

REZONING REQUEST PETITION

City Council  
Allentown, PA 18101  
TELEPHONE: (610) 437-7556  
FAX: (610) 437-7554  
EMAIL: Michael Hanlon  
Tawanna L. Whitehead

Date September 1, 2021

michael.hanlon@allentownpa.gov  
tawanna.whitehead@allentownpa.gov

Members of City Council:

We, the undersigned and interested parties, hereby request your honorable body to rezone the following tract of land or amend the zoning code in the following manner. The rezoning request shall be attached to this form in the exact manner the petitioner expects the legislative body to act on and meet all the requirements relating to the legislation.

The subject property is described in the attached Deed and is located at  
1837 West Linden Street in the City of Allentown.

from Medium Density Residential (R-M Zone) zoning classification to Highway Business District (B-3 Zone) zoning classification. A legal

description of the property to be rezoned must be included with this application. Attach any necessary additional information.

The reason for this rezoning is: The subject property and the uses permitted in the B-3 Zone (Highway Business District) are more appropriate for the subject property than the current Medium Density Residential (R-M Zone) with Traditional Neighborhood Development Overlay (TNDO District) in which the subject property is located. The area diagonally across Linden St. at 19th and Linden is zoned B-3 and is the site of a St. Luke's facility.

NAME

ADDRESS

GAZI ABDULHAY

1837 W. LINDEN Allentown  
SUITE: 201 18104

Send or deliver this petition, along with \$1,000 check to cover administrative costs, payable to the "City of Allentown." In addition the petitioner must pay in full all costs incurred in publishing the legally required advertising for the Map or Zoning Code Amendment.

Petitions for zoning map and zoning amendments can be found on the City website or by contacting the City Clerk's Office. A written Petition for a Zoning Map Amendment (Rezoning) may be submitted to City Council by a citizen. It must be notarized and signed by the owners of 50% or more of the land proposed to be rezoned, and it must be submitted together with a check in the amount of \$1,000.00 payable to the City of Allentown, to the City Clerk's Office, 435 Hamilton Street. A written petition for a Zoning amendment may be submitted to City Council by a Citizen and it must be submitted together with a check in the amount of \$1,000.00 payable to the City of Allentown, to the City Clerk's Office, 435 Hamilton Street. In addition, the petitioner must pay in full all costs incurred by the City in publishing the legally required advertising for the Map or Zoning Code Amendment prior to final Council Action. (Ordinance 15503 adopted 12/5/18)

City Clerk  
City Hall  
Room 510  
435 Hamilton Street

## GENERAL REZONING REQUEST PROCEDURES

1. The request must be submitted in legislative format to City Council, c/o City Clerk, signed by the owners and/or authorized agent on forms supplied by the City. The proposed legislation should include a specific description of the area to be rezoned and/or the zoning changes to be made, appropriate maps and be in the form the petitioner desires the proposal to be acted on. .
2. Upon receipt, the proposal is placed on the next available Council agenda for the First Reading.
3. After First Reading, said bill is referred to the Allentown City Planning Commission and Lehigh Valley Planning Commission for their review and recommendation. This must occur at least thirty (30) days prior to the date of the public hearing. A copy is also placed in the county law library.
4. After receiving all appropriate reports from the Lehigh Valley Planning Commission and the Allentown Planning Commission, and at the discretion of the Council President, the City Clerk scheduled a public hearing.
5. The public hearing is scheduled, based upon the advertising requirement for public notice as required by law, (to be advertised two (2) consecutive weeks, not less than 7 days nor more than 28 days before the public hearing). A good faith effort must be made to notify the effected property owners within 30 days prior to the public hearing.
6. A copy of the request for advertisement is sent to Planning enabling them to "post" the property. This posting must occur at least one (1) week prior to the public hearing.
7. City Council holds the public hearing. If acceptable by City Council said bill may be placed on Council's agenda at its regular meeting the same day as the public hearing. Council will then act on the bill for final adoption.  
  
Should any significant changes to the original bill be made by City Council, said changes must be referred back to the Allentown City Planning Commission and Joint Planning Commission for review.
8. A copy of the amendment to the Zoning Ordinance shall be forwarded to the Joint Planning Commission within thirty (30) days after enactment.
9. Pursuant to Section 108 of the Pennsylvania Municipalities Planning Code, 53 PA. STAT. § 10108, the person providing notice as authorized by this section shall provide proof of publication to the municipality adopting the ordinance or decision for retention with municipal records.

