to the south plus asked if there are templates of the truck turns. Mr. Syput answered they were not included in the plan, but will have to be revised given the left in only, no left out onto Hanover.

Damien Brown commented this store is going to get used very hard. Mr. Syput agreed and it is a tight site and will do well. Damien Brown continued by stating it will be a high traffic store and pedestrian activity and the maintenance crew will have their work cut out for them keeping the place up to speed. The area is where the city and the federal government has invested a lot in successfully reducing crime and blight in the city. This is an instance where a plan put in place and thought through and really worked to improve this part of town. Evidence in the neighborhoods all around especially to the west and north of this site. Some of the neighborhood is still in transition and asked if there is anything Family Dollar does as an organization to make sure this store better compliments the improvements that have been maintained in the area vs. some of the areas that are still in the works, such as awnings, color schemes, etc.? Mr. Syput responded they usually use fiber cement wall panel with a faux brick material, and would definitely be spruced up and not a four sided metal building. Damien Brown commented that would be very nice. Mr. Syput added they put awnings above the delivery door, entry door and prototype has windows on each side of the entry door with awnings.

Mr. Buchvalt asked what are the plans for the area behind the building as there is definitely some topography there. Mr. Syput stated it is going to be existing slope up to E. Dent Street. The slope starts at the car wash and cut into the slope a little bit to the rear set back line and then it will be existing from there to E. Dent Street.

Christian Brown stated this is the third Family Dollar in this calendar year that the Commission has seen. There has always been talk about the deliveries. Will this be serviced by an 18 wheeler? Mr. Syput said yes it will be tight, but it works. Mr. Glazier observed it will be a tight squeeze to get a truck that size in there and asked if it will be the same driver every time. Mr. Syput stated he believes so. Mr. Glazier asked if it will be about the same time each week. Mr. Syput answered yes, one time a week. Mr. Glazier continued by stating you got to remember there are schools around here in the not too distance far away. Delivery should not be between 7:30 am – 8:30 am, maybe a little bit longer window and same in the afternoon, because traffic is exceptionally heavy here. Mr. Buchvalt added there are a lot of children walking that sidewalk. Mr. Glazier added it is a commuter route to Harrison Morton for the older children. Mr. Buchvalt added and for students at Dieruff as he has observed children walk across the bridge up through this area.

Christian Brown asked if this project the way it is laid out would require any relief from Zoning? Mr. Syput answered yes, would need a parking variance and exceeds the maximum allowable building square footage in this district, 8,000 is permitted, this building is 9,200 square feet.

Mr. Glazier asked if there is any consideration for any landscaping between the store and Dent Street. Mr. Syput stated there is existing landscaping there, but will have to look into it and see what type of trees are there and believes what is there now is a screen from the multi-family development behind. Mr. Buchvalt reminded the applicant to pay attention to the City's steep slope ordinances, as far as the disturbance. Mr. Syput answered he believes there is a five-foot setback minimum.

Christian Brown clarified this is a city road and not a state road. Mr. Buchvalt concurred. Mr. Glazier asked Engineering if there is still hope that there would be a stoplight installed further up on Hanover Avenue. Mr. Messinger answered there is always hope, but are still requesting a light at New England Avenue. Mr. Glazier added then it is within the realm of possibility in our lifetime that a stoplight will be installed at New England Avenue, which would make this a more manageable stretch of road.

Christian Brown clarified if you are going north on Hanover Avenue, would you be able to go left into this facility? Mr. Geosits answered yes. Christian Brown said it is going to cause a major back up. But when you are leaving Family Dollar, you may only go right. Mr. Geosits said correct.

Mr. Syput stated they are currently looking at possibly reconfiguring the access point and possibly the building layout to allow the truck to make a left in, backup to the delivery door and make a right out southbound on Hanover

Avenue. This would require reconfiguring a couple things and maybe make the northern entrance a right in entrance only. Mr. Buchvalt noted coming around that turn and suggested not making that right turn too easy as they would be flying in. Mr. Syput pointed out the speed limit is 25 mph, but people are usually doing 45 mph. Mr. Glazier stated they are relatively narrow lanes.

Christian Brown summarized it looks really intense and really tight for a four-lane, high volume road, five lanes with parking on the east side, this is a pretty intense use. Not crazy about the plan, but not sure what can be done to make it better. These types of developments would rather see the building up closer to the street, parking in the rear, more conducive movement for deliveries. This has the opposite of all that. Mr. Syput asked if they would be inclined to having the building pulled up closer to Hanover Ave. Christian Brown answered absolutely. Mr. Syput stated it was laid out this way because of the 15-foot front yard and looked like everyone along there has that. Is it possible to encroach into that? Christian Brown asked if this is in the TND? Damien Brown answered this is not part of the TND, there are zoning ordinances which covers nearly all of center city and a good part of the west end are part of this traditional neighborhood overlay district which kinds of resets the setbacks to be more fitting with the historical context of buildings are placed. There are certain areas of the city that may be appropriate for the TND for whatever reason it has not been applied yet, which is one of those areas. Damien Brown agrees with Christian Brown a smaller setback would be appropriate.

