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April 18, 2023

The Honorable Daryl Hendricks
President, Allentown City Council
435 Hamilton Street
Allentown, PA 18101

THRU: Michael Hanlon (michael.hanlon@allentownpa.gov)
Clerk of City Council

RE: Changes to the Zoning Map (Re-Zoning from B-LI to B-5 of two parcels at the riverfront),
Bill #11 - Amending the Zoning Map and Zoning Ordinance of the City of Allentown by (i)
rezoning certain parcels to B - 5 Urban Commercial District, and (ii) providing for a repealer
clause, a severability clause, and an effective date.

Dear Mr. Hendricks:

At the monthly meeting of the Allentown City Planning Commission held on April 11, 2023, the Commission endorsed for City Council action the requested re-zoning of the following parcels:

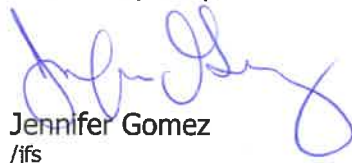
	Parcel ID	Address	Current Zoning	Proposed Zoning
1	6407 5215 1002	51 N. Front St.	B /LI (Business /Light Industrial)	B5 (Business, Urban Commercial)
2	6407 5219 1198	115 N. Front St.	B /LI (Business /Light Industrial)	B5 (Business, Urban Commercial)

Three of the commission members were supportive of the proposed action; one had no objection to the proposed action; and one member did not vote (and one member was absent).

Notwithstanding the endorsement, the ACPC invites City Council to consider the deliberations that transpired at said ACPC meeting (attached excerpts from the ACPC Minutes of Apr 11/23).

I have attached herewith a copy of the Planning Staff report to the ACPC.

Yours very truly,


Jennifer Gomez
/jfs

ec: John Palumbo - jpalumbo@urbanresproperties.com
City of Allentown (Mark Hartney, Melissa Velez, Elisa Coyle/Scott Rawhouser)
ACPC (cbrown@browndesigncorp.com)

**Excerpt from the DRAFT minutes
Allentown City Planning Commission
April 11, 2023**

REZONING REQUEST

115 Riverside Drive & 51 North Front Street

Jennifer Gomez introduced the agenda item with a summarization of the staff report, which is incorporated by reference.

The applicant John Palumbo, stated the property is the rezoning application from BLI to B-5/

Chris Brown stated that the primary issue is related to the lack of public access to the Riverfront. Chris Brown asked Mr. Palumbo about the concerns regarding to the riverfront. MR. Palumbo said he would never not give access to the riverfront. Mr. Palumbo stated that he would never not give public access to the waterfront. He said while he understands the concerns, that text amendment was already approved by the City Council. He reiterated that the main issue is whether the Planning Commission would rather be an industrial property or the adjacent properties. He thinks it is a pretty straight forward application.

Chris said that he thinks it is appropriate to see the land consolidated.

Kelli Holzman asked about the riverfront overlay district. Ms. Gomez gave some background on why zoning overlay districts are created.

City Solicitor made a comment for the record that the industrial property adjacent to it is city property and is part of the park.

Hannah asked if she could just recommend a general recommendation for the map change without the additional item in the staff report. Chris Brown suggested that they use the powers of the board to get the public and/or appropriate improvements when the land development occurs.

Christian, Hannah and Mark went on record supporting the map change. Kelli Holtzman said she is not opposed to it. Anthony Toth was not willing to go on record to support or oppose at this time due to a number of things that he would like to look at.



City of Allentown Staff Report

To: Allentown City Planning Commission
From: Bureau of Planning & Zoning
Meeting Date: March 14, 2023
Staff Contacts: Jennifer Gomez, Planning Director, jennifer.gomez@allentownpa.gov
Melissa Velez, Zoning Supervisor, melissa.velez@allentownpa.gov
Jesus Sadiua, Planner, jesus.sadiua@allentownpa.gov

Location: 51 N. Front Street and 115 N. Front Street
Proposal: Rezone from B /LI to B5
Case Number: 23-03 (Z)
Property Owner: Charles Street Capital
Applicant: Urban Residential Properties

Description

1. The applicant -- with the consent and support of the owner -- petitions to change the zoning designation of two properties (labelled Parcels 1 and 2 in Fig-1) along N. Front Street as follows:

	Parcel ID	Address	Current Zoning	Proposed Zoning
1.	6407 5215 1002	51 N. Front St.	B /LI (Business /Light Industrial)	B5 (Business, Urban Commercial)
2.	6407 5219 1198	115 N. Front St.	B /LI (Business /Light Industrial)	B5 (Business, Urban Commercial)

2. The petition is accompanied by a draft legislation to enable the proposed changes with repealer and severability clauses.

