



Allentown

435 Hamilton Street
Allentown, Pa. 18101

Minutes - Final

Planning Commission

Tuesday, July 9, 2019

12:15 PM

Council Chambers

Due to an equipment malfunction, NO video recording of this meeting is available.

Call to Order

Present 6 - Oldrich Foucek, Damien Brown, Jeff Glazier, Christian Brown, Richard Button, and Anthony P. Toth

Excused 1 - Mark J. Buchvalt

City Staff Present:

Irene Woodward, Planning Director
David Kimmerly, Chief Planner
Jesse Sadiua, Senior Planner
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
Bob Sandt, Housing Supervisor
James Bachert, Housing Inspector
Kelly McEllroy, Assistant Director, Redevelopment Authority (RACA)
Jeanne Marsteller, Recording Secretary

Approval of Minutes of June 11, 2019 meeting

The minutes were approved as written.

Hamilton Street Overlay District Reviews

--- Great Rock Investments LLC, 1142 Hamilton Street, design review to maintain existing 4 flat wall signs (1 @ 5.83' x 2.67'; 1 @ 2.5' x 6'; and 2 @ 2.5' x 5'), non-illuminated on front of the building requested by C. Paul Garabo, at the above address. (Applicant tabled at May meeting/did not show for June meeting)

Applicant was not present. Atty. Foucek stated this tabled a couple times already. Mr. Button asked how many times this can be tabled and not act on this. Atty. Foucek answered until he shows up and act on it he doesn't get a sign. Mr. Glazer asked if there is a time limit that it gets acted upon or approved. Atty. Foucek asked not sure if that pertains to these signs and is a fair question and

suggested it maybe not return to the agenda and have him start the process over. Damien Brown said the challenge with this is the sign is already in place. Atty. Foucek questioned if the photo was a mock up. Mr. Button said no, it is a photo and he drove by the sign today.

Mr. Glazier asked if it was to be denied would he be liable for violations and confirm that notices were sent to the applicant of this meeting. Atty. Foucek concluded it would be within the jurisdiction to send the applicant a notice of non-compliance, cease and desist and remove the sign immediately but is not sure who would enforce that. Atty. Foucek continued by stating no one likes to feel ignored but the burden is on the applicant and doesn't appreciate the sign is already up and flaws the process and suggested getting a letter out to the applicant.

Mr. Toth suggested looking at what is available to do in the framework of the Hamilton Street Overlay (HSO) ordinance and have them go one more time in regard to what can be done. Atty. Foucek said maybe the legal staff can weigh in on this as we cannot let this kind of thing occur in other instances. Mr. Toth added we can modify the HSO periodically and is something that needs to be looked at. Atty. Foucek said this is a reason to revisit the HSO in its entirety. Mr. Glazier asked then are we suggesting tabling this again or we deny. Atty. Foucek said the applicant needs to be notified he is non-compliant and if everyone wants to give him another chance to appear or deny and remove the sign. Damien Brown suggested will we be wasting the applicant's time as the one sign on the bottom is grandfathered as a non-compliant sign, but the three signs on the top are not and he is not inclined to approve the three signs as an acceptable interpretation of the ordinance. Christian Brown and Mr. Button concurred. Atty. Foucek said based on the merits of the application, then we deny the application in respect to the three signs on the top that are installed on the two story bay window. No audience members were interested.

Mr. Glazier made a motion to DENY the application for the three signs over the first floor. Second by Damien Brown.

Mr. Toth asked if it is being denied based on the language in the ordinance that it does not meet the design specifications in the HSO. Atty. Foucek said yes. Mr. Toth said I am alright with that.

Motion passed unanimously.

Fegley Real Estate LLC, 911 Hamilton Street, design review to erect one (1), non-illuminated, channel letter wall sign (2' x 17.67") on front of building requested by Edward Sulzman, at the above address. (Tabled at previous meeting)

Evan Blose of FastSigns and Edward Salzman were present.

Atty. Foucek stated there was discussion last time regarding preserving the existing Freeman Jewelers sign and have the new sign placed over this sign. Mr. Button stated the letters were not off at the last meeting, but they are now. Atty. Foucek added that is unfortunate. Mr. Salzman said the former owner of Freeman's was adamant about keeping those letters. Mr. Salzman pointed out his is not the owner, but the tenant. Atty. Foucek asked if there is any sign there now, Mr. Salzman stated no, but would like to put one up.

Mr. Button asked what is being proposed? Mr. Blose explained what is being proposed and said it will be what was there before, 1/2" acrylic letters, stud mounted. Atty. Foucek pointed out staff commented that there was not enough detail on the mounting. Mr. Blose explained it will be 5/32 studs on the wall, smaller than what was there. Atty. Foucek said will the letter be placed on a clear acrylic. Mr. Blose said they would like to do each letter attached itself. Mr. Glazier asked if the building will be cleaned to remove the remnants of the Freeman sign. Mr. Blose said yes, they talked to Mr. Fegley and he plans to clean, and power wash the building. Mr. Button asked what about the holes where the plaque was located. Mr. Blose said they silicone the holes, Mr. Button interjected it is more than filling in holes it will require fixing the façade. Mr. Blose answered from a sign standpoint they can put the sign over once it is power washed. Mr. Button said I mean down the side. Mr. Blose said they will not be do anything there. Mr. Button said that is too bad. Mr. Blose explained they could talk to the owner of the building as they did not remove the sign or the decals along the side.

Damien Brown asked if the letters will be lit. Mr. Blose said there is existing lighting that will be used. Damien Brown asked if it was within our purview to require the remediation of the façade as a condition of an approval. Christian brown said I don't think so, if it was cause by an unapproved sign maybe then. Atty. Foucek said it is unfortunate the removal of the vertical decorative pieces defaced the building at the detriment of the people walking down the street but is unsure what the plaque said. Mr. Blose believes the plaque may be replaced after the building is power washed but is not sure. Mr. Salzman said he is not sure either as it was an agreement between Mr. Fegley and the previous owner. Atty. Foucek suggested someone let Mr. Fegley know the Planning Commission would be interested in knowing what the plans are for the five medallions. Mr. Salzman said the five medallions are in the store. Mr. Blose said he will let him know. Atty. Foucek said with the sign the way it is laid out seems to be appropriate. Mr. Button said we could table and have the building owner come in and let us know what he plans. Atty. Foucek said he is not sure they can require him to do that and if it is not a lot of work, have the medallions reinstalled to maintain the historic integrity of the building. Mr. Blose said he can handle that kind of work.

Mr. Glazier made a MOTION to approve the sign as proposed. Christian Brown seconded. Motion passed unanimously.

Scott & Marcy Knappenberger, 539 Hamilton Street, design review to remove existing glass door unit and install glass store front (9.5 ft. x 18.29 ft.) and install awning (5.16 ft. x 20.16 ft.) with lettering (.83 ft. x 6 ft.), at front requested by Pencor Co., Inc. at the above address.

David Jones of Pencor Co. was present.

Atty. Foucek said there is a fair amount of work being proposed to the front of the building. Mr. Jones said that is correct. Atty. Foucek said currently there is a recessed front entry way and it is proposed to make it flush with the front of the building. Mr. Jones said flush with the Hamilton Street sidewalk. Atty. Foucek confirmed it will be double doors and mentioned Kyle's next door has a door right on the sidewalk and opens out, when you push the door open, you may likely have someone either run into the door or have to walk around it. Is

anything being done to address that. Atty. Foucek also stated he has seen doors that are hinged and do not encroach on the sidewalk as much. Mr. Jones said he understands the concern and will talk to Adams Glass to see if they can get the pivot door but would require more structure and money. Atty. Foucek said it would be safer. Mr. Jones said he is not sure what the depth of the sidewalk is and the amount of encroachment and asked about putting a bench there. Christian Brown said absolutely, a bench or a planter, there are ways to address this that are valid.

