



FITZPATRICK
LENTZ & BUBBA
ATTORNEYS AT LAW

Email: tschlegel@flblaw.com
Direct Dial: 610-797-9000 ext. 304

MEMORANDUM

TO: Bethlehem City Council
CC: Bethlehem City Clerk
FROM: Thomas J. Schlegel, Esquire
DATE: September 12, 2019
RE: Proposed Re-Zoning – 2015 City Line Road

As further detailed in the Petition, City Line Associates, LLC is the equitable owner of 2015 City Line Road (the "Subject Property"). City Line Place, LLC, the title owner of the Subject Property, joins in the Petition. The Subject Property is in Lehigh Valley Industrial Park I ("LVIP I") and contains a 53,049 square foot industrial building (the "Building"), which is presently vacant. The Subject Property is zoned CS – Shopping Center; however, the majority of adjacent land in LVIP I is zoned PI – Planned Industrial. Petitioner proposed to change the Zoning Map so that the Subject Property is zoned PI – Planned Industrial. Petitioner intends to lease the Subject Property to a tenant that will engage in manufacturing use, which are generally permitted in the PI zoning district but not the CS zoning district. Manufacturing uses are common in LVIP I and the Building is appropriate for this type of end user. Additionally, the proposed re-zoning is a natural extension of the existing PI – Planned Industrial zoning district and would not constitute spot zoning.

CITY OF BETHLEHEM
10 E. Church Street
Bethlehem, PA 18018

PETITION TO THE CITY COUNCIL OF THE CITY OF BETHLEHEM
FOR AMENDMENT TO THE CITY ZONING ORDINANCE BY
REVISION TO THE CITY ZONING MAP

Members of City Council:

The undersigned, principals of owner City Line Place, LLC and equitable owner City Line Associates, LLC, hereby request City Council to rezone the following tract of land or amend the zoning map in the following manner:

3.564 acres, situate in the City of Bethlehem, Lehigh County, known as 2015 City Line Road (Lehigh County Tax Parcel ID 641859363067-1) (“Subject Property”). This requests that the Subject Property be rezoned from the CS – Shopping Center District zoning classification to the PI – Planned Industrial District zoning classification.

The reason for this rezoning petition is:

City Line Associates, LLC (“Petitioner”) is equitable owner of the Subject Property and is presently under contract to purchase the Subject Property from title owner City Line Place, LLC, who joins in making this petition. Petitioner is seeking to rezone the Subject Property from its current CS – Shopping Center District zoning classification to the PI – Planned Industrial District zoning classification, and in support thereof cites the following reasons:

1. The Subject Property is wholly located in Lehigh Valley Industrial Park I (“LVIP I”), which was developed for industrial and not shopping center uses.

2. The Subject Property is bounded by City Line Road and City Line Place and includes sufficient road frontage for uses permitted in the PI – Planned Industrial District.

3. The Zoning Ordinance describes the purpose of the PI – Planned Industrial zoning district as: “To permit and encourage modern industrial development in a park-like setting. To provide a desirable location for those types of industry which are harmonious with, and do not constitute a hazard or nuisance to surrounding areas. To maintain landscaped area as part of each lot, to encourage architectural harmony, and to create an aesthetically pleasing and functional business park.” LVIP I, in which the Subject Property is located, is presently developed as a comprehensive industrial park, has a mature road and utility infrastructure, and close to the Schoenersville Road and Route 22 interchange.

4. The majority of properties surrounding the Subject Property are already zoned PI – Planned Industrial District and the requested rezone of the Subject Property is most appropriate

and does not create spot zoning or reflect preferential treatment for the Subject Property. Rather, the existing and adjacent PI - Planned Industrial zoning district would merely be extended to include the Subject Property.

5. The existing building on the Subject Property is industrial in nature, which limits the Subject Property's usefulness and marketability for reasonable uses as zoned.

6. The Lehigh County tax assessment for the Subject Property classifies the Subject Property as "Industrial".

7. Petitioner intends to have the Subject Property used for permitted purposes pursuant to PI – Planned Industrial District zoning.

8. There is no harm to the immediate neighborhood if the rezoning is granted and the intended use will be complimentary to and in conformance with existing uses.

