



ALLENTOWN CITY PLANNING COMMISSION
435 HAMILTON STREET
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ALLENTOWN CITY PLANNING COMMISSION

PUBLIC MEETING MARCH 10, 2015

MINUTES

MEMBERS PRESENT:

Oldrich Foucek, III, Esquire, Chairman
Richard Button, Secretary
Christian Brown
Jeff Glazier
Mark Buchvalt
Damien Brown
Richard Niesenbaum

CITY STAFF PRESENT:

Michael Hefele, Planning Director
Craig Messinger, Interim Director of Public Works
Mark Geosits, P.E. Senior Civil Engineer/Assistant City Engineer
Nelson Varughese, Traffic Controls Superintendent
Barbara Nemith, Zoning Supervisor
Tawanna Whitehead, Deputy City Clerk
Jeanne Marsteller, Recording Secretary

OTHERS PRESENT:

See attached sign in sheet.

MINUTES:

The minutes of February 10, 2015 were approved as written.

SIDEWALK CONSTRUCTION POSTPONEMENT REQUESTS:

752 Union Boulevard (E. Clay Street side) S15-2 requested by Arthur Glick & Elmer Glick
768 Union Boulevard (E. Clay Street side) S15-3 requested by Arthur Glick & Elmer Glick

Atty. Ronald Corkery represented the applicant. The applicant is requesting a 10 year postponement on the installation of sidewalk along E. Clay Street. The absence of sidewalk would not adversely affect public safety/conveniences. The area is now grass and would create more impervious surface/water issues. There are no sidewalks on this street. Pictures were shown and after discussion, Mr. Glazier made a motion to GRANT this request for the postponement of installation of sidewalks. Mr. Damien Brown seconded the motion. Motion passed unanimously.

LAND DEVELOPMENTS:

The Landmark, 90 S. 9th Street LMA-2014-00010 Revised Preliminary/Final Plan approval requested by Bruce Loch, Ascot Circle Realty, LLC (Tabled at January 13, 2015 meeting) Applicant also requests waiver from Section 1385.11.B of the Land Development Controls Ordinance which requires the horizontal distance from either the toe or top of an excavation or fill slope line shall be five (5) feet or one-half (1/2) the height of the fill or excavation from any adjoining property or easement line whichever is greater. The application proposes the construction of a 33 story building for office, retail and residential use.

Arthur A. Swallow, P.L.S., and Andrew J. Woods, P.E., P.L.S. of Arthur A. Swallow Associates and Glenn Lichtenwalner, AIA of W2A Design Group represented the applicant.

Mr. Swallow summarized the project. Changes were made to the plan from the staff comments and are now seeking preliminary/final plan approval conditioned on satisfying these staff comments and two items of relief needed from Zoning. A traffic and pedestrian study was done as required and submitted.

Mr. Hefele asked Mr. Swallow to clarify how the building will be serviced, loading/unloading, trash removal and building parking, which was discussed at the last meeting. Mr. Swallow explained the building will be entered on 9th Street with a layby parking arrangement to facilitate the drop off of residents and incidental services. At the southwest corner of Walnut Street there will be a utilities services entrance with refuse, recyclable containers and contracted removal will be done. Atty. Foucek asked is that inside the building? Mr. Swallow responded yes, everything is inside and secured.

Mr. Swallow continued by addressing the Zoning comment in the last review letter concerning loading and unloading truck parking. He stated this facility is primarily office space and not of a manufacturing use that would have a lot of deliveries of merchandise, supplies as well as shipping of merchandise that would require a designated loading/unloading situation. The Zoning office has indicated that a variance would have to be granted by the Zoning Hearing Board.

Atty. Foucek asked with the installation of the layby being contingent of upon approval of the loss of parking meters, how many parking spaces will be eliminated. Mr. Swallow believes it will be seven between the two sides. Walnut Street parking spaces will also be eliminated. Atty. Foucek recalled the approval to remove the meters must be granted by the parking authority and since you are leasing spaces in their deck, they will probably grant that approval. Mr. Swallow stated conversations are currently underway with the parking authority on the elimination of the parking

meters along 9th Street and Walnut Street.

Mr. Button questioned the number of parking spaces available and access to the building from the parking deck. Mr. Swallow stated the developer has an agreement with the parking authority for up to 250 parking spaces and if more is needed there are plans for the possibility of adding two levels onto the parking deck. The access question Mr. Swallow directed to Mr. Lichtenwalner who stated the preliminary plans have access from the parking deck directly into the building on the second and fifth floors.

