



Allentown

435 Hamilton Street
Allentown, Pa. 18101

Minutes - Final

Planning Commission

Tuesday, February 12, 2019

12:15 PM

Council Chambers

MEETING VIDEOTAPED FOR PUBLIC RECORD ON THE CITY'S WEBSITE

Call to Order

MEMBERS PRESENT:

Oldrich Foucek, III, Esquire, Chairman
Mark Buchvalt, Vice-Chairman
Richard Button, Secretary
Christian Brown
Jeff Glazier

CITY STAFF PRESENT:

David Kimmerly, Chief Planner
Leonard Lightner, Director of Community and Economic Development
Tom Williams, Deputy Director and Operations Manager of CED
Craig Messinger, Interim Director of Public Works
Mark Geosits, P.E. Senior Civil Engineer/Assistant City Engineer
Richard Rasch, Utility Engineer
Nelson Varughese, Traffic Controls Superintendent
Lisa Cocca, Public Works Administrative Supervisor
Fred Andrayko, Zoning Supervisor
Tawanna Whitehead, Deputy City Clerk
Jeanne Marsteller, Recording Secretary

Approval of Minutes of January 8, 2019 meeting

The minutes were approved as written.

Street Vacation

Lawn Street SW from Alton Avenue to Ruby Street, 18-5 (V) requested by James and Annette Stein, Edgar Mendez and Jane Dreher. (Resubmitted - denied at December 2018 meeting)

James Stein was present.

Atty. Foucek explained this was in front of the Commission before, but there were no applicants present to support the request, therefore it was denied. Atty. Foucek continued by asking Mr. Stein if the adjoining property owners are in support of the result of the street vacation, which is the unopen street that will be divided in half.

Atty. Foucek then pointed out, If it is being used as a driveway now, it may not be used as a driveway when this is all done. Mr. Stein stated yes as one neighbor submitted a no objection letter and the other understood. Atty. Foucek asked about the structure on or near the unopen street. Mr. Stein stated the structure is on his property.

Mr. Glazier made a MOTION to recommend to City Council the vacation of Lawn Street SW from Alton Avenue to Ruby Street. Mr. Button seconded. Motion passed unanimously.

Rezoning

Bill No. 4 Amends the Zoning Map by rezoning parcels at 1216, 1224, 1228 and 1236 South Meadow Street from R-ML Residential Medium Low Density to B-3 Highway Business. (This matter was previously reviewed and recommended favorably by the Planning Commission. Pursuant to the Pa. Municipalities Planning Code, the City Clerk has now referred the formal amendment to the Planning Commission for review.)

Julia Von Spreckelsen, Esq. of Eastburn and Gray, PC, represented the applicant.

Atty. Foucek explained the Commission has reviewed this in the past and now is back for a final recommendation. Atty. Von Spreckelsen explained the purpose of the rezoning in order to redevelop the entire city block and construct a Wawa convenient store with fuel dispensing facilities.

Atty. Foucek asked if anything has changed. Atty. Von Spreckelsen said nothing has changed. Mr. Buchvalt asked if during the land development process if the applicant will be committed to going above and beyond the ordinance requirement in regard to the buffer along Meadow Street (east property line) as discussed at the previous meeting. Mr. Buchvalt continued by pointing out this is our opportunity to get their commitment on record as once the rezoning is approved, legally they could just say they will apply what is currently allowed per ordinance. Atty. Von Spreckelsen explained the buffer will be enhanced along Meadow Street and will definitely work with the City going forward. Atty. Von Speckelsen said when they come in for land development they will have views from Meadow Street and what the neighbors will be looking at. Mr. Buchvalt said that is exactly what he is looking for.

Laura James, 1215 S. Meadow Street asked if the alley that runs through the property is part of the rezoning. Atty. Von Spreckelsen answered that is S. Jute Street and it was never opened, and that portion was petitioned to be vacated.

Mr. Glazier made a motion to ratify the Commission's previous favorable recommendation as stipulated at the meeting of November 13, 2018. Christian Brown seconded the motion. Motion passed unanimously.

Amends the Zoning Code by rezoning 1811 Glenwood Street from B-4 (Shopping Center Business District to I-2 (Limited Industrial District) 19-1(Z) requested by Fitzpatrick Lentz & Bubba on behalf of MFB Allentown, LP and its agent RD Management, LLC.

Atty. Erich Schock of Fitzpatrick, Lentz and Bubba and Chirag Thakkar, P.E. LEED PA of Arna Engineering, Inc. represented the applicant.

Atty. Schock summarized the parcel is currently vacant and being marketed unsuccessfully for a use allowed in the B-4 zone. Access is shared with the neighboring Home Depot and is very close to highway access. Based on the location the developer has determined the appropriate use for the land would be permitted under the I-2, limited industrial, for warehousing or a mixed use.