Mr. Geosits stated more concern would be moving the building closer depends where you are coming in and out with the trucks. Mr. Buchvalt added the site would get more compromised. Christian Brown added he would like to see a rhomboid shaped building or nontraditional shaped building in the northern piece of the parcel and have a good 125 x 174 area to really deal with parking and deliveries. Mr. Glazier said for the time being anyway, if the building is pulled forward, visibility out to the street, isn't going to be an issue because you can only go one way out. If at some point this becomes a two-way exit, then visibility will be compromised and become an issue.

Mr. Button explained a letter was received regarding property ownership. Mr. Syput said he has not seen it. Mr. Button continued by stating he is owner of part of the property. Mr. Syput answered he is the owner of the smaller piece of land neighboring this parcel. Mr. Buchvalt added he said the letter states he feels they are encroaching on his property and based on the plan it looks like he is an adjoining property owner. Bill Bergen of the Durban Development LLC interjected they have been trying to contact that property owner to have a discussion with him, but unfortunately have been unable to connect. The intent is not to encroach on his property unless the property is purchased, which would make the layout much better. Mr. Buchvalt asked are you trying to approach this property owner to purchase the land. Mr. Bergen answered yes, but was unsuccessful.

Mr. Bergen added when the side along E. Dent Street is figured out, there more than likely be a wooden cedar fence and landscaping, because of the steep slope there. The property to the south will be spruced up with landscaping screening along the neighbors.

Since this is at the sketch plan level, no action of the Commission is needed.

**Affordable Storage Facility, 1384 S. 5<sup>th</sup> Street, LMA-2017-00007, sketch plan review requested by KPI Development Corp. The application proposes to demolish the existing buildings and construct a 3-story storage building.**

Mr. Buchvalt announced this plan was withdrawn from today's agenda and has been continued to a future meeting.

#### **SUBDIVISION:**

**215-221 N. Fenwick Street, 215-221 N. Fenwick Street (14<sup>th</sup> Ward), SMA-2017-00001, preliminary/final approval requested by John W. Troxell, Jr. The application proposes to construct two sets of twin homes and a single home on five lots.**

Mark Bradbury of Martin Bradbury & Griffith, Inc. represented the applicant. Mr. Bradbury stated this is a new submission and not a re-submission. This property was previously approved for three townhouses along N. Fenwick Street including all the sewer approvals and allocations were completed and recorded. There are a couple of questions in regards to the Engineering comments and stated it is known there is an issue with the two catch basins at the corner of Fenwick & Westminster. They are older style corner inlets and not the new type "C" inlets, they have the cover topped and Engineering has asked to replace those. The boxes are in good shape and asked for city staff to take a look at them. There is only one neighbor to the north. The waiver for the grading within 5'



of the property line will be requested. The water is flowing across the property, and will not direct water onto the neighbor's property by not grading on that side. Engineering also had comments about the grassy swales directing water towards E. Westminster Street and can use a box to direct water under the sidewalks and not over the sidewalk. Question on #9 talking about showing the existing inlet and lateral conduit at the intersection of N. Folk and E. Westminster, and believes this is on the other half of the street vacation and no type of building or obstruction is being planned on that side of the alley. What is proposed from the edge of the old alley right-of-way is to install a depressed curb. Mr. Geosits stated typically to show it is private a depressed curb is installed. Mr. Bradbury asked about the two PPL poles to see about adding LED lights and would contact PPL to get a work order to get them installed. Mr. Geosits interrupted by stating the City owns the lights. Mr. Bradbury said OK then work with the City to get them changed. The only other issue that stands out is the variance that may be needed for the wider driveway. With the value of the homes and the smaller homes in the area, it is requested to have a two car driveway and will have to apply for the variance to use 50% of the front yard.

Mr. Buchvalt stated one of the comments about the stormwater the pre and post, the lot is not close to an acre for the NPDES, but are you over 10,000 square feet? Mr. Bradbury answered no, only about 5 or 6 thousand square feet of impervious coverage and wondered why this calculation was needed. Mr. Rasch responded because of the drains and inlets. Mr. Bradbury answered OK, as everything drains down to East Westminster Street. The water will be directed with roof drains to the streets so it will get to where it is supposed to go. Mr. Bradbury will be asking for staff assistance in helping out with the type of inlet in determining the accurate sizes of pipes.