Atty. Foucek asked if the signage is on the awning. Mr. Jones said the wording will be on the bottom square. Damien Brown asked what the awning will look like. Mr. Jones said it will be striped varied, green white and black. Atty. Foucek asked about the lettering. Mr. Jones said it will be an acrylic right on the fabric.

Mr. Button said there was a concern about the copper above the façade. Mr. Jones said he looked into having it cleaned and soldered, but it was too expensive and would not be warranted. Damien Brown said painting would remediate it, but not a preferred solution. Mr. Jones said painting was proposed but it is basically structurally sound with little riveting and soldering needed but he likes the patina. Mr. Glazier said you can't buy that. Mr. Jones concurred. Atty. Foucek added paint does not stick well to copper and the owner needs to be notified that the painting of the copper is not recommended, but the window frames need to be refurbished. Mr. Jones said the limestone surrounding the windows is fine. Christian Brown clarified he agrees with the staff recommendation that anything not painted now remains not painted.

Atty. Foucek reiterated in respect to the sign and awning there is no problem, but do not want the upper stories painted except for those things that are already painted. Regarding the door, he would like to know how the owner wants to address this, either with a pivot door or planter. Mr. Jones said he would price the pivot hinged door and it might take a larger opening because part of the door opens into the interior. A six-foot planter might work as UGI needs to redo the service for the business and will have piping to the left of the front door.

Mr. Button asked what prompted them to make the change. Mr. Jones said people hang out in the canopy area and hide behind the wall, so it is for security reasons and to provide more square footage inside. Mr. Button can see that and aesthetically it will look a lot better.

Mr. Glazier made a MOTION to approve the signage on the awning as submitted and deny painting any surface that is not already painted and further communicate with staff regarding the safety of the door opening onto the sidewalk.

Mr. Toth commented quite honestly the best possible solution is to do nothing. What is proposed is cleaning of the limestone, copper and you already have the overhang you want. Atty. Foucek questioned what you mean do nothing. Mr. Toth continued you are proposing the awning. Mr. Jones said there is also new insulated glass. Mr. Toth said that is fine, but the purpose of the awning is for the overhang which you already have. Atty. Foucek clarified they want to get rid of the current overhang for security reasons. Damien Brown explained to Mr. Toth the overhang is recessed and on an angle. Mr. Toth said are we considered the aspect of the sign which is painted on the awning, as the awning is three-dimensional. Per the HSO the sign must have a three-dimensional aspect.

Atty. Foucek pointed out there are plenty of signs along Hamilton Street that are on awnings.

Mr. Glazier confirmed his prior MOTION. Mr. Button seconded. Motion passed unanimously.

Adaptive Re-Use Application

902-924 Hamilton Street 19-1 (SP). Application of 900 Hamilton Street Associates LP to convert vacant hotel into 120 dwelling units. Section 1327 of the Zoning Ordinance provides the Planning Commission with the opportunity to review and provide comments to the Zoning Hearing Board.

J. B. Reilly, President and Robert DiLorenzo, Project Manager of City Center, David Miller and Paul McNemar of Rettew Associates were present.

Mr. Reilly gave an overview of the project and the two actions they are requesting. The former site of the Holiday Inn was purchased by City Center about 18 months ago. It was previously hotel built in the 1980 as a 224-room hotel with banquet meeting space to the rear. When the hotel was purchased it was running at 30% occupancy and the banquet space was not used for several years. When renovations and upgrades were explored, it concluded it was cost prohibitive to convert and renovate up to current standards. At the same time, there is great demand for apartments downtown in particularly there was a great demand for apartments that were more obtainable by worker's downtown, particularly young people and those working in the hospitality industry and looked at this being an opportunity to provide these types of apartments.

Mr. Reilly continued by explain what is being proposed is to convert the hotel component of the property to 120 apartments, a combination of studio and one-bedroom apartments. Addressing comments toward the adaptive re-use, Mr. Reilley said the exterior of the hotel tower will be unchanged except for the windows will be replaced and expanded as the HVAC units are a little smaller and more efficient than the original units that gives the ability to add 25% more window area and from the street level there will be an upgrade of the existing façade. This is a nine-story building, with the top eight floors will be the same. Mr. Reilly thinks this product will fill a void of providing an obtainable price point and expects the studio apartments will start around \$50 per month and the one-bedroom apartments around \$950 per month. The apartments will have exposed concrete ceilings, installing luxury tile floors, expanded windows and an industrial feel, light and airy working within the constraints of a forty-year hotel.

Mr. Reilly pointed out in a letter from Mr. Kimmerly in respect to the adaptive re-use who concurs with the proposed plan is encouraged in terms of preventing blight and putting the property back to a productive use. Mr. Reilly continued by stating the parking needs will be serviced by the Allentown Parking Authority that will provide up to 250 parking spaces to serve the residents.

Atty. Foucek agreed to stick with the adaptive reuse now and asked about the floor layout with studios and one-bedrooms as some have tubs, some have showers. Mr. DiLorenzo answered they all have showers. Mr. Reilly concurred and pointed out on the floor plan that the stair towers, emergency egress points, light safety plans, the hallway, and the three elevators will be unaffected but will

be upgraded. Three standard hotel rooms will be made into a one-bedroom apartment. Atty. Foucek asked about the tubs and the showers. If you have a one-bedroom you may have two people, possibly a child and is a shower acceptable for code. Atty. Foucek showed the plan to Mr. Reilly and Mr. DiLorenzo realized they were looking at an old floor plan as the floor layout has been redesigned to reflect all showers.

Atty. Foucek questioned there is a trash room on every floor and employees will take care of removing the trash. Mr. Reilly said yes, just like what is being done in the other multi-story apartment buildings with common corridors.

Atty. Foucek asked if there will be a doorman? Mr. Reilly said he will address that in the land development as the main entrance will be off 9th Street. The first floor will be office or retail. Atty. Foucek recalled the first-floor restaurant was multi-leveled and could easily be broken down. Mr. Reilly said yes it was built on a platform and currently has a permit to demolish it and get ADA access from Hamilton Street.

Damien Brown stated looking at the Hamilton Street façade it looks like the window will be closer to the sidewalk in that portion of the building. Mr. Reilly said yes, but the final details will be dictated by the user of the first floor.

Atty. Foucek summarized the Commission is being asked to approve the adaptive reuse of the building to change from a hotel to a residential/commercial retail on the first floor. The memo from staff talked about the issue with the storage space request to have less storage space than the code requires, which applies to the entire development. Mr. Reilly said yes, and we will be discussing a change later. Atty. Foucek also questioned the issue of not having the required 75% of perimeter adjacent to or across the street from a residential zoning district (0% proposed). Mr. Reilly confirmed they will have to go to the Zoning Hearing Board for a special exception.

Damien Brown indicated they are seeking relief from the required 35 square foot per unit storage space and asked what is being provided per unit. Mr. Reilly said they are going to provide 16 square foot per unit plus a bicycle storage area. Atty. Foucek said that is a separate issue on the agenda.

Damien Brown made a motion to FAVORABLY RECOMMEND special exception approval to forward the Staff Report dated June 25, 2019 to the Zoning Hearing Board. Christian Brown seconded. Motion passed.

Land Developments

Allentown Commerce Park, 1601 S. 12th Street, LMA-2019-00010, preliminary/final plan approval requested by Allentown Commerce Park Corp. The application proposes to construct a 154,440 sq. ft. industrial building with trailer parking.

Atty. Joe Fitzpatrick of Fitzpatrick, Lentz & Bubba and Paul Szewczak of Liberty Engineering represented the applicant.

