

FL&B

**FITZPATRICK
LENTZ & BUBBA**
ATTORNEYS AT LAW

email: jfitz@flblaw.com
Direct Dial: 610-797-9000 ext. 321

January 14, 2018

HAND DELIVERED

City Council
c/o City Clerk
City Hall
435 Hamilton Street, Room 510
Allentown, PA 18101

RE: Rezoning Request – 9.8 acres, 1811 S. Glenwood Street, Allentown

Dear Council Members and Mr. Hanlon:

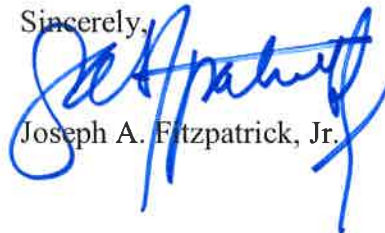
This firm represents the interests of MFB Allentown, LP, owner of the subject premises, and its agent, RD Management, LLC. Enclosed are three (3) copies of a Rezoning Request Petition with Supplemental Statement directed to City Council. Please refer this request to the necessary parties for review.

Also enclosed is a check in the amount of \$1,000 to cover costs of administration and advertising.

It is respectfully requested that you contact me with any questions and anticipated dates for review.

Thank you for your assistance in this regard.

Sincerely,



Joseph A. Fitzpatrick, Jr.

Enclosures

Cc: RD Management LLC
Arna Engineering

REZONING REQUEST PETITION

City Council
Allentown, PA 18101
TELEPHONE: (610) 437-7556
FAX: (610) 437-7554
EMAIL: Michael Hanlon
Tawanna L. Whitehead

Date 1-3-19

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:

1811 S. Glenwood Street, Allentown (Parcel ID 549567205959-1)

from B-4 zoning classification to I-2 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 attached Supplemental Statement.

<u>NAME</u>	<u>ADDRESS</u>
<u>RD MANAGEMENT, LLC</u>	<u>810 7TH AVE., #10 FL</u>
BY: 	<u>NEW YORK, NY 10019</u>

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

GENERAL REZONING REQUEST PROCEDURES

1. Request submitted in writing to City Council, c/o City Clerk, signed by the owners and/or authorized agent on forms supplied by the City. (Request should include a specific description of the area to be rezoned and the zoning changes to be made.
2. Upon receipt, the City Clerk refers the request to the Zoning Office and Planning Office for a preliminary review and recommendation.
3. After preliminary review, the Zoning Officer drafts a bill after consulting with the applicant of any proposed changes.
4. The bill is sent to the City Clerk and placed on Council's agenda for the First Reading.
5. After First Reading, said bill is assigned to a City Council Committee (Community Development) and referred to the Allentown City Planning Commission and Joint Planning Commission for their review and recommendation. This must occur at least thirty (30) days prior to the date of the public hearing.
6. After reviewing reports from the Lehigh Valley Planning Commission and the Allentown Planning Commission, the Community Development Committee reviews the bill with all reports attached. Council's Committee then informs the City Clerk of their recommendation and directs the City Clerk to schedule a public hearing.
7. 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.
8. 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.
9. 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.
10. A copy of the amendment to the Zoning Ordinance shall be forwarded to the Joint Planning Commission within thirty (30) days after enactment.

BEFORE THE CITY COUNCIL
CITY OF ALLENTOWN, LEHIGH COUNTY, PENNSYLVANIA

IN RE Rezoning Petition of
MFB Allentown, LP, c/o RD Management, LLC

PROPERTY: 1811 S. Glenwood Street, Allentown, PA 18103
Parcel ID No. 549567205959-1

SUPPLEMENTAL STATEMENT

I. BACKGROUND

MFB Allentown, LP, by its agent RD Management, LLC (“Applicant”), has owned the subject property at 1811 S. Glenwood Street, Allentown, Pennsylvania (the “Property”), since 2005. Applicant is seeking to rezone the subject property from its current B-4 zoning classification to the I-2 Industrial zoning classification, and in support thereof cites the following reasons:

1. The Property is 9.82 acres and has limited accessibility and adjoins a large single retail use (Home Depot), which is currently heavily utilized by automobiles and tractor trailers. A list of pertinent exhibits supporting the subject Property information follows at paragraph 14.
2. The Property is bounded on the west by the Interstate Route 78 right-of-way, to the east by Queen City Airport, and to the south by the Home Depot retail store.
3. The Property shares access directly to Lehigh Street with said Home Depot retail store via South Glenwood Street.
4. The intersection of Glenwood Street SW and Lehigh Street is almost immediately adjacent to the ramps to I-78/PA Route 309 and the subject Property may be the closest vacant non-residential property in the City so close to an interstate and state highway interchange.
5. The majority of properties surrounding the subject site are already zoned I-2 and the requested rezone of the Property is most appropriate and does not create spot zoning or reflect preferential treatment for this Property.
6. Applicant has, for the last 13+ years, attempted to market the Property in accordance with the current B-4 zoning Classification.
7. Applicant has learned from brokers, prospective purchasers and developers that the Property is not desirable or marketable for currently-permitted uses.
8. The public road access to the Property is controlled by a signalized intersection at Lehigh Street.

9. Applicant believes that the Property had previously been zoned I-2 Industrial district, or a similar classification which permitted distribution and warehouse-type facilities.

10. Applicant intends to have the subject property developed and operated as a distribution, logistics, warehousing facility or similar use, which can be developed under I-2 zoning.

11. All market indications and prospective development inquiries have indicated distribution, logistics or warehousing facility uses are the only feasible use for this property due to its limited location, frontage, and adjacent large box retail, airport, industrial use neighbors.

12. There is no harm to the immediate neighborhood if the rezoning is granted and the intended use will be complimentary to and in conformance with existing uses on the east side of I-78.

13. The rezoning to I-2 zoning district classification will have positive economic and employment benefits for the City of Allentown, as the subject property is currently taxed and assessed only as a vacant field, with rezoning creating an increased property tax base, local and employment-related taxes as well as job opportunities for local residents.

14. The following exhibits are submitted in support of this request:

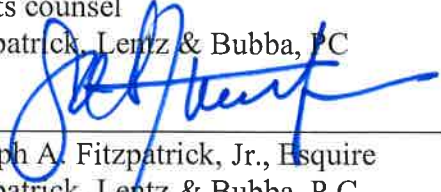
- Exhibit A – Deed to the property with complete legal description dated 15th day of November, 2005.
- Exhibit B – Lehigh County Parcel Viewer depicting subject Property.
- Exhibit C – County Assessment photograph of Property in its current state.
- Exhibit D – Depiction of subject Property and surrounding I-2 zoned properties.

II. ZONING RELIEF

For the aforesaid reasons, it is respectfully requested that the subject property be rezoned to the I-2 zoning district classification, pursuant to prevailing City Ordinance and the Pennsylvania Municipalities Code.

Respectfully submitted,

RD Management LLC, 1
By its counsel
Fitzpatrick, Lentz & Bubba, PC

By: 
Joseph A. Fitzpatrick, Jr., Esquire
Fitzpatrick, Lentz & Bubba, P.C.
4001 Schoolhouse Lane, PO Box 219
Center Valley, PA 18034-0219
610-797-9000

Date: January 14, 2019

JMM

LJS

✓

Prepared By:

Steven Nachman, Esq.
RD Management LLC
810 Seventh Avenue, 28th Floor
New York, NY 10019

Return acknowledgement to:
First American c/o Capital Services Inc.
P. O. Box 6300
Albany, New York 12208
800-862-0171

MAIL

STATEMENT FOR
STATE TAX FILED

THIS INDENTURE, made the 15th day of November, 2005.

Between

FB ALLENTOWN LLC (f/k/a FB Ashtabula LLC),

a New York limited liability company having an address at:

c/o RD Management LLC
810 Seventh Ave., 28th Floor
New York, NY 10019

(hereinafter called the Grantor), of the one part, **and**

MFB ALLENTOWN LP,

a Delaware limited partnership having an address at:

c/o RD Management LLC
810 Seventh Ave., 28th Floor
New York, NY 10019

(hereinafter called the Grantee), of the other part,

Witnesseth, that the said Grantor for and in consideration of the sum of Zero and 00/100 Dollars (\$ 0) lawful money of the United States of America, unto it well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained and sold, released and confirmed, and by these presents does grant, bargain and sell, release and confirm unto the said Grantee:

LEGAL DESCRIPTION - REFER TO ATTACHED EXHIBIT A

This Document Recorded
05/30/2006 State RTT: 0.00
10:42AM Local RTT: 0.00
Doc Code: DEED Lehigh County, PA Recorder of Deeds Office