Atty. Foucek stated there are 11 residential units planned that may trigger ADA or disabled parking requirements and if so those handicapped spaces will be located on the levels that allow direct access into the building. Mr. Lichtenwalner responded correct it will be fully ADA compatible.

Mr. Button asked if the layby is for deliveries, such as Fed Ex or UPS? Mr. Swallow answered it is the intent to offer short-term incidental parking. The area will be posted, not metered, for loading and unloading only. Mr. Glazier pointed out there are laybys in Allentown that are metered. Mr. Hefele clarified these arrangements are made with the parking authority and usually there is a fee attached to the removal of parking meters.

Mr. Buchvalt questioned is there an issue with using the layby space as a loading area. Mr. Hefele answered loading needs to be provided onsite and not the public street to satisfy the zoning requirement. Mr. Swallow mentioned as stated earlier the presentation to the Zoning Hearing Board the mitigation on not providing an off street facility is they will not be a heavy user of trucks that would require that and would provide for the layby as well as Walnut Street for that incidental event where you have a bigger truck, such as a moving van. Loading/unloading can then be done through a service elevator

Mr. Buchvalt asked is the access to the trash area internal and secure for the residents. Mr. Swallow stated the area would be secure as the building will be secure. It remains uncertain how it will work whether there will be a chute, where it is deposited and will it be collected by building maintenance.

Mr. Glazier asked for the number and size of the elevators. Mr. Lichtenwalner stated there will be four elevators with one being used as pedestrian and/or service elevator and are the appropriate sizes for this type of building. Mr. Glazier pointed out that most buildings have at least one elevator that is taller or wider to allow for large deliveries. Atty. Foucek agreed most large apartment buildings usually have one large elevator to accommodate large pieces of furniture and suggests this is one way to make residents happy.

Mr. Button asked what floor the cantilever will come out. Mr. Swallow answered the fifth floor. Atty. Foucek summarized if there is a greater requirement for parking, and the two floors are added to the parking deck, would this impact the design of the building. Mr. Swallow said not at all, it is already planned for the additional two levels.

Atty. Foucek reviewed and discussed the waiver that is being requested. Mr. Hefele stated the Engineering staff reviewed the Traffic Study submitted and have no comments.

Mr. Button asked if there will be road closures during construction. Mr. Swallow can't state for sure, but with his experience there may be lane closure with possible road closure with the movement of cranes and equipment.

Motion was made by Mr. Christian Brown to grant PRELIMINARY/FINAL PLAN APPROVAL subject to the satisfaction of the comments in the March 10, 2015 letter from staff. Second by Mr. Damian Brown. Motion passed unanimously.

Mr. Buchvalt made a motion to grant the waiver from Section 1385.11(B) of the Land Development Controls Ordinance which requires the horizontal distance from either the toe or top of an excavation or fill slope line shall be five (5) feet or one-half (1/2) the height of the fill or excavation from any adjoining property or easement line whichever is greater. Mr. Button seconded the motion. Motion passed unanimously.

City Center Flats, 31-33 S. 8th Street LMA-2015-00002 Preliminary/Final plan approval requested by City Center Investment Corporation. The application proposes the construction of an 11 story structure for retail, parking and residential use.

Mr. James Gentile of North Star Construction Management, Inc. represented the applicant.

Mr. Gentile stated the applicant is proposing 200 apartments, a parking deck and retail. Proposed plans are to remove and retain the plaque off the Elks Lodge building and using the architectural style of the building on the parking level and cover up the other areas with screening so you are not looking at a parking structure. The plan shows the apartments above the parking deck are stepped back both along Walnut and Eighth streets, so the building looks not as tall and gives the feeling of what was recommended in the recent downtown study. There will be five floors of parking, five floors of apartments and 4,000 square feet of retail along the 8th Street side. There are two entrances into the building, one off of 8th Street and one off of Walnut. A traffic report was done based on Engineering's recommendation. There is a loading area in the bottom area off of Walnut and a ramp for people moving in and out of the building and deliveries for the retailers. Trash chutes will be located throughout the building for all the apartments to the first level and taken to enclosed dumpsters located inside the building. Mr. Gentile advised that all the comments contained in Mr. Hefe's review letter of March 9, 2015 can be addressed.

