



CITY OF BETHLEHEM

10 East Church Street, Bethlehem, Pennsylvania 18018-6025

BUREAU OF PLANNING AND ZONING

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April 5, 2021

Mark Buchvalt
T & M Engineers
74 W. Broad Street, Suite 530
Bethlehem, PA 18018

RE: **(21-002 Site Plan Review) – 21030026 – 250 E. BROAD STREET– SITE PLAN REVIEW – Zoned CL, plan dated March 24, 2021**

Dear Mr. Buchvalt:

The purpose of this letter is to provide overall planning and guidance to the Zoning Office and Zoning Hearing Board. The proposed project consists of a 4 story mixed use building with a first floor grocery store and 42 dwelling units located on a 48,300 sf lot. The project will be reviewed at the April 14, 2021 Zoning Hearing Board meeting. Per Zoning Ordinance Section 1322.01 and 1322.02, Site Plan Review, the Planning Commission may recommend conditions for approval that should be considered by the Zoning Hearing Board . . . because of the considerable impacts that these land uses may have upon the community. The plan review is intended to emphasize layout, traffic and neighborhood compatibility issues, as opposed to engineering details required under any later land development plan process. The applicant's Zoning Variance Requests' letter prepared by Atty. Seth Tipton, dated March 23, 2021, is attached to this comment letter. We have selected the most significant Zoning Hearing Board and Site Plan compliance requests for comments and staff recommendations. These recommendations will be reviewed at the April 8, 2021 Planning Commission meeting.

Waivers/modifications are permitted to be requested for certain Design Guidelines for a property located in the CL Zone, in accordance with Article 1311.03. In the following list, the waiver/modification requests from the applicant are listed first and the bolded Planning Bureau response follows:

1. Article 1311.08(c), (e), and Article 1318.23: The Applicants do not propose to place the required landscape screening along Broad Street as required by Article 1311.08.c, in order to maximize off-street, surface parking. Applicant will provide a new masonry wall without the additional plantings.
We strongly encourage the maintenance of a solid screen along the Broad Street frontage. If landscaping cannot be included in the design, it is extremely important that the masonry wall selected maintains the character and interest of the existing wall at front.
2. Article 1306.01.b.2 and Article 1311.08.a prohibit parking spaces to extend beyond the front of the building.
Since only one space extends beyond the front façade of the building and it will be buffered by a solid masonry wall along the front property line, we recommend approval of this waiver. A ZHB variance to Article 1306.01.b.2 must still be obtained.
3. Article 1311.08.b: No vehicular driveway shall enter or exit onto an arterial street, unless no feasible alternative exists, such as use of alleys or a side street.

The current building has one driveway exiting onto E. Broad Street. Since E. Broad St is an arterial street, no additional driveways are permitted. The site plan proposes two driveways onto E. Broad Street and one driveway onto E. Walnut Street at rear. All food co-op traffic is proposed to enter/exit onto the Broad Street commercial corridor. The residential traffic is designed to exit onto the residential alley in the rear. The use of one way aisles is predominantly used in the proposed parking lot. This creates the need for more entrances and exits. Since the current driveway allows both exiting and entering onto Broad Street, the use of two one way driving lanes does not appear to be a significant difference, especially if they assist in separating commercial parking from residential parking. The applicant should discuss the traffic flow into and out of this mixed use site to ensure the safety of vehicular and pedestrian traffic.

Variance and Special Exception requests are outlined in the attached letter from Atty. Tipton for the developer. These requests will be reviewed by the Zoning Hearing Board for a decision. The most significant of these are as follows:

1. Article 1318.23.i.2 and 1318.23.a and a.1: An 8' buffer is required when an apartment building containing 6 or more dwelling units abuts a lot containing a single family dwelling. This is required in all zoning districts. **The applicant is proposing to eliminate this required 8' buffer yard on the west side of the property. A buffer yard is defined as a row of dense evergreen plantings creating a barrier for noise and visibility. A reduction in width and replacement of the required landscaping with a solid decorative fence is permitted only upon approval by the Planning Bureau in accordance with Article 1318.23.a.1. A 2' wide buffer yard must be created along the new western fence row as per the above articles. A solid fence and 2' buffer yard shall be placed along the western property line within the 4' grass area shown on the plan.**
2. Article 1318.25.d and f: Shielding and Spillover of Lights. Lights shall not create a nuisance in adjacent dwellings and shall not spillover greater than 0.1 horizontal foot-candle into a residential lot. **It is strongly recommended that a solid fence or wall replace the proposed wheel stops along the East Walnut St rear property line to prevent headlights from shedding light into the residential properties on the south side of Walnut Street. Since this building will contain 42 residential dwelling units, vehicles may exit and enter the property at all hours. Shielding these headlights from the view of property owners across Walnut St without solid fencing is necessary.**
3. Article 1319.02.b.6 (b, c, d): A Special Exception is requested to reduce the number of parking spaces by 25 percent (from 103 required spaces to 78 spaces). **This 25% reduction may be authorized if the applicant provides evidence justifying the proposed reduction, such as studies of similar developments during their peak hours, use of bike racks, location on transit lines, walkable areas in close proximity to the site, and availability of on-street parking. The applicant intends to provide data at the Planning Commission meeting.**

GENERAL

In accordance with Article 1322.01 and 1322.2, we recommend that these comments be forwarded to the Zoning Hearing Board along with the applicant's Zoning Variance Appeal application.