9. The rezoning to PI – Planned Industrial District zoning district classification will have positive economic and tax generation benefits for the City of Bethlehem.

10. The following exhibits are submitted in support of this request:


- Exhibit A – Deed to the Subject Property with complete legal description.
- Exhibit B – Detail of the zoning map depicting the affected area to be rezoned.
- Exhibit C – Lehigh County tax assessment of the Subject Property.

For the aforesaid reasons, it is respectfully requested that the Subject Property be rezoned to the PI – Planned Industrial District zoning classification, pursuant to prevailing City Ordinance and the Pennsylvania Municipalities Code.

Respectfully submitted,

City Line Associates, LLC,
By its counsel
Fitzpatrick, Lentz & Bubba, PC

By: _____

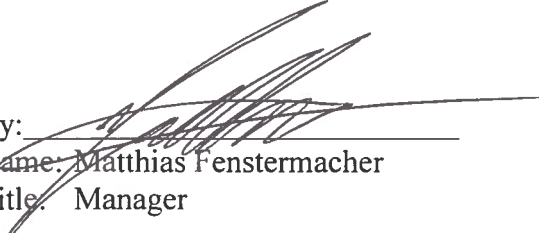

Thomas J. Schlegel, Esquire
Fitzpatrick, Lentz & Bubba, P.C.
4001 Schoolhouse Lane, PO Box 219
Center Valley, PA 18034-0219
610-797-9000

Date: September 12, 2019

NOTARIZED AFFIDAVIT
OF OWNERSHIP OF LAND
REQUESTED TO BE REZONED

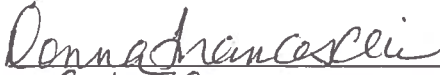
This affidavit certifies that City Line Associates, LLC is the equitable owner of 50% or more of the land requested to be rezoned located at 2015 City Line Road (the "Subject Property") as shown on the attached map, from CS – Shopping Center District to PI – Planned Industrial District. City Line Place, LLC, the present title owner of the Subject Property, joins in making this affidavit.

CITY LINE ASSOCIATES, LLC

By: 
Name: Matthias Fenstermacher
Title: Manager

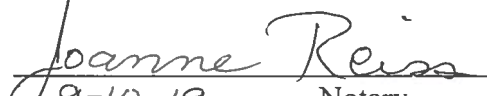
CITY LINE PLACE, LLC

By: 
Name: Thomas G. Jebran
Title: Member


9-10-19, Notary

(Notary Seal)

Commonwealth of Pennsylvania - Notary Seal
Donna Franceschini, Notary Public
Lehigh County
My commission expires December 31, 2021
Commission number 1280914
Member, Pennsylvania Association of Notaries


9-10-19, Notary

(Notary Seal)

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Joanne Reiss, Notary Public
City of Allentown, Lehigh County
My Commission Expires Nov. 22, 2019
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

EXHIBIT "A"
[Vesting Deed / Legal Description]

KCA

Prepared by: Boyer, Holzinger,
Harak & Scmillio
1216 Linden Street
Bethlehem PA 18018
610-867-5023

Return to: All American
Settlement Services
4400 Walbert Avenue
Allentown PA 18104
610-432-4400

MAIL

DEED

THIS DEED, made the 31st day of July in the year
Two Thousand Eight (2008).

BETWEEN 2015 CITY LINE ASSOCIATES, L.P., a Pennsylvania
Limited Partnership, hereinafter called "Grantor"

-AND-

CITY LINE PLACE, LLC, hereinafter called "Grantee"

WITNESSETH, that in consideration of Three Million One
Hundred Thousand and no/100 (\$3,100,000.00) Dollars, in hand paid,
the receipt whereof is hereby acknowledged, the said Grantor does
hereby grant and convey to the said Grantee, its successors and
assigns,

Tract #1:

ALL THAT CERTAIN lot or parcel of ground situate in the City of
Bethlehem, County of Lehigh, Commonwealth of Pennsylvania, being



