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**A Planners Analysis**  
**of the Proposed Zoning Ordinance Amendments**  
**to Permit Primary and Secondary Schools the I-2 and I-3 Districts by**  
**Special Exception**

**City of Allentown, PA**

**Expert Witness Report**  
**by**

**Thomas J. Comitta, AICP, CNU-A, RLA**  
**Town Planner & Landscape Architect**

**June 21, 2023**



THOMAS COMITTA ASSOCIATES, INC.  
*Town Planners & Landscape Architects*

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**Outline of Contents**

**1. Overview**

1.1. Description of the Proposed Zoning Ordinance Amendments

The proposed Zoning Ordinance Amendments are intended to enable Primary and Secondary Schools in I-2 and I-3 Districts, if the subject lot is immediately adjacent to or directly across the street from a Residential zoning district and another institutional use.

1.2. Allentown City Planning Commission Draft Minutes from April 11, 2023

The Draft Minutes of April 11, 2023 mention concerns about spot zoning. Please see section 3 below for additional information.

1.3. My understanding of the proposed Amendment

I believe that the proposed Amendment is being considered primarily to enable the Lehigh Valley STEAM Academy Charter School, Inc. at 2236 S. 12<sup>th</sup> Street to be located in the I-3 General Industrial District.

**2. Analysis of the I-2 and I-3 Districts, in the Context of the Proposed Amendments**

2.1. Zoning Map Analysis

There are several I-2 and I-3 Districts where the City of Allentown Planning Staff have determined "Where the Proposed Amendment May Apply". Six (6) sites are in I-3 Districts, and one (1) is in a I-2 District.

2.2. Zoning Text Analysis

The Zoning Text Amendment is as described above (and would require a minimum lot size of 20,000 square feet for any school).

a. §660-2. Statement of Community Objectives



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The proposed Text Amendment is not consistent with Section 660-2.J. relative to the Comprehensive Plans, and is inconsistent with Section 660-2.K. relative to the purposes and objectives of the Comprehensive Plan.

b. §660-31. Purposes of each District

The proposed Text Amendment is not consistent with Sections 660-21.O. and P. relative to the I-2 and I-3 Districts.

c. §660-84. (lack of) Additional requirements for specific uses in §660-84.(36) to protect Primary and Secondary School Children, next to Industrial Uses

Although “Buffer Strips” would be required (in accordance with Section 660-76.) along side and rear property lines, Section 660-84. is deficient in that there are no standards pertaining to pick-up and drop-off areas, fencing, lighting, playground areas, and sidewalks and crosswalks.

**3. Spot Zoning Considerations and Special Interest Legislation**

3.1. Allentown City Planning Commission Draft Minutes from April 11, 2023 indicate concerns about Spot Zoning by Jesus Sadiua.

3.2. Horrible precedent to allow Primary and Secondary Schools in the I-2 and I-3 Districts

Primary and Secondary Schools should be in a I-G Institutional and Governmental District, not in I-2 and I-3 Industrial Districts. By allowing Primary and Secondary Schools in the I-2 and I-3 Industrial Districts, I believe that the City of Allentown would be setting a horrible precedent.

3.3. Horrible lack of standards for school-age children in Industrial Districts

There are no proposed standards for: pick-up and drop-off areas; fencing; lighting; and playground areas. There are also no proposed standards for sidewalks and crosswalks.

3.4. Poor planning to explicitly rely on the longevity of adjacent uses adjoining or across the street from another Institutional Use

Although the proposed STEAM Use would comply with the proposed Text Amendment, what would the City do if another existing Institutional Use adjoining or across the street would cease to operate in the future?



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**4. Conclusions and Recommendations**

- 4.1. Do Not Amend the Zoning Ordinance to benefit one (1) property owner.

While the proposed Text Amendment seems to apply to other properties, it is clearly targeted to enable the STEAM School.

- 4.2. Do Not Amend the Zoning Ordinance to render it to be inconsistent with the Comprehensive Plan (Allentown Vision 2023)

Before the proposed Zoning Ordinance is Amended, the Allentown Vision 2023 would need to have an Addendum in order to address the unusual attempt to populate Industrial Districts with Primary and Secondary Schools.

- 4.3. Promote the I-2 and I-3 Districts for the Industrial Uses they currently allow, in the Districts where they are currently permitted.

