

**CITY PLANNING COMMISSION
MINUTES OF MEETING
January 14, 2021 – 5:00 P.M.
TOWN HALL AND VIRTUAL MEETING**

Participants: Commission Members – Mr. Malozi, Mr. Barker, and Ms. Cohen. City staff included Darlene Heller and Tracy Samuelson of the Planning and Zoning Bureau, Amy Rohrbach of the Engineering Bureau, Tiffany Wells of the Traffic Bureau, and Attorney Edmund Healy as Solicitor to the Commission. Attending virtually were Abraham Atiyeh, Atty. Brian Panella, Bill Rountree, and Chris Peters. Attending in person were Andrew Estojak, Debra Shulski, Kurt Hutter, and Chris Dailey.

Mr. Malozi explained the new rules of a hybrid meeting as both live and virtual.

1. **ELECTION OF OFFICERS** – Mr. Edmund Healy, Solicitor for the Commission, presided over the meeting during the nomination and election of the Chairperson. Mr. Malozi made a motion to nominate Rob Melosky as the Chairperson of the Commission. No other nominations were offered, therefore Mr. Melosky will be the Chairperson for 2021. Mr. Barker made a motion to nominate Matt Malozi as the Vice Chairperson. No other nominations were offered for Vice Chairperson, therefore Mr. Malozi will be the Vice Chairperson for 2021. Ms. Cohen nominated Ms. Heller to be the Secretary to the Commission. Since there were no other nominations, Ms. Heller is the Secretary for 2021.
2. **APPROVAL OF MINUTES – December 10, 2020.**

Ms. Cohen made a motion to approve the minutes of the December 10, 2020 Planning Commission meeting. The motion was seconded by Mr. Barker and passed with a 3–0 vote.

3. SIDEWALK DEFERRAL REQUEST

- a. **708-742 Jennings Street.** The applicant proposes a DEFERRAL OF SIDEWALK on a corner lot in which an addition to an auto body shop is being proposed.

Mr. Andrew Estojak, the property owner, was present. He is making this request because this is a corner lot and there are steep slopes on both Jennings St and Win Drive. His application for a lot consolidation plan with a building addition to his auto body repair shop brought about the requirement to install sidewalks. Amy Rohrbach, project engineer for the City, stipulated that retaining walls may be needed on Jennings St but they would not be necessary on Win Drive. There is a 10' grass right of way on Win Drive and sidewalks could be erected close to the existing curb on that street. Mr. Estojak stated he owned this property since 1997-98 and he would be the first property owner to install sidewalk on either street. The estimate for installation is over \$150,000.00. He stated that when the two roads were widened, the banks were created which will now need retaining walls if the sidewalk is required. He added relocating this building addition to a separate building, which would make the lot consolidation unnecessary, is not an option since the use of the building will be a technology center for automobiles. He stipulated the closest bus stop is a quarter of a mile away from the site. Mr. Malozi agreed with Ms. Rohrbach's memo to the Planning Commission regarding the sidewalk installation, but he would

like the City to prioritize areas of the City for sidewalk and require a more systematic installation. A good example of systematically installing sidewalks is the entire Schoenersville Road corridor. A motion was made by Mr. Malozi and seconded by Mr. Barker to grant the sidewalk deferral request. The sidewalk deferral request was approved by a 3 to 0 vote.

4. DESIGN GUIDELINE WAIVER REQUESTS

- a. **(20-002 Sketch Plan) - 20080007 – 505 Wyandotte St and 414-420 Broadway –** Zoned CB, plan dated March 3, 2020 and last revised December 2, 2020. The applicant proposes to combine 4 lots into one 25,507 sf lot to construct an AutoZone retail store with off street parking. Waiver requests are from Design Guidelines in Sec. 1311 of Zoning Ordinance.

Atty. Debra Shulski and Kurt Hutter were present representing the developer, Bill Rountree was representing Wright Partners, and Chris Peters, the project's civil engineer, was also in attendance. Atty. Shulski reminded the Commission the AutoZone Site Plan review was discussed at their October 2020 meeting. The AutoZone group was agreeable to revising the plan based upon the comments at that meeting. Pedestrian friendliness was a key point, but it is a challenging site with 3 frontages. The developer agreed to redesign the access point on Broadway so exiting tractor trailers would not invade other driving lanes or the driveway divider. They agree to keep Sheets St one way east (as opposed to 2 way) and they added significant landscaping to the project. They also moved the building up to the Wyandotte St property line.