Damien Brown pointed out one thing he did not see in the comments was relief for front yard parking. The SALDO requires all non-single family homes have parking in the rear and this needs to be addressed. Mr. Bradbury stated when the original plan was approved with the three units everything was proposed from the front and just continued with the same type of layout. With the configuration that is being proposed, rear parking is not an option. If a waiver needs to be requested, it will be.

Damien Brown indicated the configuration is a result of the street vacation that created the condition that prohibits rear parking. Christian Brown added he is not sure why we have the ordinance if it is being enforced. This has been seen a couple time, particularly with twins. This is one reason why parts of the city look quaint and others you see double wide garages and driveways as the front facades and agrees the vacation of Folk Street created a condition that no longer supports the rear parking for the number of units shown.

Christian Brown asked is this a new plan or an amended plan? Mr. Bradbury answered there was a corner lot at E. Westminster and N. Fenwick was under different ownership and up for Sheriff's Sale which prohibited utilizing the property. A plan was previously submitted utilizing the three lots with parking in the front coming off of N. Fenwick Street leaving the lot alone. Once the applicant was able to obtain the other portion of property, this gave the opportunity to get the variance for the side yard, add the additional twin, and add a single family home.

Christian Brown asked would any approval of this plan require a condition you would have to withdraw the previous approved and recorded plan? Mr. Bradbury assumed since it is recorded and never built, this would just be a new subdivision of the property and not sure if the other one would need to be rescinded. Christian Brown added there would need to be some notes on the plan so there are not two recorded plans. Mr. Geosits stated he will check with the city surveyor. Christian Brown thinks the previous recorded plan should be acknowledged.

Mr. Bradbury stated the planning module was previously approved for the three units and only adding two additional units, he believes it doesn't meet the criteria for a sewage planning module, except the exemption. Mr. Buchvalt answered this is a new plan/application and not revised or amended. Christian Brown concurred even previously approved, this is a new plan and resets all of the triggers. Mr. Bradbury stated the applicant constructed the curb, water and sewer services are already in, so that portion was constructed. Mr. Geosits stated it is still going to be needed, but will have to talk to DEP about it. Mr. Bradbury said OK. Mr. Buchvalt added this is an outside agency and might just have to amend the planning module if possible.

Mr. Bradbury said OK and summarized they will have to return to seek the variance. Mr. Buchvalt said if that is successful you will need to apply for an additional waiver. Mr. Bradbury clarified two waivers.

Christian Brown asked if they are going to be two car garages or single car garages with two car parking? Mr. Bradbury asked the applicant if Mr. Troxell is intent on garages. Mr. Troxell said no garages. In the past he built them with a single car garage, but the bottom line is they do not sell. He decided to reduce the size of the building

from a three-story to two-story and eliminate the garage and get something economical for first starters.

Mr. Buchvalt asked to see an aerial of the neighborhood to see how most cars park. The neighborhood is comprised of single homes, townhouse and apartment buildings.

Mr. Buchvalt asked if anyone in the audience is interested in this project. No one was present.

A motion was made by Mr. Glazier to TABLE for a future meeting in order for the applicant to get the variances sorted out and submit a revised plan and formally request the two waivers. Christian Brown seconded. Motion passed unanimously.

### **ADAPTIVE RE-USE:**

**333 Court Street, 330-360 Hamilton Street. 17-2 (SP). Application of Rockefeller PA DEV, LLC, to convert building into 184 dwelling units. Section 1327 of the Zoning Ordinance provides the Planning Commission with the opportunity to review and provide comments to the Zoning Hearing Board.**

Atty. William Malkames and Nat Hyman were present.

Atty. Malkames explained this is an adaptive re-use and in the Zoning Ordinance this needs to be submitted to the Planning Commission for comments and approvals. The property is the old Adelaide Mill and has a history of many uses, such as an industrial use, sports bar, fitness center, internet café, antique sales, dance club and more that have been approved by the Zoning Hearing Board over the years. Mr. Hyman purchased the property and is requesting special exception approval.

