



Minutes - Final

Community and Economic Development Committee

---

Wednesday, May 10, 2023

6:15 PM

Council Chambers

---

**Roll Call: Chair Mota, Napoli, Affa**

**Present:** 1 - Cynthia Mota

[15-5581](#)

Bill 11

Amending the Zoning Map and Zoning Ordinance of the City of Allentown by (i) rezoning certain parcels to B- 5 Urban Commercial District, and (ii) providing for a repealer clause, a severability clause, and an effective date.

**Attachments:** [Bill 11 115 Riverside Drive and 51 N. Front Street from B LI to B5](#)

[ACPC Action RezoningUrbanResProperties4-18-23](#)

[Referral Letter from Mike Hanlon regarding Bill 11 Riverside Drive and 51 N. Front Street from B LI to B5](#)  
[Rezoning Petition Documents II](#)

[Rezoning Petition Documents](#)

[Merged Envelopes](#)

[Merged Envelopes](#)

Ms. Cynthia Mota stated that they have Ms. Kistler and Ms. Gomez.

Ms. Vicky Kistler stated that they do not have anyone here. She stated that she never had one when no one was here.

Ms. Cynthia asked an audience member if they were from the Allentown School District.

Person in the audience stated that they are here for the South 12th rezoning.

Ms. Vicky Kistler asked if they were with Mr. Palumbo.

**A motion was made by Cynthia Mota, seconded by Candida Affa, that this Bill be Tabled for a future date.**

**Yes:** 3 - Cynthia Mota, Santo Napoli and Candida Affa

[15-5761](#)

Bill 23

Amending the Zoning Ordinance of the City of Allentown by allowing Elementary or Secondary School in an I3 zoning district if the subject lot is

immediately adjacent to or directly across the street from a residential zoning district, and providing for a repealer clause, a severability clause, and an effective date.

Attachments: [Bill 23 Zoning Amendment](#)

[ACPC Action](#)

[Referral Letter from Mike Hanlon regarding Bill 23 - Allowing Elementary or Secondary School in an I3 zoning district Merged Envelopes](#)

[The Morning Call Ad 7438458](#)

[Rezoning Posting - 2268 S 12th Street](#)

Ms. Cynthia Mota thanked Mr. Hanlon and asked who do we have here.

Mr. Charlie Schmehl, Urban Research and Development Corporation in Bethlehem, stated that they are here on behalf of the School District. he summarizes what is proposed. The proposal derives from a proposed new Charter School in the city of Allentown. The Lehigh Valley STEAM Charter School. Based on a model that is being used in Harrisburg. It is for a Zoning Text Amendment. The focus is on the text amendment. This is a 40 year old four story office building. The owners has had great difficulties marketing it for office space. There is a substantial excess of office space in the Lehigh County most in western Lehigh County that is empty. The reasonable use is for a Charter School. The amendment would add a primary and secondary use in an I3 zoning district. The text change would be the best way to handle this issue. There will be a planted buffer on the industrial side. The property is bordered by a day care center, industrial company, roofing company and existing residential homes. The building will be fully sprinklered. It is a similar concept of what the city has done in the Zoning Ordinance. There is an interim use of the site right now with truck parking. The application for that use says that they use will be discontinued once the Charter School will be ready for occupancy if this amendment would move forward. The trucking parking is not intended to be a permanent use. It is basically being used to pay the taxes and the carrying cost of holding on to the building until it is ready for another use. That is an allowed permitted by right use with truck parking. There is an appeal before the State Charter School Appeals Board for approval of the Charter School. The State Board often approves appeals.

Ms. Cynthia Mota thanked Mr. Schmehl and asked if there were any questions from the dais or the public.

Attorney Chesney, Fox Rothschild, stated that they are here on behalf of the School District. He stated that he has with him Todd Smith also from the School District. On behalf of the School District, they are here to raise an issue with respect to the proposed Ordinance. The proposed Ordinance

would permit or allow for Elementary and Secondary Schools in the I2 and I3 Industrial Districts of the city. Taking a look at what is proposed and the local, it is the opinion of the School District that this is simply not good planning. They were not made aware of any study, analysis or reports that have been done that indicates to them the currently ordinance is deficit or inadequate. Under the currently ordinance an Elementary or Secondary School is permitted by right or special exemption in 13 out of 18 zoning districts without the needs of adding additional areas in the industrial districts. The proposed ordinance was drafted or crafter for a particular property or property owner. It created an issue. You can't take a look at simply the Zoning Map and say this looks like it will work. If City Council moves forward with this proposal and adopts the Ordinance and property qualified. What happens when that daycare closes or moves. You will have your educational use or your Elementary or Secondary School across from a residential district and not next to an institutional use. It creates a problem to make a condition or one of the condition of this ordinance relying upon another institutional use.