Atty. Foucek said there is a comment with a hesitancy on truck traffic. Atty. Schock answered there is other truck traffic in the area from other uses and this parcel is a small site that will not support a large facility, therefore will limit truck traffic. Mr. Buchvalt interjected a building in the two hundred to three hundred thousand range.

Mr. Thakkar stated he believes two hundred thousand is too much, more like one hundred fifty thousand because of the unusual shape of the property dictates how the buildings lay out and noted the sharp corner created near I-78 is not useable. Mr. Buchvalt suggested this is an ideal opportunity to get some land back to industrial and create better paying jobs with a location that is ideal as trucks will not be driving through residential neighborhoods or center city. Atty. Foucek concurred and added the warehouse piece does generate tax revenue and once it is rezoned, the use cannot be dictated.

Christian Brown asked if there are any vacant parcels of this size in the I-2. Scott Unger, Executive Director of the Allentown Economic Development Corporation (AEDC), answered not with that kind of access. Mr. Unger stated his was the former manufacturing plant Spirax Sarco that was zoned I-2, and years ago all the buildings have been demolished and the zoning was changed to B-4.

Mr. Buchvalt made a motion to recommend favorably to City Council.
Second by Christian Brown. Motion passed unanimously.

Land Developments

--- Riverview Lofts - 114-122 Allen Street, LMA-2018-00008, preliminary/final plan approval requested by Riverview Lofts Allentown, LLC. (Tabled at November 13, 2018 meeting) The application proposes to construct twenty-two (22) dwelling units in an existing, vacant commercial building. Adaptive re-use approval was given by the Planning Commission on May 8, 2018 for twelve (12) dwelling units.

Atty. Foucek recused himself. Mr. Buchvalt assumed the chair.

Atty. Catherine Curcio of Norris McLaughlin, Alex Wright of Riverview Lofts, Jim Seip, Project Manager, and Bernie Telatovitch, Benchmark Civil Engineering were present.

Atty. Curcio stated they have been diligently working to address the staff comments from the prior meeting and currently are on the February 25th Zoning Hearing Board agenda to address the zoning comments.

Mr. Telatovitch explained there has been changes to the plan and found there are drafting issues and four outstanding issues that are workable and in operation to be completed. The first is the sewage issue and the sewage planning module is in progress, which is a condition of final approval. The second a situation with the Peregrine Falcon has been taken care of with the Game Commission. The third issue relates to the street trees and the comment that adds thirteen trees.

Mr. Seip stated with the unique location of the project, thirteen trees normally can work in most locations, but the goal is to meet directly with the Shade Tree Commission and try to work out a plan with them that would be a combination of plantings here and compensation which is permitted.

Mr. Buchvalt summarized then based on the requirements for the number of trees you don't have a plan but would like to meet with the Shade Tree Commission. Mr. Seip thinks the site will accommodate five plantings but wants to meet with Shade Tree for their guidance and will agree to make this a condition of approval.

Christian Brown concurred and stated as the chairman of the Shade Tree Commission, the ordinance is flexible and written to allow compliance, but there is limited flexibility in the calculation of trees.

Mr. Buchvalt asked about the parking requirements for the additional units

and the project. Atty. Curcio stated they will be seeking a reduction in the parking standards. There are currently 27 spots available and based on Zoning calculations there should be 33 based on the number of dwelling units. With the multi-family use of the property they will be seeking a reduction of about 1.2 spaces per dwelling unit. Mr. Buchvalt continued by asking what the bedroom count of the units will be. Atty. Curcio answered there is a mix ranging from studio to three bedrooms being proposed.

Mr. Glazier asked about the structural study that was previously questioned. Mr. Seip explained this project has to go through the City's code compliance requirements and there will be a signed structural drawing submitted with the permit process.

Mr. Glazier asked if the administration was comfortable with what was presented so far? Mr. Kimmerly said yes, for the most part. Mr. Seip added from a practical standpoint, when you do a renovation like this, there may be unforeseen things that will come up. The goal is not to cut any corners or make adjustments and will submit appropriate documentation that are asked for.

There was discussion on what is going to be built and what is currently there. Atty. Curcio clarified this is a vertical expansion of the existing building.

Mr. Telatovitch stated the fourth issue is they will be going to the Zoning Hearing Board in regards to the parking issue and reuse. The Planning issues in the letter have been addressed and will not be challenged. Sewage and trees are pending and are conditions that have to be met or the project is a no go. Special exception, density and parking are the three variances that they will be seeking from the Zoning Hearing Board.