Background

3. Subject parcels were originally zoned B-5 and used to contain a series of light manufacturing uses through the years (like meat packing /rendering, then food preparation). The last was pet food manufacturing and distributing, which shut down in mid-1980s and its building demolished in the late 1990s.
4. Under ACIDA's ownership, the parcels were rezoned from B-5 to its current B/LI designation in mid-2020 when the lands were being planned for flexible industrial structures, which projects – however – did not proceed.
5. At present Parcel 1 is an improved parking lot used and maintained by America on Wheels. Parcel 2, on the other hand, is vacant land.

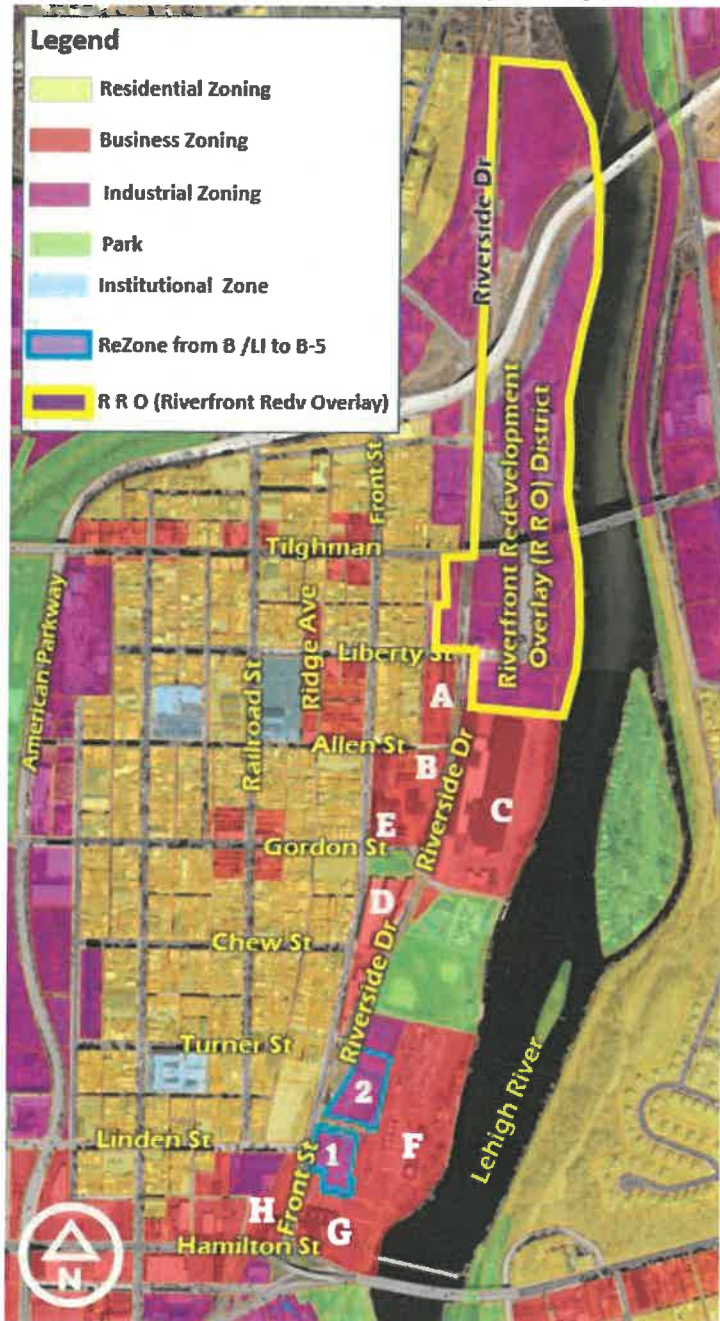
6. Subject parcels are inside the Riverfront NIZ. As well, the parcels are proximate to the strategic planning areas identified in Vision 2030 along the Lehigh River, where developments of mixed uses may be pursued – such as residential /commercial-office-retail, entertainment /cultural, institutional, and/or light manufacturing.

7. In October 2022 – by way of Ord. #15844 – Parcel A was rezoned to B-5 (from I-3). This re-zoning action also granted Parcels A, B, C, D (as well as F, G and H) zoning standards as those applied to properties in the downtown area. This is explained in more detail in Item 11.

Findings /Comments

8. In Allentown B /LI Districts were created to provide for a mix of commercial and light industrial uses to offer a wide market in areas suitable for both types of uses. (Other industrial zones with more intense uses are called I-2 and I-3.)
9. On the other hand, B-5 zoning districts – in general – were created to provide “areas that balance neighborhood commercial needs with those of a larger service area, though less highway oriented. The district is also intended to facilitate the redevelopment and reuse of obsolete and vacant land and buildings by providing for a range of compatible commercial, entertainment and public uses.” (Other commercial areas with less intense uses are called B-4s, B-3s, etc.)
10. Section 660-50 of the City’s zoning code created the Riverfront Redevelopment Overlay (RRO) District, which is an optional district that overlays the underlying zoning district.

