



# Allentown

435 Hamilton Street  
Allentown, Pa. 18101

## Minutes - Final

### City Council

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Wednesday, May 18, 2022

6:15 PM

Council Chambers

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#### Public Hearing: Bill 13 S 6th and West Cumberland Rezoning to R-MH

#### Roll Call

**Present:** 7 - Candida Affa, Cynthia Mota, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

[15-4923](#)

#### Bill 13

The Zoning Map is hereby amended to change the land area shown on the map entitled "Exhibit A", having Tax Parcel I.D. Nos. 640636238192, 640636345357, 640636348459, 640636444722, 640636447004, 640636432866, 640636431821, 640636339796, 640636338629, 640636625261, 640636415274, 640636115157, 640636108387, 64063529480, and 640635181690, to be within the R-MH Medium High Density Residential District.

**Sponsors:** Administration

**Attachments:** [Bill 13 Amending the Zoning Map from RM to RMH - 42U9602](#)  
[42V3129-Exhibit A to Ordinance](#)  
[S. 6th Street and West Cumberland Street Rezoning Request Petition](#)  
[County of Lehigh Letter and Receipt for Filing of Bill 13 \(Municipal Ordinance\)](#)  
[20220407 Allentown Rezoning S 6th W Cumberland](#)  
[Staff Report ReZone S 6th and W Cumberland Apr12 Updated w CPC Action](#)  
[S. 6th Street and West Cumberland Street Rezoning Request Petition](#)  
[The Morning Call Ad 7198876](#)  
[PUBLIC HEARING-REZONING- Bill 13 S 6th and West Cumberland Rezoning to R-MH 5](#)  
[PUBLIC HEARING-REZONING- Bill 13 S 6th and West Cumberland Rezoning to R-MH 7](#)  
[PUBLIC HEARING-REZONING- Bill 13 S 6th and West Cumberland Rezoning to R-MH 9](#)  
[PUBLIC HEARING-REZONING-Bill 13 S 6th and West Cumberland Rezoning to R-MH 1](#)  
[PUBLIC HEARING-REZONING-Bill 13 S 6th and West Cumberland Rezoning to R-MH 2](#)  
[PUBLIC HEARING-REZONING-Bill 13 S 6th and West Cumberland Rezoning to R-MH 3](#)  
[PUBLIC HEARING-REZONING-Bill 13 S 6th and West Cumberland Rezoning to R-MH 4](#)  
[PUBLIC HEARING-REZONING-Bill 13 S 6th and West Cumberland Rezoning to R-MH 8](#)  
[PUBLIC HEARING-REZONING-Bill 13 S 6th and West Cumberland Rezoning to R-MH 10](#)  
[PUBLIC HEARING-REZONING-Bill 13 S 6th and West Cumberland Rezoning to R-MH 11](#)  
[PUBLIC HEARING-REZONING-Bill 13 S 6th and West Cumberland Rezoning to R-MH 12](#)  
[PUBLIC HEARING-REZONING-Bill 13 S 6th and West Cumberland Rezoning to R-MH 13](#)  
[PUBLIC HEARING-REZONING-Bill 13 S 6th and West Cumberland Rezoning to R-MH 14](#)  
[PUBLIC HEARING-REZONING-Bill 13 S 6th and West Cumberland Rezoning to R-MH Ordinance #15809](#)

Ms. Cynthia Mota stated that the purpose of this meeting is to take public testimony on the possible adoption of an Ordinance amending the City of Allentown Zoning Code. The bill, Bill 13, proposes 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 Public Hearing was advertised in the Morning Call and notices were appropriately posted. The proof of publication is in the file as are pictures of the posting; they are hereby incorporated into the

official City Clerk's record. The Petitioner will give the presentation to Council. The purpose of the meeting is for comments from the public on the proposal. Members of the public may give statements in support or opposition to the proposal. Time permitting, Council can ask questions, but we be also aware that the petition is on the Council agenda that follows and further discussion can take place there; and the Council meeting is scheduled to take place at 6:30 PM. The purpose here is for Public Comment. At the conclusion of all comments, the President of City Council will close the record and the matter will be deliberated and voted on at tonight's regularly scheduled City Council Meeting.

