



All comments in the report are advisory

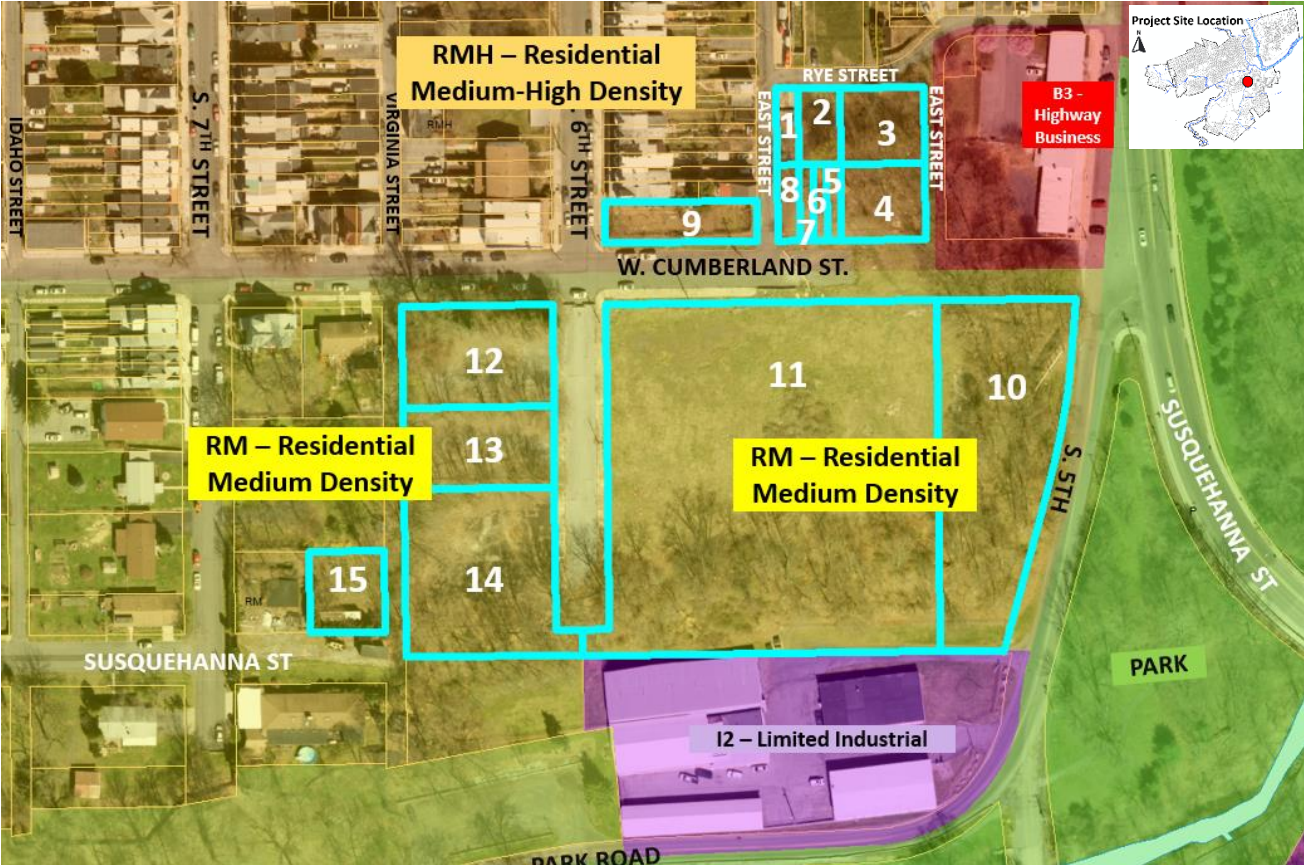
STAFF REPORT

TO : Allentown City Planning Commission
FROM : Planning & Zoning Bureau
SUBJECT : RE-ZONING OF LANDS ON S. 6th ST. and W. CUMBERLAND ST. (Z Case #22-01)
DATE : April 12, 2022

Background

- 1) The subject is a petition to change the zoning designation of six (6) parcels in the vicinity of South 6th Street and West Cumberland Street in South Allentown, from Residential - Medium Density (RM) to Residential - Medium/High Density (RMH). The petition comes from Fitzpatrick Lentz & Bubba, P.C. - representing Yasin Khan Family Trust, equitable owner. The proposed action is intended to make the lands suitable for multi-unit apartment buildings of the one- and two-bedroom types.