This plan will be placed on the April 8, 2021 Planning Commission agenda.

Sincerely,



Tracy E. Samuelson
Assistant Director of Planning and Zoning

Cc: T. Wells
M. Reich

R. DeBeer, PD Property Holding LLC
C. Peiffer

Enclosures

Staff comments for 250 E. Broad Street

Public Works – Traffic Bureau

1. Trip calculations shall be submitted as well as any traffic studies warranted per SALDO Section 1347.14.
2. Pending trip calculations, a review by the City's Traffic Consultant, Peter Terry, may be required.
3. The City has been working on various traffic calming projects on Broad Street in this area and request future involvement by the developer. Specifically, the intersection of Broad and High Streets has been a priority intersection.
4. A truck turn plan for garbage, fire, and loading / unloading shall be provided. Indicate How trucks will maneuver into and out of the loading space. Trucks shall not be using Walnut Street as a way to exit the site due to its narrowness.

Public Works – Fire

1. All 'Fire Lanes' must be identified and properly marked. (Refer to International Fire Code, 2015 ed., Section 503 and Appendix D for additional information. Locations for signs and markings can be determined as the project progresses.) ** For the purpose of this site plan review this comment is intended to apply pre-determined Aerial Apparatus access that was discussed in the 3/29/2021 meeting.*
2. All buildings less than 30 feet in height must have 20 foot wide, minimum, access road(s). All buildings 30 feet or greater in height must have 26 foot wide, minimum, access road(s) and must accommodate a fire apparatus weighing 84,000 lbs. (Refer to International Fire Code, 2015 ed., Section 503 and Appendix D for additional information.) At least one of the required access roads meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building. (Refer to International Fire Code, 2015 ed., Section 503 and Appendix D for additional information.)
3. The architect/engineer must confirm Fire Department apparatus will be able to drive on all road surfaces without contacting the driving surface. Check angles of approach and departure to confirm the front or rear apparatus bumpers will not contact the driving surface. Also confirm the middle of the truck will not contact the driving surface of humps or crowns such as on speed bumps. {See attached A2 Main Print for vehicle dimensions} (Refer to International Fire Code, 2015 ed., Section 503 and Appendix D for additional information.) ** For the purpose of this site plan review this comment is intended to apply pre-determined Aerial Apparatus access that was discussed in the 3/29/2021 meeting.*
 - a. *During the review of the submitted site plan it was determined that the plan did not meet the requirements of comment #2 above. A meeting was organized by the developer and held remotely on 3/29/2021. During this meeting it was discussed that there were a number of options available to the developer to modify the submitted site plan in order to meet the intent of this section of the International Fire Code. It was agreed that the final plan did not need to be submitted and approved prior to deadline of 3/30/2021 for planning commission review on 4/8/2021. It was also agreed that the West side of the proposed building would be used as the Fire Department Access Road to meet the intent of this section of the IFC. The developer will be required to submit a plan for approval indicating Aerial Apparatus Access set up locations and show that we are able to reach the entire West side of the building with the ladder.*
4. **** Please contact the City of Bethlehem Fire Department office at 610-865-7143 and request Fire Marshal Craig Baer (cbaer@bethlehem-pa.gov) or Chief Fire Inspector Michael Reich at (mreich@bethlehem-pa.gov) with any question reference Fire Code requirements.**

Via Hand Delivery
City of Bethlehem
Planning Commission
Attn: Darlene Heller
Tracy E. Samuelson
10 East Church Street
Bethlehem PA 18018

Re: 240-250 East Broad Street, City of Bethlehem (PIN: P6NE1C174, P6NE1C175)
Sketch Site Plan Review Application

Dear Mrs. Heller,

I serve as counsel for 250 E. Broad LLC and PD Property Holdings LLC (collectively, the "Applicant"), which are the tenant in common owners of the above-referenced property (the "Property"). The Applicants have entered into a new lease to a single user for the proposed, new first-floor commercial space. The redevelopment of this underutilized property will create a new, four-story, 42-unit luxury apartment building. The street-level retail space will be anchored by an exciting food experience that will be a welcome addition to the neighborhood. In order to begin this redevelopment, the Applicants are proposing new construction that requires several variances as outlined in the attached submission to the City of Bethlehem Zoning Hearing Board (the "ZHB Application")