Attorney Joseph Fitzpatrick stated that he represents the Khan Family Trust. The Khan Family Trust is the equitable owner under the agreement of sale of the property at S. Sixth and Cumberland. A lot of you know that it was the Montex Mill Site. It was a devastating fire there many years ago. The property has been viewed for a number of potential reuses. This is the furthest along that we seen an opportunity to develop a site that was a former industrial use. He was in front of them a couple of months ago with this proposal. It was prior to the referral of the Planning Commission. They had presentations of the Planning Commission meeting with city and Planning staff along with Public Works. The unanimous recommendation of an approval for this rezoning with the Planning Commission a couple weeks back. He went over the highpoints. The property is currently zoned RM &ndash; Medium Density. It appears from the zoning map and the ordinance that a portion of this is also in RMH with Medium Density/ High Density Residential. He stated that request is to do a number of things. They are not at the land development stage yet. They don't have footprint for the buildings that mean anything. They are trying to get a use that can be accommodated on this property that would respect the character of the neighborhood, that would be an advantage of the city in terms of having a beneficial use and a revenue stream. It also ties into existing zoning districts. The zoning map of the city indicates that the parcels north of Cumberland Street are zoned RMH (Medium High Density) and south of Cumberland are zoned RM (Medium Density Residential). There is a little bit of confusion going back some years that Ordinance #15085 purportedly rezoned the property as RM, but it is really unclear. It almost with this proposal that it doesn't matter. You think part of the is RMH and the balance of it is RM. The property is currently vacant and covered with debris because people like to dump there. It was the Montex Textile Mill and that Mill stopped operating in 1999 when the large fire occurred in 2005. The applicant proposes to have apartment buildings, approximately four. It is not a land development. They will attempt to comply with RMH zoning. They are asking City Council to consider this request and vote for the property to be zoned RMH which is in red on the exhibit in front of you. You should know that prior to 2013, this property was zoned BLI

(Business Light Industrial). It has roots as a factory, it is a manufacturing facility. What they are asking tonight is uniform zoning of the entirety of the property holdings having been vacant for over 15 years is a beneficial use for the local owner such as Dr. Khan that is sitting here tonight. It is beneficial. All the property itself if you look at the tax map, you can see the property itself is 15 separate tax parcels and together it comes up to just shy of 5 1/2 acres. It is 5.33 acres. It has sat vacant and has been that way for the last 17 years. The proposal is to rezone the entire property to RMH. He does not want to belabor the positive outcomes for the neighborhood and the city. The zoning itself even though it has been several rezones and you take a look at the streets there to the north and to the west. You have some point dense zoning which is not what is keeping in the neighborhood to the east and south as you lead down to the creek. There is a natural terrain boundary for the property. He stated that he can answer question as can Dr. Khan, but they are trying to extend the RMH zoning that surrounds the property right now. We don't know there is any zoning relief necessary to develop the property if the zoning is changed. The intention is to avoid zoning relief and again, it had once been a factory then it was a fire and now it is a debris spewed lot. You would have brand new housing. He stated that he knows that they get it and already heard it once a month and a half ago. He would be glad to answer any question since this is a hearing and they allowed him to make the presentation without asking questions back and forth. He asked Dr. Khan if he heard what he presented, and would that be his testimony if he asked 50 questions.

Mr. Khan stated yes.

Mr. Daryl Hendricks asked Attorney Fitzpatrick if he could tell him how many additional residential units will be authorized if this ordinance is adopted versus if it were to remain the same. It is his understanding that nine of these plots are currently designated as Residential High Density. This that correct? Attorney Joseph Fitzpatrick stated approximately that many. They don't know because of the line change in the history of Ordinance #15085. It is approximately that much or more than half or currently that.

Mr. Daryl Hendricks stated that it would not require any changes. If you know, how many additional units.

Attorney Joseph Fitzpatrick stated that is correct. They don't have a land development plan. The proposal that Dr. Khan is presenting is 140 - 144 for the entirety of the property.

Mr. Daryl Hendricks asked if it was not adopted, what will it be at.

Attorney Joseph Fitzpatrick stated that it is tough for him to answer the question because he does not know the exact acreage of the RM versus to RMH. He does not know how many units, but the real question is, do you have to bring streets in to accommodate housing and extend some of those streets for towns or row houses. The way it lays out, it does not lend itself to that. That is why they said they are trying to consolidate 15 separate parcels.

Mr. Daryl Hendricks stated that initially the plan was to build cottages. Single family units.

Attorney Joseph Fitzpatrick stated that there was a failed plan to do something like that. That is not this gentleman's plan. It is just not feasible in this market from the standpoint of economics. He knows that is not a key zoning consideration. We all watched interest rates and we all know about supply chains.

Mr. Ed Zucal asked if this was granted would it cause current residents that are there to be taken by eminent domain.

Attorney Joseph Fitzpatrick stated that only Council can authorize eminent domain. He would advise Dr. Khan that he should not bother trying. No, they are not looking at any eminent domain.

Mr. Ed Zucal stated that there are houses north of Cumberland. The way that red is cut out there it goes all the way down to Rye Street.

Attorney Joseph Fitzpatrick stated that is all part of the 15 tax parcels. There is no thought whatever for eminent domain. To the extent it is a residential neighborhood. Older, advanced housing stock. Parking will be accommodated on the property. It is not going to be a street parking headache. he stated that he knows it is a concern.

Mr. Joshua Siegel thanked Attorney Fitzpatrick for his presentation and stated that the Lehigh Valley Planning Commission believes it is consistent with the multi module transportation. It is on a major point of egress and a fairly significant road. He asked if the traffic study in the works. Any efforts to evaluate the impact that additional units will have on the roadways. These are fairly congested roads as they are right now.