Lot #64 and the western one hundred feet of Lot #63 on Revised Subdivision, Lehigh Valley Industrial Park, Inc., recorded in the Office of the Recorder of Deeds in and for Lehigh County in Map Book Volume 8, Page 4, and bounded and described in accordance with and as shown on a certain Plan #1201, Sheet #9 entitled "Resubdivision of Lots 63 and 64, Plan of Lehigh Valley Industrial Park, Inc.", prepared by A. W. Martin Associates, Inc., dated April 7, 1970, as follows:

BEGINNING at a point on the southerly right-of-way line of City Line Road (sixty (60) feet wide), said point being the following two (2) courses and distances from the intersection of the centerlines of City Line Road and Bethlehem-Schoenersville Road (L.R. 48049, as widened to 66.5 feet by the addition of 33.5 feet to the southwesterly side thereof): (1) South 65° 55' 50" West, three hundred fifty-four and forty-four hundredths (354.44) feet along said centerline of City Line Road to a point; and (2) South 24° 04' 10" East, crossing the southerly half of City Line Road, thirty (30) feet to the point of beginning; thence from said point of beginning along land now or late of Lehigh Valley Industrial Park, Inc. (Lot #63), South 24° 04' 10" East, three hundred ninety-two and sixty-eight hundredths feet to a point; thence along lands now or late of General Welding Co., South 56° 01' 20" West, one hundred ninety-seven and sixty-six hundredths (197.66) feet to a point; thence along lands now or late of Lehigh Valley Industrial Park, Inc. (Lot #62), South 66° 25' 40" West, one hundred ninety-five and thirty hundredths (195.30) feet to a point; thence along lands now or late of Bethlehem Risk Corporation, North 24° 04' 10" West, four hundred twenty-five (425) feet to a point on the southerly right-of-way line of City Line Road; thence along said right-of-way line, North 65° 55' 50" East, three hundred ninety (390) feet to the first mentioned point and place of beginning.

Tract #2

ALL THAT CERTAIN lot or parcel of land, situate along the Southerly side of City Line Road in the Thirteenth Ward, City of Bethlehem, County of Lehigh, Commonwealth of Pennsylvania, being Lot #65 as shown on Revised Subdivision of Lehigh Valley Industrial Park, Inc., dated July, 1965, said plan being recorded in the Office of the Recorder of Deeds in and for Lehigh County at Allentown in Map Book Volume 8, Page 4, bounded and described as follows:

BEGINNING at a point on the Southerly line of City Line Road, a city street sixty (60) feet in width, said point being distant seven hundred forty-seven and seventy-one hundredths (747.71) feet on a bearing of South 65° 55' 50" West from the intersection of the



Southerly line of City Line Road and the centerline of Schoenersville Road, Legislative Road #48049; thence, along Lot #64 of said plan South 24° 4' 10" East four hundred twenty-five (425) feet to a point; thence, along Lot #62 of said plan South 65° 55' 50" West two hundred ninety (290) feet to a point on the Easterly line of City Line Place, an unopened street sixty (60) feet in width; thence, along the Easterly line of City Line Place North 24° 04' 10" West three hundred eighty-five (385) feet to a point of curvature; thence, by a curve to the right the radius of which is forty (40) feet, an arc length of sixty-two and eighty-three hundredths (62.83) feet to a point of tangency; thence, along the Southerly line of City Line Road North 65° 55' 50" East two hundred fifty (250) feet to the point or place of beginning.

Less and excepting all that certain parcel of land as described in Deed recorded in Lehigh County Deed Book Volume 1618 at page 0798.

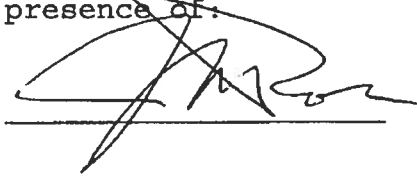
UNDER AND SUBJECT to all easements, conditions, restrictions, and ordinances appearing of record.

BEING THE SAME PREMISES WHICH L-M-K Co., Inc., a Pennsylvania corporation by Indenture dated March 23, 2007 and recorded in the Office for the Recording of Deeds in and for Lehigh County at Allentown, Pennsylvania in Document ID 7407441 granted and conveyed unto 2015 City Line Associates, L.P., a Pennsylvania limited partnership, Grantor herein.

