



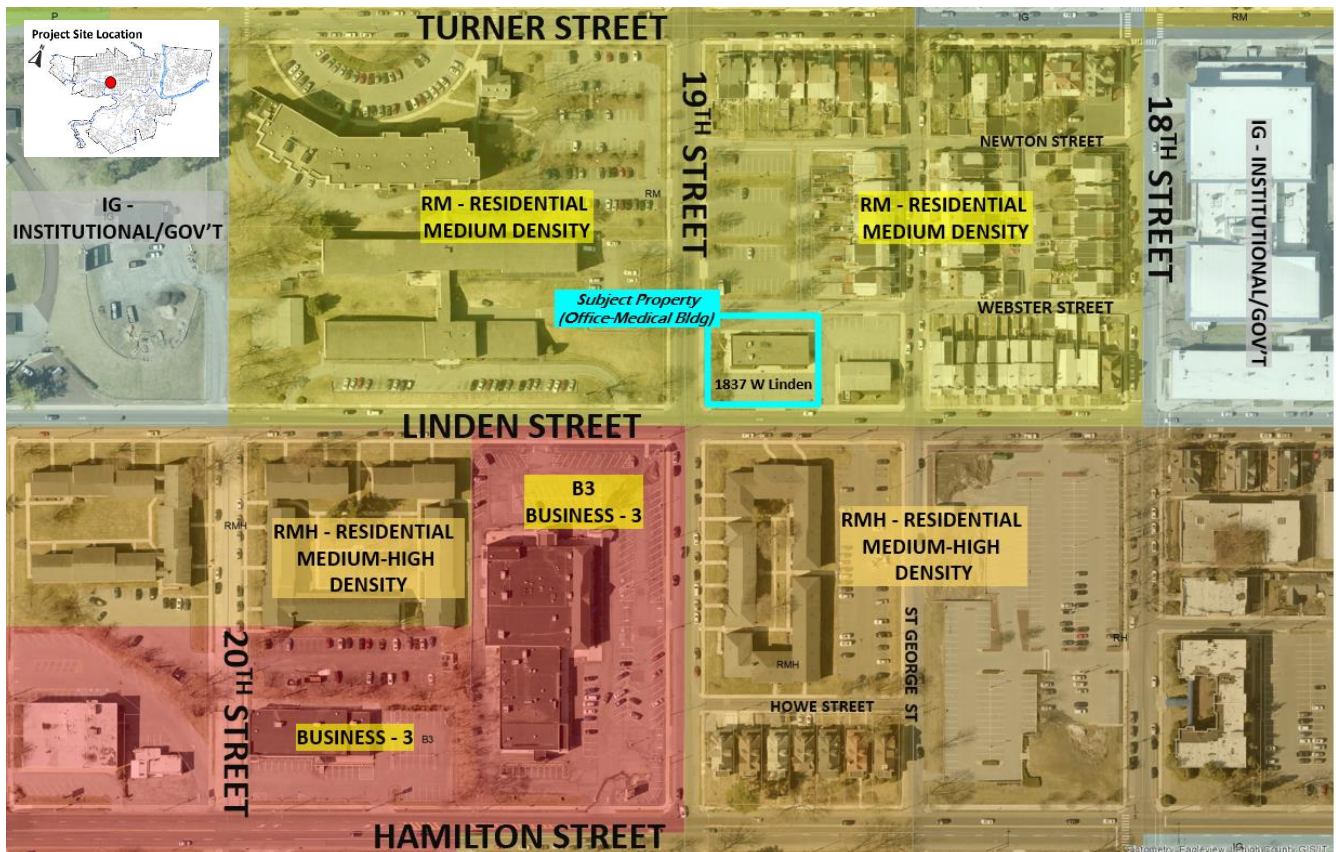
STAFF REPORT (All suggestions /recommendations in the report are advisory)