Mr. Hyman explained briefly the property is a long, blighted eyesore in Allentown that occupies several acres between Linden Street and Hamilton Street, along Court Street and American Parkway. The property consists of approximately 260,000 square feet. Once the Adelaide Mill from the late 1800's and most recently known as the Phoenix Mill and the intention is to try and preserve as much as possible of the historic integrity of the building, the look and the project will be called the Adelaide. The disc on the building that states the Adelaide will be retained, along with the hardwood floors, the exposed brick inside with the focus on a loft-style feel. The building will consist of 184 units consisting of 43 studios, 138 one-bedroom; and 3 two-bedrooms. This is not the usual practice of building this many one bedrooms, but try to restrict to more studios, because we are not family oriented as some other developments. However, the way the building is laid out, it is very difficult task. After numerous redrafts and redesigns of the project, the units had to be bigger than originally anticipated because basically you could not get the window exposure. There will be an exercise room, lobby, meeting place, conference room, and the stipulated zoning required storage for each apartment. In addition, every effort was made possible to add green space. Every empty spot has green space, parks, benches, trees to try and do what can be done to create a mini-city onto itself. The estimated project is \$28 million. Mr. Hyman continued by stating he will briefly walk through the comments and take any questions.

Mr. Buchvalt asked as far as the exterior improvements, such as sidewalk and streets, are there plans to replace or overlay.

Mr. Hyman said obviously they will replace sidewalk where necessary, code required and what needs to be done will be done in that regard. The exterior on the building is not brick, but a brickcote. The intention is to remove the brickcote and repoint the existing brick and keep the existing appearance. If needed, it will be painted, but depending on the condition of the brick it may be necessary. At one point the brickcote was considered in vogue and a nice look, but not would be hoped for. The base of the building is stone and many of the sills are slate and will try to keep as much as the historical look feasibly both from a structural and from a cost standpoint. Until the brickcote is removed, not sure what they will be dealing with. Currently they are working on the roof (3-1/2 acres of roof) and found the trusses on the north side of the building and lot of the columns are gone. Will have to rebuild a good portion of this area. Until the building is water-tight, which is being undertaken now before it gets cold, then will start looking at the brickcote and exterior. The old Phoenix sign, signs put on after the fact, and old awnings that do not warrant historical integrity will be removed. In the back there is enormous amount of mechanical equipment that have been used and gutted by vandals will be removed. Historically in appearance of the building nothing will change, but will discuss the windows later. Mr. Hyman reviewed the staff report and continued by stating the building area requirements could be waived for this project without negatively impacting

the immediate area. The building lot and size dimensions have been in existence for considerable amount of time. No new construction or additions to the building that will alter the existing character of the neighborhood, just renovating the existing footprint.

Mr. Hyman explained they own the building across the street, a 92,000 square foot building that was converted to 114 units. There are a number of people that live there and commute to New York via the bus station, which was the hope. Given this is across the street from the bus station, it is the intention to advertise for tenants from New York to take advantage of the lower cost of living and the access to the bus station.

The expectation of the amount of rent to be charged with be for a studio will be \$700 to \$750; the one-bedroom to \$800-\$925 and three two bedrooms and are about \$1,000. By the definition in Allentown, they are considered affordable because they are 1/3 of the average income.

The Adelaide silk mill building was determined eligible for listing on the National Register of Historical Places and recommend the applicant consider pursuing listing the building on the National Register in order to take advantage of the federal and state historic preservation tax incentive. Mr. Hyman explained he has never done any government incentive tax credits. The concern is with dealing with historic tax credits is the windows have to be replaced. The historic windows are gone and were replaced with a white, non-thermal window. The window contract will be close to a million dollars and if required to install a certain kind of window the million-dollar price tag will increase. The expectation is to put in a fairly contemporary looking bronze mullin type of windows to accentuate the loft feeling while still maintaining everything else the same on the exterior. The only place that falls within the flood zone is the east building that runs along Race St. The first floor will have to be elevated a 1 – 1-1/2 feet. The intention is to raise the entire first floor 1-1/2 feet, therefore unable to use the original floor, but the ceilings are high enough to do that as they are 12-14 feet. The building will therefore comply with the flood zone.

Damien Brown stated it sounds very nice and is thankful that it could be pulled together before something catastrophic happened with the structure. Damien Brown recalled his father working in this building in the textile industry back in the 1970's, before the company moved out into the industrial park. Mr. Hyman indicated a book was written about this building and at one point had 1200 people working in the building. Damien Brown explained his only concern is the parking. The practical reality of the parking configuration is not just functional. Mr. Hyman interrupted by asking if he is referring to the parking around the building or the extra lot. Damien Brown said all of it, as he counted about 100 spaces in and around the building. Mr. Hyman said there are 140 spaces and 4-1/2 acres on the other side. Damien Brown questioned then how many of the residents are going to want to walk into the lot under the Hamilton Street bridge or across to the other side of Hamilton Street late at night, with groceries. Mr. Hyman explained that lot went with this building and that was always where the people parked. The intention is to fully light the area, install security cameras and have a covered walkway. In reality based on the confines of the building, there are 114 spaces around the building and another secondary lot behind the Rescue Mission. So there are close to 520 parking spaces when all the lots are added together. If there are 184 apartments, Mr. Hyman would be surprised if 100 spots are used. Many of the tenants use the bus and do not have that much usage of parking. The code requires 1.5, obviously there are a lot more and not a lot of spill over into the second lot on the south side of Hamilton Street. Everything will be done to make it attractive and safe. There will be a drop-off zone where people can park for a short period of time. The number of occupants in this building will be a fraction of what it ever has been when it was used for manufacturing.