Mr. Glazier made a motion to grant PRELIMINARY/FINAL APPROVAL subject to the staff comments contained in the staff letter of January 24, 2019 to the satisfaction of City staff and complying with the outcome of the Zoning Hearing Board decision in regard to the special exception, density and parking issues. Second by Christian Brown. Atty. Foucek abstained. Motion passed.

Atty. Foucek assumed the chair.

Wawa Food Market, 1215 S. 4th Street, LMA-2019-00001 & LDC-2019-00001, preliminary/final plan approval requested by HRES Allentown Susquehanna, LLC. The application proposes to consolidate eight (8) lots, demolish existing buildings and construct a 5,585 sq. ft. Wawa Food Market with fuel sales.

Tabled by applicant until the March 12, 2019 Planning Commission meeting.

Allentown Taco Bell, 1901 S. 4th Street, LMA-2018-00007 & SMI-2019-00001, preliminary/final plan approval requested by South 4th Street Investors, LLC. The applicant is also requesting a waiver of the Subdivision and Land Development Ordinance Section 1379.04.E.3 relating to storm sewage system requirements. The application proposes to subdivide one (1) lot into (2) lots and construct a 2,753 sq. ft. Taco Bell with associated site improvements.

Robert Nasuti and Joe DePascale of South 4th Street Investors, LLC and Brian Cleary PE of The Pettit Group, LLC were present.

Mr. Nasuti explained what they are seeking and stated they have made revisions to the plan from the comments received at the prior meeting for a sketch plan review.

Mr. Cleary gave an overview of the project. The site is currently a Wells Fargo bank with a drive-thru. The intent is to subdivide the lot into two lots and redevelop the new lot with a Taco Bell and revise the parking area and drive thru for the Wells Fargo with new access onto S. Fourth Street. The Taco Bell will have sixty-six seats with an outdoor porch with an overhang with full access from Cooper Street and Dixon Street. A third access from 3rd Street was removed to ease neighboring concerns. The parking is more than what is required to maintain as many parking spaces as possible and to meet the needs of the applicant. Mr. Cleary continued by stating there are no issues with the staff comment letter and are complying with all outside agencies.

Mr. Cleary questioned a Shade Tree Commission comment in reference to the shade trees being located on the undeveloped portion of the lot and explained the design is to allow more buffering for the neighbors as much as possible and was hoping to continue with this design. Christian Brown answered if you want to utilize the landscape requirements to fulfill the buffering from the neighbors this is a perfect reason to spread out the required street trees all the way around and include the Taco Bell. There are times that trees cannot be accommodating due to overhead lines, underground utilities, site distances, etc. This is a perfect site to do an appropriate ideal street tree layout and will be hard to convince the Shade Tree Commission otherwise because there are no hardships. This is a perfect opportunity to do a model design in a proper street tree layout.

Mr. Cleary stated if it is required to spread out the street trees, is it possible to reduce trees around the signage as they should be visible. Christian Brown said trees grow, signs do not and would suggest installing lower signs. There may be issues with the PennDot site triangle, so the

trees will be sitting back. As this is a main stream corridor, a model has been started on the Fourth Street corridor from Emaus Avenue and street trees are the primary ingredient. Mr. Cleary stated they will work with the Shade Tree Commission to provide a design that works for the City. Atty. Foucek stated this will be a condition on approval.

Mr. Cleary indicated they will be requesting a variance of installing sidewalks along 3rd Street and Dixon Street. Mr. Cleary stated they will provide the continuous sidewalk east of Cooper Street site access up to the South 3rd Street and provide handicap ramps at northwest corner of Cooper Street and South 3rd Street crossing Cooper Street only and construct a City Standard ADA ramp at the intersection of S. 3rd and Dixon Street, as stated in the Traffic comments. Discussion continued on the shape/location of the existing sidewalks. Atty. Foucek stated the postponement is done formally through a sidewalk postponement application.

Mr. Cleary continued by talking about the trash enclosure area and access to the dumpsters. Atty. Foucek suggested striping the area with employee parking or make it no parking for access. Mr. Cleary also pointed out the concern on providing bollards every 10 feet on the drive-thru path. The drive-thru and bypass lane concern is this will really narrow the drive-thru lane. What could be done is to install bollards from the order station to the pickup window. This will allow those that want to utilize the bypass lane to do so and avoid a backup. Atty. Foucek stated that is a fair comment and personally thinks it is a good suggestion.

Mr. Buchvalt asked if they will satisfy the infiltration comment. Mr. Cleary stated yes that will be satisfied and explained there was an issue on the first round of testing with the labeling being the same for each location. Once the labeling is cleaned up there will be no issues.