Atty. Foucek recused himself. Mr. Button assumed the chair.

Mr. Damien Brown asked on floors 2-4 with the glass façade on the corner of 8th and Walnut, is that the parking garage? Mr. Gentile stated yes, glass is located on the two corners of the building where the entrances are located to make it more appealing. Attempt is to make a parking structure not look like a parking structure.

Mr. Buchvalt questioned if the loading space is located inside the garage. Mr. Gentile stated yes off of Walnut. The Walnut level garage is actually one floor lower and will be used for the loading area and also contain storage for the apartments. A ramp will also be another way out of the parking deck so traffic can move more freely. The loading area is available for residents, retail and any kind of deliveries.

Mr. Damien Brown asked if the space along Walnut Street will be used for retail or office space. Mr. Gentile replied discussions were held and if in the future there is a market for retail along Walnut, then it can definitely happen.

Mr. Hefe stated the downtown plan was finishing up as this project was getting under design. In discussion before this plan was submitted, it would be ideal to see residential along Walnut with parking in back. Mr. Gentile indicated there is not enough depth on the lot to be able to accommodate the depth of residential and the amount of parking they are trying to achieve. The

plan does have the inclusion of the retail space on 8th street, but would like to see something along Walnut Street, either from a more activated use such as retail or some design enhancement to negate the effect of another parking structure.

Mr. Christian Brown asked how many parking spaces are being generated. Mr. Gentile replied there are currently 700 but may change slightly. The number required for the apartments is 150, so there are plenty of spaces to accommodate future growth. Mr. Button asked is this parking just for the building. Mr. Gentile stated it is also public parking.

Mr. Glazier questioned the parking exit along Walnut Street, does it exit directly onto Walnut Street or Hall Street. Mr. Gentile answered it exits onto Walnut Street but is basically almost to Hall Street, but well enough off the sight triangle.

Mr. Button asked if there are currently sidewalks on Hall and Maple. Mr. Hefele stated if they are not there now, they will be required. Mr. Gentile stated there will be sidewalks.

Mr. Christian Brown commented architecturally speaking he appreciates the existing building, but we're losing some of the recognition of the building blocks that put the city together years ago, that being a conglomeration of smaller buildings. We're losing the scale of the city with more and more projects we have like this. The arena frontage is so homogenous and so broad that you forget it was 12 to 15 buildings that made that street frontage. Not to say we can't have new mega-block construction like this, but I think someday we'll look back and regret that we lost all the character from the individual facades. It's a burden maybe, but we're in a district where there is a lot of incentive and assistance to do good things. If we're not going to retain, renovate and restore the existing buildings, at least we should try and pay some additional homage to what was there before.

Mr. Hefele said it is interesting to see how the design of parking structures has evolved and there are some that have recreated the street façade on the façade of the deck giving it diversity.

Mr. Damian Brown concurred and stated as the city moves forward the need is to make sure that all projects increase city activity so the city can support itself. This project does just that by adding residents to the downtown and the design of the building needs to encourage activity for the residents of the building and the neighborhood.

Motion was made by Mr. Damien Brown to grant conditional PRELIMINARY/FINAL PLAN APPROVAL subject to the satisfaction of the comments in the March 9, 2015 letter from staff. Second by Mr. Glazier. Motion passed. Atty. Foucek abstained.

Atty. Foucek assumed the chair.

The Waterfront LMA-2013-00009 request of Waterfront Redevelopment Partners LP to amend conditions of Tentative Plan Approval dated August 1, 2013 and Phase 1 Final Plan Approval dated November 26, 2013.

Atty. Joseph Fitzpatrick, Ryan Dunn and Andrew Twigg of Dunn Twigg Company, LLC represented the applicant.

Mr. Hefele gave a brief background. This project is located on the former Lehigh Structural Steel site along the Lehigh River Waterfront. There is a special zoning district within the zoning ordinance that was written solely to accommodate this site and other similar sites along the

Waterfront which enables development to be treated as a PRD [Planned Residential Development]. The benefit of a PRD approach it provides the developer with great flexibility from a design standpoint and also provides the Planning Commission with more input in terms of that design, mix of uses and those types of issues.

This project has a little bit of a different procedure that is associated with a PRD. The entire site was required to have initially a tentative plan approval which is essentially a sketch plan or master plan for the whole 26 acres. Based on that tentative plan, individual phases are submitted for final development plan approval. Tentative plan approval for this project was given on August 1, 2013. A subsequent submission of the first phase development plan, which is everything south of the Tilghman Street bridge, was granted final plan approval by the Planning Commission on November 26, 2013.