**PETITION TO THE ALLENTOWN CITY COUNSEL FOR AN  
AMENDMENT TO THE ALLENTOWN'S CITY ORDINANCE**

The Applicant of Webster Place Associates, LLC of 1837 West Linden Street, Suite 201, Allentown, Pennsylvania 18104 respectfully represents:

1. Applicant is the owner of real estate premises located at 1837 West Linden Street, City of Allentown, Lehigh County, Pennsylvania. The property is also known as 1837-1851 West Linden Street. The property has a two-story office building which was built in or about 1986.

2. The subject property and the uses permitted in the B-3 Zone (Highway Business District) are more appropriate for the subject property than the current Medium Density Residential (R-M Zone) with Traditional Neighborhood Development Overlay (TNDO District) in which the subject property is located. The area diagonally across Linden Street at 19<sup>th</sup> and Linden is zoned B-3 and is the site of a St. Luke's facility.

3. Section 1309.06 of the Zoning Ordinance states the purpose of each district as follows:

A. B-3 Highway Business District – The B-3 District is usually found along a City arterial street. The purpose of the district is to provide locations for highway oriented and other retail uses and services for large areas of the City and beyond.

B. R-M Medium Density Residential District – The purpose of this district is to provide areas for medium density residential use, relatively small lot sizes and attached as well as detached dwelling units and to stabilize and protect the characteristics of these areas.


4. The subject property has been used historically as a Health Center, Physicians Office, and Business Offices. Currently, the property is used as a laboratory

and Home Care Agency. A Day Care was recently denied permission to use because this use was not permitted on the R-M District but would have been approved in the B-3 District.

5. The subject property is located on an Arterial street with many uses that are "highway oriented".

WHEREFORE, Petitioner requests that its property of 1837-1851 be rezoned from R-M to B-3.

Webster Place Associates, LLC, by



A handwritten signature in cursive script, appearing to read "Q. Abdulla", is written over a horizontal line.

This Indenture,

Made the 27<sup>th</sup> day of May, in the year Two Thousand Three (2003),

Between ALLENTOWN COMMERCIAL AND INDUSTRIAL DEVELOPMENT AUTHORITY ("ACIDA"), an Authority formed under the Pennsylvania Commercial and Industrial Development Authorities Act, party of the first part, hereinafter GRANTOR,

AND

WEBSTER PLACE ASSOCIATES, LLC, party of the second part, hereinafter GRANTEE,

Now this Indenture, Witnesseth, that the said Grantor,

for and in consideration of

the sum of ONE and 00/100

(\$ 1.00 ) Dollars,

lawful money of the United States of America, to it well and truly paid by the said grantee at and before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, granted, bargained, sold, aliened, released and confirmed, and by these presents does grant, bargain, sell alien, release and confirm unto the said grantee, its successors and assigns,

ALL THAT CERTAIN tract of land known as 1837 to 1851 Linden St. situate on the northerly side of Linden St. and the easterly side of North Nineteenth St. in Ward 11, City of Allentown, Lehigh County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a P.P. & L. Co. disc at the intersection of the northerly property line of Linden Street (60 feet wide) with the easterly property line of North Nineteenth Street (60 feet wide): thence (1) along the said easterly property line of North Nineteenth Street, N 13° 47' 00" W 120.00 feet to a P.P. & L. Co. disc; thence (2) along the southerly property line of Webster Street, (20 feet wide), N 76° 13' 00" E 149.50 feet to a concrete monument (said course passes through a P.P. & L. Co. disc at 40 feet); thence (3) along land of Lehigh County Industrial Development Authority, S 13° 47' 00" E 120.00 feet to a reinforcing bar; thence (4) along the aforesaid northerly property line of Linden Street, S 76° 13' 00" W 149.50 feet to the point of beginning (said course passes through a P.P. & L. Co. disc at 109.5 feet).

Containing 17,940 square feet.

Being all as shown on a plan titled "Alan H. Arsht - Final Minor Subdivision Plan - 1837-1851 Linden Street," dated January 1985 and last revised February 12, 1985, plan #P-2725, as prepared by F & M Associates, Inc., Consulting Civil Engineers, Allentown, PA.