Damien Brown asked if they had looked at removing the building in the interior space of the larger building. Mr. Hyman explained most of the things around that building will be removed, such as the HVAC elevated platforms, concrete pads, etc. The interior courtyard parking spaces shown on the plan don't exist today and did not look at removing the two-story building. The building is a large space that is structurally sound and is part of the historic look of the building. This building is also connected to the larger building and the removal would create a 2-story opening that would need to be addressed. Mr. Hyman reiterated that everything will be removed that can be removed to create more parking spaces.

Mr. Hyman pointed out on the other side of Race Street they own a parking lot, 328 Linden Street, next to the bus station, that goes with 315 Linden Street which is fully occupied and you will never see one car in that lot. People from this building will use that as well.

Christian Brown noted there is way too much parking and would like to see a lot less for that fact and by the numbers the deficit requires the lot to provide 162+ spaces and would prefer to build only what is needed. Mr.

Hyman stated he never heard that before from anyone, that's great! Christian Brown stated with this being in a flood zone, the last thing needed is more impervious cover and would rather see green space or some other useful development as the most wasteful development is surface lot parking. The other thing that is not part of the business plan, is some sort of mixed-use, having some sort of ground level activity. The center building could be a gym, a market, some artisan work & live type of place. Mr. Hyman agreed conceptually, the first floor of 315 Linden Street was marketed to every form of businesses, but no one was interested. Christian Brown replied there will be a lot more people here, the critical mass needs to be reached and the way the project is phased. Mr. Hyman explained they build from the top down and this would allow the first floor to be last and would love to have a market, café, dry cleaner and other amenities for the tenants.

Damien Brown pointed out this will be an anchor and redefine the neighborhood. Mr. Hyman agrees and hopes it is as this is one of the main entrances into Allentown off of American Parkway with the new bridge that was built.

Christian Brown asked what is the plan for the HVAC. Mr. Hyman answered all of these units will be using Ptek units. There will be no need for compressors on the roof. The size of the units is built as small as they are because of utility costs and because of the use of ptek units that will provide both air and heat. Christian Brown clarified that is not a window unit, but a thru-wall unit? Mr. Hyman answered yes. Christian Brown pointed out the windows are floor to ceiling where would the ptek units be? Mr. Hyman explained probably every third window, the bottom third of the window will have the ptek installed. The construction drawings have not been done, so it is not sure exactly where they will lay out. They will be the same color as the window and make every effort to make them disappear.

Mr. Button clarified these are mostly one-bedroom apartments. Mr. Hyman answered yes. Mr. Button continued by asking then you are not expecting children. Mr. Hyman said correct, we restrict the number of tenants in each lease, and no facilities for children. These are not children friendly. Mr. Button said he was speaking in terms of the schools. Mr. Hyman answered right that is one of the reasons and the last thing the school district wants is a lot more children and are very cognizant of that.

Mr. Glazier questioned the building to the west of the Rescue Mission. Mr. Hyman said he gives that free to the Rescue Mission for their storage and will continue to do so. Mr. Glazier noted the paving of the lots and mentioned this is in a flood plan, can impervious pavement be used. Mr. Hyman answered he has not looked into using impervious paving, but one the thing that is being looked at doing is buying the paving equipment that will allow it to be stamped and painted to look like cobblestone. This is something that is being looked into in a lot of our developments, but that would not solve the problem of the impervious surface. Mr. Glazier pointed out it is not a problem, but it is a flood plain. Mr. Hyman explained that by code the parking lots need to be striped, so when you have gravel, it does not meet code and water run-off is always a concern. Mr. Glazier explained the city is going to go to some run-off plan in the not too distant future. The plan is being formulated to the extent that you can, but you would might want to touch base with those people, because that might inform how you go about your parking.

Mr. Buchvalt pointed out you might not need as much as you are providing, some of that can become open space that will help with the stormwater. Mr. Hyman said that will probably be on the south side of Hamilton Street, as that is the least desirable parking.

Mr. Buchvalt asked where will the handicap parking and access be? Mr. Hyman asked is that not on the site plan now? Mr. Buchvalt said no and this will need to be addressed. Mr. Hyman said it should have been on the site plan and will be addressed. Will have to check where the architect laid out the handicap units and put the parking next to it and build a ramp and or lift to get in and out. There will be a significant number of handicap units, probably about 12.

