

ALLENTOWN CITY PLANNING COMMISSION

PUBLIC MEETING March 9, 2021

MINUTES

MEMBERS PRESENT:

Christian Brown, Chairman
Mark Buchvalt, Vice Chairman
Damien Brown, Secretary
Richard Button
Jeff Glazier
Anthony Toth
Oldrich Foucek

CITY STAFF PRESENT:

Irene Woodward, Planning Director
Frederick Andrayko, Zoning Supervisor
Craig Messinger, Public Works
David Petrik, Public Works
Nelson Varughese, Public Works
Jesus Sadiua, Senior Planner
Brian Borzak, Chief Designer/Surveyor

OTHERS PRESENT:

MINUTES:

Minutes of Public Meeting of February 9, 2021

WAIVER REQUEST:

812 South Front Street, LMI-2020-00019 & SMI-2020-00014, request of Black Forest Engineering, LLC to waive Section 1385.11.B of the Land Development Controls Ordinance which requires that the horizontal distance from either the toe or top of an excavation or fill slope line shall be five (5) feet or one-half (1/2) the vertical height of the fill or excavation from any adjoining property or easement line, whichever is greater of the City's Land Development and Subdivision Ordinance (SALDO).

Jeff Glazier made motion to approve waiver request, Damien Brown seconded and the board unanimously approved.

REZONING:

Amends the rezoning of certain parcels to B-5 urban Commercial District, (ii) providing for a new Urban Transition Multi-Family Development use within the B-5 Urban Commercial District and the B-2 Central Business District and providing a definition of, and regulations relating to, such use, (iii) permitting Adaptive Reuse in the B-5 Urban Commercial District by Special Exception, (iv) increasing the height limitation for Hotels and Motels in the B-5 urban Commercial District, (v) modifying parking requirements for Urban Transition Multi-Family Development, and (vi) providing for a repealer clause, a severability clause, and an effective date as requested by The Manhattan Building Company, Inc.

John Palumbo states one of the questions was what affect will the proposed MFD text amendment have on other B5 districts in the city, at the last hearing it was established that there was only one other B5 area in the city and that is the Westend Theatre district, in 2010 city drafted a master plan to outline the vision of the revitalization of the Allentown Westend theatre district, it recommended the text amendment to the B5 district to add higher density and multi 4 buildings and local zoning code to allow redevelopment and similar to what happened to the Lehigh riverfront the underlying zoning was never amended to allow the master plan to happen. A brief overview of the theatre district master plan shows that it is similar to our proposals we have on the riverfront, the core area revitalization strategies was to create mixed use redevelopment opportunities and to amend local code to allow mixed use development, my thoughts are the recommendations of the plan states that these comments and suggested changes do not affect the zoning map and classifications but rather the text within the zoning ordinance and what it recommends a text amendment to the B5 ordinance to add residential uses to each zone, preferably multi family, the conceptual plans for higher density multi floor along Tilghman would require this change, so it sums up that in order to implement this master plan a text amendment would need to be added to B5 district but the amendments were never done.

Chris Brown states B5 does currently provide for multifamily, is it the mixed use that this new text amendment accommodates is that the main difference.

John Palumbo states currently the B5 district the ground floor usage are good the commercial usage is positive but the issue is the 50ft height restrictions so what the MFD text amendment would do is if you have 24,000 sq. ft. and you wanted a mixed use redevelopment you could build up to 80ft. and I think this MFD text amendment could have a unexpected benefit to the Westend theatre district, it will allow the Lehigh river to happen but what we are proposing is exactly what the Westend theatre district proposed.

Tony Toth asks if he can have a practical application of what you would foresee based on what your presenting/proposing on how that may impact the Westend theatre district based on your text amendment.

John Palumbo states comment 11E from the Planning bureau which explains that our current zoning ordinance already allows for multi-unit residential in B5 and B2 district and work well as they are, and my response to that was that the comment is B2 district provides flexible zoning for

development in that area however B5 district as is particularly because of the 50 ft. height restriction does not allow the proper and adequate zoning for a mixed use redevelopment project.

Chris Brown states I understand the incentive to get the parking under roof and in the same footprint but what does that do to the activation at the street level and are we sacrificing retail or commercial or other pedestrian level interaction for the benefit of parking, is it proportionate, I can see it being more necessary in more dense areas such as waterfront but in the Westend theatre district I think it could work against us.

John Palumbo states in the proposed MFD text amendment it allows you to go 65 ft. if you don't integrate parking so if the city decided they did not want to integrate parking on the ground floor then they could just do commercial and retail and do surface parking, it goes from 65 to 80ft if the parking is integrated within the building, I think from a long term Planning perspective integrating the parking within a building especially on the larger sites it allows the city to save underutilized space which can become additional open space and green space.

Chris Brown asks John Palumbo if at the time the master plan was written this proposal would not be permissible under the zoning as it was.