Mr. Todd Smith stated that he will be speaking on planning, safety and economic impact. He understands procedurally this item is presented for the committee review. The city of Allentown wisely established zoning laws and zoning permits. They did so to protect the residential and commercial neighborhoods from factory, individual Manufacturing and Power plants along with their inherit risks from pills, wastes, accidents, and accompanying obnoxious smoke, emissions, noise, traffic, and other types of pollutions. As such Primary and Secondary Schools are not current permitted uses in I2 and I3 zoning districts. He attended several meetings and nowhere in those plans it suggest a zoning change to permit primary and secondary schools in an I2 and I3. The plan, however, does acknowledge sidewalk and bus route gaps, making south Allentown largely automobile dependent. It does highlight the fact south Allentown provide a living wage Manufacturing jobs and space for businesses to grow. It does highlight economic opportunity and increase tax base as a key to the plan's success. It does highlight south Allentown as an important employment hub and high tax contributor per square foot. Why would the city want to allow children to be located in an industrial environment and increase already heavy traffic and lose tax contributions and potentially manufacturing employment space by allowing a school. As a representative of a major stakeholder in Allentown, he intended and participated in the development in review of the Allentown Vision 2030 Comprehensive and Economic Development Plan. Out of all those meetings he attended nowhere in that plan does it suggest a Zoning change to permit primary and secondary schools in an I2 and I3. The Plan acknowledges sidewalks and bus routes gaps making south Allentown largely automobile dependent. It does highlight the fact that south Allentown provides a living wage manufacturing

jobs and space for businesses to grow. It does highlight economic opportunity and increase tax base as a key to the plans success. In summation, why would the city want to allow children to be located in an industrial environment, increase already heavy traffic, lose tax contributions, and potentially manufacturing employment space by allowing a school. As such, he asks that they provide the Allentown City Council with an unfavorably recommendation on this Bill.

Attorney Chesney stated that the Commonwealth Court of Pennsylvania has in 2021 recently rendered a decision with to respect to Zoning Text Amendments. It is a Conshohocken Bureau Case. The decision of the Commonwealth Court was where the bureau attempted to draft an ordinance that benefited a particular property. In this case, it was a Wawa. They drafted an ordinance to allow that particular use. The Commonwealth Court found that because the ordinance was so tailored to benefit a specific property, they determined that it was spot zoning and that it was invalid because it was done to benefit that particular property.

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

Mr. James Caser, 40 year resident of Allentown, stated that he lives on S. Popular Street which is a block away from where this school is intended to be placed. He asked why they would do a carve out to somebody that can't even comply with existing zoning. At this time, the current owner has a banner that exceeds the allowable size. The lot fails to have any buffers or trees or shrubbery. Why do we accommodate people unnecessarily when they don't comply with our zoning laws.

Ms. Cynthia Mota asked if there were any other comments from the public.

Mr. Santo Napoli asked Mr. Hanlon if he could pull the map up on this particular property.

Mr. Charlie Schmehl stated that the applicant has been working on bringing the property into compliance. The applicant has submitted plans to the city adding buffer plantings along S. 12th Street and showing improvements to the driveway that the city directed by made. The lighting plans are still being completed at the request of the city, but there has been an active effort to bring the property under compliance for the current use which is a permitted by right use to the current ordinance. The case that was mentioned in Conshohocken Commonwealth Court Case, in that situation it was really that one location where the use was allowed. The city staff has provided information that there was multiple locations where there may be opportunities where the industrial use is next door to the residential district

where there might be opportunities for the transitional district. The map that is up on the screen, you can see the yellow residential district on the eastside of S. 12th Street. You can see the subject property which is number one which again is a 1984 story office building that is currently vacant. Number two is an existing daycare center and what is labeled office is now converted into a roofing company. The industrial uses are a distance away from the western border. Further south there is a power substation and self-storage development. The school district prepared detailed plans to relocate Morrison Morton to a I-3 industrial district on Gordon Street. Competition is good. Giving a choice in terms of schools is a good idea. He talked about the bus traffic.

Ms. Cynthia Mota asked if there were any comments from the administration.