Atty. Fitzpatrick explained this application is a minor modification of a subdivided lot from a 96-acre parcel south of Lehigh Street. There is an existing 1.125 million sq. ft. warehouse distribution center on the property with two out

parcels created in 2016 with a full review of the building proposed. Previously a conditional final plan approval was received for a 160,000 sq. ft. building on the 9-acre parcel at the entrance to the facility. In the meantime, responding to a specific user needs and optimize and modernize the building the only modification is reducing the footprint size from 160,000 to 154,440 to accommodate parking and cantilever the building to make it more assessible to transport vehicles and employee access. All the comments in the July 3 letter are will comply to the extend this is a change to a previously approved use.

Atty. Fitzpatrick is also requesting to renew the deferral of the sidewalk condition, as they don't encourage foot traffic on the parcel. Atty. Foucek asked if the sidewalks were postponed. Atty. Fitzpatrick said yes at the end of 2016 and besides the change to the building, they are working with tenants and looking at the ultimate fate of the existing 1.125 million square foot warehouse. This project needs to have this modified to post financial security, sign the development agreement, entered into a traffic contribution agreement in lieu of physical improvement to the Lehigh Street corridor and is certain that money has been paid to the city.

Atty. Foucek asked with respect to the sidewalk postponement the staff letter suggests looking for a new waiver? Mr. Geosits said if a postponement was granted, it needs to be documented on the plan. Damien Brown recalled the sidewalk deferment was for Mack Boulevard and is on record. Mr. Szewczak confirmed it was Mack Boulevard and S. 12th Street but will be verified and noted on the plan. Atty. Foucek also noted the street between the two parcels. Damien Brown recalled S. 12th was at a point further south, S. 12th Street in the vicinity of this property sidewalk already exists. A staff comment, and LANTA comment recommends the addition of sidewalk on the northern side of the building to the entrance of the building, which would be interior sidewalk on the property and asked if the applicant will agree to that. Atty. Fitzpatrick said the interior of the building is a private driveway and is a permanent easement with Mack Trucks, the prior owner. The preference of the owner and future tenant would not encourage pedestrian traffic, as it's a private way.

Atty. Foucek pointed out the plan shows a six-foot chain link fence, that ends in the middle of the northwest elevation. Is there currently a fence there now? Christian Brown said he thinks it's a retaining wall. Atty. Foucek asked if that is on top of a retaining wall. Atty. Fitzpatrick confirmed it is on top of a retaining wall. Atty. Foucek said that makes sense.

Christian Brown made a motion to grant conditional PRELIMINARY/FINAL APPROVAL subject to addressing the comments contained in the staff comment letter of July 3, 2019, to the satisfaction of City staff modify to indicate sidewalks already exist and no postponement is required and include the following note on the plan: On November 8, 2016 the Planning Commission granted approval to postpone the construction of sidewalk on S. 12th Street, south of the railroad and along Mack Boulevard for ten (10) years, further land development or the City Staff determines sidewalks are warranted and notifies the developer of such.

Mr. Toth stated Atty. Fitzpatrick stated the prior plan received final conditional land development approval. In granting this was deemed a minor modification to the existing plan that received final conditional plan approval. Atty. Fitzpatrick stated it was a minor development plan with represent to the 9 ac5r3s only. Mr. Toth asked if Planning verified it was a minor. Ms. Woodward stated there is a

comment to note it as a major. Atty. Fitzpatrick said it will be labeled a major as it was agreed upon in late 2018 that it would be handled administratively from a technical standpoint, Mr. Toth said that is not what I am talking about, I am talking about the change from one to the other. A minor revision to a plan that had been formally approved as a final conditional, do you understand what I am saying. It is a major land development plan but resubmitted with changes so the changes are deemed a minor revision to a plan that has been previously approved, and our approval should be final conditional. Atty. Foucek said the approval that was asked to move is a preliminary/final subject to the letter, with approval conditioned on the letter. Does this supersede the other plan or make it null and void? Atty. Fitzpatrick said no, because it is a separate approval, a separate lot that didn't exist prior to the previous approval. Atty Foucek said he is reluctant to call this a modification of a previously approved plan. Mr. Toth said this is a second plan and the first plan still on the table and could go either way. Christian Brown summarized this is like a phase to a master plan, we conditionally approved the master plan, and this is the first piece of development. Atty. Fitzpatrick said that is fair to say, the first plan was a subdivision and land development plan, clearly a major development plan. The subdivision was approved there were no conditions to the subdivision except it was part of the parcel of the land development plan. There is an existing acknowledged lot of record, but not officially acknowledged as the plan has not been recorded yet but is an existing lawfully approved lot of 9 acre. Within that 9 acres the development portion of the subdivided property is being modified that is a reduction of square footage and the inclusion of a couple more parking spaces. Atty. Foucek said this is a request for final plan approval for these 9 acres. Atty. Fitzpatrick said correct, for the land development on the 9-acre lot, the lot itself is not changing.

Atty. Foucek stated his request then for a motion upholds.

Christian Brown reaffirmed his motion. Mr. Glazier seconded. Motion passed unanimously.

City Place, 902 W. Hamilton Street, LMA-2019-00013, preliminary/final plan approval requested by City Center Investment Corporation. The application proposes to construct a four-story apartment building to existing parcel.

Atty. Joe Fitzpatrick of Fitzpatrick, Lentz & Bubba and Paul Szewczak of Liberty Engineering represented the applicant.

Atty. Fitzpatrick explained this application is a minor modification of a subdivided lot from a 96-acre parcel south of Lehigh Street. There is an existing 1.125 million sq. ft. warehouse distribution center on the property with two out parcels created in 2016 with a full review of the building proposed. Previously a conditional final plan approval was received for a 160,000 sq. ft. building on the 9-acre parcel at the entrance to the facility. In the meantime, responding to a specific user needs and optimize and modernize the building the only modification is reducing the footprint size from 160,000 to 154,440 to accommodate parking and cantilever the building to make it more assessible to transport vehicles and employee access. All the comments in the July 3 letter are will comply to the extend this is a change to a previously approved use.

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null and void? Atty. Fitzpatrick said no, because it is a separate approval, a separate lot that didn't exist prior to the previous approval. Atty Foucek said he is reluctant to call this a modification of a previously approved plan. Mr. Toth said this is a second plan and the first plan still on the table and could go either way. Christian Brown summarized this is like a phase to a master plan, we conditionally approved the master plan, and this is the first piece of development. Atty. Fitzpatrick said that is fair to say, the first plan was a subdivision and land development plan, clearly a major development plan. The subdivision was approved there were no conditions to the subdivision except it was part of the parcel of the land development plan. There is an existing acknowledged lot of record, but not officially acknowledged as the plan has not been recorded yet but is an existing lawfully approved lot of 9 acre. Within that 9 acres the development portion of the subdivided property is being modified that is a reduction of square footage and the inclusion of a couple more parking spaces. Atty. Foucek said this is a request for final plan approval for these 9 acres. Atty. Fitzpatrick said correct, for the land development on the 9-acre lot, the lot itself is not changing.

Atty. Foucek stated his request then for a motion upholds.

Christian Brown reaffirmed his motion. Mr. Glazier seconded. Motion passed unanimously.

6th and Cumberland Mixed Housing Development, 1101 S. 6th Street, LMA-2019-00014 & SMA-2019-00003, sketch plan review requested by Cottage Communities. The application proposes to construct a mixed housing, 17 town/row homes and 54 apartments

Christian Brown recused himself.

Chris Brown of Brown Design Corp. represented the applicant.

Mr. Brown stated this property has been before the Commission dating back to 2014 when conditional final plan approval was received for Trout Creek Cottages, the first development to exercise the new cottage pocket neighborhood overlay that was created for use in the RM district. Unfortunately, the timing, application and design was not financially feasible and after numerous years and extensions granted, to maintain the approval, the applicant was not able to put together a packet that would yield something buildable and affordable to a future city resident. The challenge was to take a fresh look at the site and using the RM zoning district that was 15 parcels combined in this zoning change that took place several years ago. Changing portions from RM-H from Industrial all together into all RM, the most compatible zoning district to the surrounding areas.