Fig-1. Aerial photo of the vicinity showing affected parcels (outlined in blue borders) and current zoning as color-coded.

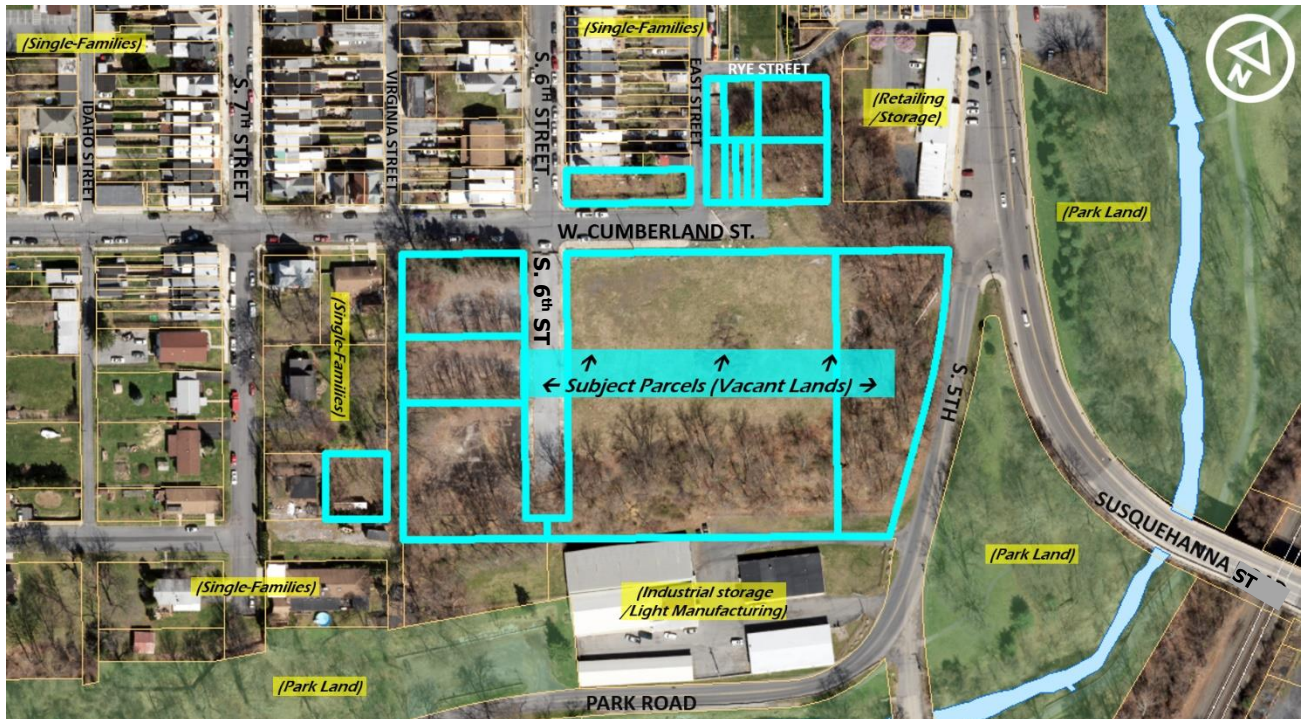


- 2) Figure 1 is an aerial photo of the subject property's vicinity showing the parcels owned by Petitioner (in blue outlines) and the existing zoning districts in the area. It shows that the immediate area

hosts at least 5 zoning districts for residential (i.e., RM and RMH), commercial uses (i.e., B3 and I2), and parkland.

- 3) Figure 2, in turn, shows the current land uses in that area.
 - a) To the north and west of the re-zoning site are predominantly residential land uses.
 - b) The northeast corner of the re-zoning site – at the corner of W. Cumberland and S. 5th – contains a retail shop and a storage space (the latter is currently vacant).
 - c) The south border of the site abuts a cluster of industrial-type buildings currently used as storage for earthmoving equipment. (FYI – this location used to host Valley Aluminum Prods.)
 - d) To the east and south of the re-zoning site are the parklands of Trout Creek Parkway.

Fig-2. Aerial of the general vicinity showing affected parcels (outlined in blue borders) and adjacent land uses.