AND the said Grantor does hereby WARRANT SPECIALLY the property hereby conveyed,

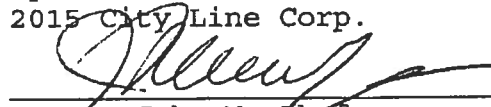
IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal the day and year first above written.

SIGNED, SEALED and DELIVERED in the presence of:



2015 CITY LINE ASSOCIATES, L.P., a Pennsylvania Limited Partnership, by its General Partner 2015 City Line Corp.

By:

 (SEAL)
Name: John M. Phufas
Title: President

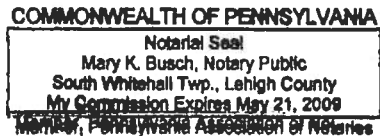
COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF LEHIGH)

On this, the 31st day of July, 2008, before me, a Notary Public, the undersigned officer, personally appeared John M. Phufas, the President of 2015 City Line Corp., the General Partner of 2015 City Line Associates, L.P., a Pennsylvania Limited Partnership, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

Mary K. Busch

Notary Public



I HEREBY CERTIFY that the precise address of the Grantee herein is:

c/o Transbridge Realty
2012 Industrial Drive
Bethlehem PA 18017-2134
Mary K. Busch

On behalf of the Grantee

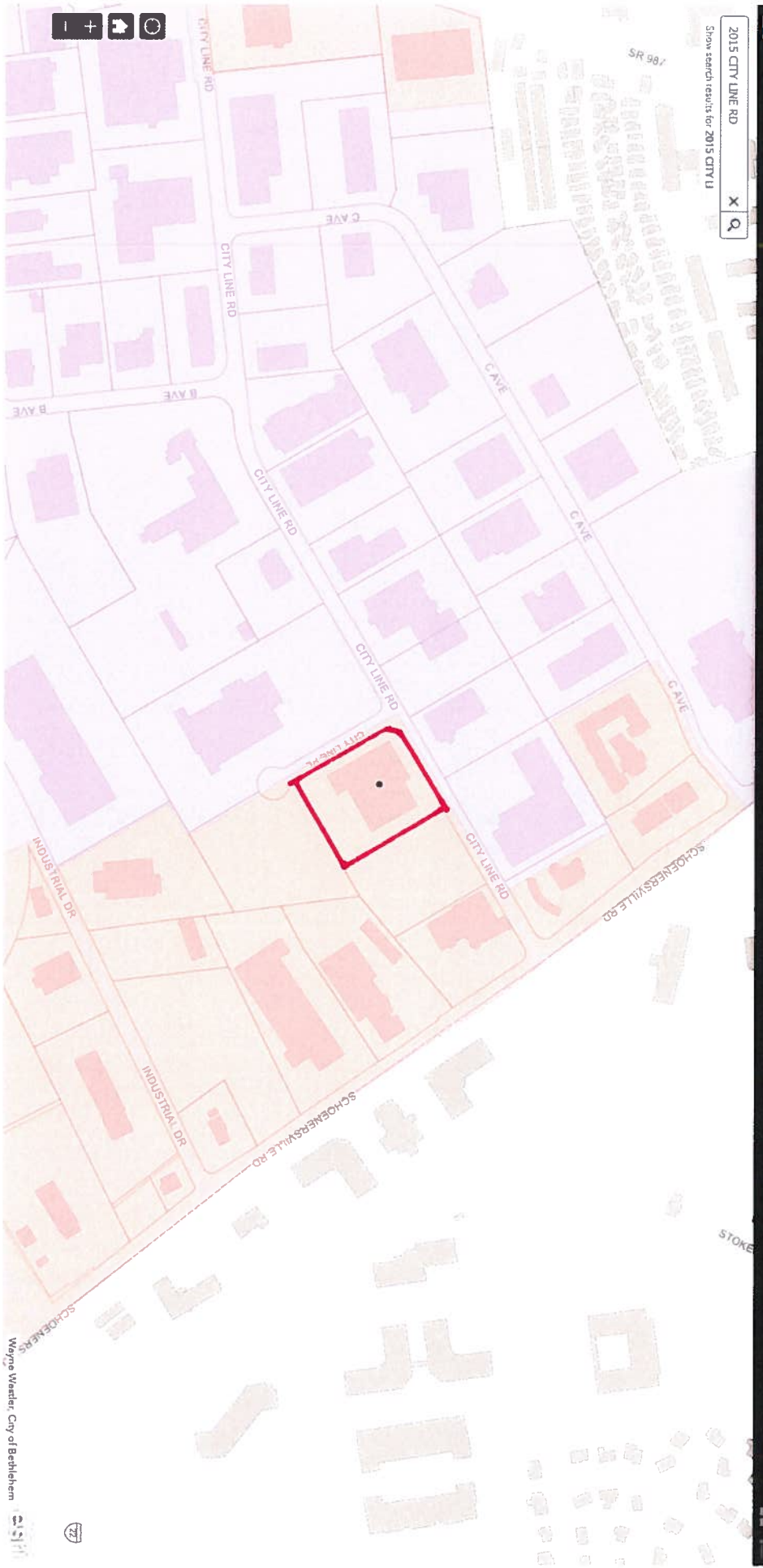


EXHIBIT "B"

[Detail of the zoning map depicting the affected area to be rezoned]

2015 CITY LINE RD X Q

Show search results for 2015 CITY U



LIGHT PURPLE - PI Planned Industrial zoning district
LIGHT ORANGE - CS Shopping Center zoning district
Petition to rezone red outlined property - 2015 City line road from CS zoning district to PI zoning district.

EXHIBIT "C"
[Lehigh County tax assessment of the Subject Property]

Search Result Print View - Public

Street View



Property Overview

	2019
Owner Name	CITY LINE PLACE LLC
