

REZONING REQUEST PETITION

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

Date 2/15/2022

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.

See Supplemental Statement

from RM zoning classification to RMH 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: See Supplemental Statement

NAME

ADDRESS

Cottage Investors LP

116 Route 22, North Plainfield, NJ 07060

The Yasin Khan 2021 Family Trust, Equitable Owner

1146 S. Cedar Crest Blvd., Allentown, PA 18103

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**



FITZPATRICK
LENTZ & BUBBA
ATTORNEYS AT LAW

skobal@flblaw.com

February 15, 2022

VIA HAND DELIVERY

Michael P. Hanlon, City Clerk
Room 510, City of Allentown
435 Hamilton Street
Allentown, PA 18101

RE: Rezoning Request Petition

S. 6th Street and West Cumberland Street, Allentown, PA 18103

**Tax Parcel I.D. Nos. 640636625261, 640636415274, 640636238192,
640636115157, 640635292480, 640636108387, 640636447004, 640636432866,
640636431821, 640636339796, 640636338629, 640635181690, 640636345357,
640636444722, 640636348459**

Dear Mr. Hanlon:

Enclosed for submission please find the following:

1. An original and one (1) copy of the Rezoning Request petition and Supplemental Statement; and
2. Check in the amount of \$1,000 representing the required application fee.

Thank you for your assistance. If you have any questions, please contact my office.

Very truly yours,

Stephanie A. Kobal


Enclosure

cc: Joseph Plunkett, Esquire (via e-mail)
Yasin Khan, M.D. (via e-mail)
Joseph A. Fitzpatrick, Esquire (via e-mail)

REZONING REQUEST PETITION

COTTAGE INVESTORS LP

By: JFA-590 Exchange TIC II LLC, its general partner

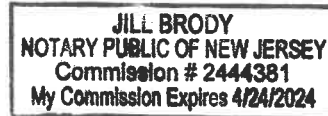
By: 
Name: Roy Pascal
Title: Partner

STATE OF NEW JERSEY :
: SS:
COUNTY OF Morris :

On this 2 day of February, 2022, before me, the undersigned officer, personally appeared Roy Pascal, who acknowledged himself to be the Partner of JFA-590 Exchange TIC II LLC, a Pennsylvania limited liability company, the general partner of Cottage Investors LP, a Pennsylvania limited partnership, and that he as such officer being authorized so to do, acknowledged that he executed the foregoing instrument on behalf of such limited partnership for the purposes herein contained.

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


Notary Public
My Commission Expires:



REZONING REQUEST PETITION

THE YASIN KHAN 2021 FAMILY TRUST

By: [Signature]
Name: Yasin Khan
Title: Donor

COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF Lehigh :

On this, the 31st day of January, 2022, before me, the subscriber, a duly authorized Notary Public, personally appeared Yasin Khan, Donor of The Yasin Khan 2021 Family Trust, dated October 18, 2021, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same in the foregoing capacity and for the purposes therein contained.

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

Commonwealth of Pennsylvania - Notary Seal
Beth Lloyd, Notary Public
Lehigh County
My commission expires March 16, 2024
Commission number 1268251
Member, Pennsylvania Association of Notaries

[Signature]
Notary Public
My Commission Expires:

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.

**SUPPLEMENTAL STATEMENT
REZONING REQUEST PETITION
CITY OF ALLENTOWN**

I. BACKGROUND

The applicant, The Yasin Khan 2021 Family Trust (the “**Applicant**”), is the equitable owner of approximately 5.3232 acres located at S. 6th Street and West Cumberland Street, Allentown, PA 18103, Lehigh County, Pennsylvania, having Tax Parcel I.D. Nos. 640636625261, 640636415274, 640636238192, 640636115157, 640635292480, 640636108387, 640636447004, 640636432866, 640636431821, 640636339796, 640636338629, 640635181690, 640636345357, 640636444722, 640636348459, which are more fully described in Document ID No. 2016027269 (collectively, the “**Property**”). The Property is currently owned by Cottage Investors LP (the “**Legal Owner**”).

A portion of the Property may be currently zoned RM-H, and a portion of the Property is currently zoned RM. The current Zoning Map for the City indicates that the parcels north of Cumberland Street are zoned RM-H, while the parcels south of Cumberland Street (PIN Nos. 640636625261, 640636415274, 640636115157, 640636108387, 640635292480, and 640635181690) are currently zoned RM. In 2013, however, Ordinance No. 15085 purportedly rezoned the entire Property as RM. Therefore, it is currently unclear whether the following parcels are zoned RM or RM-H: 640636238192, 640636345357, 640636348459, 640636444722, 640636447004, 640636432866, 640636431821, 640636339796, and 640636338629. Due to the zoning ambiguity explained above, Applicant proposes to rezone the entire Property from RM to RM-H.

The Property is currently vacant land, covered with brush and some debris. Historically, the Property was the site of the Montex textile mill (the “**Mill**”). The Property has not been utilized since the Mill ceased operations in 1999, and has been wholly vacant since the Mill was destroyed by fire in 2005. Applicant proposes to construct 4 buildings, each comprising of a mix of 1 and 2 bedroom apartments, surface parking and related improvements on the Property (the “**Project**”). Applicant believes that the redevelopment of a parcel that has stood dormant for so long will be a positive outcome for a neighborhood within the City that has yet to experience the benefits of redevelopment.

II. REQUESTED REZONING

Applicant requests the City to rezone the Property from RM to RM-H (the “**Request**”). For the reasons set forth herein, the Request should be granted.

III. REASON FOR REZONING

The Request is appropriate for a number of reasons. Prior to 2013, a large portion of the Property was zoned BLI, which is actually more intense than the Request. Portions of the Property were zoned RM-H prior to 2013, and may remain zoned RM-H (see Background for more information). This Request will result in the uniform zoning of the Property. The Request also will remove any ambiguity as to the zoning of the parcels north of Cumberland Street, which is beneficial from an administrative standpoint. In 2013, the Property was rezoned to RM. Further, a significant amount of the neighborhood in the vicinity of the Property is already zoned RM-H, so the Request is merely extending the existing RM-H zone to the Property.

In addition, as the City is acutely aware, this Property has sat wholly vacant for over 15 years and has not been utilized in any productive manner for more than 20 years. Since that time, several redevelopment proposals for the Property have been submitted to the City to no avail. Those prior proposals were unsuccessful for a variety of reasons, one of which was the 2013 downzoning, which limited the amount of redevelopment on the Property. The Request is minimal relief necessary to achieve feasible and successful redevelopment of the Property, which has laid vacant for a long period of time. In addition, the redevelopment of the Property would be the first such redevelopment in this area of the City, which the Applicant believes would be of great benefit to this neighborhood.

Granting the Request will not adversely impact the surrounding neighborhood, as a significant portion of the surrounding neighborhood is currently zoned RM-H. Applicant will adhere to zoning and land development codes in connection with the Project. The Request and the Project, as described herein, are consistent with other residential uses in the neighborhood. Further, Applicant is requesting the minimum relief necessary to successfully redevelop the Property. Granting the Request will not adversely impact public health, safety or welfare or the surrounding area.

IV. CONCLUSION

For the aforementioned reasons, the requested Request should be granted.

Respectfully submitted,

FITZPATRICK LENTZ & BUBBA, P.C.

By: 

Joseph A. Fitzpatrick, Esquire

Stephanie A. Kobal, Esquire

Attorneys for Applicant

Two City Center

645 W. Hamilton Street, Suite 800

Allentown, PA 18108

(610) 797-9000

Date: February 15, 2022