TO : Allentown City Planning Commission
 FROM : Planning Bureau
 SUBJECT : RE-ZONING OF 1837 WEST LINDEN STREET FROM RM TO B3 (Z Case #21-3)
 DATE : November 9, 2021

Background

- 1) The subject refers to a petition to change the zoning designation of the parcel on 1837 W. Linden from Residential – Medium Density (RM) to Highway Business District (B3). The petition comes from the property owner, Webster Place Associates – represented in this petition by Malkames Law. The petition did not indicate what specific use is being contemplated for the property. However, it mentioned that re-zoning this parcel to B3 seems appropriate as it sits diagonally across another B3 parcel located on the southwest corner of 19th and Linden (see Figure 1), and that the subject property is located on an arterial street with many uses that are highway-oriented.
- 2) Figure 1 is an aerial photo of the general vicinity of the subject property with color-coding for the existing zoning districts therein. It shows that the immediate area hosts a number of zoning districts like RM, RMH and B3, and a city block further are lands zoned IG (or Institutional-Government).

Fig-1. Aerial shot of the vicinity showing subject property and current zoning (as color-coded) in the immediate area.



- 3) Figure 2, in turn, shows the existing land uses in that area. It contains a variety of uses like single-family housing and multi-unit housing (for general occupancy and for seniors). As well, the immediate area contains office buildings and, a restaurant and a neighborhood plaza. A block further east and west are William Allen HS and the J. Birney Crum playing field that connects to the parkland of Cedar Beach. In terms of number and acreage, the most dominant uses of land are for residential purposes.

Fig-2. Aerial photo of the vicinity showing the subject property and adjacent land uses.



- 4) The subject property contains a 2-story building with on-site parking in the front and rear yards. From its exterior appearance the building seems well-maintained. The applicant mentioned that the building is currently occupied – on Special Exception -- by a health care business concern and a laboratory facility (phlebotomist).¹ For a long while, however, this building has always housed medical offices on Special Exception.

Comments / Findings

- 5) Primarily due to the proximity of William Allen HS, Cedar Beach Park and the adjacency of Muhlenberg College, Vision 2030 idealizes this part of west Allentown – in general – to remain as a host for safe, walkable and bikeable connections and greenspace network, with healthy and complementary interplay among residential, institutional, and commercial land uses (pages 216-224).
- 6) While there seems to be no conflict in mixing a variety of uses in this area, staff believes that this is because the existing uses therein are deemed compatible or complementary with each other. As such, we differ from the applicant’s opinion that there are highway-oriented uses in that area.
- a) In the hierarchy of streets, moreover, these segments of W. Linden Street and N. 19th Street are actually “collector” streets; not “arterials.” They collect vehicular traffic from the neighborhood roadways and feed these onto either Hamilton Street or Cedar Crest Blvd which function as the

¹ In June 2020, an application to locate a childcare center on this property by Special Exception was denied by the ZHB since childcare centers may be only be allowed in this area if it were an accessory use to either a place of worship, hospital, community center, primary or secondary school, or similar principal institutional uses.

arterials in this area, and which arterials – in turn – lead that vehicular traffic onto the freeways of I-75 and US-22.