Owner Address	C-O TRANSBRIDGE REALTY 2012 INDUSTRIAL DR BETHLEHEM PA 18017-2134
Property Address	2015 CITY LINE RD BETHLEHEM PA 18017
Parcel Viewer	View in Parcel Viewer
Low Number	2015
High Number	2015
Unit/Lot	
Sub Division	LVIP I
Tax Authority	CITY OF BETHLEHEM
School District	BETHLEHEM SCHOOL DISTRICT
Parcel Id	641859363067 1
Old Parcel Id	03 13 F10NE2 001 001
Tile	486103
Acres/Dimension	3.564 ACRES
Lot Sq Ft	0
Utilities	PUBLIC WATER/SEWER
Class	INDUSTRIAL
Land Use	IP - 1 ST WHSE - MFG 50000 TO 100000 SQFT
Living Units	0
Zoning	CS
Homestead Act 72	You may apply if it is your permanent primary residence.
Preferential Land Act	NO
Agricultural Easement	NO
Assessment Base Year	2013
Total Assessment	Exempt Land 0 Exempt Building 0 Taxable Land 213,800 Taxable Building 2,189,000 Total 2,402,800 Taxable Total 2,402,800
	Mills Taxes
County	3.640000 \$ 8,746.19

		2019	
Taxes	School	18.030000	\$ 43,322.48
	Municipality	5.760000	\$ 13,840.13
	Total		\$ 65,908.80
Bill Number	031301288		
LC_PropertyAddress	2015 CITY LINE RD BETHLEHEM PA 18017		

Basic Commercial Profile

		2019	
Type of Building	LIGHT MANUFACTURING		
Floor Area	53049		
Number of Stories	1		
Year Built	1971		
Type of Heating/Cooling	SPACE HEATER, W/FAN OR RADIANT		
Elevator	NO		
Sprinklers	YES		
Basement Area	0		
Assessment Base Year	2013		
Additional Information	PAVING, MEZZANINE, CANOPY, OMP'S, , , , ,		

Sales History

Sale Date	Owner Name	Document Id	Sale Price
07/2008	CITY LINE PLACE LLC	7492285	\$ 3,100,000
03/2007	2015 CITY LINE ASSOCIATES LP	7407441	\$ 1,600,000
01/1972	L M K MFG CO INC	1145/1104	\$ 1,100,000

Footprint

