



Allentown

435 Hamilton Street
Allentown, Pa. 18101

Minutes - Final

City Council

Wednesday, March 20, 2019

6:30 PM

Council Chambers

Public Hearing

Roll Call: Council President MacLean

Present: 7 - Candida Affa, Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, Julio Guridy, and Ed Zucal

[15-2727](#)

Bill 4

Amending 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.

Attachments: [Bill 4 Rezoning](#)

[Bill 4 Exhibit A](#)

[ACPC recommendation \(Rezoning\)](#)

[REZONING - ACPC Minutes](#)

[Rezoning Labels for 1216, 1224, 1228 and 1236 South Meadow Street](#)

[Receipt from the Lehigh County Law Department for Rezoning of Meadow Street from RML to B3](#)

[Letter from Mike Hanlon regarding Bill 4 Amending Zoning Map to Rezone Parcels at 1216, 1224, 1228, and 1236 South Meadow Street R-ML to B-3](#)

[Rezoning Posting - 1216, 1224, 1228, 1236 S. Meadow Street](#)

[Letter from David Kimmerly regarding 1224, 1228, 1236 S. Meadow Street RML to B3 - The Allentown Planning Commission Ratified Previous Favorable Recommendation](#)

[Letter from Lehigh Valley Planning Commission regarding 1216, 1224, 1228, and 1236 South Meadow Street RML to B3](#)

[Posting - 1216, 1224, 1228, 1236 S. Meadow Street - Public Hearing March 20, 2019](#)

[Ordinance #15518](#)

Enactment No: 15518

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Allentown City Council will consider for possible adoption an Ordinance amending the City of Allentown Zoning Ordinance and Zoning Map. This proposed amendment, of which this Notice is a summary, proposes to amend the Zoning Ordinance and Zoning Map by rezoning parcels located at 1216, 1224, 1228 and 1236 South Meadow Street from R-ML Residential Medium Low Density to B-3 Highway Business.

The above listed properties are 4 parcels of a total of 8 parcels comprising 1 City block at the intersection of South Meadow, West Susquehanna, South 4th and Juniata Streets. The rezoning of the 4 South Meadow parcels from R-ML Residential Medium Low Density to the B-3 Highway Business zoning classification will permit consolidation of the parcels for future commercial development.

City Council will consider the foregoing at a Public Hearing on Wednesday, March 20, 2019 at 6:30 p.m. in Council Chambers, 435 Hamilton Street, Allentown, PA 18101. Copies of the full text of this Ordinance are available to any interested party for examination and copying at cost at the City Clerk's Office or for inspection during regular business hours at the offices of this newspaper and the Lehigh County Department of Law. All interested parties are invited to attend and comment. City Council may adopt this amendment to the Zoning Ordinance and Zoning Map at the regularly scheduled Council Meeting at 7:00 pm immediately following this Public Hearing.

Attorney Julie L. Von Spreckelsen, Eastburn and Gray, stated that she is here tonight on behalf of the petitioner HRES Allentown Susquehanna LLC which is the equitable owner of eight continuous parcels comprising a city block along South Meadow Street, South 4th Street, West Susquehanna Street and Juniata Street. We are as your president has indicated requesting a rezoning of four of those eight parcels from R-ML to B-3 which will make it consistently zoned with the other four remaining parcels which are zoned B-3. The petitioner is proposing the development of the city block which contemplates the demolition of the existing structures, except there is a billboard that will remain and a consolidation of the eight parcels into one parcel and a construction of a Wawa Convenience Store with fuel dispensing facilities and that is pursuant to a land development plan preliminary/final approval that we have submitted to the city that was reviewed by the city, city staff, and County Planning Commission and also by the City Planning Commission. Last week, we received preliminary/final approval for that land development plan. In order to further proceed with that development we do have to rezone the four parcels so that they are consistently zoned B-3. I previously distributed to you a three page plan set that was prepared by Bohler Engineering dated September 13, 2018 and revised November 6, 2018. The first sheet shows an aerial

view of the other property with the eight individual parcels outlined in yellow. The four parcels butting South Meadow Street which again are 1216, 1224, 1228 and 1236 South Meadow Street.