According to the approved plan the site would be accessed by Furnace Street to the north and Allen Street to the south. Currently, the site is separated from these streets by the existing R. J. Corman rail line and the developer anticipated securing the proper rail crossings to enable public access across the rail line at these two locations. The tentative plan approval and Phase 1 plan approval were conditioned on the successful acquisition of these crossings. Recently, the developers have successfully negotiated a purchase of the rail line from the R.J. Corman Co. which places it into a different category and now R. J. Corman is seeking approval to abandon the line in its entirety to enable the sale to occur as opposed to the developers applying for the rail crossings. There is a change from the condition that was imposed by the Planning Commission on their approvals as the PUC does not have jurisdiction over the abandonment issue, approval is now needed from the Federal Surface Transportation Board. The issue before the Commission today is that those approvals are unlikely to happen until August or Sept. In the meantime the developers are very anxious to be able to record the plans and secure building permits to get under construction. They are here today requesting a change in that condition of approval to essentially postpone the securing of those rights of the rail crossings and allow them to begin construction.

Atty. Fitzpatrick stated they are not asking to go as far today as previously discussed. The applicant would like to modify both approval conditions contained in the Commission's letter of August 1, 2013 and November 26, 2013 respectively that talk about receipt of the approvals from R.J. Corman and the Pennsylvania Public Utility Commission. The Waterfront Partners were fortunate enough to be able to negotiate the acquisition of the Corman parcels that constitute the right of way and also before there was clarity on whether the state PUC or the FSTB had jurisdiction, which is a technical request. What is anticipated is to obtain the FSTB approval in June or early August.

Mr. Hefele stated he spoke with Atty. Brodrick who represents Corman. Atty. Brodrick also wrote the letter regarding the FSTB involvement, indicated that the petition to abandon would likely not even be submitted to the FSTB until May 1, and they usually run on a 4 month approval period.

Atty. Fitzpatrick said the Waterfront Partners will have to get some updated intelligence on that. Regardless whether it is July, August or September, the Waterfront Partners can't close on the acquisitions of all the parcels that constitute the right of way until that happens. In the meantime there is a lot of activity going on with the project with respective tenants, financing and they are asking to modify the conditions in the two approval letters just referenced and also to add a note which states: *prior to conducting or commencing any construction activities within the R.J. Corman Railroad cart ways and utility crossings and subject applicants access license rights, the applicant shall obtain such governmental approvals necessary for the abandonment and*

abolishment of such facilities or issuances of crossing permits. Applicant is required to secure the reference approvals prior to issuance of certificates of occupancy and/or sale or transfer of any subdivided portion of the property to unaffiliated third parties.

Atty. Foucek commented there are some technicalities in wording that need to be discussed. The question is does the Commission approve the actual language today or simply approve the concept subject to working out the language between Atty. Fitzpatrick and staff. Atty. Foucek agrees this note is needed due to the changes in circumstances and will be meeting with Atty. Fitzpatrick following the meeting. The issue is not to have the project built and have some sort of impediment to the access to the site without having to cross over a former rail line to get to the site. The idea here is that the internal roadways and walkways are to be connected to the city grid and you don't want to have a break in the access.

Atty. Fitzpatrick stated they do have fully executed private grade crossing agreements with Corman that will bide the time until Waterfront Partners have acquired title. Mr. Hefele asked if these crossing are located at Furnace and Sycamore, but according to the plan the Sycamore crossing will be moved. The developer indicated that those rights would extend to emergency vehicles.

Mr. Buchvalt stated the rail would remain but will be abandoned and there were previous discussions on sidewalks and fencing along the rail lines. What is the actual plan for the rail bed once it is abandoned? Mr. Dunn replied the idea is to extend the road west and put it where the rail bed is and will be known as Riverside Drive which would eventually go from Union Street to Whitehall.

Motion was made by Mr. Buchvalt to modify the conditions of Tentative Plan Approval dated August 1, 2013 and Phase 1 Final Plan Approval dated November 26, 2013. and the amendment to the notes on the plan to accommodate the abandonment of the former R. J. Corman Railroad line in order to allow free and unrestricted access by the public across such facility to the development site. That a note detailing these conditions be prominently placed on the plan of record, with the finalization of the appropriate language of said note to be worked out between the developers, their counsel and staff. Second by Mr. Glazier. Motion passed unanimously.