- 4) The petition mentioned that most of the site acreage was originally zoned BLI when it hosted the former Montex Mills textile plant. It is recalled that Montex burned down in 2005 and the site had stood vacant since. In 2013, the affected parcels south of Cumberland Street and east of N. 6th Street were re-zoned to RM in preparation for residential development. In fact, that 2013 re-zoning action also amended the Zoning Ordinance, creating the Pocket Neighborhood Development (§1315.02.02) to allow cottage-type housing.

Clarification

- 5) (Refer to Fig-1) – Although the project site consists of 15 parcels total, Parcels 1 to 9 are already properly zoned RMH and, therefore, will not need further action. Parcels 10 to 15, which are currently zoned RM, are the subject of this request for re-zoning to RMH district.

Findings /Comments

- 6) In Allentown, RMH Districts were created to provide residential locations of “medium-high density with a mix of housing types, to protect such areas from incompatible uses, and to stabilize and preserve older neighborhoods.” Such districts are usually found along the fringes of center city, and in other transition areas between residential districts and higher intensity land uses, like

commercial or industrial zoning districts. Indeed, if a re-zoning to RMH were granted it would accord the project site greater flexibility to accommodate slightly denser and somewhat intense land uses that are otherwise not allowed in RM Districts.

- 7) When considering the merits of a proposed rezoning, Staff is guided by the following:
 - a) The uses must be compatible (or consistent) with adjacent or emerging land uses.
 - b) The uses must be supportive and consistent with the housing, economic development, employment objectives espoused by the current comprehensive plan.
 - c) The uses must be accommodated by existing or potential infrastructure capacity.
 - d) The uses must be in accordance with the environmental policies of the plan.
- 8) *Attachment 1 contains lists of uses permitted by-right and special exception in an RMH District. For a side-by-side comparison, the lists include similarly permitted uses in RM Districts. Staff notes that the separation between RM and RMH in the hierarchy of zoning is just one level down the order. As such, the uses allowed by-right in both districts are almost similar, varying only in intensity – yet the uses are still deemed compatible, even complementary in some cases.*
- 9) *Attachment 2 is a comparison of the Area, Yard and Building Requirements in RM and RMH Districts (excerpt from Sec-1315 of the ZO). Note the similarity in yard requirements, and height limits (Columns D, F, G and J) and slight differences in required measurements in lot area, building coverage and minimum size of dwelling units (Columns A, K and L).*
- 10) Allentown needs more housing regardless of tenancy, building-type or location. The ultimate intention to build residential units – like this petition -- is deemed supportive of Vision2030's Housing element. Likewise, the past comprehensive plan (2010) recognized this location as having underutilized residential and industrial lands with opportunities for growth and development – but that it is deemed challenged by narrow streets and soil contamination issues.
- 11) Although Staff has not seen a conceptual plan for the envisioned residential development – but mindful of the narrow roadways in the area – we are aware that a high-density residential development on the site will affect future traffic flows in the vicinity. At this point, however, we reserve further comment on this until more definite, advanced development plans are received for review.
- 12) Given the finding in Item 8, Staff does not object to the proposed re-zoning of Parcels 10 to 15 as labeled in Fig-1 from RM to RMH.

Conclusion

- 13) Staff recommends endorsement of the re-zoning as proposed as we look forward to receiving more development plans for this location.

Action Taken by Allentown City Planning Commission (April 12, 2022)

- 14) Endorsed to City Council the rezoning of Parcels 10 to 14 from RM to RMH. Parcel 15 remains RM.

Attachment 1

TABLE OF USES in RM and RMH Districts

(Excerpt from the Zoning Code of June 2021 Ed)

P = Permitted, N = Not Permitted, SE = Special Exception

A. RESIDENTIAL USES		RM	RMH
1	Single Family Detached Dwelling	P	P
2	Twin Dwelling, with each new dwelling unit located on its own lot	P	P
3	One or more Apartment/Multi-Family Dwelling Units within a Building that includes a principal non-residential use	N	N
4	Multi-Family Dwellings (other than residential conversions) -3 to 4 dwelling units on a lot	P	P
5	Multi-Family Dwellings (other than residential conversions) - 5 or more dwelling units on a lot	P	P
(new)	Urban Transition Multi-Family Development		
6	Roomers/Boarders	P	P
7	Rowhouse/Townhouse	P	P
8	Rooming House or Boarding House	N	N
9	Manufactured Home Park	N	N
10	Adaptive Reuse	SE	SE
11	Conversion of An Existing Lawful Principal Business Use into One Dwelling Unit	SE	SE
12	Residential Conversion of an Existing Building to result in an Increased Number of Dwelling Units, other than above	N	N
13	Sample or Model Home	SE	SE
14	Two Family Dwelling	P	P
15	Small Group Home	SE	SE
16	Large Group Home	N	SE
17	Student Residence (such use is only regulated as a distinct use within the R-SO Overlay District. Outside of the R-SO District, the applicable dwelling and "family" regulations shall apply.)	----	----
18	Pocket Neighborhood Development	P	P