Mr. Brown continued by stating one of the major factors in the cottage plan that got approved was the amount of the public infrastructure that was required. The goal was to look out how to maximize the exposure on the public frontage on Cumberland but still develop a good portion of the site in more of a private fashion. Being proposed is a mixed housing development, with a name to be decided in the future, is townhomes that would be designed to look and act much like the existing townhomes in the general area that would front on Cumberland Street, serviced by rear lower level garages with an alley and shared driveways. There are three three-story multi family buildings that would

be situated lower than the proposed townhomes, overlooking the woods. The development is two different flavors streetscape of townhomes/rowhomes and then a more park like overlook setting of the three apartment buildings. The topography works well with the existing infrastructure, has all the right frontages and pointed out the plan is showing the townhomes are situated closer to the street that you would see in the TND overlay development and would pursue relief on the front yard setbacks, so the units can be closer to the street and tie in more with character with the surroundings. Atty. Foucek confirmed the townhouses have garages underneath and beyond. Mr. Brown said yes, they will have a shared access driveway to get to the rear of each unit, proper lot depth and instead of a public alley it will be a private shared drive. There is pedestrian access from the public right-of way to each of the apartment buildings. There is sufficient area for stormwater management at each of the sites. There are ample services, public water and sewer available, that was determined from the prior submission.

Mr. Brown pointed out an "orphan" site (Lot 19) that was part of the package deal when all the parcels were acquired. Right now, dimensionally it doesn't really serve any useful purpose from the zoning standpoint, but it could be subject to some minimal relief to a twin or standalone unit, or as suggested in the review letter it could serve some other community amenity to the development. One other thing shown on the plan is a possible cul-de-sac is shown in response to some of the traffic concerns that were brought up during the Trout Creek Cottage proposal and that would enable access to be restricted going north on Fair Street so that property owners that back up Fair Street will not have a large amount of traffic and redirect the traffic back to Sixth Street, which will affect the use of Lot 19. Atty. Foucek asked for clarification on how this works from a circulation standpoint and who would use the cul-de-sac. Mr. Brown explained at the north end of the cul-de-sac it would direct traffic around the cul-de-sac and exit out S. Sixth Street. Atty. Foucek asked if S. Fair Street is one way south. Mr. Brown said he doesn't believe so, it is a small-scale alley and the cul-de-sac seems like a logically suggestion

Atty. Foucek asked if the prior plan was like a community and not condos. Mr. Brown said it was kind of like a condo community with a housing association where it was common open spaces, single families, towns, twins and even carriage homes. Great plan, great concept, the ordinance actually decreased the developers yield and raised the quality and finishes of the units to where it really disproportionately put them out of price.

Atty. Foucek asked if the townhouses are going to be rental or owner occupied. Mr. Brown believes the townhouses will be owner occupied, but could go either way, but right now they are being designed to be standalone lots where they access common easements that serve as their rear alley. Atty. Foucek asked each of them would be a separate lot and an access easement would be needed. Mr. Brown said correct.

Mr. Toth asked about the status of the other plan. Mr. Brown answered it has expired.

Mr. Glazer stated this previously was part of the Keystone Opportunity Zone. Does this designation still apply to the land? Mr. Brown said last he heard his client is pursuing a renewal as it is close to being up after 10 years and believes it would apply to the multi-family.

Mr. Button left the meeting.

Ed Roth, 1117 S. 7th Street addressed the Commission. Mr. Roth stated his house fronts on 7th Street and pointed out Fair Street and Rye Street are not thru streets. When Good Shepherd Home closed St. John Street they pushed the traffic heading east onto Wyoming onto 5th Street. Traffic coming from 4th Street, you have to turn onto 5th Street and the access west is to go Rye Street, up Fair Street to Cumberland Street. If there was a design to reach that thoroughfare, that would be a big plus as it would impede the traffic that are using streets that are not really streets. Mr. Roth also questioned the townhouses at the end of Fair Street as Fair Street is not really a street as it doesn't have curbing and the one house their parks on the street. Atty. Foucek asked if it is one way. Mr. Roth said no, but 95% of the traffic goes down Cumberland and onto Fair Street.

Mr. Roth stated the prior project had a concern that the fire department would have proper access and personally is questioning the drain field and how is it protected from his property, will it hold water and be fenced. Mr. Brown said that is a fair question and fortunately it is downhill from his property and gravity will flow downhill and standards must be followed if it holds any water. Mr. Roth said behind his property there is partially paved Virginia Street that ends at a neighbor's garage and for the last 30 years has maintained the unpaved portion behind his house and not sure how that works. Mr. Brown said for some reason whether Virginia Street was partially vacated or not and will address this. Atty. Foucek said if it has not been vacated, then maybe it would make sense to vacate. Mr. Roth believes the original issue with it not being vacated was Susquehanna Street down below run from 8th Street to 7th Street but ends at 7th. The City map shows it going east to Virginia, but the street never went thru. Atty. Foucek interjected there are plenty of those in the City and that's why streets are getting vacated. If it is vacated, Mr. Roth's back yard would assume to the middle of the vacated street. Mr. Roth said his question if Susquehanna Street is open would it give the fire department assess. Mr. Brown said topography, with steep drop-offs, it is not possible. Atty. Foucek thanked Mr. Roth for his comments.

Since this is at a sketch plan level, no action of the Planning Commission is required.

Christian Brown returned.

Rezoning

Amends the Zoning Code by rezoning 1940 W. Fairview Street and 303 S. Saint Elmo Street from P (Parks District) to R-M (Medium Density Residential District) 19-3 (Z) requested by St. Elmo Development, LLC.

Stephen Rohrbach of Farland Development owner of 303-319 S. St. Elmo Street addressed the Commission.

Mr. Rohrbach presented the Commission with a conceptual drawing of what will be proposed if the rezoning is approved. Atty. Foucek asked if he owns or is the equitable owner of both parcels. Mr. Rohrbach said he owns only the parcel closer to Martin Luther King Jr. Drive. There are two parcel that are in question,

one is 7 acres and one is 14 acres. 303-319 S. Saint Elmo Street is the 14-acre site owned by Farland Development Corporation and has never been before any Commission or Board in the City. Atty. Foucek suggested then you don't own the 1940 W. Fairview Street, the parcel to the north. Mr. Rohrbach said that is correct. Damien Brown asked if there is an agreement of sale for that parcel. Mr. Rohrbach stated there are no agreements between either party other than a mutual interest in considering changing the zoning map. Atty. Foucek asked if anyone was present to speak on behalf of the owner of Fairview Street. Mr. Rohrbach said he won't be here today. Atty. Foucek asked if he appointed him (Mr. Rohrbach) to represent him. Mr. Rohrbach said yes. Atty. Foucek asked how did he do that? Mr. Rohrbach said he sent me here with the documents but can speak entirely on his own parcel. Atty. Foucek said on the specifics you have to have some interest in the land that is being rezoned and you can't ask to have your neighbor's property rezoned. Mr. Rohrbach said that has happened to his parcel in the past. Atty. Foucek asked what has happened. Mr. Rohrbach said the property was rezoned by a neighbor without his asking.

Mr. Rohrbach explained the property was purchased in 1988 at that time it was zoned industrial and use was a former quarry, a fill site for clean construction waste. Use was continuous for the past thirty years and at this point the 14-acre site has been entirely filled, no quarry anymore. Atty. Foucek asked if the nature of the fill is all soil and rock, no wood that is degradable. Mr. Rohrbach said soil and rock, no degradable and he is here to figure out the next use of the property. The property is currently zoned as Park and provides very limited uses for the next step. It was changed to park following his purchase from an industrial zone. The City does not have this on any official plan to make it a park and have not been approached by anyone for any of the permitted uses as a viable option to convert to a park space and cannot continue using it as it is now due to physical limitations. The next extension is to look what is around the property and see what can be done. The majority of the space around the property is zoned medium residential and that is what is being proposed.