Mr. Roger MacLean asked if they can turn them so that the public can see them. He stated that Council has copies in front of us. He stated thank you very much and he is sorry to interrupt.

Attorney Julie Von Spreckelsen stated that the four numbers for the 4th Street parcels is 1216, 1224, 1228, and 1236 South Meadow Street. They are zoned R-ML. The four parcels along West Susquehanna and South 4th Street are B-3. Thus as they exist today, there is commercial zoning directly abutting residential zoning on the same city block. The second sheet of the plans set show the boundaries of the existing zoning districts. The existing zoning across West Susquehanna is zoned B-3 as is the zoning through the middle of the city block as you can see along South 4th Street and South 4th Street or West South 4th Street. That is also zoned B-3. It is above or to the east of the properties that are zoned RM-L and R-M Medium Density Residential District. The third page that the plan says was the document that was submitted with our rezoning petition which shows the names and addresses of the property owners and the properties included in our proposed redevelopment and all the property owners, the legal property owners did join our petition. They all signed our petition as well. So we again, are respectfully requesting that the City Council rezone the four parcels zoned R-ML to B-3 in order to provide uniformed zoning and consistent zoning in a city block and to allow us to consolidate the parcel and so that the one consolidated parcel is consistently zoned and not split into different zoning districts. It will also allow the redevelopment of the property with one use. As opposed to as it exists today, there are a number of residential uses and a number of business and commercial uses in one city block. This will allow it to be one use and will also eliminate a number of the curb cuts that are part of that city block. There are at least eight curb cuts as it exists today. It will be taken down to two curb cuts. Also, if it remains zoned as is, those parcels are zoned commercial can split and be split up and subdivided even further. You could add even more commercial uses. This way, it will be one commercial use. So we presented our rezoning petition twice to the Planning Commission on November 3, 2018 and February 12, 2019 and both times the Planning Commission unanimously recommended approval our rezoning petition. We also presented our petition to the Community and Economic Development Committee on January 30, 2019 and the committee also unanimously recommended approval of the rezoning petition and the county Planning Commission by letter dated February 27, 2019 stated that the rezoning petition is consistent with the county Comprehensive Plan. So for all of those reasons we are respectfully requesting that Council grants

our rezoning petition.

Mr. Roger MacLean thanked Attorney Von Spreckelsen and opened it up to City Council and asked if there were any questions. He asked if she had any further presentations.

Attorney Julie L. Von Spreckelsen stated that she does not, but their Project Engineer is here, John Hurnet from Bohler Engineering and there is a representative from the petitioner here as well. Mike McMahon is sitting in the back in case there are any specific questions that she can't answer.

Mr. Roger MacLean stated that he thinks she covered it pretty well, but will open it up to City Council. He wanted to make sure she had the opportunity to say everything they wanted to say.

Mr. Julio Guridy thanked Mr. MacLean and Attorney Von Spreckelsen for the presentation and stated that it makes sense to him to rezone it the same way as the B-3. The only question that is related to this is the last time they met he requested a Traffic Study to get out of the proposed business on W. Susquehanna Street. If you were to go and make a left out of it going towards 4th Street. He stated that he wanted to get a Traffic Study because he thought it was going to be real difficult because it was going to be opposing traffic going east on that road. He wanted to find out if it was a Traffic Study. He stated that he asked for it before and thinks somebody said that they were going to look into it.

Attorney Julie L. Von Spreckelsen stated that the Traffic Study was completed and reviewed by staff and approved by staff and they presented it during the review of the Land Development application before the Planning Commission. Our Traffic Engineer, Matt Hammond from Traffic Planning and Design has been working with your city Traffic Engineer and PennDOT and we are continuing to work with them with regard to those improvements. They are all going to be approved according to the Traffic Study that was already approved by your city staff and PennDot.