The Commission unanimously recommended special exception approval to forward the Staff Report and comments to the Zoning Hearing Board.

#### **HAMILTON STREET OVERLAY DISTRICT REVIEWS:**

**Siri Family Dental, 948 Hamilton St, Flat wall sign, (3 ft. x 21 ft.) with raised pin letters at front, non-illuminated requested by Amin & Evleen Ghali**

Evan Blose from Fastsigns represented the applicant. Mr. Blose explained they are proposing a sign based on the recommendation of 2" thick, aluminum pan sign, no seams, no front screws all countersunk screws, lettering is raise acrylic. Everything painted with an automotive gray paint.

Mr. Buchvalt stated the staff report shows staff is generally ok with the sign other than may want to consider goose neck lighting similar to the adjacent Ramos Realty sign. Mr. Blose answered the only issue with that is the spacing for it, but will look at it again.

Christian Brown stated it will have raised pin letters and asked what is going to be raised. Mr. Blose answered all the information that is not white. The white portion of the sign is the aluminum pan sign that is two inches thick. The name, phone number and logo will be raised. Christian Brown clarified it is raised but not stood off. Mr. Blose said it is just a 1/2" to 3/4" acrylic and there will be no space between the acrylic and the aluminum.

Christian Brown asked if there is any significance to the color palette? Mr. Blose said no it is just colors they liked. Christian Brown asked if the client was here. Mr. Blose said no, they had originally designed the logo prior to the sign and that is the logo they decided. Christian Brown pointed out part of the problem is he is not crazy about the white background, things totally applied flush against the background and asked what is underneath the current sign. Mr. Blose answered it is a marble tile façade with numerous holes and cracks as everything was screwed mounted.

Mr. Buchvalt concurred that the white background is overwhelming. Mr. Button asked if there was any thought to design a sign that would complement the other signs adjacent to this. Mr. Blose pointed out there are two different types of signs adjacent to this. One is the same thing, a painted white sign with red letters, the other is individual, which he would not recommend because when you pull it off there would be more damage.

Christian Brown asked if there was a product to apply texture to the panel that would resemble a stucco or something. Mr. Blose said it could be painted a matt finish rather than a gloss. Christian Brown said the Commission's job is to try to cultivate and continue the good things that have been happening on Hamilton Street, but trying to come up with suggestions and ideas that would help foster some harmony. This sign is a little more troubling than others, but functionally it is fine, but doesn't help tie things together along Hamilton Street, where we need it the most.

Damien Brown questioned if there was some background material that would fade away into the existing façade, as the white is very prominent. The letters and message may have to change to stand out against a new background and believes the phone number does not have to be so prominent. Mr. Blose asked like an off-white more along the line or something else. Damien Brown said no a color that completed fades into the background. Mr. Blose said the background is black marble. Christian Brown added it might be there is a material that picks up the copper or even the black aluminum around the window that would allow the message to stand out if it was in a lighter color.

Christian Brown recommended the staff work with the applicant in incorporating these comments. Mr. Andrayko said it has to be decided within twenty day or it would be deemed approved. Christian Brown said we don't want to deny this if staff is comfortable working with the applicant.

Mr. Button commented at first glance at the sign it does not say family dental. The applicant may want to give some thought to doing away with the all caps, as it looks harsh.

Mr. Blose said this is the sixth rendering of the sign and Mr. Buchvalt said maybe these comments will help take it in another direction.

Christian Brown asked if this is a new practice in the area and want them to be here a good long time and trying to help them be more successful and a welcome part of Hamilton Street. Mr. Button said glad to see it is staying a dental practice.

Mr. Blose agreed to work directly with Zoning and return 2-3 options. Christian Brown volunteered to assist staff in implementing this sign.

Christian Brown made a motion to accepted the staff report and have the applicant meet with city staff to design the sign to be more consistent with the other signage on the block and keep within the Hamilton Street Design Guidelines taking in comments from today's meeting. Mr. Button seconded. Motion passed unanimously.

***Richard Niesenbaum left the meeting***

Damien Brown commented on the same block on Hamilton Street there are a number of signs at the One Stop Convenient Store that were recently installed but the withdrawn and wanted to bring it to staff's attention. Mr. Andrayko stated a letter was sent in regards to the flashing sign out front and vinyl applied signs on the windows. Damien Brown added a rendering was in front of the Planning Commission about three months ago but was withdrawn at the last minutes. Mr. Andrayko stated the applicant said they would be coming down and continues to work on getting him to comply.