Ms. Vicky Kistler stated that they heard from both sides of the issue. The comment that they were going to make was exhibited on the map. She stated that Council's decision tonight does affect the other spots on the map should they pass this.

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

A question was asked if the owner will continue use it as a trucking terminal on weekends. It creates a lot of noise, dirt and traffic. It is an allowed use.

Mr. Charlie Schmehl stated that is a valid question. The application to city for the truck parking use states the use will be discontinued when the school is ready for occupancy. That is a temporary interim use to help cover the cost of the building until the building is ready for another use.

Ms. Ce Ce Gerlach stated once and if the Charter School Appeal Boards will approve the Charter, it won't be caps on the students. How will the Charter be in existence? Will it be a five year Charter or a three year Charter? Charter Schools can be denied after its Charter. What happens when it is denied?

Mr. Dave Rank stated to Ms. Gerlach to answer your question, when a Charter School typically starts it is usually given a three year Charter initially and after that it renews for five years subsequently every five years. You go back to the school district to get it approved. If for any reason the school district denies the Charter which happens which you may or may not be aware. The Charter School has the right to go to the CAB Board within the state to try to have that decision overturned, depending on what the reasons were.

Ms. Ce Ce Gerlach stated that for three years, it will be a school there, but after that.

Ms. Cynthia Mota stated that no one knows.

Mr. Dave Rank stated that is correct.

Ms. Ce Ce Gerlach stated that they will be rezoning an entire parcel of land for three years.

Mr. Dave Rank stated that it would be their decision. He cannot make it for them. It is three years and every five years after that when it gets renewed.

Ms. Vicky Kistler stated that if they can, she thinks that Jen as the Planning Director should weigh in on what you are getting to.

Ms. Vicky Kistler asked Ms. Gomez what happens if the school closes in three years or after a year decided that it did not want to be a Charter or have a student population. What would happen to that parcel.

Ms. Jennifer Gomez stated that if the school was to close, the building then would be allowed to use for any of the uses otherwise permitted in the zoning district and allowable by the building occupancy.

Ms. Vicky Kistler stated that it doesn't have to be another school. It would go back to what it is permitted in the zone.

Ms. Cynthia Mota stated that an office is permitted right now.

Ms. Candida Affa stated that if we rezone this as a Charter School, this opens us up to a lot of the commercial zoning for other Charter Schools.

Ms. Jennifer Gomez stated that this is a text amendment and the only additional it would add is the ability to do the school and any of the existing permitted used.

Mr. Santo Napoli asked Mr. Hanlon to pull up the slide with the red dots. The red dots signifies currently where this is happening or where it could happen.

Ms. Cynthia Mota stated where it could happen.

Mr. Santo Napoli asked if there are locations in the city of Allentown where it mirrors the discussion tonight.

Attorney Chesney stated that the review from staff states that it is locations

where it may happen.

Ms. Candida Affa asked if it has to be a rezoning rewrite.

Ms. Vicky Kistler stated that this is a text amendment.

Ms. Jennifer Gomez stated that it is a text amendment in the City Code and any situated property would apply to this same rules.

Ms. Cynthia Mota stated that if they pass this, other institutions or people can say that they would like a Charter School in certain areas.

Ms. Jennifer Gomez stated if they comply with the other zoning regulations that are being proposed then yes. They would allow it in other areas.

Mr. Santo Napoli stated that he knows that the city is going through another Zoning rewrite and something that he has been part of in the last year or so. Is there a timetable when the city expects that to be completed.

Ms. Jennifer Gomez stated that they are hoping to get a public drop by the fall in September or October timeframe. During that time, they will be looking at full scope of map amendments and zoning code amendments. They will then go through a public engagement process and the outcome of that will dictate when exactly the zoning code will be introduced for adoption. Probably later in 2024.

Ms. Cynthia Mota asked what is a zoning rewrite. She stated that she knows what it is.

Ms. Jennifer Gomez stated that the Planning staff is currently working with a consultant and has been for the past three years to draft a zoning code rewrite which is to transition the existing zoning code to a form-based code. It would change all the zoning regulations in the city and will also introduce a new zoning map. That project has been going on for some time now. It is recommended through Vision 2030 and they are trying to put together a draft product to bring for public review and comment.

Ms. Cynthia Mota asked if there were any other comments from the dais.

Ms. Jennifer Gomez stated that the end of October is when they are hoping for the public draft copy. That would go through a public vetting process and bring it back for final adoption in 2024.