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B. COMMERCIAL USES		RM	RMH
1	Adult Use	N	N
2	Amusement Arcade	N	N
3	Art Gallery	N	SE
4	Auto Body Shop	N	N

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(Excerpt from the Zoning Code of June 2021 Ed)

P = Permitted, N = Not Permitted, SE = Special Exception

5	Auto Sales or Rental	N	N
6	Bed and Breakfast Inn	N	N
7	Betting Use	N	N
8	Bring Your Own Bottle Establishment	N	N
9	Bus or Passenger Rail Terminal (as a principal or accessory use)	N	N
10	Business Services	N	N
11	Car Wash	N	N
12	Catering, Preparation of Food for (this use may be combined with a Restaurant if the requirements for a restaurant are also met)	N	N
13	Check Cashing Business	N	N
14	Commercial Communications Tower/Antenna, -non-freestanding extending less than 25 feet above an existing principal building, structure, or public utility transmission tower that is over 60 feet in height	N	P
15	Commercial Communications Tower/Antenna -freestanding	N	N
16	Custom Crafts, <u>manufacture</u> and sale of (such as jewelry and handicrafts), or Artisan's Studio	N	N
17	Exercise Club	N	N
18	Financial Institution (which includes a bank, but which does not include a check cashing establishment or pawn shop, each of which shall be considered a retail store)	N	N
19	Funeral Home	N	N
20	Gasoline Station	N	N
21	Hotel or Motel	N	N
22	Kennel	N	N
23	Massage Establishment meeting the City Massage Establishment Ordinance. All other massage establishments shall be prohibited.	N	N
24	Newspaper Publishing and Printing	N	N
25	Offices of business, institution, profession, or similar entity (see also Home Occupation)	N	N
26	Tavern	N	N
27	Pawn Shop	N	N
28	Personal Services (such as barber shops, beauty shops, laundry and dry-cleaning pick-up and delivery, and closely similar uses)	N	N
29	Printing and Duplication, Custom (see also printing as an Industrial Use)	N	N

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TABLE OF USES in RM and RMH Districts

(Excerpt from the Zoning Code of June 2021 Ed)

P = Permitted, N = Not Permitted, SE = Special Exception

30	Recreation, Commercial, other than an "Adult Use" or Amusement Arcade	N	N
31	Repair Garage	N	N
32	Restaurant, includes take-out-without drive-thru service or a Banquet Hall	N	N
33	Restaurant, includes take-out-with drive-thru service	N	N
34	Retail Store (such as a drug store or variety store, other than Adult Use)	N	N
35	Shopping Center	N	N
36	Theater (not including an "Adult Use"), Civic and/or Cultural Facility, Arena, Gymnasium, Auditorium or Sports Stadium	N	N
37	Trade School or Similar Educational Institution	N	N
38	Veterinarian, other than Kennel	N	N

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C. INDUSTRIAL USES		RM	RMH
1	Distribution as a principal use (other than a Trucking Company Terminal)	N	N
2	Flammable Liquids, Above-Ground Bulk Storage for Off-site Use, other than as accessory to a home heating company	N	N
3	Industrial Equipment Sales, Rental Service, other than vehicles primarily intended to be operated on public streets	N	N
4	Home Heating Oil Supplies	N	N
5	Junk-outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal facility	N	N
6	Junkyard (which includes Scrap Yard)	N	N
7	Laundry, on an industrial scale	N	N
8	Mineral Extraction and related processing, stockpiling and storage	N	N
9	Moving and Storage Business	N	N
10	Outdoor Storage, Industrial	N	N
11	Packaging, Bottling or Assembly	N	N
12	Package Delivery Services Distribution Center	N	N
13	Photo Processing, Bulk	N	N

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TABLE OF USES in RM and RMH Districts