**OLD BUSINESS:**

**Family Dollar Store, 1735 S. 4<sup>th</sup> Street, LMA-2017-00002 & LDC-2017-00001, modification/waiver requested by Moonrise Acquisitions, LP. Applicant requests a waiver from Section 1385.11B of the Land Development Controls Ordinance which requires the horizontal distance from either the toe or top of an excavation or fill slope line shall be five (5) feet or one-half (1/2) the height of the fill or excavation from any adjoining property or easement line whichever is greater.**

Mark Magrecki of Penn Terra Engineering, Inc. represented the applicant. Mr. Magrecki explained a retaining wall will be constructed between the Pizza Hut property and the Family Dollar property. The Pizza Hut currently has parking spaces that encroach on their property line and plans are to build the retaining wall about 2' off the property line that would allow them to keep their parking spaces. There is a two-foot grade break and the wall will be about 8 inches high at one end, two feet in the middle and back down to 8-12 inches at the other end. It is a minor amount of retention and mostly so their parking spaces are not eliminated.

Mr. Buchvalt suggested they offer concrete parking bumpers or bollards so they do not run into the wall. Mr. Magrecki answered that is something that can be discussed with them so there is no on-going issues with the wall. During construction there will be an orange fence erected, but that will not stay.

Christian Brown asked what is the wall going to be built out of. Mr. Magrecki answered the final material was not finalized, but typically they would be using segmental block.

Mr. Buchvalt asked if it will be one course. Mr. Magrecki said it depends how they do it. It may be three depending if it is a six inch or eight-inch block. Christian Brown added given the surcharge with pavement right to the top and backside of the wall including a heavy duty concrete dumpster pad and dumpsters, the engineering should not be taken lightly, even for this two-foot-high wall. Even if it is a segmental wall it would need to be engineered with geogrid. Mr. Magrecki said he imagined there will be a geogrid, usually they get it all figured out when they get the contractor involved and then review drawings depending on what system they pick. Mr. Buchvalt added usually anything under four feet does not get engineered. Christian Brown concurred and added this could slip through the cracks and become unsightly down the road due to no inspections would be done and reflect poorly on both properties. Mr. Magrecki stated Family Dollar will have a lease on it and this will be a lease back from the landlord. Most of the time more improvement is done to last longer as to not interrupt with the operation of the store. Mr. Buchvalt asked if a condition could be attached to the waiver that a shop drawing be provided to the City Engineering. Mr. Magrecki answered that is within your prerogative to do. Mr. Buchvalt continued by stated Engineering would probably like to review other public improvements like storm pipes and inlets. Mr. Magrecki replied that is reasonable.

Christian Brown made a MOTION to grant the request for a waiver from Section 1385.11(B) of the Land Development Controls Ordinance which requires the horizontal distance from either the toe or top of an excavation or fill slope line shall be five (5) feet or one-half (1/2) the height of the fill or excavation from any adjoining property or easement line whichever is greater with the condition that the developer submit a construction detail for the retaining wall to the City's Public Works and Engineering Department. Second by Mr. Glazier. Motion passed unanimously.

## **Update on The Waterfront – Ruckus (Brewers Hill)**

**The Waterfront Development initially designed a two lane Riverside Drive from Jordon St. to Front St. Engineers determined a turning lane be added to the roadway designs to avoid peak hour traffic delays. With the redesign of the roadway and an added turning lane, an additional 17.4 sq. ft. of property would have to be acquired from Ruckus, who agreed to dedicate a portion of their property to allow for the roadway and sidewalk. This 17.4 sq. ft. was not included in the recent plans.**

Mr. Kimmerly explained an email was received from David Green the Engineer for the Waterfront. Mr. Green stated in the email when they laid out Riverside Drive it was discovered when they added the turning lane they needed a better turning radius and could be done by obtaining an additional 17.4 sq. ft. of property from Brewer's Hill (Ruckus). Mr. Green stated his concern and asked the City for direction as to what to do with this additional property. They want to know if they can just record the plan and dissolve the 17.4 sq. ft. and proceed or does it need to back to the Planning Commission.

Mr. Buchvalt questioned the map that was submitted shows some existing right-of-way and asked do they need the additional 17 sq. ft. Christian Brown asked has anything been approved this far down or was it part of the tentative plan. Mr. Kimmerly stated Mr. Green said they were here a couple of months ago and was approved, but was unable to find any information. Damien Brown believes this is south of the master plan, about two blocks.

Mr. Buchvalt summarized they are basically wanting to take 17 sq. ft. from another property owner. Mr. Kimmerly answered correct. The other property owner has been informed and is aware of this in a string of emails stating Brewer's Hill is okay with this and is not sure if that is significant. Not sure if this is even a Planning Commission issue and might have to talk to an attorney about and get the deed changed. Mr. Buchvalt interjected exactly. Mr. Kimmerly will provide Mr. Green with this guidance and was leaning this way.