BEING THE SAME PREMISES which Alan H. Arsht did convey over and unto the Grantor herein by Deed dated and recorded December 11, 1985 in Deed Book Volume 1364, page 453 in the Office of the Recorder of Deeds in and for Lehigh County at Allentown, Pennsylvania.

Together with all singular ways, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances whatsoever thereunto belonging, or in anywise appertaining, and the reversions and remainders, rents, issues and profits thereof; and also, all the estate, right, title, interest, use, trust, property, possession, claim and demand whatsoever,

in law, equity, or otherwise howsoever, of, in, to, or out of the same:

To have and to hold the said hereditaments and premises hereby granted and released, or mentioned and intended so to be, with the appurtenances, unto the said grantee, its successors and assigns, to and for the only proper use and behoof of the said grantee, its successors and assigns,

And the said grantor, does specially

grantee, its successors covenant, promise and agree, to and with the said and assigns, that it the said grantor, has not done, committed, or knowingly or willingly suffered to be done or committed, any act, matter or thing whatsoever, whereby the premises hereby granted, or any part thereof, is, are, shall or may be impeached, charges or incumbered, in title, charge, estate, or otherwise howsoever.

ACTUAL CONSIDERATION \$504,000.00

In Witness Whereof, said grantor has hereunto set its hand and seal the day and year first above written.

ALLENTOWN COMMERCIAL AND INDUSTRIAL DEVELOPMENT AUTHORITY

Alan H. Arsht, chairman (L.S.)

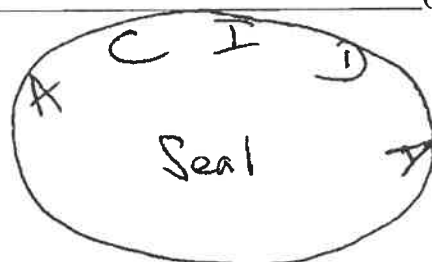
\_\_\_\_\_ (L.S.)

\_\_\_\_\_ (L.S.)

\_\_\_\_\_ (L.S.)

Signed, Sealed and Delivered )  
IN THE PRESENCE OF )

Michael R. Miller )  
\_\_\_\_\_ )  
\_\_\_\_\_ )  
\_\_\_\_\_ )



Commonwealth of Pennsylvania )  
 ) SS.:  
County of LEHIGH )

On this, the 27th day of May A.D. 2003, before me the undersigned officer, personally appeared Robert L. Buck, Chairman of Allentown Commercial and Industrial Development Authority,

known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she/he executed the same for the purpose therein contained, and desired the same might be recorded as such, according to law.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



*Lois M. Nonnemaker*  
NOTARY PUBLIC  
MY COMMISSION EXPIRES

**NOTARIAL SEAL**  
LOIS M. NONNEMAKER, Notary Public  
City of Allentown, Lehigh County, PA  
My Commission Expires Aug. 18, 2003

I hereby Certify that the precise address of the grantee herein is

Suite 400, 512 Hamilton St  
Allentown PA 18101

*Jullie*

Omega Abstract  
512 Hamilton st,  
Allentown PA 18101 **MAIL**

## Whitehead, Tawanna

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**From:** Jamie Smith <[jsmith@malkameslaw.com](mailto:jsmith@malkameslaw.com)>  
**Sent:** Thursday, September 2, 2021 11:12 AM  
**To:** Whitehead, Tawanna  
**Subject:** 1837 W. Linden Street Rezoning Petition contact info

You don't often get email from [jsmith@malkameslaw.com](mailto:jsmith@malkameslaw.com). [Learn why this is important](#)

Client: Gazi Abdulhay  
Email: [gabdulhay@gmail.com](mailto:gabdulhay@gmail.com)  
Phone: 610-390-6671

My Email: [jsmith@malkameslaw.com](mailto:jsmith@malkameslaw.com)  
Phone: 610-821-8327

Very truly yours,

*Jamie Smith* Secretary to  
William G. Malkames, Esquire  
Mark Malkames, Esquire  
Malkames Law Offices  
509 W. Linden Street  
Allentown, PA 18101  
Phone: (610) 821-8327  
Fax: (610) 821-5851  
Email: [jsmith@malkameslaw.com](mailto:jsmith@malkameslaw.com)