John Palumbo states that is correct a text amendment would be needed but currently the B5 zoning only allows for the 50 ft. but no development has taken place in that area, so we are proposing the text amendment would have unexpected benefit, if the parking spaces are integrated within the building then you can gain just as many parking spaces if not more than you would with surface parking but also gives you the opportunity to master plan some underutilized space.

Damien Brown states he is a resident of the theatre district neighborhood and was involved in the comprehensive plan for the neighborhood about 10 years ago and a lot of good did come from the plan, however there has not been any new development in the area and what will happen if the text amendment is adopted is nothing for a while but when the time comes when development does occur I know myself and neighbors would welcome it, somethings that would benefit this part of the city would be more people, more feet on the street as a side benefit this provides the opportunity to add some density, and make more infill more economically feasible I am for it.

John Palumbo states comment 11A about narrow streets, a vast majority of properties we are proposing redevelopment are serviced by N. Front St. 2 lane road 60 ft wide and we consider that the sign to riverfront development similar to what Hamilton St. is in the B2 district which provides for more dense and flexible zoning, but also what you have in B2 is much narrower , one way the city has been successful servicing more dense projects than we are proposing. Hamilton St. vs N. Front St. have similar width, and most of our development on N. Front St. which is more than adequate to service this type of development because you have much taller and dense buildings. The only project we are proposing where narrow streets come into effect is Riverview Lofts 2 and this came up at the last meeting acknowledging that N. Railroad is narrow street but also serviced by W. Allen St. which is a 2 way and legally more than adequate to service a building this height and density and we compare that with Strata Symphony 1 & 2 on Linden St., and Strata Symphony on N. Law St.

Chris Brown asks about the Lehigh Valley Planning commission letter about the special exception and conditional use about this property type to grant the city better control and ability to ensure compatibility on a case by case basis.

Joe Fitzpatrick states they believe the ordinance proposal as drafted is adequate enough to allow for permitted use status for what has been proposed in the criteria and protective enough of the city's interest but also allows for a vision to be realized, and we do believe permitted use is the appropriate way to go if there is selective criteria of concern for the city, this is situation that calls for conditional use not special exception, to have a comprehensive vision requires a comprehensive view and forum reviewing what the developers are proposing and the Planning commission knows that the Zoning hearing board legal criteria for variance relief or special exception is all over the place and looks at one property/part of a block at a time, that whole approach really contravenes the transformative nature of the changes that are proposed. We are looking to transformative a bridge from the waterfront to the river view area all the way up across the Monocacy and into center city and the NIZ, going into a special exception will defeat that we will be in front of the zoning board for every little thing, I think permissive use going in front of Planning commission and council with specific criteria is the correct way to go, if anyone is nervous I guess conditional use if the fall back at least then it comes to the planning commission and city council and not the approach the zoning hearing board will take. I am asking planning commission to be all in with proposal on both sides of front street and leave it permissive and if you feel the need and not going with it the second choice but not preferred would be conditional use.

Chris Brown asks what the nature of the 51 parcels in terms of ownership is, contracts, agreements.

Joe Fitzpatrick states the only project we have proposed right now west of Front St. is Riverview Lofts 2 and there are 6 properties west of Front St. we own but that project is a partnership with Allentown parking authority with that lot and the 3 adjacent lots we own on W. Allen St. gives us a full block of development directly adjacent to Riverview Lofts 1, that is the only project proposed at this time west of Front St. and in order for us to development anything else in that area we would need to have the 24,000 sq. ft. of property which would be difficult with smaller lots in the area.

Chris McClean states to the comment of the number of parcels the city's petition form requires it be signed by owners of 50% or more of the land to be rezoned not the number of properties to be rezoned but the land itself and the maps that was submitted with our application Manhattan through itself and various affiliated entities 1 being Riverview Lofts owns control has option agreement of sale more than 50% of the land proposed to be rezoned so we passed that city test.

Chris Brown asks about the minimum integrated lot area it says it should be at least 24,000 sq. ft. but also states may include areas from adjacent lots that are under common ownership or have elements of common ownership we think that sounds open ended if you could help us understand.

Joe Fitzpatrick states this is used frequently in suburban applications both for commercial and multi family where developers because of either financing arrangements or ownership arrangements may not have a contiguous minimum lot size to build but may have a contiguous area for dedicated parking, there is nothing to say we couldn't have a surface parking lot in the future dedicated to the utilization of Riverview Lofts 2 or the commercial retail use we like to see street side in a building like that, what we are saying is if we can amalgamate properties that are in the immediate vicinity of each other and can be developed as an integrated whole this type of approach is appropriate and we have a lot of properties that are 14 ft wide and 80 ft deep because they have to be assembled, trying to develop by assembling is the most painful, time consuming

and ultimately expensive way to develop we need the flexibility of acquiring properties and integrating them as we go along.

Tony Toth asks about the RRO overlay district, what is the fatal flaw with the RRO for the I3 and the I2 , if the RRO would be applied to the I3 and I2 parcels why would that not work for your proposal.