Doc Id: 7344199
Receipt #: 249113
Rec Fee: 40.00



7344199
Page: 1 of 4
05/30/2006 10:42AM

292449FA

ALL THAT CERTAIN lot or tract of land situate in the City of Allentown, Lehigh County, Pennsylvania, laid out and designated as LOT NO. 2 on that certain subdivision plan titled "Final Minor Subdivision Plan for The Home Depot at Allentown," a copy of which subdivision plan is intended to be forthwith recorded in the Recorder of Deeds Office, bounded and described as follows, to wit:

COMMENCING at the intersection of the centerline of Moravian Avenue (50' wide) and the centerline of 26th Street West (60' wide), and running the following courses to the point of beginning:

- A. North 20 degrees 17 minutes 35 seconds West a distance of 13.35 feet along the centerline of Moravian Avenue extended; thence
- B. South 67 degrees 30 minutes 28 seconds West 255.24 feet to a point; thence
- C. South 69 degrees 42 minutes 25 seconds East 32.32 feet to a point; thence
- D. South 20 degrees 17 minutes 35 seconds West 7.53 feet to a point; thence
- E. South 68 degrees 48 minutes 35 seconds West 725.16 feet to the point of beginning; thence
 1. South 68 degrees 48 minutes 35 seconds West 115.80 feet to a point; thence
 2. South 20 degrees 17 minutes 17 seconds West 35.42 feet to a point; thence
 3. South 20 degrees 17 minutes 35 seconds West 90.92 feet to a point; thence
 4. North 82 degrees 41 minutes 12 seconds West 346.26 feet to a point; thence
 5. North 84 degrees 1 minute 10 seconds West 746.65 feet to a point; thence
 6. North 56 degrees 48 minutes 00 seconds East 1052.83 feet to a point; thence
 7. South 33 degrees 33 minutes 25 seconds East 645.59 feet to the point of BEGINNING.

CONTAINING 427,669 square feet, more or less, or 9.82 acres.

"EXHIBIT "A"



Together with all and singular the buildings and improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in anywise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of it, the said grantor, as well at law as in equity, of, in and to the same.

To have and to hold the said lot or piece of ground described above, with the buildings and improvements thereon erected, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, to and for the only proper use and behoof of the said Grantee, its successors and assigns, forever.

And the said Grantor, for itself and its successors, does, by these presents, covenant, grant and agree, to and with the said Grantee, its successors and assigns, that it, the said Grantor, and its successors and assigns, all and singular the hereditaments and premises herein described and granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, against it, the said Grantor, and its successors and assigns, and against all and every other person and persons whosoever lawfully claiming or to claim the same or any part thereof, by, from or under him, her, it, or any of them, shall and will

Warrant and Forever Defend.

In Witness Whereof, the party of the first part has caused its common and corporate seal to be affixed to these presents by the hand of its Sole Member on the day and year first above written.

FB ALLENTOWN LLC

By: MFB REALTY LLC, its Sole Member

By: _____ {SEAL}
Name: Jay Farman
Title: Manager

State of New York :

County of New York : ss


AND NOW, this 15th day of November, 2005 before me, the undersigned Notary Public, appeared Jay Furman, who acknowledged himself/herself to be the Manager of MFB Realty LLC, which is the sole member of FB Allentown LLC, and he/she, as such Manager being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself/herself as Manager.

IN WITNESS WHEREOF, I hereunder set my hand and official seal.



Notary Public:
My commission expires:

ALDORINE LATCHMAN-ABDUL
Notary Public, State of New York
No. 01LAG106707
Qualified in Nassau County
Certificate Filed in New York County
Commission Expires March 18, 2009



On behalf of Grantee
Name: Jay Furman
Title: Manager

I hereby certify that the address
of the within named grantee is:

c/o RD Management LLC
810 Seventh Ave.
28th Floor
New York, NY 10019



Name: Jay Furman
Title: Manager

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Page: 4 of 4
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Lehigh County Parcel Viewer