**A motion was made by Candida Affa, seconded by Santo Napoli, that this Bill be forwarded to Council unfavorably due to the Code rewrite until the end of October.**

**Yes:** 3 - Cynthia Mota, Santo Napoli and Candida Affa

[15-5829](#)

Bill 31 Community and Economic Development Committee, forwarded favorably

Provides for the expenditure of certain monies received by the City of Allentown under Title I of the Housing and Community Development Act of 1976, as amended; The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009; and Title II of the National Affordable Housing Act of 1990, as amended; for the purpose of undertaking programs of housing and community development within the City.

**Sponsors:** Administration

**Attachments:** [Bill 31 - HUD New Account Setup](#)

Ms. Vicky Kistler stated that this is standard protocol to accept and then expend money under those grants.

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

**A motion was made by Santo Napoli, seconded by Santo Napoli, that this Bill forwarded to Council.**

**Yes:** 3 - Cynthia Mota, Santo Napoli and Candida Affa

[15-5828](#)

R81

Approves the submission of the Action Plan to the United States Department of Housing and Urban Development.

**Sponsors:** Administration

**Attachments:** [R81- 49 Action Plan HUD](#)

Ms. Vicky Kistler stated that this is also a submission to HUD that reiterates the goals of the city to comply with the HUD guidelines for the grants that were issued from HUD. It is a formality of an Action Plan that nears Vision 2030 on how the city plans to utilize HUD funding.

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

**A motion was made by Candida Affa, seconded by Santo Napoli, that this Resolution be forwarded to Council.**

**Yes:** 3 - Cynthia Mota, Santo Napoli and Candida Affa

[15-5837](#)

Bill 39 Community and Economic Development Committee, forwarded favorably

Amending the 2023 General Fund budget to allow for a position title change in the Health Bureau, changing the Sanitarian position to



Environmental Health Specialist, needing no additional funds.

**Sponsors:** Administration

**Attachments:** [Bill 39 Environmental Health Specialist Title Change](#)  
[Ordinance #15906](#)

Ms. Vicky Kistler stated that they want the change because the Age Old Title of Sanitarian is confusing to newer applicants. Newer applicants taking college curriculum are taking Environmental Health Science classes. By keeping the title Sanitarian, many of them think that these are positions within the Sanitary Sewer System. As opposed to the restaurant, daycare and Environmental Health realm. There is no pay grade change, salary change, but this is a more contemporary title for what the program does and they believe it will allow for less confusion for the applicants considered to fill the vacant positions.

Ms. Cynthia Mota stated that she agrees with Ms. Kistler. When she thinks about Sanitarian, she thinks about cleaning or a sewer system. She thinks about cleaning. She asked if there are any comments from the dais or the public.

**A motion was made by Santo Napoli, seconded by Candida Affa, that this Bill forwarded to Council.**

**Yes:** 3 - Cynthia Mota, Santo Napoli and Candida Affa

Enactment No: 15906

[15-5857](#) Bill 41 Community and Economic Development Committee, forwarded favorably  
Amending the 2023 General Fund budget to allow for a position name change in the Department of Community and Economic Development, Building Standards and Safety changing the Building Inspector Supervisor to the Review Coordinator needing no additional funds.

**Sponsors:** Administration

**Attachments:** [Bill 41 Position Rename Review Coordinator](#)  
[Ordinance #15907](#)

Ms. Cynthia Mota asked Ms. Kistler if she does the name change would it be an upgrade in terms of the pay or a pay raise.

Ms. Vicky Kistler stated that this is another area of confusion in Building Standards. This position is actually is a position that goes to the counter, speaks with our constituents about building inspections related issues. The reviews, the plan reviews, the questions, how deep does their footer need to be for a deck and relays information back to the scheduling of the Building Inspectors. It is confusing because if you really want to speak at

this point to someone about the performance of a Building Inspector, that goes to Heidi Westerman who is the Director of the Program. To comply in a better way to Intergov which is the role that this individual will fill in the Intergov process, he will streamline the reviews and coordinate the response to the reviews. They would like to change the name so that now it is an electronic system, when citizens see that name, they will understand that review questions will go to that individual and Building Inspector issues will go to Heidi or Joe who are our two actual Director and Housing Superintendent.

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

**A motion was made by Santo Napoli, seconded by Candida Affa, that this Bill be forwarded to Council.**

**Yes:** 3 - Cynthia Mota, Santo Napoli and Candida Affa

Enactment No: 15907

**Adjournment 6:57 PM**