Joe Fitzpatrick states we are trying to draft and propose something that will allow the developer to move ahead in short order we tried, and it did not fit.

Tony Toth states he thought that was the purpose of the RRO to facilitate that type of development.

Irene Woodward states one of the challenges with the RRO is that you have to have a minimum track of 20 acres to look at, and I believe that is one of the challenges with the properties being proposed to be rezoned and then each of the developments would need to be a minimum of 3 acres.

Chris Brown states he thinks this approach is on a better scale, what is being proposed even at a half-acre is still on a better scale in relationship to the context as opposed to I don't know if I would want to see another 20 acre comprehensive development, I like the idea of a smaller unit approach.

Chris Brown asks if Irene can clarify what is the outcome of today.

Irene Woodward states anything the Planning commission does becomes recommendations to city council and after this there is a public meeting scheduled for March 17th and then council will vote on the ordinance that is before us, so planning commission provides recommendation as does LVPC so both recommending bodies and those comments go on to city council. In the past there has been either recommendations for approval or a no recommendation. Any comments from the Planning Commission can be incorporated into the letter that is provided to City Council.

Mark Buchvalt states after the workshop and the meeting I have no issue with the Westend theatre district, properties on the Westside of Front St. and the I am more comfortable with the properties on the Eastside, I think the project is a good project and should move forward but the issue we all have is once its rezoned its rezoned and if for some reason this project would not happen then we have this B5 in this neighborhood and what would the negative ramifications be. I looked at all the uses are in both RMH and B5 district and there is are some that co-exist that are not residential so that list of additional commercial use that get introduce is a little less than all the other permitted use in the B5, then looked at the balance of those permitted uses and probably 50-75% of them I would not feel would be a detriment to this neighborhood, some of things we were concerned about like fast food I think the risk is there but the size of the lots we would be left with and with those type of chains typically like to have a high traffic load on those streets so feel like the risk is getting slightly lower.

Richard Button states there a bunch of issues, uncomfortable doing a rezoning on tracts of land where the rezoning request is not coming from an owner or the city, we already have the B5 on the Westend so that is already zoned, I am not crazy about the rezoning right in the middle of the RMH, as far as text amendment I would be happy with MFD if it was not by right but by special exception there should be a review of those, the stuff on the Eastside of Front St. is fine and should be rezoned.

Tony Toth states he is in favor East of Front St. not comfortable with RMH, why are we including city owned properties that are zoned IG to be included in this zoning map amendment.

Irene Woodward states the area pump place is zoned park, the parcel between Neuweiler and the other building is zoned park and part of that property needs to be utilized for the realignment of pump place as Riverside drive moves forward, so there is a bit of a land swap that has to occur between Neuweiler and the city to realign pump place.

Joe Fitzpatrick states in early meetings with DCED and Planning it was suggested to the Manhattan team to include that area in the map so that it would be part of the integrated comprehensive transformation.

Damien Brown states it is not a perfect proposal, one main reason being the risk associated with rezoning the property West of Front St. however would agree with applicant and attorney that it is critically important that this neighborhood has the opportunity to grow from its current state, when I weight that with the cons and risks of the proposal then weight in the benefit of the text amendment in the West end theatre district and other areas of the B5 down near the river , I think I am prepared to vote in favor of this request.

Jeff Glazier states using the strip along railroad St. might be inspired bit of planning but sticks out like a sore thumb on the map and that is concerning, but believe the B5 could have been extended in a more continuous area up North along Front St. the block between Liberty and Allen, not concerned with theatre district this type of development there could be good more density would not hurt, I will vote to positively endorse this project.

Chris Brown states atty. Foucek recused himself previously and add to the record that would remain the same.

Chris brown states fine with the text amendment, agree that the affect on theatre district could be positive, I think the TNDO gives us the protection we would want as a commission and therefore I am not concerned about the special exception or conditional use the TNDO will give us what we need when reviewing applications, I am inclined to support the proposal.

1 public comment voted in favor.

Chris Brown states I would like to go on record reflecting my personal appreciation to the applicant for the amount of effort put into this application, because it not something we take lightly when considering something of this nature.

Damien Brown makes motion to send favorable recommendation to city council with the minutes summary that outlines some of our highlights and concerns, Jeff Glazier seconded and the board unanimously approved.

LAND DEVELOPMENTS:

- **Parkway Community Building, 2335 Parkway Boulevard, LMA-2020-00023, preliminary/final plan approval requested by Muhlenberg College. (Tabled at January 12, 2021 meeting)**

Applicant proposes to demolish the former Sigma Phi epsilon Fraternity building and construct a new 3-story office building.

Starts off at 1:48

- **Central Park Apartments, 605 Wahneta Street, LMA-2021-00001, preliminary plan approval requested by Central Park Apartments, LP.**

The applicant proposes to construct 118 apartments.

ADJOURN:

There being no further business, the meeting adjourned.