Atty. Foucek pointed out the conceptual drawing and stated we are not here for land development but for rezoning. Mr. Toth clarified the year of purchase it was zoned industrial, and zoned parks when? Mr. Rohrbach said early 90's not sure the exact year. Mr. Toth asked when it was rezoned to Parks what was the perspective, do you object to it? Mr. Rohrbach said he wrote a letter objecting to City Council. Mr. Toth said he was in disfavor at that time and objected to it changing to Parks and it is on record. Mr. Rohrbach said yes.

Atty. Foucek mentioned in 2007 there was a request for rezoning some parcels (255-321 S. Saint Elmo Street and 1834-1844 Fairview Street) owned by Mr. Atiyeh. Mr. Rohrbach said that is correct.

Sheri Bayne of 428 S. St. George Street and stated this property is her backyard and purchased her home in 2005 and the parcel being zoned park was one of the big selling point. The area is populated with wildlife, deer fox, coyote, and what has happened is the quarry is filled and has moved the deer to the east. If the area is rezoned where is the wildlife to go and the number of townhomes that Mr. Atiyeh proposed in the past was less than what is being suggested today and he was told the traffic that would generate would be too much for the area, the school children and the traffic on Union and St. Elmo Streets.

Damien Brown asked is there a significant elevation change from St. George

Street down to the site. Ms. Bayne said not really, it has been filled in and what's happened her neighbors are getting debris into their yard and shared pictures as to what it looked like years ago and what it looks like today. Atty. Foucek thanked her for information.

Damien Brown asked her what she would like to see happen with the property, nothing or not townhomes. Ms. Bayne answered the townhomes would be bad with the traffic, wildlife and of course everyone that lives there likes it the way it is and checked with Zoning before purchasing to see if there were any changes, it's a nice peaceful area in Allentown. Damien Brown asked if you had to choose between homes or residential development or reverting back to industrial use, what would you pick. Ms. Bayne said since living there nothing has been going on, the plant closed before living there, her house was built in 1984 and the plant shut down before then. Damien Brown pointed out it was zoned industrial at that time. Ms. Bayne believes the townhomes were built after the plant was shut down. Damien Brown speculated that is likely. There is a possible argument on behalf of the property owner that it should still be zoned industrial. Atty. Foucek added in March 2009 there was a ruling of the Lehigh County Court of Common Pleas where it was determined that a ready mixed concrete plant is a continuation of an existing non-conforming use on the property, an industrial use. If that was presented to a court again, you can still use it for industrial use. Ms. Bayne pointed out they are putting in a lot of storage units, which they were told they could do. Mr. Toth interjected that is for the northern portion of the parcel. Ms. Bayne concurred, and she heard the cement company has not been in operation for decades. Damien Brown said it's possible nothing will happen there, but it won't sit idle forever and the city does not have any money to purchase it. Atty. Foucek said that is a fair comment and when the rezoning request was 12 years ago, the City was not interested in purchasing and making it a park and when you think of park land you think of a municipally owned park and not privately owned. At this point, what is the appropriate future use of this, industrial or residential.

Ms. Bayne asked if the trees are going to be cut down. Atty. Foucek said this owner is cutting down trees for whatever purpose, timber or clearing land, but he has the right to do that. Atty. Foucek also pointed out if this is residential, how would it impact the school from a student population perspective and the traffic and children's safety. Ms. Bayne added and the traffic from afterschool games and activities with more traffic. Atty. Foucek said the conceptual plan shows an internal road layout has three access points, one off of Martin Luther King Jr. Drive, which is through city traffic. Mr. Rohrbach said when it is time to come back, he will be happy to explain. Atty. Foucek said if the plan is intended to show that you can develop this and layout a road system that does not impact the existing residential area to the east and believes the city will not approve access onto Martin Luther King Drive Jr. through their property.

Gerald Lewis, 423 S. 18th Street, expressed his biggest concern is the traffic. When school is in session, Union Street get backed up and signs are posted not allowing parking in the front of the school to drop off. On weekends the sports fields located at the school are heavily used and the traffic it generates. Also, as far as the traffic if people can figure out shortcuts, they shortcut down S. 18th Street to get to Martin Luther King Jr. Drive.

Mr. Toth referenced the staff report. There are two parcels requesting to be rezoned and given the information we were given with Mr. Rohrbach only

owning one of the parcels, what do we consider. Atty. Foucek noted he wouldn't contest Mr. Rohrbach rezoning his parcel but not the other parcel owned by Mr. Atiyeh. Damien Brown interjected he believes the Commission just offer feedback today. Mr. Toth and Atty. Foucek agreed. Atty. Foucek believes that this was designated park land at one time to protect the watershed in some way from development.

Bill Krause, 1742 W. Union Street, President of the Raub Area Community Watch stated traffic is one thing and adding another 120 units with the average of 2 cars per unit, if you ever go out St. Elmo Street and try to cross Martin Luther King Jr. Drive, you cannot. With the elementary school you cannot get down the street between morning and afternoon. There are currently too many cars and you want to add more. Atty. Foucek pointed out the conceptual plan calls for 301 units which would suggest more than 600 vehicles, as this is the maximum number of units permitted in the zoning district. Mr. Krause added plus if there are children. Atty. Foucek said he was surprised they haven't heard from the school district and verified they were notified.

Mr. Glazier added we are here for the rezoning and not the plan and agree it would be a tough sell to the public and the Planning Commission a development this intense, which is a separate issue. Atty. Foucek said right but if it is rezoned he has the right to this plan. Mr. Glazier said he is aware of that, but it is planned to a RM zoning district, but there are various zonings surround this property. There is some park land, some IG and across the river it is RL so what's to say what is wrong with this property being RL? Damien Brown was thinking along the same line and would like to see the property be used for residential over industrial at some point down the road when market conditions are right. What he would like to see is something less dense, more reflective of the existing street grid and neighborhoods maybe the possibility of a park like connection through the property that is an amenity to the homeowners connecting the parkway and Union Terrace, details that might make the property more palpable down the road. The market will come around and favor home ownership instead of apartments and in most of the RM & RML require apartments by-right but the RL does not it has to be homes with larger lots and could be difficult for the property owners. Damien Brown thinks it is worthy of the property owners to continue exploring residential use.

Mr. Rohrbach responded he is engaged in this process and the approach has been different with the City and has been working with the Planning staff to push this forward. In the point of density, now that both parcels in play, this presentation is actually than less dense than Mr. Atiyeh presented before. There is more green space around each property. A total of 21 acres divided by 301 units is more green space. The surrounding neighborhoods in the RM, has this presentation greener and less density than on the neighboring streets to the point of traffic, yes, the connection to Martin Luther King Jr., Drive is to take the traffic off St. Elmo and neighboring street. This was a discussion with Planning and Public Works and their recommendation. This is not a park now, it is a Brownfield, and essentially a wasteland. The tree barrier there now, will remain, green space around the property and in regard to single houses vs. townhomes vs. apartments, single houses would reduce the density but the marketplace in Allentown needs affordable housing and not large homes. This proposal is less dense, able to provide a means of keeping the traffic out of the neighborhoods and provide affordable housing to residents of the City of Allentown.