- b) Likewise, the B3 parcel that sits catty corner from the subject property on the southwest corner of 19th and Linden abuts a segment Hamilton, which is an arterial street suitable for such zoning.
- 7) In Allentown, B3 Districts were created to provide locations for highway oriented and other retail uses and services for large areas of the city and beyond. As such, B3 Districts are usually found along busy arterials like certain segments of Hamilton Street, Tilghman Street, Hanover Avenue, Lehigh Street, and South 4th Street. Indeed, if a re-zoning to B3 were granted it would accord the property a greater flexibility to locate other business-types otherwise not permitted in more protected zoning districts. Attachment 1 contains lists of uses permitted in B3 Districts by-right and special exception. For comparison, the lists include similarly permitted uses in RM Districts.
- 8) Admittedly, there are business-types first-allowed in B3s that do not seem to present conflicts with existing, established uses in the subject area (such as an art gallery, financial services, offices). Some are even deemed compatible (such as a gym, personal services, a coffee shop, or a variety store). In the same breath, however, there are also business-types allowed by-right in B3s that are considered inimical to the preservation of the established social fabric in the area (like a gas station, an animal clinic, a bar/tavern, an auto repair shop, or some light manufacturing ventures).
- 9) In cases of speculative zoning, such as this one, it is important to be mindful that anything allowed by-right in B3s can potentially locate in that property. When considering the merits of a proposed rezoning, Staff is guided by the following:
 - a) The uses must be compatible (or consistent) with adjacent or emerging land uses.
 - b) The uses must be supportive and consistent with the housing, economic development, employment objectives espoused by the current comprehensive plan.
 - c) The uses must be accommodated by existing or potential infrastructure capacity.
 - d) The uses must be in accordance with the environmental policies of the plan.
- 10) As implied in Item 8, not all uses allowed by-right are deemed inimical to the established uses in that area – which the city wishes to preserve and promote. Once re-zoned, that new designation is attached to the property not the owner. The property would be able to take on any use allowed in that zoning class whether that use is supportive of or inimical to the established uses in that area.
- 11) Staff would rather err on the side of caution, rather than allow land uses that may create conflicts whose negative impacts may be difficult, if at all possible, to reverse.

Summary

- 12) Based on Items 9 and 10, Staff is not inclined to endorse the proposed re-zoning.

TABLE OF USES in RM and B3 Districts

(Excerpt from the Zoning Code of June 2021 Ed)

P = Permitted, N = Not Permitted, SE = Special Exception

A. RESIDENTIAL USES		RM	B3
1	Single Family Detached Dwelling	P	P
2	Twin Dwelling, with each new dwelling unit located on its own lot	P	P
3	One or more Apartment/Multi-Family Dwelling Units within a Building that includes a principal non-residential use	N	P (B)
4	Multi-Family Dwellings (other than residential conversions) -3 to 4 dwelling units on a lot	P	N
5	Multi-Family Dwellings (other than residential conversions) - 5 or more dwelling units on a lot	P	N
(new)	Urban Transition Multi-Family Development		
6	Roomers/Boarders	P	N
7	Rowhouse/Townhouse	P	N
8	Rooming House or Boarding House	N	N
9	Manufactured Home Park	N	N
10	Adaptive Reuse	SE	N
11	Conversion of An Existing Lawful Principal Business Use into One Dwelling Unit	SE	N
12	Residential Conversion of an Existing Building to result in an Increased Number of Dwelling Units, other than above	N	N
13	Sample or Model Home	SE	N
14	Two Family Dwelling	P	N
15	Small Group Home	SE	N
16	Large Group Home	N	N
17	Student Residence (such use is only regulated as a distinct use within the R-SO Overlay District. Outside of the R-SO District, the applicable dwelling and "family" regulations shall apply.)	----	----
18	Pocket Neighborhood Development	P	N

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B. COMMERCIAL USES		RM	B3
1	Adult Use	N	SE
2	Amusement Arcade	N	P
3	Art Gallery	N	P
4	Auto Body Shop	N	N

TABLE OF USES in RM and B3 Districts

(Excerpt from the Zoning Code of June 2021 Ed)