The following 5 design requirement waiver requests were discussed next:

- **1311.10.m.** This requirement to avoid one story buildings on blocks where existing structures are 2 stories or higher. Atty. Shulski stated since the building is 23' high, she believes they meet the spirit of this Section. Ms. Samuelson stated that since no 2nd story windows are proposed on the Wyandotte St side, the appearance of 2 stories is not truly met. Second story windows should be added to this façade.
- **1311.10.h.** Outward street orientation with storefronts, entrances and windows relating to the street is not met in part, stated Ms. Samuelson, The entrance was relocated to Wyandotte St but many of the windows are not see-through.
- **1311.05.e.** This section requires that blank walls without at least one door and one window shall not face an arterial street and retail stores in particular shall have display windows facing a street. Ms. Samuelson stated the proposed windows facing Broadway and Wyandotte are tinted or opaque glass, neither of which constitute display windows nor comply with the intended result of this subsection.
- **1311.05.f.** Tractor trailer loading dock visibility from a street is prohibited. The applicant stipulated tractor trailer truck only delivers to the site once a week and does not remain there.
- **1311.08.b.** This section prohibits new driveways entering or exiting an arterial street, but the Bureau has no problem granting this waiver since entering Broadway is preferred.

Mr. Malozi asked if smaller truck deliveries were an option. Mr. Hutter stated the WB50 is the standard delivery truck. AutoZone can require off peak hour deliveries. The hours of operation are 7:30 am to 10 pm (Mon-Sat) and 7:30 am to 9 pm on Sundays. Mr. Hutter said additional landscaping can be added along Wyandotte to limit the tractor trailer visibility.

Mr. Malozi asked about environmental mitigation during site development. Mr. Rountree from Wright Partners stipulated they would conduct a Phase Environmental Study. They will have a groundwater monitoring well and the underground storage tanks are already removed.

Atty. Shulski stated the land development plans are completed and ready to be submitted. Mr. Hutter said the seller has owned the property for 5 years. He considers this use to be low impact in terms of traffic volume. If this use does not get approved, it is possible the vacant auto service use may re-open on the site. Mr. Barker asked if customers would work on cars in front of the store. Mr. Hutter stated only something like windshield wiper installation would be permitted, but nothing more extensive. He added that there are more than 6,000 AutoZone stores worldwide. Mr. Malozi asked if any other stores use smaller trucks. Chris Peters, the project civil engineer, stated that the store manager received several hours' notice regarding the truck arrival time and blocks off the parking spaces that will need to be open for the tractor trailer encroachment. The ingress and egress onto Broadway was redesigned to prevent left turns and to enable the tractor trailer to stay in its own lane when entering Broadway.

Ms. Cohen was concerned about the stacking of cars on Sheets Street. Ms. Wells stated that currently cars can turn left while traveling south on Wyandotte and enter Sheets St. The City is exploring with PennDOT restricting left turns onto Sheets St. They were discussing this restriction even before this project was submitted.

Mr. Malozi asked what makes this site attractive to the developer. They stated the density in the area and the demographics. They redesigned their plan to limit it to 5 waiver requests. Ms. Heller stated when McDonalds and the bank submitted development plans, the Zoning Ordinance did not contain Design Guidelines. The City's Walkability Study stresses making our main corridors more inviting. Our Retail Corridor Study discourages tinted glass. We need windows to promote interaction with the street. She also informed the Commission that the Mayor's letter dated January 13, 2021 stated he did not support the waiver requests at this highly visible 5 Points intersection and suggests they find a more appropriate location.

Mr. Rountree stated they made significant changes to the prototype AutoZone model. They need opaque windows at certain locations since they are located on walls where storage is occurring. They could ask AutoZone to place higher 2nd story windows on the Wyandotte façade. They also agree to the AutoZone tractor trailers making only right turns onto Broadway.