Atty. Foucek asked what is the ideal vs. the practical. Mr. Glazier asked what the total acreage is. Mr. Rohrbach said 21 acres. Mr. Glazier stated there was a past proposal from Mr. Atiyeh for 42 townhomes on 5 acres and if you multiply that, it is significantly less than 301 units. Mr. Rohrbach apologized, he was not aware of that and wanted to know if he was looking at multi-family apartments. Mr. Glazier said I cannot tell you for certain. Mr. Rohrbach is looking for a path forward. Damien Brown added residential use is appropriate for this site and there is not enough information on the plan.

Mr. Toth concurred and noted it is a Brownfield and historically there has been fill. What is the viability of this land to be built upon given the nature of the fill and what are the encumbrances, deed restrictions, existing leases ongoing, lease with the City and it was the quarry permitted with the DEP and is it still ongoing. Mr. Rohrbach said the quarry operations stopped in the mid 50's. In regard to the City, there is a year to year agreement to use the site for dumping. All agreements are on a year to year basis. There are no encumbrances, no liens, debts. Mr. Toth asked about viability, geotechnical viability of constructing, stormwater management and post stormwater management. Mr. Rohrbach said that will be considered. Everything is possible, that will become a consideration of the foundation system of the townhomes would change based on what the structure is. Requesting townhomes has a larger mat, rather than individual buildings. They recognize it is a quarry with rock that may need to be blasted and possibly will need a different foundation. The infrastructure expenses will increase. Mr. Toth observed it may have to be constructed on slab instead of basement. Mr. Rohrbach answered there is no basement, it is 1,200 square foot townhomes with 3 bedrooms and 2 baths on slabs.

Mr. Toth asked if the plan was drawn up according to the Subdivision and Land Development Ordinance. Mr. Rohrbach said cannot answer that. Mr. Toth observed some issues with the plan. Atty. Foucek added the plan was given for our benefit and if intended to be a by-right it is dense plus with the existing density to the east attributes to the traffic issues and to the west there are homes with large lots. Atty. Foucek concurred that it needs to be something other than park land and it should be some form of residential, but not sure of the right designation.

Mr. Glazier reiterated they are asking for rezoning and not development. He would feel more comfortable if they knew what the plans are as there is not enough information to move forward and realized a zoning change would be warranted, but not sure what it should be. Atty. Foucek said that is the ideal situation because once it is rezoned a developer can change their plans. Mr. Rohrbach explained he is not sure of the process and possibly could have bought an attorney but did not think they were at that stage. Do we decide what we want to build or tell you what they want to build, what is the next step. Atty. Foucek noted what should it be zoned as and what do you fit inside that zone, as you cannot make it denser than what zoning allows unless you get a variance. If it is rezoned we cannot bind a developer as to what is being put there, and next week they could sell the land to a developer that has a different plan. As being a recommending body, it is common to rezone to the least intense use that makes sense.

Mr. Toth said in his opinion given the nature of the property, why not keep it in the parks. There is a lot of providence in reuse of this particular parcel that may not pay the amount of dividends that you are looking at for this type of use, but

certainly there are viable alternatives for this particular use. In the past one idea is it is a perfect location for a recycling center, yard waste facility, bringing these uses together and the possibility of the demand for athletic fields. Atty. Foucek said they are well suggested points, but they do generate traffic, and these are municipal issues. Mr. Rohrbach asked what he is supposed to do. Mr. Toth answered happy mediums bring people together. If there is too much density, it will cause stress.

Atty. Foucek said in the past it was suggested some of the parcel be kept in the park zone preferably the buffering area that would help soften the project. Mr. Rohrbach asked can you have different zonings on one parcel. Atty. Foucek said yes, it is a technical question and to decide what zone would be best for the neighbors and the city.

Mr. Glazier pointed out these are going to be owner occupied units and not low/moderate income. Atty. Foucek said they are small homes at 1,200 square feet. Mr. Glazier added basically starter homes and looking at the surrounding homes on St. George Street that have remained over 80% owner occupied which is good for the neighborhood. There is no guarantee that a development of this density would remain owner occupied for more than 30 seconds. There is not a shortage of homes as there are older homes available and great homes downtown and reiterated his concern for a development this dense becoming primary rentals. Mr. Glazier continued by stating there are currently 48,000-49,000 units in the city, 26,000+ are rentals, which is not healthy for the city. Mr. Rohrbach asked if a home owners association would address that. Mr. Glazier said that may but is not sure if you could do deed restriction and suggested the possibility of an age restricted community but is not sure how they work. With an age restricted community, it could trade off density. Atty. Foucek added there is a market for age restricted communities, but the school district would have to weigh in either way.

Atty. Foucek agreed it should not remain all park land and the final decision will be up to City Council. What should it be as the property owner has the right to try to maximize the use of the property and zoning laws temper what individuals want to do. Atty. Foucek asked the applicant if he would like a decision today and take the next step to City Council or delay an approval to think about what was discussed today and find out the possibilities with the zoning ordinance. Mr. Rohrbach asked does a rezoning need a land development plan to be completed. Atty. Foucek said no, as it is not a commitment that we can hold you to.

Mr. Toth said you will need to have a professional look at this and see what the outputs can be based on zoning applications. Mr. Rohrbach asked then you need a verification that the 301 units fit on this parcel. Atty. Foucek said yes if we are going to continue with this zoning request, but to do it correctly you will need a professional. Damien Brown added when you factor in front yards, side yards, streets, rear parking as all homes except single family homes require parking in the rear, will be required if the rezoning is approved.

Mr. Toth asked if currently there is any roadway access on the parcel or does it traverse over the adjoining parcel. Mr. Rohrbach answered to his parcel there is a drive lane immediately adjacent to the other parcel off St. Elmo, the only entrance. Damien Brown added he also thinks there's limitations to the length of private drives from the public right of way. Getting to the interior, it may be to

far away from the street.

Atty. Foucek asked again if it should be approved or tabled and come back. Mr. Glazier summed up the options are to deny it, move along or table. Atty. Foucek said that is what he is alluding to either pursuing this request or changing to another zoning district. Mr. Toth indicated we are just providing recommendation to City Council so there is no denying as it would just be no recommendation. Atty. Foucek said we can do that, but we do not have enough information. Mr. Rohrbach said he would like to have the Planning Commission's recommendation. Damien Brown summed up it seems everyone agrees it should be some type of residential.

Mr. Rohrbach asked if the access to Martin Luther King Jr. Drive is something that he needs to tighten up more. Atty. Foucek said honestly no, if this is rezoned that is one of the considerations that will need to be addressed. Mr. Glazier said the development of this size seems to need access onto Martin Luther King Jr. Drive to not overburden St. Elmo. Atty. Foucek interjected it would certainly benefit from it. Martin Luther King Jr. Drive is a thoroughfare from one side of the city to the other, but the question is from a planning perspective are the two intersections onto Martin Luther King Jr. Drive far enough apart to safely allow exiting the parcel when traffic is going 45 mph.

Atty. Foucek suggested tabling and continue to work with staff, look at the zoning ordinance and see if we can get some happy medium. If you want a recommendation, you will get a denial or no recommendation. Mr. Rohrbach said absolutely it can be tabled and asked how do we start the discussion. Atty. Foucek suggested talking with the new Planning Director. Also, technically Mr. Rohrbach is speaking for his neighbor. If you are looking at the big picture and for the future for this parcel, it is suggested getting the neighboring property owner involved now and not down the road.

The Commission agreed, with the applicant's consent, to TABLE the rezoning request to a future meeting, citing more discussion is needed on the future development of the parcels and concerns over the issues addressed by the neighbors.

Zoning Amendments

Amends the Zoning Code, Article 1327.03.Z.4 to read "In addition to any storage area contained inside multi-family building dwelling units, there shall be provided for each dwelling unit that has a "habitable floor area" (as defined in Section 1302.01) of less than 700 square feet a minimum of 35 16 square feet of storage area in a convenient location (such as a basement) where personal belongings and effects may be stored without constituting a fire hazard and where the belongings and effects may be kept locked and separated from belongings of other occupants." 19-4(Z) requested by Davison & McCarthy Professional Corporation for City Center Investment Corporation.

