

PLANNING STAFF REPORT

TO : City Planning Commission
 FROM : Planning & Zoning Bureau, DCED
 SUBJECT : RE-ZONING ON FRONT STREET (Case #19-6 Z)
 DATE : December 10, 2019

Background

- 1) This refers to the petition of Davison & McCarthy, on behalf of Charles Street Capital LLC -- equitable owner of the subject properties -- to re-zone the following parcels from B-5 (Urban Commercial) to B/LI (Business/Light Industrial):

- A. 201-221 N. Front Street (PIN 6407 5312 9628) – owned by ACIDA¹
- B. 115-143 N. Front Street (PIN 6407 4299 7610) – owned by ACIDA.
- C. 51-97 N. Front Street (PIN 6407 5215 1002) – owned by ACIDA.
- D. 113 N. Front Street (PIN 6407 5207 8227) – owned by PPL.²

Figure 1. Parcel Map of vicinity showing subject parcels for rezoning.



- 2) Subject parcels are located generally on North Front Street just north of America on Wheels and south of Bucky Boyle Park, where an abandoned railway crosses over N. Front St.
- 3) According to the petition, the purpose is to allow land uses that are more compatible with bordering properties and to afford the subject parcels a better potential for development than what are allowed at present. As well, the petition mentioned that the proposed action creates a transition zone between the B-5 and I-2 districts.

Findings and Analysis

- 4) The Zoning Code qualifies that B5 Districts were created to provide an area that balances neighborhood commercial needs with those of a larger service area, with less highway-focus (than Highway Business Districts). B5 Districts were intended to enable the redevelopment and reuse of

¹ ACIDA – Allentown Commercial and Industrial Authority

² PPL – Pennsylvania Power and Light

outdated or vacant land and buildings by allowing for a range of compatible commercial, entertainment and public uses. BLI Districts, on the other hand, 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.

- 5) For rezoning purposes, the current Comprehensive Plan (2010) recommends for the re-evaluation of uses permitted in commercial districts to determine their suitability in those areas (Policy 3.6, page 30). This policy appears to be supportive of what the Petitioner claims to be the reason why Subject Parcels remain underdeveloped, i.e., the permitted uses in B-5 are not compatible with the those of the surrounding properties.

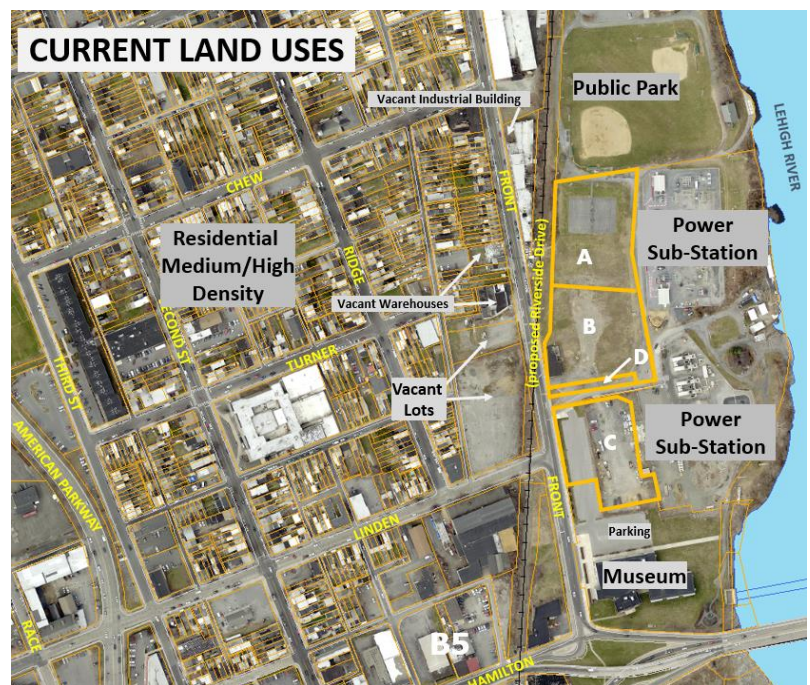
- 6) To look into this claim, Staff reviewed the land uses allowed in B-5 (see List of Permitted Uses in Attachment A) and compared these with the land uses currently in place in the area (refer to Fig. 2 – Current Land Uses).

- 7) In comparing the uses of the surrounding properties with those allowed in the B5 Districts, staff is not able to see any incompatibility as claimed. Petitioner cited Bucky Boyle Park, America on Wheels and the PPL sub-station as uses deemed incompatible.

- a. Staff notes that down-zoning the subject parcels from B-5 to BLI, as proposed, will still allow public parks, museums and power stations since these three uses are permitted in both zoning districts.

