

CITY OF BETHLEHEM

Inter-Office Memorandum

SUBJECT: Request for City Planning Commission review of City Council-initiated amendment of Bill 16-2021, a privately-proposed zoning text amendment ordinance affecting the former Martin Tower site at 1170 8th Avenue

TO: Darlene L. Heller, Director of Planning and Zoning

FROM: Robert G. Vidoni, Esq., City Clerk


DATE: June 16, 2021

Enclosed as Attachment A is a City Council-initiated amendment (“Council Amendment”) of Bill 16-2021, a privately-proposed zoning text amendment ordinance affecting the Office Mixed Use District at the former Martin Tower site located at 1170 8th Avenue (“Original Bill”). The Original Bill was amended by the Council Amendment at the June 15, 2021 Council meeting. A public hearing on the Original Bill, as amended by the Council Amendment, is scheduled for July 20, 2021.

Please forward this communication to the City Planning Commission (“CPC”) with a request to add review of the Council Amendment to their next meeting agenda and, if possible, to provide Council with comments by Thursday, July 15, 2021, or earlier if possible.

The CPC and the Planning and Zoning Bureau previously reviewed the developer’s zoning amendment petition that served as the basis for the Original Bill and their comments are enclosed as Attachment B.

Thank you for your assistance and please let me know if you have any questions.


Robert G. Vidoni, Esq.
City Clerk

Attachments

cc: Members of Council
J. Spirk, Jr., Esq.
Mayor Donchez
A. Karner
T. Samuelson
M. Dorner
C. Bartera

ATTACHMENT A

City Council Amendment of Bill 16-2021, a privately-proposed zoning text amendment affecting the Office Mixed Use District at the former Martin Tower site at 1170 8th Avenue in Bethlehem, PA

BILL NO. 16-2021

ORDINANCE NO. 2021 - _____

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING PART 13 OF THE CODIFIED ORDINANCES RELATING TO ZONING WITH RESPECT TO PROPERTIES IN THE OMU DISTRICT BY AMENDING SECTION 1311(a)-(b) PERTAINING TO THE CONFIGURATION OF OFF-STREET PARKING AND DRIVEWAY ACCESS ONTO ARTERIAL STREETS AND SECTION 1314.02(b)(5) TO LESSEN THE MINIMUM REAR YARD SETBACK.

THE COUNCIL OF THE CITY OF BETHLEHEM HEREBY ORDAINS AS FOLLOWS:

SECTION 1. That in Article 1311.08(a) of the Zoning Ordinance, which currently reads that:

No new off-street parking spaces shall be placed between a principal building and the curb line of an arterial street along the front of the lot. Existing parking spaces may be rearranged, provided they do not result in an increase in off-street parking spaces in such location. ~~In the OMU District, parking spaces placed between a principal commercial building and the curb line of an arterial street along the front of the lot shall be limited to one (1) driving aisle and one (1) row of parking spaces.~~

Shall be amended to read:

No new off-street parking spaces shall be placed between a principal building and the curb line of an arterial street along the front of the lot. Existing parking spaces may be rearranged, provided they do not result in an increase in off-street parking spaces in such location. ~~Article 1311.08(a) does not apply to the OMU District. In the OMU District, parking spaces placed between a principal commercial building and the curb line of an arterial street along the front of the lot shall be limited to two (2) driving aisles and four (4) rows of parking spaces.~~

SECTION 2. That in Article 1311.08(b) of the Zoning Ordinance, which currently reads that:

No new vehicle driveway shall enter or exit onto an arterial street, unless the applicant proves that no feasible alternative exists, such as use of alleys or a side street.

Colón Amendment, passed June 15, 2021, amending Bill 16-2021 (Martin Tower Zoning Text Amendment)

Colón Amendment Deletions: ~~Red strikethrough~~

Colón Amendment Insertions: Blue underline

Shall be amended to read:

No new vehicle driveway shall enter or exit onto an arterial street, unless the applicant proves that no feasible alternative exists, such as use of alleys or a side street. Article 1311.08(b) does not apply to the OMU District.

SECTION 3. That in Article 1314.02(b)(5) of the Zoning Ordinance, which currently reads:

Minimum Rear Yard Setback ~~30~~ Feet***

Shall be amended to read:

Minimum Rear Yard Setback 20 Feet***

SECTION 4. All Ordinances and parts of Ordinances inconsistent herewith be and hereby are repealed.

Sponsored by _____

PASSED finally in Council on the ____ day of _____, 2021.

President of Council

ATTEST:

City Clerk

This Ordinance approved this _____ day of _____, 2021.

Mayor

AMENDMENT SPONSORS

/s/ Michael G. Colón

/s/ Adam R. Waldron

ATTACHMENT B

Prior City Planning Commission comment letter on the privately-proposed zoning text amendment affecting the Martin Tower site Office Mixed Use District

CITY OF BETHLEHEM

Department of Community and Economic Development

Interoffice Memo

TO: Adam Waldron, City Council President

FROM: Darlene L. Heller, Director of Planning and Zoning

RE: Zoning Text Amendment – Related to the OMU (Office Mixed Use) zoning district at the Martin Tower site 1170 8th Avenue

DATE: March 12, 2021

At their March 11, 2021 meeting the Planning Commission voted unanimously to recommend that City Council support the proposed Zoning Ordinance text amendments proposed at the Martin Tower site at 1170 8th Avenue. A copy of the Planning Bureau memo to the Planning Commission dated March 5, 2021 is attached.