(Excerpt from the Zoning Code of June 2021 Ed)

P = Permitted, N = Not Permitted, SE = Special Exception

14	Printing or Bookbinding on an Industrial Scale	N	N
15	Records Storage as a Principal or Accessory Use	N	N
16	Recycling Collection Center (not publicly owned)	N	N
17	Recycling Processing Center, Bulk, provided all processing occurs indoors- -not including a solid waste disposal or transfer facility or junkyard) (See Open Storage regulations in Section 1323.03)	N	N
18	Research and Development, Engineering or Testing Facility or Laboratory	N	N
19	Self-Storage Facility	N	N
20	Slaughterhouse or Stockyard	N	N
21	Solid Waste Transfer Facility or Solid Waste to Energy Facility	N	N
22	Tires, Used, Bulk Storage as Principal or Accessory Use	N	N
23	Trucking Terminal	N	N
24	Warehousing or Storage as a Principal Use	N	N

25	Wholesale Sales	N	N
26	Manufacture and/or bulk processing of the following, provided the manufacturing occurs only indoors, and such additional uses that the applicant proves to the clear satisfaction of the Zoning Officer are closely similar to permitted uses:		
27	• Ammunition, Fireworks or Explosives (or bulk storage of)	N	N
28	• Apparel, Textiles, Shoes and Apparel Accessories	N	N
29	• Cement, actual manufacture of, or Asphalt	N	N
30	• Cement, Gypsum, Concrete or Plaster Products other than actual manufacture of cement	N	N
31	• Ceramic, <u>Clay</u> and Pottery Products (Other than Custom Crafts)	N	N
32	• Chemical Products that are not "extremely hazardous substances"	N	N
33	• Chemicals, Manufacture, Mixing, or Bulk Storage of "extremely hazardous substances"	N	N
34	• Electrical and Electronic Machines, Supplies and Equipment	N	N
35	• Fabricated Metal Products (except Ammunition, Fireworks or Explosives)	N	N
36	• Food and Beverage Products, other than what is customarily accessory to a retail store, and not including uses listed individually in this table	N	N
37	• Furniture and Wood Products (not including raw paper pulp)	N	N
38	• Glass and Glass Products (see also custom crafts)	N	N
39	• Incineration, Reduction, Distillation, Storage or Dumping of Slaughterhouse Refuse, Rancid Fats, Garbage, Bones, Dead Animals or Offal (other than within an approved solid waste facility)	N	N

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P = Permitted, N = Not Permitted, SE = Special Exception

40	• Jewelry, Optical Goods or Precision Instruments	N	N
41	• Manufactured or Modular Housing, or housing components	N	N
42	• Metal Products, Primary	N	N
43	• Paper and Cardboard Products (not including manufacture of raw paper pulp)	N	N
44	• Paper- Raw Pulp	N	N
45	• Paving or Roofing Materials, other than bulk manufacture of asphalt	N	N
46	• Pharmaceuticals	N	N
47	• Plastics, Polymers, Resins or Vinyl	N	N
48	• Products from Previously Manufactured Materials, such as glass, leather, plastics/polymers, cellophane, textiles, rubber or synthetic rubber (other than Custom Crafts)	N	N
49	• Rubber, Natural or Synthetic	N	N
50	• Soaps, Detergents, Paints, Varnishes or Enamels	N	N
51	• Transportation Equipment	N	N

D. INSTITUTIONAL USES		RM	RMH
1	Adult Day Care Center	SE (R)	SE (R)
2	Animal Shelter or Animal Cemetery, Non-Commercial	N	N
3	Cemetery or Crematorium	N	N
4	Child Care Center, Nursery School, Pre-School or "Head Start" Program center	SE (R)	SE (R)
5	College or University	N	N
6	Dormitory or Fraternity or Sorority House	N	N
7	Drug and/or Alcohol Rehabilitation Facility or Halfway House	N	N
8	Elementary or Secondary School	SE	SE
9	Hospital	N	N
10	Institution for Children, the Aged or Handicapped	N	N
11	Library	N	N

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(Excerpt from the Zoning Code of June 2021 Ed)