- b. Rather, the proposed action will introduce more land uses that are both commercial and industrial in nature, which is not bad in itself. But more significant, however, is that the operational characteristics of the “new” BLI uses are geared towards more intensive use of land. This observation, and more, are better explained in the letter of the Zoning Supervisor to the CPC (see Attachment B), where the Zoning Supervisor disagreed with the proposed change in zoning.

Figure 2. Current land uses in the vicinity of Subject Parcels.



- 8) Moreover, the transition zone that would be created by the proposed action, as offered by Petitioner, will not happen. The illustrations in Figures 3a and 3b depict the current zoning and the zoning situation

Fig. 3a Current zoning in the general area.



Fig. 3b Proposed zoning in the general area.



resulting from the proposed action.

- 9) In zoning, a “transition zone” is a tool that attempts to address abrupt changes in land uses that generate obvious conflicting (or incompatible) activities in one general area – such as a residential zone next to an industrial zone. In attempting to minimize the negative impacts to the residential uses, a transition zone is created between the residential district and the industrial district where less-invasive (or less land-intensive) uses are promoted; like mixed use residential-office or mixed-use office-retail, for example. In essence, therefore, a transition zone should aim to buffer less-intensive uses from more intense land uses.
- 10) In this present case the established uses in the area are the public park, the museum and to an extent, the residential areas west of Front Street. To the staff’s view, these are established uses that need protecting. On the other hand, the proposed action to down-zone from B-5 to BLI runs counter to the intent of a transition zone because the rezoning will introduce uses with the potentials for heavy truck traffic.
- 11) The successor comprehensive plan (Vision 2030) envisions this area through the lens of the NIZ, and the development potential NIZ-related projects would bring to adjacent properties. Already, the Waterfront Development Project -- which the CPC has considered and approved some of its phases -- includes transforming the abandoned railway that crosses Front Street into a new 2-lane thoroughfare – called Riverside Drive -- that traverses from Tilghman to Union (see Fig.4) and abuts the Subject Parcels at North Front Street.
- 12) When this happens, the new roadway will carry both pedestrian and vehicular traffic to and from the planned activities on the riverfront. Heavy truck traffic that may come from new industrial activities resulting from the proposed rezoning may not bode well in promoting riverfront-related activities.

Figure 4. Portion of Riverside Drive



Staff Recommendation

- 13) Based on the staff findings and analysis above and the position taken by the Zoning Supervisor on the matter, Staff is not inclined to support the proposed rezoning.

Attachment A

List of Permitted Uses in B5 and B/LI Zoning Districts (from Sec 1313.01.A)

<u>PERMITTED USES</u>	B5		B/LI
<u>RESIDENTIAL USES</u> (See definitions in Article 1303)	B5		B/LI
Single Family Detached Dwelling	N		N
Twin Dwelling, with each new dwelling unit located on its own lot	N		N
One or more Apartment/Multi-Family Dwelling Units within a Building that includes a principal non-residential use	P(A)		N
Multi-Family Dwellings (other than residential conversions) - 3 to 4 dwelling units on a lot	P (DD)		N
Multi-Family Dwellings (other than residential conversions) - 5 or more dwelling units on a lot	P (DD)		N
Roomers/Boarders	N		N
Rowhouse/Townhouse	N		N
Rooming House or Boarding House	N		N
Manufactured Home Park	N		N
Adaptive Reuse	N		SE (C)
Conversion of An Existing Lawful Principal Business Use into One Dwelling Unit	N		N
Residential Conversion of an Existing Building to result in an Increased Number of Dwelling Units, other than above	N		N
Sample or Model Home	N		N
Two Family Dwelling	N		N
Small Group Home	N		N
Large Group Home	N		N
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.)	-----		-----
Pocket Neighborhood Development	N		N

List of Permitted Uses in B5 and B/LI Zoning Districts
(from Sec 1313.01.A)

<u>PERMITTED USES</u>	B5		B/LI
<u>COMMERCIAL USES</u> (See definitions in Article 1303)	B5		B/LI
Adult Use	N		N
Amusement Arcade	P		P
Art Gallery	P		P
Auto Body Shop	N		P
Auto Sales or Rental	N		P
Bed and Breakfast Inn	N		P
Betting Use	P		P
Bring Your Own Bottle Establishment	P		N
Bus or Passenger Rail Terminal (as a principal or accessory use)	N		P
Business Services	P		P
Car Wash	P		P
Catering, Preparation of Food for (this use may be combined with a Restaurant if the requirements for a restaurant are also met)	P		P
Check Cashing Business	P		N
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	P		P
Commercial Communications Tower/Antenna -freestanding	N		SE
Custom Crafts, manufacture and sale of (such as jewelry and handicrafts), or Artisan's Studio	P		P
Exercise Club	P		P

List of Permitted Uses in B5 and B/LI Zoning Districts
(from Sec 1313.01.A)