Each of the 5 waivers from Section 1311 were voted on next:

- Mr. Barker made a motion to grant the waiver to Article 1311.10.m. It was seconded by Mr. Malozi and approved by a 2 to 1 vote with Ms. Cohen voting to deny the waiver.
- Mr. Barker made a motion to grant the waiver to Article 1311.10.h. It was seconded by Mr. Malozi and granted by a 2 to 1 vote. Ms. Cohen voted to deny the waiver.
- Mr. Barker made a motion to grant the waiver to Article 1311.05.e. Mr. Malozi seconded the motion and it was granted by a 2 to 1 vote. Ms. Cohen voted to deny the waiver.
- Mr. Barker made a motion to grant the waiver to Article 1311.05.f. Mr. Malozi seconded the motion and it passed by a 3 to 0 vote.
- Mr. Barker made a motion to grant the waiver to Article 1311.08.b. Mr. Malozi seconded the motion and it passed by a 3 to 0 vote.

5. ZONING TEXT AND MAP AMENDMENTS

a. Amendment and Overlay Request by Bethlehem Manor Village to Expand the Institutional Overlay to the Institutional Zone at Center and Dewberry.

Mr. Chris Dailey, Lidl's Real Estate manager, was present and Mr. Abraham Atiyeh, the developer, was present virtually. Mr. Atiyeh stated that the last use he proposed for the site was a grocery store in which he did not get the zoning amendment approval from City Council. Now he is proposing the allowance of a grocery store use as an Overlay to the Institutional Zone at this site only. He explained that Route 512 (Center Street) is no longer a quiet road. It is a highway with a lot of traffic. Placing a grocery store here is a good use. Neighbors will be able to walk to the store.

Mr. Dailey reviewed the history and expansion of the Lidl Stores. They are part of the Schwarz Group, which is the third largest food retailer. Lidl opened its first store in 1973 in Germany. They expanded to the US in 2017, which was the first location outside of Germany. They have over 11,000 stores in Europe and the US and are active in 32 countries. They opened 10 stores in PA. By the end of 2021, they expect to open 150 stores in the US. They are a discount grocer and won many awards for sustainability.

Mr. Malozi stated the Commission's role is to review the Institutional Overlay grocery store use.

Ms. Heller stated historically, the applicant requested approval for a grocery store on this site. The Commission must consider whether a grocery store is a proper use on this site. She stated we have many areas of the city already zoned for commercial uses, and the Planning Bureau does not see the need to create additional commercial space. It is difficult to support all the commercial areas we currently have, including Route 412, Stefko Blvd, W. Broad St and BethWorks. Farrington Square is zoned Institutional Overlay to create a transition from the Southside Downtown to the Lehigh campus.

She added that there are two lots on the proposed Overlay site plan. She is uncertain how the second lot would be used. She added that the requirements for Institutional Overlay districts cannot be met in this case: no college or university is nearby and no more than 20% of the total floor area of the overlay district can consist of commercial uses,

Atty. Bryan Panella was present virtually representing Greg Zebrowski, a neighbor. He agrees with the comments by Ms. Heller and wants the Commission to recommend denial of the zoning overlay request. The only reason this lot was kept empty and not built upon was because Mr. Atiyeh chose not to build uses he received permission to build. Mr. Atiyeh responded that he could place a rubber manufacturing plant on the site as a permitted use.

Mr. Malozi stated the Commission must make a recommendation to City Council. He added that some elements of the request comply with the I-O regulations and some the applicant do not meet. For example, the site is not surrounded by a college, but it is surrounded by residential neighborhoods.

Mr. Barker made a motion to recommend approval of the overlay request. Ms. Cohen seconded the motion. The motion failed by a 1-2 vote with Mr. Malozi and Ms. Cohen voting no.

b. Amending Section 1322.03(II)(4) to amend provisions for multi-family dwellings in the CB and CL Zoning Districts.

Ms. Heller explained that many multifamily development standards are exempted in the IR-R zone, which is a very similar zone to the CB and CL Zones. These 3 zones contain more compact sites with shared parking. This Ordinance proposes that the same exemptions that apply to the IR-R zoning district also apply to the CB and CL zoning districts. Some examples include exemptions regarding the 15' separation between the building and the parking lot, the size of the parking area, and the increased building setback as the building height increases.

Ms. Cohen made a motion to approve the Ordinance. Mr. Barker seconded the motion. The Commission approved the zoning ordinance amendment by a 3 to 0 vote.

A. 2020 ANNUAL REPORT.

This item was tabled until February when all Commission members would be present.

B. DISCUSSION ITEMS

There were no discussion items. The meeting adjourned at 7:30 P.M.

ATTEST:



Darlene Heller, Commission Secretary