Attorney Joseph Fitzpatrick stated that internally Dr. Khan has an Urban Planner/Community Planner, Chris Brown who is on your Planning Commission. He has recused himself from the Planning Commission. With the engineers, those initial questions have been examined. As

Council can understand, he is asking for a rezoning to allow uses that currently prohibit. A full traffic study has not been conducted because we don't know yet if we can do this property.

Mr. Joshua Siegel stated that he wants to understand that there is an intention to conduct a full traffic study, considering a high amount of residential units obviously creates significant congestion. The intention is at least right now, as you described there will be four separate structures adding up to potentially 144 units in totality. Are we looking at apartment style structures a few stories tall?

Attorney Joseph Fitzpatrick stated that ultimately that is in the city's hands too. That is the range that is estimated. He stated within permitted zoning. He stated that he thinks that they can find it very attractive. Preliminary they will be three story buildings so they won't be soaring up above.

Mr. Joshua Siegel stated conceptually speaking, where will you consider connecting these units to the actual roadways. You have S. Sixth and S. Fifth, where will you perceive it. You are already at and the existing zoning around it is consistent of what you are requesting. It is essentially bringing it inline and making it congruent with the rest of the neighborhoods, but he is curious from a standpoint on how people are going to exit or enter this perceived or proposed structure or units.

Attorney Joseph Fitzpatrick stated that the corner streets on Sixth and Cumberland are the keys and he thinks there is an access. It is incoming and off Cumberland. No new streets, just an extension of what is there.

Ms. Cynthia Mota asked if there were any questions from the dais or comments from the public.

Mr. Ken Laudenslager, 721 Cumberland Street, president of the Fairview Neighborhood Crime Watch, stated that they object to the rezoning. The area north of Cumberland Street has always been there since the early 1920s and is medium high density. Anything south of Cumberland, is single homes. We are talking along Seventh Street. Cumberland and Sixth both end at this intersection which are dead end streets. We cannot handle any additional traffic now. It is difficult now to go through it with parking on both sides. Cumberland and 10th and Cumberland going down to Eighth up to Lehigh. On the map on the west side, it came out in the parking lot then it was an insert. It was all against private properties, single homes. Now, you are going to go and put a three story building in your backyards. It is going to put a negative impact by putting additional children into Jefferson Elementary which is hard to handle as it is. Crossing guards are at Eight and Wyoming and Eighth and St. John. These people

are going to be crossing before that. When were the polls for single housing and cottages that Mr. Hendricks brought up several years ago. The proposal came to the Crime Watch first and we approved it. He stated that they were in agreement with it. When it got in front of City Council that is when the change was made to the whole area to Medium Density, not Medium High Density. Look at the map. The other part it goes over and comes up and comes back. That is Cumberland Street. That is when the Medium High was reduced to Medium. The majority of this property has always been medium density once it changed to Business Light Industrial before the Allentown Zoning was in effect. This proposal not only ruins the neighborhood aspect south of Cumberland Street, it is also impacting the school district and it will be excessive traffic on Sixth Street. Cumberland Street can handle a little more traffic, but then again, you have a stop sign at Eighth and a stop sign on Sixth. Already, we have speeding going right passed his house all the time. There are kids playing on this street. Now, you want to increase the traffic. That is a bad idea. Fairview Crime Watch strongly recommends that you do not approve this zoning change.

Ms. Cynthia Mota thanked Mr. Laudenslager and asked if there were any other comments from the public.

Attorney Joseph Fitzpatrick stated that he absolutely respects the viewpoint of the neighbor. As a homeowner and a representative of a community organization, but the fact is, this has been a vacant debris spewed lot for 17 years. He stated that 22 years ago, it was an active Textile Mill and had employees coming and going, trucks coming and going, having docks taking materials in. He stated that they cannot dispute the gentleman's concerns. They bounded with Trout Creek, steep slopes east and south, and while some people came in with some brainy concepts of the past, they haven't worked. At least you have a local resident and a business person here who is pursuing this. With all respect to the gentleman that spoke, it is a dense neighborhood. They have IG Institutional General one block north of Good Shepherd with employees coming and going and a huge parking deck and ambulances and so forth. It is a busy area. Nothing is going to happen here and we have a gentleman saying can we have the next step up to zoning. The property is already partially zoned this way. We can comply with the city's ordinance. It was a factory not so long ago.

Ms. Candida Affa asked what was the reason again. They approved the cottages. They liked the cottages. Is it financial reasons? She asked if Mr. Khan owned the property when it was considered for the cottages.

Attorney Joseph Fitzgerald stated that he had nothing to do with that project.

Mr. Khan stated that it was a totally different party.

Ms. Cynthia Mota asked if there were any other questions from the dais. She stated that she would like to close the record and the matter would be deliberated and voted on tonight at the regularly scheduled City Council meeting. She asked if there were any other questions from the public.

Enactment No: 15809

**ADJOURNED: 6:38 PM**