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5	Auto Sales or Rental	N	P
6	Bed and Breakfast Inn	N	P
7	Betting Use	N	P
8	Bring Your Own Bottle Establishment	N	P
9	Bus or Passenger Rail Terminal (as a principal or accessory use)	N	N
10	Business Services	N	P
11	Car Wash	N	P
12	Catering, Preparation of Food for (this use may be combined with a Restaurant if the requirements for a restaurant are also met)	N	P
13	Check Cashing Business	N	P
14	Commercial Communications Tower/Antenna, -non-freestanding extending less than 25 feet above an existing principal building, structure, or public utility transmission tower that is over 60 feet in height	N	P
15	Commercial Communications Tower/Antenna -freestanding	N	SE
16	Custom Crafts, <u>manufacture</u> and sale of (such as jewelry and handicrafts), or Artisan's Studio	N	P
17	Exercise Club	N	P
18	Financial Institution (which includes a <u>bank</u> but which does not include a check cashing establishment or pawn shop, each of which shall be considered a retail store)	N	P
19	Funeral Home	N	P
20	Gasoline Station	N	P
21	Hotel or Motel	N	P
22	Kennel	N	N
23	Massage Establishment meeting the City Massage Establishment Ordinance. All other massage establishments shall be prohibited.	N	P
24	Newspaper Publishing and Printing	N	P
25	Offices of business, institution, profession, or similar entity (see also Home Occupation)	N	P
26	Tavern	N	P
27	Pawn Shop	N	P
28	Personal Services (such as barber shops, beauty shops, laundry and dry-cleaning pick-up and delivery, and closely similar uses)	N	P
29	Printing and Duplication, Custom (see also printing as an Industrial Use)	N	P

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30	Recreation, Commercial, other than an "Adult Use" or Amusement Arcade	N	P
31	Repair Garage	N	P
32	Restaurant, includes take-out-without drive-thru service or a Banquet Hall	N	P
33	Restaurant, includes take-out-with drive-thru service	N	P
34	Retail Store (such as a drug store or variety store, other than Adult Use)	N	P
35	Shopping Center	N	P
36	Theater (not including an "Adult Use"), Civic and/or Cultural Facility, Arena, Gymnasium, Auditorium or Sports Stadium	N	P
37	Trade School or Similar Educational Institution	N	P
38	Veterinarian, other than Kennel	N	P



C. INDUSTRIAL USES		RM	B3
1	Distribution as a principal use (other than a Trucking Company Terminal)	N	N
2	Flammable Liquids, Above-Ground Bulk Storage for Off-site Use, other than as accessory to a home heating company	N	N
3	Industrial Equipment Sales, Rental Service, other than vehicles primarily intended to be operated on public streets	N	N
4	Home Heating Oil Supplies	N	N
5	Junk-outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal facility	N	N
6	Junkyard (which includes Scrap Yard)	N	N
7	Laundry, on an industrial scale	N	N
8	Mineral Extraction and related processing, stockpiling and storage	N	N
9	Moving and Storage Business	N	P
10	Outdoor Storage, Industrial	N	N
11	Packaging, Bottling or Assembly	N	N
12	Package Delivery Services Distribution Center	N	N
13	Photo Processing, Bulk	N	N

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14	Printing or Bookbinding on an Industrial Scale	N	N
15	Records Storage as a Principal or Accessory Use	N	P
16	Recycling Collection Center (not publicly owned)	N	SE
17	Recycling Processing Center, Bulk, provided all processing occurs indoors- -not including a solid waste disposal or transfer facility or junkyard) (See Open Storage regulations in Section 1323.03)	N	N
18	Research and Development, Engineering or Testing Facility or Laboratory	N	P
19	Self-Storage Facility	N	P
20	Slaughterhouse or Stockyard	N	N
21	Solid Waste Transfer Facility or Solid Waste to Energy Facility	N	N
22	Tires, Used, Bulk Storage as Principal or Accessory Use	N	N
23	Trucking Terminal	N	N
24	Warehousing or Storage as a Principal Use	N	P