Mr. Julio Guridy stated that he likes to see something about it. He likes to see the traffic movement because he is going east on Susquehanna and there is a car that is going left they have to cross that whole road and go around to the next lane so they can make a left. Do you know what I mean?

Attorney Julie L. Von Spreckelsen stated let's put up a copy of the plan. She stated that they will put their Land Development Plan on so they discuss it. Unfortunately, our Traffic Engineer is not here today. He was here at the Planning Commission when we were presenting the Land Development Plan, but in regards to the rezoning she was not sure if that

would be necessary.

Mr. Julio Guridy stated that he can not picture it himself. He sees people with the traffic light being green and you can go east and having people go out and trying to cross that lane going to the further lane going east. He stated that he doesn't know how that is going to work.

Mr. John Horner stated that these are Susquehanna Street and Fourth Street are both PennDOT streets so we have to meet their demands essentially and based on the study that's been reviewed to date this access is proposed to be full access in its meaning warrants what PennDOT is looking for.

Mr. Julio Guridy stated that he is saying that they get out the other side. If you go south on Fourth Street and you exit the area on Susquehanna you have to go across that. How are you going to stop traffic so you can go across and make a left to Susquehanna. He stated that he doesn't see it. He doesn't know how they will do it because you have a double lane. You have a double yellow line there so you can go east on Susquehanna and you going to get people across and make a left to get on going west to Susquehanna and either go straight, make a right on Fourth Street or make a left on Fourth Street and there is a traffic signal there.

Mr. Roger MacLean asked how far is that driveway from Meadow Street. It looks like it is only a few feet.

Mr. Julio Guridy stated that there is a bank over there, remember this.

Mr. John Horner stated that it is not very far. It is as close as we can put it.

Mr. Roger MacLean stated as it stands now, you can make a left coming out of Meadow Street. You are only talking about the entrance and exists there. There is only a few feet difference.

Attorney Von Spreckelsen stated that is correct.

Mr. Julio Guridy asked if it is further out then S. Jute Street.

Attorney Von Spreckelsen stated yes, that will be vacated. It is going in.

Mr. Julio Guridy stated that it is vacated now some of them. How far is it. There is a white building there. He asked isn't there an uneven bank there that drops.

Mr. John Horner stated Susquehanna does drop in grade from Meadow

Street to Fourth Street.

Mr. Julio Guridy stated that there is a building right where the exit is.

Mr. John Horner stated that there is a building right here.

Mr. Julio Guridy stated that you are going to grade that so the cars can go.

Mr. John Horner stated that the whole property will be regraded in order to accommodate this.

Attorney Von Spreckelsen stated that this has been as she said fully vetted by PennDOT and your city Traffic Engineer and they both found it to be acceptable.

Mr. Julio Guridy stated that PennDOT has done things that are dangerous. He stated that he is not against them, but he has seen them.

Attorney Von Spreckelsen stated that they have to get an HOP from PennDOT in order to have the driveway in that location.

Mr. Julio Guridy stated that he knows what she is saying.

Mr. Daryl Hendricks stated that he drove around the site approximately a week ago at 12:30 noon time and was surprised that he got on at Susquehanna and there was not a car coming either way.

Mr. Julio Guridy asked if he made a left.

Mr. Daryl Hendricks stated that he was going north on Meadow Street to make a left. He stated that he had no difficulty whatsoever.

Mr. Julio Guridy stated that every time he comes down Susquehanna it is always traffic. He stated that he probably comes at a different time.

Mr. Daryl Hendricks stated that it could be. At that time he had no trouble.

Mr. Courtney Robinson stated that he has one question because it is not clear for him on the map where the billboard is. How far back is the billboard going from potential line of sight issues. It looks fine on the description. He is curious what the distance would be.