Mr. Cleary explained their request for the waiver. Mr. Buchvalt asked if Engineering has a problem. Mr. Geosits said Engineering's position is as long as it is on private property they have no issue. Mr. Cleary said they will make sure when they connect to a manhole in the right-of-way that run will be reinforced concrete pipe. Mr. Cleary gave an update on the outside agency applications.

Christian Brown recalled the residents along South 3rd Street concerned about the noise and trash in the neighborhood and suggested a fence along with the buffer. Mr. Cleary said in conjunction with the shade tree buffering they can install a fence.

Mr. Button made a motion to grant PRELIMINARY/FINAL APPROVAL

subject to the staff comments contained in the staff letter of February 7, 2019 to the satisfaction of City staff and subject to no parking allowed in the three (3) spaces in front of the trash enclosure, bollards are only required from the ordering window to the pick-up window in the drive-thru and work with the Shade Tree Commission in regards to installing a fence and modify landscaping for additional buffering on the southeast corner. Second by Mr. Glazier. Motion passed.

Christian Brown made a motion to GRANT a waiver to section 1379.04.E.3 as requested in Mr. Cleary's letter of April 22, 2016, which states storm sewers shall be required to have a minimum diameter of fifteen (15") inches and shall be made of reinforced concrete unless otherwise noted by the City Engineer. The City Engineer has approved the use of high-density polyethylene pipe in lieu of the required reinforced concrete pipe on private property only. Seconded by Mr. Buchvalt. Motion passed unanimously.

Apartments in the Parkway, 1605/1625 Lehigh Parkway East, LMA-2019-00002, preliminary/final plan approval requested by Lehigh Parkway Apartments LLC. The applicant is also requesting a waiver from Section 1385.11.B of the Land Development Controls Ordinance which requires the horizontal distance from either the toe or top of an excavation or fill slope line shall be five (5) feet or one-half the height of the fill or excavation from any adjoining property or easement line, whichever is greater. The application proposes to construct two (2) - five story apartment buildings including a total of 160 units.

Jason Buchta and Jeffrey Ott of Ott Consulting, LLC represented the applicant.

Mr. Buchta explained the project has received approval from the City in the past for other iterations. This proposal is for two buildings, 160 units and 243 parking spaces. Three lots will be consolidated into one lot to create a 3.97-acre parcel. The site contains remnants of a previous industrial use and two single-family dwellings. As part of the project, it is proposed to realign Lehigh Parkway East to create a "T" intersection, with Lehigh Parkway North, which was passed in 2004 to allow this realignment. The contaminated soil will be excavated and buried on site as part of the health and safety plan. The stormwater management design the outfall from the underground basin unto the city park land down to a meandering swale to the Little Lehigh creek. There are no questions or concerns with addressing the staff comment letter.

Atty. Foucek confirmed then it is a will comply with the conditions. Mr. Buchta said yes. Mr. Ott added they had a meeting with the city in regard to the water supply to this project and will comply with the fire code, but not sure how to get there but will continue working with the City Engineer. Atty. Foucek asked if the water supply is for domestic use and for sprinklers.

Mr. Ott answered yes as public safety is paramount.

Mr. Buchvalt questioned the previous discussion of the outfall and wanted to know if it was changed or is exactly as it was previously approved. Mr. Buchta said it is exactly the same. Atty. Foucek asked if the footprint was the same. Mr. Buchta said the one footprint is larger than what was before as both buildings are the same size.

Christian Brown asked if the parking is 1.5? Mr. Buchta stated there is an office space in one of the building and there is one extra parking space. Christian Brown asked how trash is being handled. Mr. Buchta answered it is all internal. Atty. Foucek noted each building loading area is configured differently.

Atty. Foucek asked about the aesthetics of the building. Mr. Buchta explained it is a modern building geared to the millennials. Mr. Rasch shared renderings of the proposed buildings with the Planning Commission.

Mr. Glazier asked for clarification on the new intersection. Mr. Buchta explained what the city requested and what is being planned. Discussion continued on placement of stop sign and speed limit.

Mr. Buchvalt made a motion to grant PRELIMINARY/FINAL APPROVAL subject to the staff comments contained in the staff letter of February 7, 2019 to the satisfaction of City staff. Second by Mr. Button. Motion passed.

Mr. Button made a motion to GRANT a waiver to Section 1385.11.B of the Land Development Controls Ordinance as requested in Mr. Ott's letter dated January 18, 2019, which requires 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 height of the fill or excavation from any adjoining property or easement line whichever is greater. Christian Brown seconded the motion. Motion passed.

New Business

Election of Officers

Christian Brown made a motion to retain the current slate of officers. Mr. Glazier seconded the motion. Motion passed unanimously.

Adjourn

There being no further business, the meeting adjourned at 1:28 pm.