25	Wholesale Sales	N	P
26	Manufacture and/or bulk processing of the following, provided the manufacturing occurs only indoors, and such additional uses that the applicant proves to the clear satisfaction of the Zoning Officer are closely similar to permitted uses:		
27	-Ammunition, Fireworks or Explosives (or bulk storage of)	N	N
28	-Apparel, Textiles, Shoes and Apparel Accessories	N	P
29	-Cement, actual manufacture of, or Asphalt	N	N
30	-Cement, Gypsum, Concrete or Plaster Products other than actual manufacture of cement	N	N
31	-Ceramic, Clay and Pottery Products (Other than Custom Crafts)	N	N
32	-Chemical Products that are not "extremely hazardous substances"	N	N
33	-Chemicals, Manufacture, Mixing, or Bulk Storage of "extremely hazardous substances"	N	N
34	-Electrical and Electronic Machines, Supplies and Equipment	N	P
35	-Fabricated Metal Products (except Ammunition, Fireworks or Explosives)	N	N
36	-Food and Beverage Products, other than what is customarily accessory to a retail store, and not including uses listed individually in this table	N	P(Y)
37	-Furniture and Wood Products (not including raw paper pulp)	N	N
38	-Glass and Glass Products (see also custom crafts)	N	N
39	-Incineration, Reduction, Distillation, Storage or Dumping of Slaughterhouse Refuse, Rancid Fats, Garbage, Bones, Dead Animals or Offal (other than within an approved solid waste facility)	N	N
40	-Jewelry, Optical Goods or Precision Instruments	N	P
41	-Manufactured or Modular Housing, or housing components	N	N

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42	-Metal Products, Primary	N	N
43	-Paper and Cardboard Products (not including manufacture of raw paper pulp)	N	N
44	-Paper- Raw Pulp	N	N
45	-Paving or Roofing Materials, other than bulk manufacture of asphalt	N	N
46	-Pharmaceuticals	N	P
47	-Plastics, Polymers, Resins or Vinyl	N	N
48	-Products from Previously Manufactured Materials, such as glass, leather, plastics/polymers, cellophane, textiles, <u>rubber</u> or synthetic rubber (other than Custom Crafts)	N	P
49	-Rubber, Natural or Synthetic	N	N
50	-Soaps, Detergents, Paints, Varnishes or Enamels	N	N
51	-Transportation Equipment	N	N

D. INSTITUTIONAL USES		RM	B3
1	Adult Day Care Center	SE (R)	P
2	Animal Shelter or Animal Cemetery, Non-Commercial	N	N
3	Cemetery or Crematorium	N	N
4	Child Care Center, Nursery School, Pre-School or "Head Start" Program center	SE (R)	P
5	College or University	N	P
6	Dormitory or Fraternity or Sorority House	N	N
7	Drug and/or Alcohol Rehabilitation Facility or Halfway House	N	N
8	Elementary or Secondary School	SE	P
9	Hospital	N	N
10	Institution for Children, the Aged or Handicapped	N	N
11	Library	N	P
12	Museum or Visitor's Center, and which include accessory retail sales	N	P
13	Nursing Home or Personal Care Home	SE	P
14	Place of Worship	SE	P

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15	Temporary Shelter	N	N
16	Veterans Treatment Center	N	N
17	Community Center, Non-Profit	SE	P
18	Government Uses (not including prisons, other correctional facilities and solid waste facilities)	P	P
19	Membership Club	N	P
20	Prison or Other Correctional Facility	N	N
21	Public Park, Playground or other <u>publicly-owned</u> recreation	P	P
22	Recycling Collection Center – Publicly Owned	N	N
23	Airports and Related Uses	N	N
24	Boat Dock, Wharf or Marina	N	N
25	Bus & Taxi Shelters	N	P
26	Crop Farming, Gardening and/or sale of trees primarily grown on the premises	P	P
27	Heliport	N	N
28	Live Work Unit/Live <u>Work Space</u>	N	P
29	Plant Nursery with or without retail sales	N	P
30	Parking, Off-Street as a principal use of lot	SE	P
31	Space for Storage of Commercial Vehicles	N	P
32	Uses Unable to Meet the Performance Standards of Article 1317	N	N
33	Public Utility -distribution lines	P	P
34	Public Utility -other facilities such as electric substations, but not including vehicle garages, warehouses, storage yards or commercial communications antennae	SE	P
35	Solar Energy Collection Devices – other than as accessory	N	N
36	Wind Turbine(s) – other than as accessory	N	N