<u>PERMITTED USES</u>	B5		B/LI
Financial Institution (which includes a bank but which does not include a check cashing establishment or pawn shop, each of which shall be considered a retail store)	P		P
Funeral Home	P		P
Gasoline Station	N		P
Hotel or Motel	P		P
Kennel	N		N
Massage Establishment meeting the City Massage Establishment Ordinance. All other massage establishments shall be prohibited.	P		P
Newspaper Publishing and Printing	P		P
Offices of business, institution, profession or similar entity (see also Home Occupation)	P		P
Tavern	P		P
Pawn Shop	P		N
Personal Services (such as barber shops, beauty shops, laundry and dry cleaning pick-up and delivery, and closely similar uses)	P		P
Printing and Duplication, Custom (see also printing as an Industrial Use)	P		P
Recreation, Commercial, other than an "Adult Use" or Amusement Arcade	P		P
Repair Garage	N		P
Restaurant, includes take-out-without drive-thru service or a Banquet Hall	P		P
Restaurant, includes take-out-with drive-thru service	P		P
Retail Store (such as a drug store or variety store, other than Adult Use)	P		P

List of Permitted Uses in B5 and B/LI Zoning Districts
(from Sec 1313.01.A)

<u>PERMITTED USES</u>	B5		B/LI
Shopping Center	P		P
Tavern	P		P
Theater (not including an “Adult Use”), Civic and/or Cultural Facility, Arena, Gymnasium, Auditorium or Sports Stadium	P		P
Trade School or Similar Educational Institution	P		P
Veterinarian, other than Kennel	N		P
<u>INDUSTRIAL USES</u> (See definitions in Article 1303)	B5		B/LI
Distribution as a principal use (other than a Trucking Company Terminal)	N		P
Flammable Liquids, Above-Ground Bulk Storage for Off-site Use, other than as accessory to a home heating company	N		N
Industrial Equipment Sales, Rental Service, other than vehicles primarily intended to be operated on public streets	N		P
Home Heating Oil Supplies	N		SE
Junk-outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal facility	N		N
Junkyard (which includes Scrap Yard)	N		N
Laundry, on an industrial scale	N		P
Mineral Extraction and related processing, stockpiling and storage	N		N
Moving and Storage Business	P		P
Outdoor Storage, Industrial	N		P
Packaging, Bottling or Assembly	N		P
Package Delivery Services Distribution Center	N		P
Photo Processing, Bulk	P		P

List of Permitted Uses in B5 and B/LI Zoning Districts
(from Sec 1313.01.A)

<u>PERMITTED USES</u>	B5		B/LI
Printing or Bookbinding on an Industrial Scale	P		P
Records Storage as a Principal or Accessory Use	P		P
Recycling Collection Center (not publicly owned)	SE		SE
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		SE
Research and Development, Engineering or Testing Facility or Laboratory	P		P
Self-Storage Facility	N		P
Slaughterhouse or Stockyard	N		N
Solid Waste Transfer Facility or Solid Waste to Energy Facility	N		N
Tires, Used, Bulk Storage as Principal or Accessory Use	N		N
Trucking Terminal	N		N
Warehousing or Storage as a Principal Use	N		P
Wholesale Sales	P		P
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:			
-Ammunition, Fireworks or Explosives (or bulk storage of)	N		N
-Apparel, Textiles, Shoes and Apparel Accessories	P		P
-Cement, actual manufacture of, or Asphalt	N		N
-Cement, Gypsum, Concrete or Plaster Products other than actual manufacture of cement	N		N
-Ceramic, Clay and Pottery Products (Other than Custom Crafts)	N		P
-Chemical Products that are not “extremely hazardous substances”	N		N

List of Permitted Uses in B5 and B/LI Zoning Districts
(from Sec 1313.01.A)

<u>PERMITTED USES</u>	B5		B/LI
-Chemicals, Manufacture, Mixing, or Bulk Storage of “extremely hazardous substances”	N		N
-Electrical and Electronic Machines, Supplies and Equipment	P		P
-Fabricated Metal Products (except Ammunition, Fireworks or Explosives)	N		P
-Food and Beverage Products, other than what is customarily accessory to a retail store, and not including uses listed individually in this table	P (Y)		P (Y)
-Furniture and Wood Products (not including raw paper pulp)	N		P
-Glass and Glass Products (see also custom crafts)	N		P
-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
-Jewelry, Optical Goods or Precision Instruments	P		P
-Manufactured or Modular Housing, or housing components	N		P
-Metal Products, Primary	N		N
-Paper and Cardboard Products (not including manufacture of raw paper pulp)	N		P
-Paper- Raw Pulp	N		N
-Paving or Roofing Materials, other than bulk manufacture of asphalt	N		P
-Pharmaceuticals	P		P
-Plastics, Polymers, Resins or Vinyl	N		P
-Products from Previously Manufactured Materials, such as glass, leather, plastics/polymers, cellophane, textiles, rubber or synthetic rubber (other than Custom Crafts)	P		P
-Rubber, Natural or Synthetic	N		N
-Soaps, Detergents, Paints, Varnishes or Enamels	N		N