Fig- 1. Aerial of vicinity showing current zoning and lands for re-zoning. (Parcels 1 and 2)



Development in the RRO District shall first require approval as a planned residential development (PRD). The RRO District contains standards for elements such as building setbacks, height, density, building coverage, dedicated riverfront access, and dedicated open land. The RRO District offers great flexibility to the developer as an optimal form of development. In return for such flexibility, a developer shall only be eligible to use the RRO district if the developer commits to providing public access to and along the Lehigh Riverfront. Currently, there is an Riverfront Redevelopment Overlay District covering the majority of the industrial parcels that are north of the subject parcels and abutting the Lehigh River (see Figure 1, the RRO District is shown in purple shade in yellow border).

11. The Allentown City Council recently passed a zoning code text amendment that allows B-5 lands which abut Riverside Drive and those between Riverside Drive and Lehigh River to be built in accordance with the same area and yard standards as properties in Downtown Allentown. These Downtown zoning standards enable any developer to build riverfront lots up to property lines without height limits or any requirements to provide dedicated open space and/or access to the Riverfront.
12. The proposed re-zoning is not inconsistent with the Comprehensive Plan (Vision 2030). *Staff does not object to the re-zoning of Parcels 1 and 2 from B /LI to B-5.* The land uses permitted in B-5 districts are deemed more compatible with the adjacent residential uses. While there are industrial uses permitted in B-5s, such industrial uses are generally less intensive than others permitted in B /LIs.
13. **However,** Staff maintains its objection to granting Downtown zoning standards with this re-zoning. This is a reiteration of the position Staff gave when a similar re-zoning action was considered by the ACPC and eventually passed by City Council on Oct/2022, as follows:
 - a. The built form in Downtown Allentown is principally characterized by building up to property lines with no setbacks, such that all properties in Downtown are not benefitted with landscaped greenery and trees (except street trees, which are required by ordinance) – and there is no height limit in Downtown Allentown zoning -- which make walking experience uninteresting, harried, and even tense for some pedestrians, brought on by the closeness of the buildings to the sidewalk.
 - b. On the other hand, the riverfront is an asset that Allentown is just beginning to take full advantage of. The ACPC would appreciate that careful thought has been brought to bear into the planning for activities at the riverfront area, which is the primary reason for the creation of the Riverfront Redevelopment Overlay District. This is the zoning overlay that governs the redevelopment of riverfront lands owned by Jaiindl Enterprises.
 - c. Like the Downtown, the RRO has a similar aim of bringing intensity and density to the river area, but, through the location of selected, compatible mix of land uses and thoughtful planning of its roadways, structures and places where these uses will be located. This should remind us of why the zoning overlay at the riverfront was created:

- Improve the public's access to the river and maximize the visibility of the riverfront.
 - Encourage new development to occur in a compact neighborhood-oriented manner that will be consistent with traditional patterns and scale of development, and that creates a sense of place.
 - Allow modification of certain requirements through the PRD process by the Planning Commission.
- d. If it were logical and expedient to develop the riverfront just like the Downtown, our earlier planners would have just extended the B-2 zoning from Hamilton and up along the river. It is obvious that they thought better.
 - e. Rather, the earlier city planners devised the RRO to guide /regulate developments along the riverfront.
 - f. The RRO is most consistent with and supportive of the goals of Vision2030 and the Lehigh River Waterfront Master Plan.
14. As noted above, the recently adopted zoning code text amendment (in Oct 2022 through Ord #15844) allows B-5 lands abutting Riverside Drive and those between Riverside Drive and Lehigh River to be built in accordance with the same area and yard standards as properties in Downtown Allentown. These existing B-5 standards enable the developer to build riverfront lots up to property lines without height limits or any requirements to provide dedicated open space and/or access to the Riverfront.
 15. ***Prior to rezoning any further properties to B-5, staff proposes to modify the language in the existing code to ensure that the additional flexibility offered to the B-5 properties is only applicable to those properties that are part of a Riverfront Redevelopment Overlay District with an approved master plan.*** The master plan will ensure that both current and future landowners and developers will be required to build within a specific vision.

Conclusions:

16. ***While Staff does not object to the rezoning of Parcels 1 and 2 from B /LI to B-5, Staff recommends the applicant submit a master plan and a new Riverfront Redevelopment Overlay District – for the consideration and approval of the ACPC – for the subject parcels and for all B-5 properties along or adjacent to the riverfront, with the goal to establish standards for use regulations, area, yard, and building regulations, and dedicated riverfront access.***
17. ***Moreover, Staff recommends amending Note T of Section 660-57 of the Zoning Ordinance – Area and Yard Requirements for Non-Residential Uses to read as follows:***
Within the B-5 district, lots which abut Riverside Drive, and lots located East of Riverside Drive and West of the Lehigh River, within a Riverfront Redevelopment Overlay District, with an approved Master Plan and PRD, shall instead be bound by the applicable area and yard requirements as applied to lots in the B-2 district.