P = Permitted, N = Not Permitted, SE = Special Exception

12	Museum or Visitor's Center, and which include accessory retail sales	N	N
13	Nursing Home or Personal Care Home	SE	SE
14	Place of Worship	SE	SE
15	Temporary Shelter	N	N
16	Veterans Treatment Center	N	N
17	Community Center, Non-Profit	SE	SE
18	Government Uses (not including prisons, other correctional facilities and solid waste facilities)	P	P
19	Membership Club	N	SE
20	Prison or Other Correctional Facility	N	N
21	Public Park, Playground or other publicly owned recreation	P	P
22	Recycling Collection Center – Publicly Owned	N	N
23	Airports and Related Uses	N	N
24	Boat Dock, Wharf or Marina	N	N
25	Bus & Taxi Shelters	N	N
26	Crop Farming, Gardening and/or sale of trees primarily grown on the premises	P	P
27	Heliport	N	N
28	Live Work Unit/Live Workspace	N	SE
29	Plant Nursery with or without retail sales	N	N
30	Parking, Off-Street as a principal use of lot	SE	SE
31	Space for Storage of Commercial Vehicles	N	N
32	Uses Unable to Meet the Performance Standards of Article 1317	N	N
33	Public Utility <ul style="list-style-type: none"> • Distribution lines 	P	P
34	Public Utility <ul style="list-style-type: none"> • Other facilities such as electric substations, but not including vehicle garages, warehouses, storage yards or commercial communications antennae 	SE	SE
35	Solar Energy Collection Devices – other than as accessory	N	N
36	Wind Turbine(s) – other than as accessory	N	N

Table of Area and Yard Requirements in RM and RMH Districts

Attachment 2

(Excerpt from the Zoning Code, June 2021 Ed)

NOTE: Please refer to Sec-1315.01 for details

A	B	C	D	E	F	G	H	I	J	K	L
District	Use	Min. Lot Area - square feet	Min. Lot Width, Other than Corner Lot	Min. Lot Width for Corner Lot	Min. Front Yard (A)	Min. Rear Yard (B)	Min. Width of Each of 2 Side Yards (C)	Max. Height in Stories	Max. Height in Feet (S)	Max. Percent "Building Coverage"	Min. Average Lot Area Per Dwelling Unit (square feet)
R-M	a) Single Family Detached	a) 3,500	a) 40	a) 48	a) 25	a) 30	a) 6	a) 3	a) 38	a) 40%	a) 3,500
	b) Twin or 2 Family (D)	b) 2,200	b) 25/unit	b) 35	b) 25	b) 35	b) 5	b) 3	b) 38	b) 40%	b) 2,200
	c) Rowhouses/ Townhouses (D)	c) 2,000	c) 20/unit	c) 35/unit	c) 25	c) 35	c) 5 (R)	c) 3	c) 38	c) 50%	c) 2,000
	d) 3- or 4-unit Multi-Family Dwellings	d) 12,000	d) 80	d) 80	d) 25	d) 35	d) 7	d) 3	d) 38	d) 40%	d) 4,000
	e) Multi-Family of 5 or more dwelling units (I)	e) 20,000	e) 120	e) 120	e) 25	e) 35	e) 10(J)	e) 3	e) 38	e) 30%	e) 4,000
	f) Other Allowed Principal Use	f) 12,000	f) 100	f) 100	f) 25	f) 35	f) 15	f) --	f) 38	f) 40%	f) 3,000(K)
R-MH	a) Single Family Detached	a) 2,000	a) 40	a) 48	a) 20	a) 35	a) 4	a) 3	a) 38	a) 50%	a) 2,000
	b) Twin or 2 Family (D)	b) 1,800	b) 22/unit	b) 28	b) 20	b) 35	b) 4	b) 3	b) 38	b) 50%	b) 1,800
	c) Rowhouses/ Townhouses (D)	c) 1,800	c) 18/unit (E)	c) 28/ unit	c) 20	c) 35	c) 4	c) 3	c) 38	c) 60%	c) 1,800
	d) 3- or 4-unit Multi-Family Dwellings	d) 6,000	d) 40	d) 48	d) 20	d) 35	d) 6	d) 3	d) 38	d) 50%	d) 2,000
	e) Multi-Family of 5 or more dwelling units (I)	e) 9,000	e) 120	e) 120	e) 20	e) 35	e) 10 (J)	e) 3	e) 38	e) 30%	e) 1,800(H)
	f) Other Allowed Principal Use	f) 12,000	f) 100	f) 120	f) 20	f) 35	f) 15	f) --	f) 50	f) 50%	f) 2,000(K)