List of Permitted Uses in B5 and B/LI Zoning Districts
(from Sec 1313.01.A)

<u>PERMITTED USES</u>	B5		B/LI
-Transportation Equipment	N		P
<u>INSTITUTIONAL USES</u> (See definitions in Article 1303)	B5		B/LI
Adult Day Care Center	P		P
Animal Shelter or Animal Cemetery, Non-Commercial	N		N
Cemetery or Crematorium	N		N
Child Care Center, Nursery School, Pre-School or “Head Start” Program center	P		P
College or University	P		N
Dormitory or Fraternity or Sorority House	N		N
Drug and/or Alcohol Rehabilitation Facility or Halfway House	N		N
Elementary or Secondary School	P		P
Hospital	N		N
Institution for Children, the Aged or Handicapped	N		N
Library	P		N
Museum or Visitor's Center, and which include accessory retail sales	P		P
Nursing Home or Personal Care Home	P		P
Place of Worship	P		P
Temporary Shelter	N		N
Veterans Treatment Center	N		N
<u>PUBLIC/SEMI-PUBLIC USES</u> (See definitions in Article 1303)	B5		B/LI
Community Center, Non-Profit	P		P

List of Permitted Uses in B5 and B/LI Zoning Districts
(from Sec 1313.01.A)

<u>PERMITTED USES</u>	B5		B/LI
Government Uses (not including prisons, other correctional facilities and solid waste facilities)	P		P
Membership Club	P		P
Prison or Other Correctional Facility	N		N
Public Park, Playground or other publicly-owned recreation	P		P
Recycling Collection Center – Publicly Owned	N		P
<u>MISCELLANEOUS USES</u> (See definitions in Article 1303)	B5		B/LI
Airports and Related Uses	N		N
Boat Dock, Wharf or Marina	P		N
Bus & Taxi Shelters	P		P
Crop Farming, Gardening and/or sale of trees primarily grown on the premises	P		P
Heliport	N		N
Live Work Unit/Live Work Space	P		P
Plant Nursery with or without retail sales	P		P
Parking, Off-Street as a principal use of lot	P		P
Space for Storage of Commercial Vehicles	P		P
Uses Unable to Meet the Performance Standards of Article 1317	N		N
Public Utility -distribution lines	P		P
Public Utility -other facilities such as electric substations, but not including vehicle garages, warehouses, storage yards or commercial communications antennae	P		P
Solar Energy Collection Devices – other than as accessory	N		P
Wind Turbine(s) – other than as accessory	N		N



Allentown
City without limits.

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November 20, 2019

**RE: REZONING OF FOUR PROPERTIES FROM AN URBAN COMMERCIAL (B5) DISTRICT
TO A BUSINESS/LIGHT INDUSTRIAL (BLI) DISTRICT.**

The rezoning of three properties along with the PPL substation property located on N. Front St. is being requested by ACIDA for the proposed buyer, Charles Street Capital, LLC. The commercial uses that are not permitted in the B5 that are permitted in BLI are:

1. Auto Sales
2. Auto Body
3. Bus Terminal
4. Gas Station
5. Repair Garage

The use of some type of auto business would be a smooth transition from the America On Wheels Museum and the Ruozzi Brothers upscale auto restoration business. The only negative aspect would be auto sales. I do not feel that it would be a good fit in this location. Cars lined up on Front St. would have a negative impact on the Waterfront District. The other auto uses would have to be done in a more upscale format to ease the transition to the area. The rezoning of the Neuweiler's plot along Front St. should also be taken into consideration.

The industrial uses that are not permitted in the B5 are:

1. Trucking Terminal
2. Industrial Rental
3. Industrial Laundry
4. Outdoor Storage
5. Packaging
6. Package Delivery Hub
7. Recycling Center
8. Self-Storage
9. Warehousing
10. Manufacturing

These 10 uses are truck-oriented and would impact the new roadway of Riverside Drive. The new road would pass directly in front of these properties.

I do not agree with the argument that it will create viable commercial development. There is a myriad of uses that are permitted in both districts. The applicant wishes the City of Allentown to rezone the district without having knowledge of the proposed use.

The areas to the north of these properties are Parks and Industrial Districts. The Industrial District is in the Riverfront Redevelopment Overlay District which allows it to be used in many ways. Therefore, the argument that it is a good transition from B5 to I2 is not a viable one.

We should know what the applicant has in mind for a proposed use. The answer of a shell building is not enough information.

Frederick R. Andrayko
Zoning Supervisor
City of Allentown