Atty. Dennis McCarthy represented City Center Investment Corporation.

Atty. McCarthy explained the petition filed to amend Article 1327.03.Z.4 that requires multi-family dwellings involving 5 or more units need to provide 35 sq. ft. of storage space outside of the

unit. Over the past five years City Center has built over 400 units and additional over 450 units being constructed or being planned. There are 3 more applications for variances in the que for the two City Center projects, 902 W. Hamilton St and 7th & Walnut. After talking with staff, it is being proposed for the ordinance be amended to provide storage space be required if the unit below 700 sq. ft. and that only 16 sq. ft. of storage space be required.

The rationale is the Zoning Ordinance has a 700 sq. ft. minimum size of a two bedroom. When a unit is big enough, you don't need extra storage space outside the unit, which is a sensible threshold to require it. Why 16 feet? A standard pre-fabricated storage locker that is economical to purchase and efficient to install, is practical, sufficient, economical and that is why 16 ft. versus 35 sq. ft. Looked at other Cities and Municipalities and found Reading is the only municipality that has this out of unit storage locker requirement. The Reading requirement is if you are in a high rise building you must provide 50 sq. ft of storage.

The Zoning Hearing Board has granted relief from this requirement six times as the storage is at least 16 sq. ft. of storage in each unit and all the buildings has bike lockers.

Atty. Foucek asked if one of the variables is how much storage is available in each unit, such as closet space. People with golf clubs, paddles for kayaks, artificial Christmas trees seasonal clothing must be stored, how much does one person or couple need, a 4x4 unit is not a lot of space. Yes, there is bike storage, if you didn't have bike storage, the bike would need to be stored in a unit as this is adaptable across the City and even though City Center offers bike storage, others may not.

Atty. McCarthy said that is a good point and ultimately that is the question, how much storage is available. City Center shows how much storage is available in each unit and are looking at this from the City's perspective how can this be administered and not practical for the City to calculate storage in every unit. Atty. Foucek interjected that would be up to the developer to calculate. The City could set a standard of total storage space and a developer would be required to calculate as part of the application. Why are Allentown and Reading the only Cities that require this, it is a matter of how people live and if there is not distinct storage available stuff gets thrown everywhere and must remember this is city wide and not just the downtown.

Mr. Reilly added he believes the origin of this ordinance was related to when there were a lot of conversions happening in the city and there was concern that small apartments were being created and not a lot of closet space. It may have been appropriate when it was done, but now will have a chilling effect on investing in the City because anyone that reads the ordinance know it will create more cost to a project. When apartment buildings are being built the general rule of thumb is about 60 sq. ft. per apartment for amenity space. If you required as a developer to built 35 sq. ft just for storage, it is over half of the custom area amenity space being developed in most new complexes. It is putting a burden on development, unnecessary cost in development and ultimately discourage investment in the City. In addition to the cost, it delays the project timeline and would strongly consider endorsing this amendment, as it is an unnecessary regulation that makes Allentown less competitive and ultimately will drive up housing costs within the city limits and discourage others from investing.

Atty. Foucek said he is not disputing that the current requirement might not be the right approach but is hesitating about the process of City Center seeking a specific zoning amendment as the City is on the verge of a review of the Zoning Ordinance. Atty. Foucek stated you will get what you want either from Zoning who must approve the amendment and ultimately must go to City council, as an ordinance to amend. The Commission is just a recommending body and personally has a problem with the individualization of the request and has no doubt the 16 sq. ft and bike storage may not be enough for everybody. This is not a one size fits all solution and a recommendation should be done in the context of a city-wide review during the revisions of the Zoning Ordinance which is about to be undertaken.

Damien Brown agrees 35 sq. ft. storage is excessive and 16 sq. ft. may very well be the right number. However, he has trouble dropping the number to zero for units 701 feet and above and questioned if square feet is the appropriate measure of the space because the storage units are stacked and not floor to ceiling. Atty. McCarthy answered it should be 64 cubic square feet which would be 4x4x4 stacked. Atty. Foucek questioned that is your storage space? Atty. McCarthy said yes. Damien Brown stated the language should be addressed to reflect whatever measure is approved. Atty. Foucek concurred and said that is a fair comment. Atty. McCarthy said this is a specific requirement that has a huge macro ripple effect on Zoning. It is not a policy question but a mechanical question. Deferring it to a total review of the Zoning Ordinance, understands the logic behind it, but looking at it in a global review, this would be way down on the list. If focused on the size of the unit itself, the minimum size of a two-bedroom is 700 sq. ft. as the average size of a City Center's 2-bedroom unit is 1100 sq. ft. +, above the requirements. To avoid people counting closet space City Center they are focusing on square feet. If the city is of the mind to have the builder, developer, contractor calculate the storage space and if over a certain amount in the unit you don't need extra. Does the city want to get into that detail?

Atty. Foucek said they had or did in the past and is not sure when this ordinance was entered. From the process prospective to get rid of this requirement totally over 700 sq. ft. there is no requirement and under 700 sq. ft requires a 4x4x4 space, changing at this juncture is effective for this development which is driving this right now.

Mr. Reilly said this request isn't being driven by this project and frankly will benefit other developers more than City Center. Damien Brown interjected it basically adds a month to the project. Mr. Reilly added and the uncertainty. Mr. Reilly said how many developers are willing to invest hundred and thousands of dollars to develop a set of plans knowing ultimately, they must get this one thing approved to move the project forward.

Atty. McCarthy said if you agree with the proposition that a unit is big enough you don't need outside storage, but how do you define what is big enough? Atty. Foucek stated he is personally not ready to recommend as there is not enough information for all the variables but would not hold it up and move it forward to City Council.

Mr. Glazier pointed out our responsibility is to move it forward or to issue a recommendation up or down. Atty. Foucek recalled in the past they have moved

it forward without making a recommendation and I am sure if the recommendation was positive Mr. Reilly would want that and would like know if others are prepared to do that.

Mr. Toth pointed out the application states this is a request for a rezoning but actually it is an amendment to a zoning ordinance, which are two different requests. Atty. Foucek asked then for point of order is it appropriate for you to be here? Atty. McCarthy explained legally it is appropriate and permissible. As far as the process and procedure this is the format and process dictated by the City Clerk's Office. They do not have a separate form for a zoning amendment and a citizen can request an amendment of a zoning ordinance. Atty. Foucek added it go first to Planning. Atty. McCarthy clarified it goes to the City Clerk, to Planning and then back to Council. Mr. Reilly said if you are to pass this without a recommendation for or against, I suspect City Council would largely rely on the professional staff's value and opinion and would like to go to City Council and work with staff to see if we can get something that makes sense. If not in favor, then they would back off and rethink. Atty. Foucek said this is important as to how we do this particularly when we are amending ordinances. Mr. Toth agreed they should present it to City Council with the evidence they presented here, and staff will be there for comments and let common sense prevail.

Mr. Glazier made a MOTION to move this application to City Council without a recommendation and allow the applicant to present their case to City Council with staff available to comment and address the issues. Mr. Button seconded. Motion passed.

Amends the Zoning Code, Article 1301-1331 of the Codified Ordinances of the City of Allentown, Re: Defining various types of land uses relating to small-scale alcoholic beverage manufacture and dispensing, and allowing such uses in certain Zoning Districts with regulations, as well as, relaxing off-street parking requirements for restaurants and banquet facilities. 19-5(Z) requested by the Bureau of Planning and Zoning.

Withdrawn until a future meeting.