The Applicant is presently scheduled to appear before the Zoning Hearing Board on April 14, 2021. In order to obtain the Planning Commission's review and input on the ZHB Application prior to the April 14 meeting, the Applicant requests that you kindly add the enclosed application for sketch site plan review on the Planning Commission's next scheduled meeting. During this meeting the Applicant can provide a description of these variances sought in the ZHB Application and the reasons justifying the Zoning Hearing Board granting the relief, as well as any other matters that the Planning Commission would like to review.

Please let me know if you need anything further. Thank you.

Very truly yours,

Florio Perrucci Steinhardt Cappelli Tipton & Taylor LLC

/s/ Seth R. Tipton

Seth R. Tipton, Esquire
Partner
610.691.790
stipton@floriolaw.com

March 23, 2021

Via Hand Delivery
City of Bethlehem
ATTN: Craig Peiffer, Zoning Officer
10 East Church Street
Bethlehem PA 18018

Re: 240-250 East Broad Street, City of Bethlehem (PIN: P6NE1C174, P6NE1C175)
Zoning Variance Request

Dear Mr. Peiffer,

I serve as counsel for 250 E. Broad LLC and PD Property Holdings LLC (collectively, the “Applicant”), which are the owners of the above-referenced property (the “Property”). The Applicants have entered into a new lease to a single user for the proposed, new first-floor commercial space. The redevelopment of this underutilized property will create a new, four-story, 42-unit luxury apartment building. The street-level retail space will be anchored by an exciting food experience that will be a welcome addition to the neighborhood. In order to begin this redevelopment, the Applicants are proposing new construction that requires the following dimensional variances:

1. Article 1306.01(a)(4): The minimum lot area per unit in this zone is 1,200 square feet per unit. The Applicants propose to reduce this to 1,150 square feet per unit for a total of 42 units.
2. Article 1322.03(II)(5)(ii): The Applicant proposes to waive the physical separation requirement for 40 or more spaces. Applicant proposes approximately 84 contiguous stalls to maximize off-street, surface parking for the project.
3. Article 1306.01(a)(4)(f), 1322.03(II)(7)(ii): The Applicant is required to have a 20-foot side yard, but proposes five feet consistent with urban or semi-urban infill projects.
4. Article 1319.04, 1319.05(A)(1): This section requires one 11’x35’ loading space. A loading area is proposed as set forth on the enclosed plan is smaller than 11’x35’.
5. Article 1311.08(c), (e), 1318.23: The Applicants propose eliminating the required landscape screening along Broad Street to maximize off-street, surface parking. Applicant will provide new masonry wall without the additional plantings.

6. Article 1322.03(II)(5)(i): This section prohibits parking spaces that are closer than 15 feet to the proposed building. In an effort to maximize off-street, surface parking, Applicant proposes including a portion of the access drive and spaces as set forth on the plan within 15 feet of the building.
7. Article 1318.23: The Applicant proposes to eliminate the required buffer yards along rear and east side lot lines to accommodate the Project dimensions.
- ✓ 8. Article 1318.23(i)(2): The Applicant proposes to eliminate the required eight-foot required buffer yard on the western lot side.
- ✓ 9. Article 1318.23(l): The Applicant proposes to reduce the required eight-foot buffer strip along the public right of way to 2.5 feet on the northern side of the property to accommodate the design and size of the Project.
- ✓ 10. Article 1306.01(b)(2), 1311.08(a): The Applicant proposes parking that extends slightly beyond the face of the building, instead of completely setback in accordance with the zoning ordinance. Applicant intends to construct a masonry wall for screening.
11. Article 1319.03(h): The Applicant proposes a variance from of the requirement of screening on the rear property line (across from Walnut Street) due to a lack of room on the property.
12. Special Exception, Article 1319.02(b)(6): The Applicant seeks a special exception for reduction in the total number of parking spaces. The total parking required under the ordinance for the residential portion of the Project is 74 and 29 for the retail portion of the Project, for a total of 103 spaces. The Applicant proposes providing 78 spaces as a minimum, a 25% reduction in the parking requirements based upon a shared parking arrangement as set forth in the zoning ordinance.

We would ask that you kindly add this application to your next upcoming agenda, where we can provide a description of these variances and the reasons justifying the Zoning Hearing Board granting the relief. Please let me know if you need anything further. Thank you.

Very truly yours,

Florio Perrucci Steinhardt Cappelli Tipton & Taylor LLC

/s/ Seth R. Tipton

Seth R. Tipton