REZONING:

Amends the Zoning Code by rezoning an area bounded by North 5th Street to the west, North Penn Street to the east, W. Turner Street to the south, and generally Oak Street extended to the north from Medium High Density Residential (R-MH) and Institutional and Government (I-G) District to High Density Residential (R-H) District 15-1(Z) requested by T&M Associates on behalf of Sacred Heart Housing, LP

Mr. Buchvalt recused himself.

Atty. Joseph Fitzpatrick, Mark Buchvalt of T & M Associates and Kyle Speece of Sacred Heart Senior House and Pennrose Properties, LLC represented the applicant.

Atty. Fitzpatrick summarized the request. The property in question is the northeast corner of Turner & 5th Street and the half block in question is immediately south of and adjacent to the Siegel Center of Sacred Heart Hospital, which is located on the northeast corner of 4th & Chew. Sacred Heart Hospital over the years has acquired row homes along Penn Street, N. 5th Street and Turner Street. The majority of them have been vacant for some time and over the years a number of them have fallen into disrepair. In conjunction with city administration and Pennrose

the current project involved is being called Sacred Heart Senior Living and will serve the older population. The building will include 61 apartment units and will be operated in partnership with the hospital. The intent is to seek recommendation of approval for a change from Medium High Density Residential (R-MH) to High Density Residential (R-H). The Zoning Map shows the block adjacent immediately to the south are High Density Residential (R-H). This building itself will replace residential units that are empty and will strengthen Sacred Heart's position in the neighborhood and provide an option for seniors who are in need of medical assistance. There will be no residential uses on the first floor. The first floor will include physical therapy, facilities for geriatric services and a blood lab, and not contain any retail.

Mr. Button asked is this request mainly to add the top floor. Mr. Hefele responded the rezoning does two things: It allows the height of the building by right as opposed to requiring a variance and enables the density that they are looking for; the 61 units would not be allowed on the site under the current RMH district and it allows the office space as of a matter of right.

Atty. Foucek pointed out there is an adjacent R-H zone across Turner Street, so this request meets the minimal requirements for rezoning.

Mr. Hefele summarized to put this process in perspective this is a preliminary review by the Planning Commission as early input before the ordinance is introduced to City Council. Once it is introduced to City Council it will come back to the Planning Commission as a formal referral and will also be sent to the Lehigh Valley Planning Commission. The action being requested is to recommend this as appropriate to City Council.

Mr. Glazier made a motion to recommend rezoning of this site from Medium High Density Residential (R-MH) and Institutional and Government (I-G) District to High Density Residential (R-H). Second by Mr. Damien Brown. Motion passed unanimously. Mr. Buchvalt abstained.

HAMILTON STREET OVERLAY DISTRICT REVIEW:

546 Hamilton Street (South 6th Street side) – Design review of three (3) non-illuminated signs on existing awnings requested by D Signs

No parties were present.

Mr. Hefele explained this request is for the inclusion of signage on awnings at the corner of 6th & Hamilton Streets. The staff report was presented.

Atty. Foucek asked if the awnings are already there. Mr. Hefele explained the awnings are already there and they want to attach lettering to the awnings which constitutes a sign.

Atty. Foucek stated his only comment is the awnings have already been there awhile and photos show they are somewhat worn and adding vinyl lettering on them is not a good way of putting up a sign. Concern is in a couple of years from now letters will begin to drop off, but there is nothing we can do about that.

Mr. Buchvalt made a motion to approve the staff report and the installation of these signs as proposed. Mr. Glazier second. Motion passed unanimously.

NEW BUSINESS:

Election of Vice Chair

Mr. Button made a motion to nominate Mr. Buchvalt to the position of Vice Chair. Mr. Christian Brown seconded the motion. The Commission unanimously elected the nominated, Mr. Buchvalt, to the position of Vice Chair of the Allentown City Planning Commission.

Downtown Development Design Plan

Copies of the Downtown Development and Design Plan and the appendix that deals with zoning recommendations were handed out. Mr. Hefele and Mr. Alan Salinger are reviewing these plans and will be back with recommendations and how to implement them in the future.

There being no further business, the meeting adjourned at 1:40 p.m.

Respectfully submitted,

Jeanne Marsteller, Recording Secretary