The I-2 District is intended to “promote a high order of industrial development”, per Section 660-31.O. The I-3 District is intended to “insure sound industrial development”, per Section 660-31.P.

The proposed Text Amendments are silent to these Purpose sections.

- 4.4. Schools require more than 20,000 square foot lot areas

Schools should have 2 to 2.5 acres in order to fit a building, room for expansion, space for parking, space for pick-up and drop-off areas, space for playgrounds, space for landscaping and buffering, and space for stormwater management.

- 4.5. Recommend that the STEAM “Petitioner” find a site in one of the existing I-G: Institutional Governmental Districts in the City of Allentown.

The STEAM Petitioner should find a different site within one of the existing I-G: Institutional Governmental Districts.



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- 4.6. On July 16, 2023, I will have worked 50 continuous years as a Planner in Pennsylvania. Since 1973, I have represented over 130 municipalities. Currently, TCA represents 26 municipalities in Pennsylvania as their Planning Consultant.

In my 50 years of practice, I have never seen an Ordinance Amendment like the one being proposed. I recommend that the City Council not adopt the proposed Text Amendment for the reasons described above.

**5. Opinions Offered with a Reasonable Degree of Professional Certainty**

- 5.1. The Opinions offered within this Report are being made with a Reasonable Degree of Professional Certainty.

**6. Credentials in Appendix A (and postscript)**

- 6.1. CV of Thomas J. Comitta, AICP, CNU-A, RLA
- One-page Resume;
  - By the Numbers;
  - Overview of Our Services



THOMAS COMITTA ASSOCIATES, INC.  
Town Planners & Landscape Architects

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**Thomas J.  
Comitta,**  
*AICP, CNU-A, RLA*

**President;  
Town Planner &  
Landscape  
Architect**

As President and founder of Thomas Comitta Associates, Inc., (TCA), Thomas J. Comitta serves as Principal-In-Charge and Operations Manager. He has blended his roles as a Town Planner and Landscape Architect on numerous projects for municipal and private clients.

Tom is an expert in communications and has utilized his verbal and graphic skills for many assignments pertaining to: town planning; landscape architecture; expert witness testimony; public participation; preference surveys related to community development; and land planning mediation. He is a frequent lecturer at town planning workshops, and conducts training sessions on town planning, form-based codes, and traditional neighborhood development.

Tom has traveled extensively in the United States and Europe and has studied many traditional towns and neighborhoods, new towns and new communities. He believes that compact development with attractive and functional public spaces is a needed alternative to conventional suburban sprawl. He promotes a humanistic, sustainable and balanced approach to planning and design through careful consideration of the historic and cultural context of towns, neighborhoods and landscapes.

#### **Education**

Master of Landscape Architecture  
Harvard University  
Graduate School of Design, 1973

Bachelor of Science  
in Landscape Architecture  
The Pennsylvania State University, 1971

University of Lisbon, Portugal  
Instituto de Agronomia,  
Arquitectura Paisagista  
Study Abroad Program, 1970

#### **Professional Experience**

Thomas Comitta Associates, Inc.  
Town Planners & Landscape Architects  
1981 - Present

Comitta Frederick Associates  
Environmental Planning &  
Design Consultants  
1975 - 1980

Roy F. Weston, Inc.  
Environmental Consultants & Designers  
1973 - 1975

#### **Professional Registration**

Certified Planner  
American Institute of Certified Planners (AICP)

CNU-Accredited (CNU-A)  
Congress for The New Urbanism

Registered Landscape Architect  
Commonwealth of Pennsylvania  
State of Delaware  
State of New Jersey

#### **Associations**

- Congress for The New Urbanism (CNU)
- American Planning Association (APA)
- American Society of Landscape Architects (ASLA)

#### **Awards**

Envision Leadership Award  
Lancaster County, PA  
2010 - Lititz Borough  
2011 - Penn Township

Bates Memorial Award for Outstanding Site Design,  
Market Square Memorial Park  
a riverfront/neighborhood park  
Marcus Hook, PA

#### **Significant Projects**

Lantern Hill, Doylestown, Pennsylvania  
A Traditional Neighborhood

Miller Park, West Whiteland Township  
Exton, Pennsylvania

Market Square Memorial Park  
Borough of Marcus Hook, PA

Historic Renewal Plan for the  
Manayunk Canal, Philadelphia, PA

A Plan for Open Space  
Barnstable, Massachusetts

For Numerous Municipalities:

- Form-Based Codes
- Comprehensive Plans
- Zoning Ordinances
- Land Development Ordinances
- Design Guidelines
- Recreation & Open Space Plans
- Revitalization Plans
- Streetscape Plans
- Plan Reviews and Evaluations
- Expert Witness Testimony



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**“By The Numbers”: Overall Summary of Qualifications & Experience**  
**Thomas Comitta Associates, Inc. (TCA)**  
**and Thomas J. Comitta, AICP, CNU-A, RLA**

June 2023

The following is a super summary of Tom Comitta/TCA, “By the Numbers”:

1. Tom’s experience with Municipal Planning & Zoning in Pennsylvania: 49 years (including Town Planning & Landscape Architecture)
2. Number of Municipalities TCA has assisted since 1981: 133 Townships, Boroughs and Cities
3. Number of Zoning Ordinances prepared by TCA since 1981: Over 65
4. Number of Subdivision & Land Development Ordinances prepared by TCA since 1981: Over 30
5. Number of Comprehensive Plans prepared by TCA since 1981: Over 50
6. Number of Public Hearings at which Tom Comitta has testified as an Expert Witness since 1973: Over 1,260
7. Number of Hours of Continuing Education Credits taken by Tom Comitta since 1973 Graduation from Harvard University: Over 1,000 hours (average 35 hours per year)
8. Number of Traditional Neighborhood Development (TND) Codes prepared by Tom Comitta since 1995: Over 30
9. Number of Form-Based Codes prepared by Tom Comitta since 2001: Over 20
10. Number of Campus Master Plans, Site Plans, Concept Plans, Land Development Plans, Cluster Development Plans, Revitalization Plans, and Traditional Neighborhood Development (TND) Plans prepared by Tom Comitta since 1973: Over 1,000
11. Number of Land Development Plans evaluated by Tom Comitta since 1973 for which an Evaluation Report for Code Compliance was prepared (i.e. “Review Comments”): Over 5,500
12. Number of Municipal Park Plans, County Park Plans, Playground Plans, Civic Plaza Plans, and Landscape Plans prepared by Tom Comitta since 1973: Over 200

Please contact Tom Comitta at 484-678-9245 for more information on TCA!





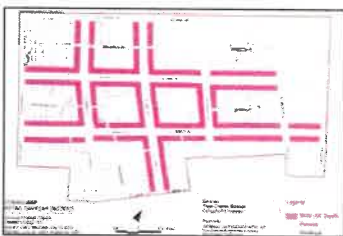
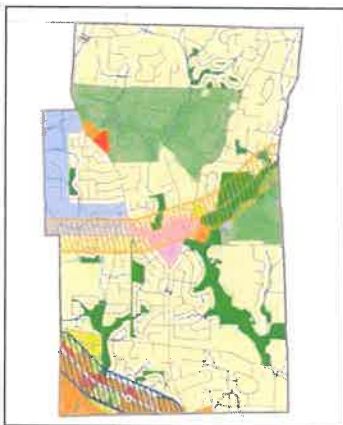
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## **OVERVIEW OF OUR SERVICES**

June 2023

The physical manifestations of economic growth often conflict with community values, environmental integrity, historical character, visual quality, and established legal frameworks. Thomas Comitta Associates, Inc. (TCA) specializes in mediating conflicts between the impacts of land development and the values of resource protection.

TCA has over 49 years of experience in understanding and evaluating land development issues throughout Pennsylvania. TCA's team of Certified Planners, Registered Landscape Architects, and Land Planners provides excellence in service to the public and private sectors. We have assisted numerous municipal, institutional, commercial, and residential clients. We combine our planning and design talents to improve future growth and change in natural, historical, and man-made environments.



Our Professional Services include:

- Town Planning and Traditional Neighborhood Design
- Comprehensive Planning & Strategic Planning
- Zoning Ordinance Preparation
- Subdivision & Land Development Ordinance Preparation
- Expert Witness Testimony
- Land Development Plan Review, Evaluation, and Mediation
- Park, Recreation, and Open Space Planning and Design
- Land Planning and Landscape Architecture
- Demographic Analysis and Projections
- Historic Preservation Planning

Thank you for considering TCA with your needs for high quality planning and design services.

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***TCA celebrates 42 years of service to our clients in 2023!***