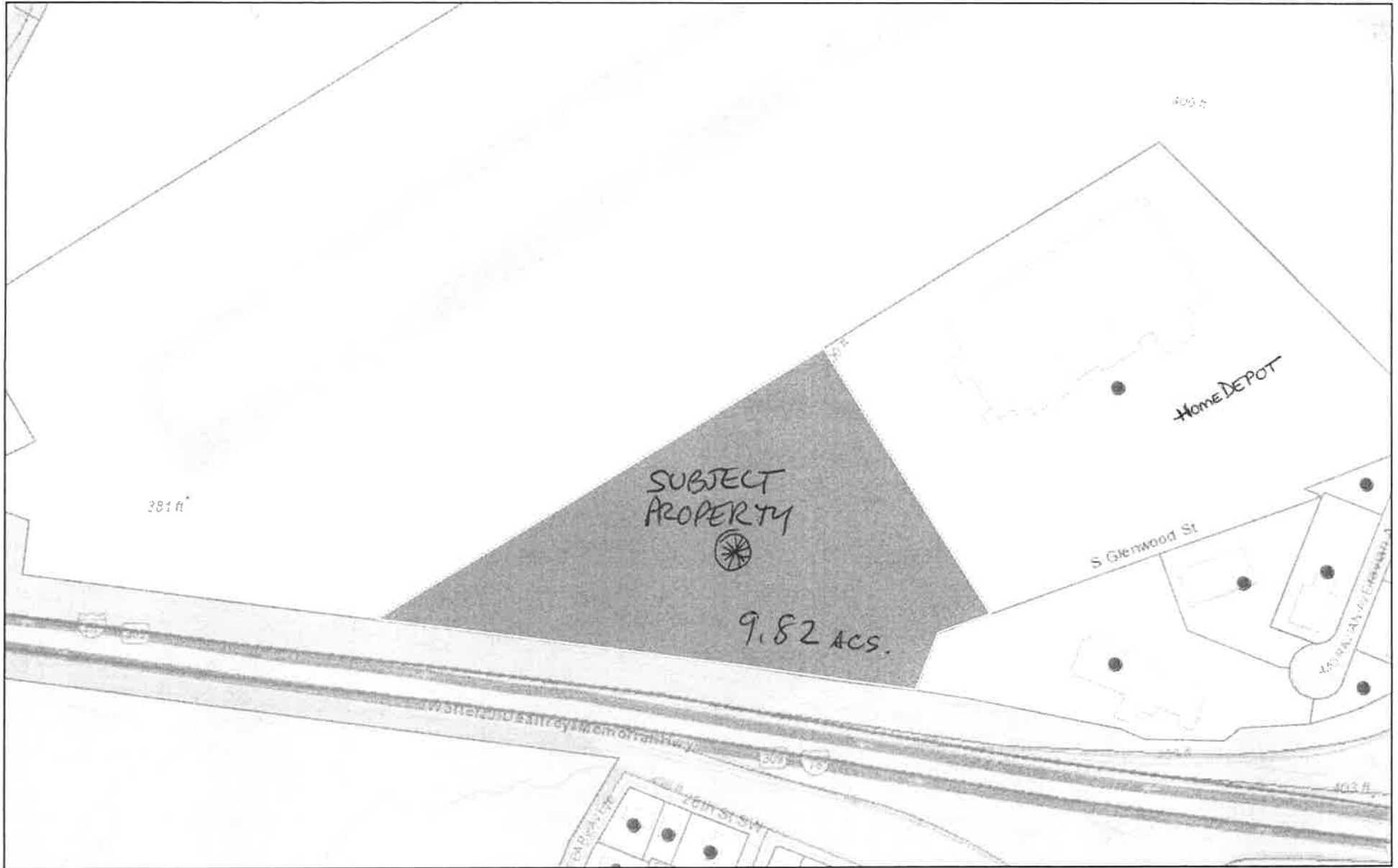
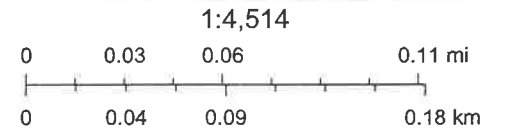


Exhibit "B"