Damien Brown added they may be asking because ultimately it will be dedicated to the City. Mr. Kimmerly answered it will go into the right of way. Mr. Buchvalt added he is not opposed to the radius, the layout, the change but cannot add anything to property owners. Christian Brown concurred and said nor does it amend any plans that were approved, if anything a sketch plan of Riverside Drive this far down, and feels it doesn't have anything to do with the Planning Commission. Mr. Kimmerly said he will coordinate this with the Engineering Department as well and see what their recommendation is.

## **NEW BUSINESS:**

### **HAMILTON STREET OVERLAY DISTRICT REVIEWS:**

#### **Your Neighborhood Dry Cleaner, 811 Hamilton St, flat wall sign (24"x102"x1/2") requested by Susan Diehl.**

Mr. Kimmerly explained this sign request was received prior to today's meeting and there was not enough time for a staff review and a decision has to be made within twenty (20) days of receipt of request per Zoning Ordinance #14835. Damien Brown confirmed then a decision has to be made now.

Christian Brown indicated he will make a decision by saying they should make it look like the other ones. Mr. Buchvalt concurred and again they have the very white background. Christian Brown said he is not sure if the picture submitted is a poor cut and paste or what is the intent. If the intent is to match the neighboring video store sign, then we like it and if the intent is to be white, then we don't like it. The material states PVC and doesn't know if there is such a thing as clear PVC. Mr. Buchvalt said how do we move forward if no one is here to tell us their intent. Damien Brown concurs they are not here to agree they will work with the City, so our only option is to deny. Mr. Button agrees. Christian Brown added that is what we have done in the past. Damien Brown stated they can come in next month and explain their intent.

Christian Brown as Mr. Andrayko if he has any further information. Mr. Andrayko responded he tried to talk them out of that design, but that is the sign they wanted. He asked the applicant if it will look like the video store sign next door and the applicant responded no, just PVC against the wall. Christian Brown explained he has a meeting with the building owner and will speak to him to take the reins and want this to be consistent. Mr. Andrayko added the sign will be more like the pretzel factory sign and not the video store sign. Christian Brown said he can live with the Pretzel Factory sign but there was not enough time to check it out.

Mr. Buchvalt questioned is there a way to change the process when a sign submitted there is time for the staff to do a review and get on the agenda. If another application is submitted tomorrow, the Planning Commission will not meet within the 20 days. Mr. Andrayko interjected that is the problem with the 20 days, yes it is a definitely problem. Mr. Button asked who said 20 days, is that in the ordinance. Mr. Andrayko answered that is in the Hamilton Street Review ordinance and since the Planning Commission is now the Hamilton Street Review and only meets once a month, sometimes some signs do fall through the cracks. There are some signs that have gone up, and believes the Pretzel Factory is one of them. Christian Brown also believes Vince's Cheesesteak went up that way. Mr. Buchvalt stated he thinks the Commission has to figured out some way to change this. Christian Brown added the Commission is just a facto and mentioned to the Main Street District, their designed committee should be the one assuming this role and propose this be looked into. Mr. Andrayko added it does also say the Zoning Officer can determine if the application meets the requirements before granting a Zoning Permit. Zoning would have the ability to make that decision but doesn't go by color only by size and the type of sign. Christian Brown added it doesn't give you a whole lot and thinks this needs to be put on the radar and see what can be done.

Mr. Button explained the Commission is supposed to be an interim advisory body. Mr. Kimmerly added they could appoint a Hamilton Street Overlay review board that could meet in-between the Planning Commission meetings, but would be hard to recruit volunteers for the board. Mr. Glazier added you could also lengthen the time and amend the ordinance to maybe 35 days. Whatever you do one change or the other has to be discussed with the Administration and go before Council to have the ordinance changed. Christian Brown stated it sounds like we should do both, extend the time and pursue a formative body. Mr. Button said it makes a lot of sense to have the people downtown be responsible for the design and color. Mr. Glazier pointed out it will be another governmental body with power that may go beyond what they can and should have. That is why we have Solicitor's. The cleanest thing would be to extend the time so the Planning Commission can comment. Christian Brown added he believes there is a good balance of opinion and perspective on this and doesn't take a designer to know if it looks good, which is just as important. Christian Brown asked if someone could look into extending the time and making the proposal to Council. Mr. Andrayko answered we could look into it and it would have to go to Council.

Mr. Glazier made a MOTION TO DENY due to the absence of the applicant. Christian Brown seconded the motion. Motion passed unanimously.

There being no further business, the meeting adjourned at 2:37 p.m.

Respectfully submitted,

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Jeanne Marsteller, Recording Secretary