A public hearing has been scheduled for Tuesday, April 20, 2021.

Feel free to contact our office if you need additional information.

Attachments

CC: City Council Members J. Spirk Mayor Donchez A. Karner
T. Samuelson C. Peiffer W. Leeson
Lewis Ronca



Darlene L. Heller, AICP
Director of Planning and Zoning

CITY OF BETHLEHEM

Department of Community and Economic Development

Interoffice Memo

TO: Planning Commission members

FROM: Darlene L. Heller, Director of Planning and Zoning

RE: Proposed Zoning Text Amendments related to the OMU (Office Mixed Use) zoning district at the Martin Tower site

Attached are Zoning Ordinance text amendments submitted by the property owner to address specific provisions of the current zoning for the OMU (Office Mixed Use) zoning district at the Martin Tower site. The proposal requests three separate revisions to the text:

- 1311.08(a) "In the OMU District, parking spaces placed between a principal commercial building and the curb line of an arterial street along the front of the lot shall be limited to (1) driving aisle and one (1) row of parking spaces." The applicant requests that there shall be no limit to the amount of parking between the front lot line and the building in the OMU district.
- 1311.08(b) "No new vehicle driveway shall enter or exit onto an arterial street, unless the applicant proves that no feasible alternative exists, such as use of alleys or a side street." The applicant requests that this provision shall not apply in the OMU district.
- 1314.02(b)(5) requires a 30 foot rear yard setback. The applicant proposes a 20 foot rear yard setback.

The OMU zoning district was created in December 2015 at the Martin Tower site at Eighth and Eaton Avenues. As a part of that proposal, there were also modifications made to Article 1311, "Design Standards in the CL, CB, RT and OMU Zoning Districts". The amendments created an entirely new district for that property. The parcel is approximately 52 acres.

In March 2019 a Master Plan was submitted for the site prior to demolition of Martin Tower. The Planning Commission reviewed the Plan and provided comments at that time. The current nonresidential uses shown in this zoning appeal are generally in keeping with the Master Plan submitted in 2019.

The following are comments from the Planning Bureau related to the three sections of the Zoning Ordinance as they are listed in the appeal:

1311.08 Parking and Driveways (a) parking in front of principal buildings – (Item 7 of the Petition and Exhibit A and A-1) The current limitation of one drive aisle and one row of parking spaces between a principal building and an arterial street was included in the 2015 OMU zoning amendments to limit the amount of macadam in front of a development. In fact, in CB, CL and RT zoning districts, NO parking spaces are permitted between a principal building and an arterial street. Parking is required to be placed to the rear of buildings. The one row and one drive aisle exception was created in OMU to match the existing layout of parking immediately to the west across Eighth Avenue where one drive aisle and one row of parking already exists in that recent development. There are commercial buildings on 8th Avenue north of Eaton Avenue that have additional parking in front of the buildings, but most of them were constructed prior to development of Zoning Design Guidelines in 2012. In situations where the Zoning Ordinance has not required limited parking in front of principal buildings, the City has still tried to encourage and advocate for limited parking in front of buildings. The Planning Bureau prefers that the

parking and macadam area in front of principal buildings remain limited. The bulk of parking should be to the rear or the interior of the lot.

1311.08 Parking and Driveways (b) entering and exiting onto an arterial street – (Item 8 of the Petition and Exhibits B and B-1) This section prohibits any new vehicle driveway to enter or exit onto an arterial street. Both 8th Avenue and Eaton Avenue are arterial streets. This provision essentially prohibits any new vehicle access to the site. However, when the commercial development on the west side of 8th avenue was constructed, a new access point with a traffic signal was created. At the time, it was anticipated that the any new access point that would be created would logically be located where it would utilize this traffic signal at the east side of 8th Avenue. The proposed new driveway is in keeping with the anticipated layout at the existing traffic signal. Therefore, the Planning Bureau has no objection to this proposed amendment.

1314.02(b)(5) Rear Yard Setback – (Item 9 of the Petition and Exhibits C and C-1) The OMU district currently requires a 30 foot rear yard setback for non-residential buildings. The proposed text amendment reduces the setback to 20 feet. The OMU district is designed to allow for dense development. In addition, any rear yards would be interior to the overall project since front yards would be associated with the arterial streets. Therefore, the Planning Bureau has no objection to this proposed amendment.

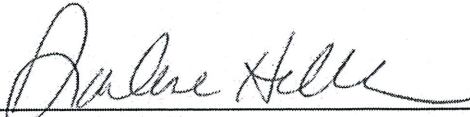
Recommendation

The Planning Bureau supports the proposed text amendments related to access to arterial streets 1311.08(b) and reduction of the rear yard setback 1314. The Planning Bureau does not support the exemption from the requirement to limit the amount of parking between the front lot line and a principal building, especially since the proposed text amendment completely exempts the requirement and provides no upper limit.

We have placed this amendment on your March 11, 2021 agenda for consideration. We can provide more detailed information at that time.

CC: T. Samuelson
A. Karner
Mayor Donchez
C. Peiffer
E. Healy
Lewis Ronca

DATE: 3-5-21



Darlene L. Heller
Director Planning and Zoning