November 7, 2018



Lehigh County GIS, Lehigh County IT, Sources: Esri, HERE, Garmin,

15

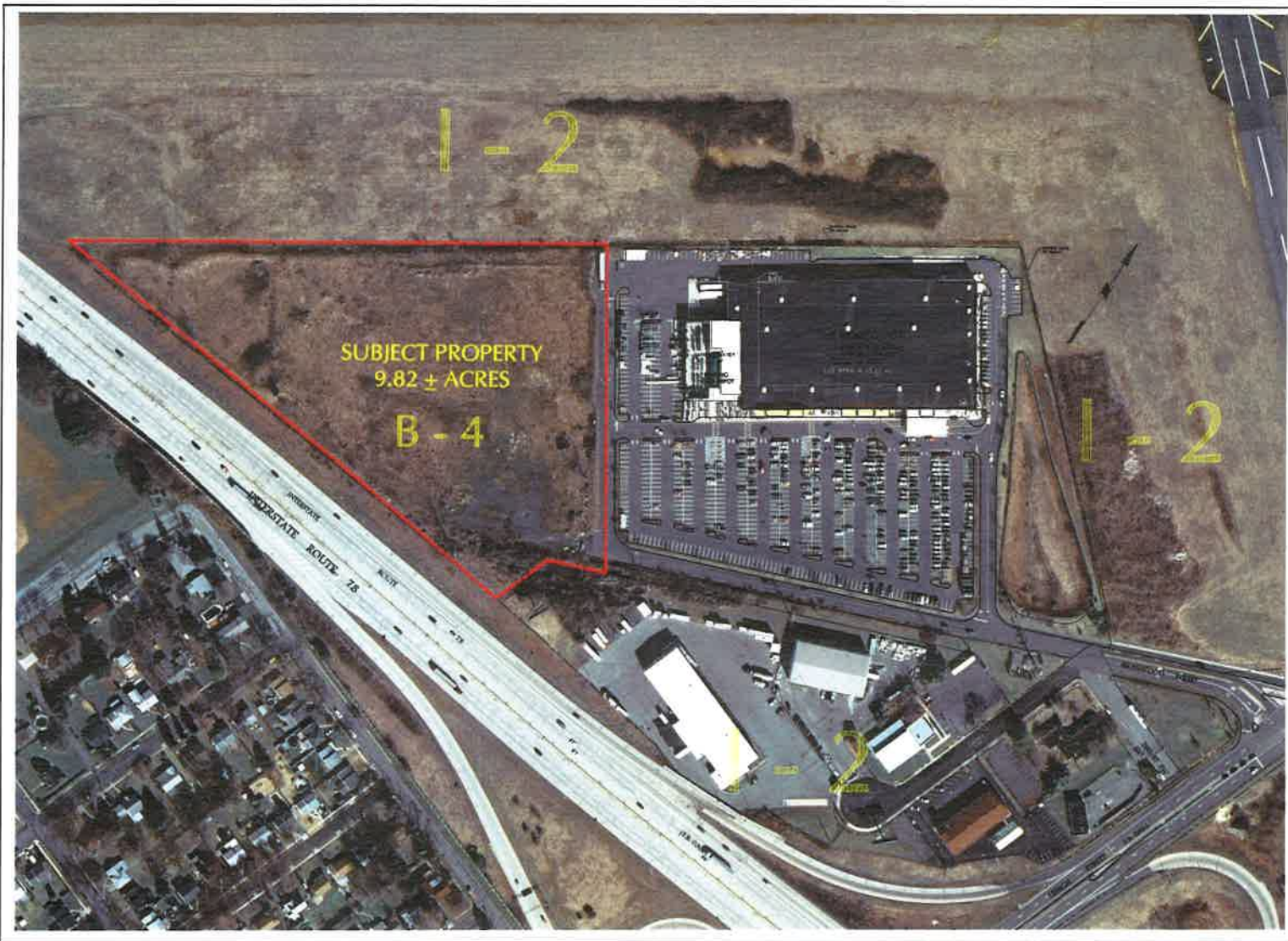
Search Result Print View - Public

Street View



Exhibit "C"

EXHIBIT "D"



arna

ENGINEERING
CIVIL ENGINEERS

ARN Engineering Inc.
13 Carlisle
Chesham, PA 19327
P: 215.354.2200
F: 215.354.2200



Project:
ALLENTOWN
COMMERCIAL

CITY OF ALLENTOWN
LEHIGH COUNTY
PLANNING DEPARTMENT

REZONING
EXHIBIT PLAN

DATE	COMMENTS	BY
REVISIONS		
Project No.	33002511	
Date	01-16-2016	
Scale	1" = 40'	
Drawn By	CT	
Checked By	CT	
Drawing No.		

EX-01

Sheet 001 of 001