New Business

Request of the Redevelopment Authority of the City of Allentown for a recommendation for the reuse of the following properties certified as blighted pursuant to the Urban Redevelopment Law (Section 1712.1) entitled Blighted Property Removal.

| | | |
|------------------------|---------------------------------|----------------------|
| 233 Ridge Avenue | 820 N 5th Street | 1031 S 7th Street |
| 219.5 N 2nd Street | 820 1/2 N. 5th Street | 231 N. Law Street |
| 540 Hamilton Street | 523 N. Jordon Street | 1218 W Gordon St |
| 821-823 Jackson Street | 443 Harrison Street | 1018 Zieglers Court |
| 802 Walnut Street | 240 E Maple Street | 120 W Susquehanna St |
| 323 9th Street | 214-218 E. Cumberland St | 409 N Penn Street |
| 202 N 7th Street | 776 Benton Street | 508-1/2 N 2nd Street |
| 334 N Church Street | 822 N 5th Street | 420 W. Allen Street |
| 642 N 2nd Street | 811-813 New St (aka 917 Carrot) | 726 Penn St |

634 N Lumber Street
235 N Law Street

431 Washington Street
1503 Chew Street

1104 Walnut St

Kelly McEllroy of the Redevelopment Authority asked if the procedure can be expedited as the staff recommendation has been completed and the next step is to City Council. Atty. Foucek asked what stage are we at? Ms. McEllroy said we are at best use stage, as they have already been determined to be blighted.

Ms. McEllroy explained these properties have been officially certified on April 9, 2019. The initial list was first reviewed in October 2018 that determined these properties met one or more of the twelve criteria of blight as for the Urban Law. Today they are here for the best use of each of these properties when taken through the eminent domain process that they will be in line with the City's needs and the Comprehensive Plan. After today, the properties will be presented to City Council for the approval to take them through the eminent domain process. The process does not stop once it has been started as it is lengthy and anytime the owner can remove the blight issue is after the City issues the CO. There have been success stories since the original list from October 2018.

Atty. Foucek said tell us about these and what is the best re-use. Ms. McEllroy answered Ms. Woodward composed a list of the best reuse for each property. Mr. Glazier asked for a point of order, do we vote on these individually or combine. Atty. Foucek said we can do them as a group. Ms. McEllroy thinks the ones going to be a concern are the multi-units that you may want to de-convert to a single family or change the use.

Ms. McEllroy explained each property and the recommendation.

233 Ridge Avenue - residential and related uses; single family; presale
219.5 N 2nd Street - residential and related uses; single family row; Judicial Sale on July 10th

Mr. Glazier reviewed you said it went to a judicial sale, so the property owner needs to be notified. Ms. McEllroy said the property owner was notified and the blight stays with the property. If a new owner purchases the property it doesn't stop the process. Mr. Glazier asked does the new owner know the property has the designation at a judicial sale. Ms. McEllroy said no and tried to inform Northeast Revenue and was told she would have to go to the sale and notify the public. Mr. Glazier asked was that done. Ms. McEllroy said no. Mr. Glazier asked if the new owner was notified. Ms. McEllroy said it takes 60 days for the new owner to get their deed. Atty. Foucek asked if the property is posted as blighted. Ms. McEllroy said she is unsure and realized the sale is the following day and she can attend. Mr. Glazier noted the toughest part of the whole procedure is notifying the owner.

540 Hamilton Street - commercial or related use
821-823 Jackson Street - complied; removed from blight list
802 Walnut Street - residential or related use
323 9th Street - residential or related uses; in HARB district
202 N 7th Street - commercial or related use; presale ordered
334 N Church Street - residential or related uses; single family; owned by HADC; wishes to demo
642 N 2nd Street - residential or related use

634 N Lumber Street - complied; removed from blighted list
235 N Law Street - residential or related use; real estate owned
820 N 5th Street - residential or related use; sinkhole property
820 1/2 N. 5th Street - residential or related use; sinkhole property

Christian Brown asked for clarification when it is single family and you say keep it residential or related, what does the related mean because you don't want to create more units. Ms. Woodward answered it is to maintain the residential nature or any recommendation related to the residence. Christian Brown asked if this the language that is going on the RFP. Ms. McElroy said when the properties go to City Council they will be informed what the use is for and the RFP it will be stated to be single family.

523 N. Jordon Street - residential or related uses; single family row
443 Harrison Street - residential or related uses; single family row; Upset Sale in 2019
240 E Maple Street - residential or related uses; single family detached; Upset Sale within a year
214-218 E. Cumberland Street - residential or related uses; converted 2-unit
776 Benton Street - residential or related uses; single family row; Upset Sale in 2020
822 N 5th Street - residential or related uses; sinkhole property
811-813 New Street (aka 917 Carrot) - residential or related uses; single family detached; Upset Sale
431 Washington Street - residential or related uses; single family row; in pre-sale
1503 Chew Street - residential or related uses; single family row; Judicial Sale on July 10th
1031 S. 7th Street - residential or related uses; converted 2-unit; went to Sheriff Sale (status unknown)
231 N. Law Street - residential or related uses; single family row; Upset Sale
1218 W Gordon Street - residential or related uses; 3-unit property

Mr. Glazier questioned it is residence now and continue to be and the question is do you want to de-convert it as one of the units is in the back over the garage. Is it the intention to convert (1218 W. Gordon St and 1031 S. 7th Street) to single family homes, as the recommendations do not clarify that? Ms. McElroy said yes. Atty. Foucek believes it does not have to say that as he understands the process if it continues and gets to eminent domain it is a category of what it can be used for.

Mr. Toth asked for clarification on judicial sale vs. sheriff sale vs. upset sale. Ms. McElroy said a sheriff sale is a foreclosure sale; a judicial sale is when all the liens on the property are extinguished, free and clear; upset sale is for a lien such as a municipal lien and the new owner is responsible for all the liens on the property.

1018 Zieglers Court - residential or related uses; single family row; presale
120 W Susquehanna Street - residential or related uses; single family twin
409 N Penn Street - residential or related uses; single family twin
502-1/2 N. 2nd Street - residential or related uses; single family row
420 W. Allen Street - residential or related uses; 2-unit property
726 Penn Street - residential or related uses; 3-unit property
1104 Walnut Street - residential or related uses; single family twin; Upset sale

Atty. Foucek indicated the Commission is to approve the recommended reuse of these properties prior to being submitted to City Council for potential eminent domain proceedings. Ms. McElroy said correct. Atty. Foucek pointed out on the agenda there are 32 separate properties, two have been removed; 821-823 Jackson Street and 634 N Lumber Street, which leaves 30 remaining. Two properties have been recommended for commercial or related reuse; 540 Hamilton Street and 202 N. 7th Street and the remaining 28 are recommended for residential or related use; 233 Ridge Avenue, 219 ½ N 2nd Street, 802 Walnut Street, 323 9th Street, 334 N Church Street, 642 N 2nd Street, 235 N Law Street, 820 N 5th Street, 820 1/2 N. 5th Street, 523 N. Jordon Street, 443 Harrison Street, 240 E Maple Street, 214-218 E. Cumberland Street, 776 Benton Street, 822 N 5th Street, 811-813 New Street (aka 917 Carrot), 431 Washington Street, 1503 Chew Street, 1031 S. 7th Street, 231 N. Law Street, 1218 W Gordon Street, 1018 Zieglers Court, 120 W Susquehanna Street, 409 N Penn Street, 502-1/2 N. 2nd Street, 420 Allen Street, 726 Penn Street and 1104 Walnut Street.

Mr. Toth made a MOTION to accept and support the staff recommendations that two properties are removed, two properties are recommended for commercial or related reuse and 28 properties are recommended for residential or related use, as stated above. Mr. Glazier seconded the motion. Motion passed unanimously.

Adjourn - There being no further business, the meeting adjourned at 4:15 p.m.

Respectfully submitted,
Jeanne Marsteller, Recording Secretary