Mr. John Horner stated that is a great question that is considered part of the Traffic Study. The billboard today sits approximately 20 feet back from the curb line. He stated that they are providing a right turn lane into their

entrance here, but for a vehicle exiting they would still be able to get out far enough.

Mr. Courtney Robinson stated that with the right turn lane it is adding the additional footage as well to the sidewalk.

Mr. Roger MacLean asked if there were any other questions from City Council or the public.

Mr. Daryl Hendricks asked Mr. Messinger if there would be problems regarding traffic flow, is that something that we could change going forward as needed or something that PennDOT would require us to change going forward as needed or is it something that PennDOT would require us to change.

Mr. Craig Messinger stated that it would be something that we felt that it was an issue, we would go to PennDOT would actually take care of the issue at that point. Again, it is something that is acceptable. He stated that he wishes it would be a better option for that, but with the Traffic Study, it is acceptable with the turn coming out there. What happens is that they give a little bit more timing for that area for that to clear out so that so there is timing for people to come out and make the left hand turns there.

Ms. Carmen Serrano stated that the problem with the traffic is you are not really going to see traffic unless you are there during the morning during rush hour and you are there at night during rush hour. Around 12:00 there is really nobody because everybody is technically working. There is not a lot of traffic. Yesterday morning when she dropped her children off to school and was driving to work there was an accident right where Juniata and S. Meadow was. The problem is people think going north on S. 4th Street thinks it is a two way lane. It's not. It is only a one way lane and that is how you get the accidents. The other thing, she doesn't know if it is related to this, but her property is right across the street from here and her question is because if this goes through is she then required to put a sidewalk alongside of her home. Because right now her house is right here along Juniata Street there is no sidewalk. It is just grass. Is that going to be an charge for herself if this goes through and say it is required by the cityis she then responsible to put that there.

Mr. Craig Messinger stated for this issue here there will be no requirement to put that in. The only time we assess putting in the sidewalk is when the street is being repaved or reconstructed. This will not start anything to say you need to put sidewalk in.

Ms. Carmen Serrano asked what about down in the future. She stated that

would be.

Mr. Craig Messinger stated it would only addressed when it would come to repaving of the roadway or reconstruction of the roadway.

Ms. Carmen Serrano stated right, her question is if it gets to that point she would be responsible for that.

Mr. Craig Messinger stated that property owners are at that time.

Mr. Roger MacLean stated that Mr. Messinger is saying that it has nothing to do with this.

Ms. Carmen Serrano stated ok.

Mr. Roger MacLean stated that it could be five or 10 years in the future or it could be never. It has nothing to do with this rezoning. He stated that he understands her concern.

Ms. Carmen Serrano stated that she is thinking about all these things. Even with the noise she is looking at putting siding on her home. She stated that she is not downing it, because it looks like crap the way it is right now, but she is just thinking that this is another expense. She stated that she is trying to prepare herself because this is her first home and she is not thrilled about the noise.

Mr. Roger MacLean thanked her and asked if there were any other questions from the public.

Ms. Candida Affa stated that since the resident brought up a noise issue. This is 24/7 and there are times in the city that there are problems in the city 12:00, 1:00 and 2:00 in the morning there are. Hanover Avenue has a problem with it. She stated that she understands the resident's concern with that. She stated that she doesn't know if they can alleviate the problem, but would there be any restrictions out there or security or anything that could alleviate some of the noise problems that they would be concerned about.

Attorney Von Spreckelsen stated that they are providing significant buffering around the back. As you can see on the Land Development plan there is significant buffering along Meadow Street for that very reason.

Ms. Candida Affa stated that's right. You did mention that last time and that will stay within the property limits of there is no overflow out in the streets. She stated that she agreed with the residents concern and wondered. She

stated to the resident that they are going to try to do the best they can to buffer the noise.

Mr. Roger MacLean thanked them and stated that seeing nobody else he thinks this will be voted on at tonight's Council meeting.

Attorney Von Spreckelsen stated thanked you very much and she appreciates Council's time.

ADJOURNED: 5:50 PM