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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 Ordinance Amendment and Overlay request to expand the Institutional – Overlay to the Institutional Zone at Center and Dewberry Streets
Petition submitted by Bethlehem Manor Village LLC

DATE: January 20, 2021

At their January 14, 2021 meeting the Planning Commission voted unanimously to recommend that City Council should NOT support the proposed Zoning Ordinance and map amendment to allow a new Overlay in the Institutional Zoning District at Center and Dewberry Streets.

Attached is the memo and background information that was forwarded to the Planning Commission prior to their meeting.

This proposal was submitted for consideration by a private property owner. I believe this is scheduled for a public hearing at your February 16 meeting.

Attachments

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



Darlene L. Heller, AICP
Director of Planning and Zoning

CITY OF BETHLEHEM

Department of Community and Economic Development Memo

TO: Planning Commission members

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

RE: Zoning Ordinance Amendment and Overlay request to expand the Institutional – Overlay to the Institutional Zone at Center and Dewberry Streets
Petition submitted by Bethlehem Manor Village LLC

Included in your packet today for your review and consideration is a proposal to expand the existing Institutional Overlay (I-O) to Center and Dewberry Streets. In July 2020 you reviewed a similar zoning amendment request at this property to allow a grocery store as a permitted use in the Institutional Zoning District. That request was ultimately denied by City Council.

This current proposal is similar since the ultimate goal of the proposal is to allow a grocery store at the site, however, instead of adding the grocery store use to the entire Institutional Zoning District, this proposal requests the expansion of an existing Institutional-Overlay just to this parcel.

DISCUSSION

As described in section 1303.07(g) of the Zoning Ordinance, the Institutional District is intended “to provide areas for large educational, medical and health, and public institutions within which facilities to meet their needs may be developed.”

The I-O, Institutional-Overlay, is defined and described in section 1312 of the Zoning Ordinance. 1312.01(b) states that, “the I-O District is intended to serve as a transitional area between a college or university and a CB district”. It was originally created to allow Lehigh University to develop some commercial uses at Farrington Square to create a transition area between the south side downtown and the University Campus. The existing overlay area is very limited in area and was designed to create an opportunity that encourages students and faculty to visit the downtown. Article 1312 is attached for reference.

Currently, in any other Institutional District, commercial uses are limited to accessory uses within larger institutional facilities. “Personal services, restaurants or cafeterias without drive-through service, a laundromat, a financial institution, and retail stores may be allowed as accessory uses in a hospital, medical office building or college or university building provided they do not have their own exterior entrance and are primarily designed to serve students, staff or patients of the institution.” These uses are not currently allowed in the I District as stand-alone uses.

The overlay is proposed on the 5 acre parcel at Center and Dewberry Streets where assisted living and residential units have previously been proposed. The site plan in Exhibit D of the applicant's submission shows an approximately 31,000 square foot grocery store on a 3 acre parcel. The remaining Parcel B does not show a proposed use. If the overlay is approved, then any of the other permitted uses in the existing I-O Overlay (Article 1312) would be permitted on Parcel B.

The main difference between the July 2020 proposal for a grocery store at this property and this current proposal, is that the prior proposal would have permitted a grocery store on any institutionally zoned property in the city. The current proposal would limit the commercial uses to this specific property at Center and Dewberry Streets, however all of the provisions of the overlay would apply.

The use of an overlay in a Zoning Ordinance is typically used sparingly and only in specific cases. The existing overlay was intended to create a transition zone between Lehigh University and the CB zoning district in order to increase student and faculty visits to the downtown businesses and to also create an environment where residents and visitors of south Bethlehem would feel comfortable entering and experiencing the Lehigh campus. The existing I-O overlay is appropriate to expand commercial opportunities abutting the CB zone. The existing site at Center and Dewberry Streets is not near other commercial areas and the overlay does not provide any transitional purpose.

Although only a grocery store is currently proposed on this site, the overlay allows a broader range of uses including personal service uses, restaurants, financial institutions and other uses.

The overlay zone also has some requirements that are unique to the existing area abutting the Lehigh Campus including limitation of commercial space to only 20% of the floor area within the overlay and requiring that the space is intended to serve the college/university community. These overlay requirements don't apply and don't make sense at the Center & Dewberry site.

The Institutional Zone includes a variety of uses that serve the public such as places of worship, schools, colleges, medical centers, hospitals, society or organization of a public character and/or the building or buildings used by such organizations. Commercial/retail uses are not included in the intended uses listed in the definition or the purpose section for the typical Institutional Districts.

The impacts and traffic generation from a grocery store can be more intense than those uses typically permitted in the Institutional zone.

Additionally, there are food deserts in the City of Bethlehem, but they are not located in the area near Center and Dewberry Streets. In addition, the review of the prior grocery store proposal showed that there are several grocery stores surrounding this site, including Giant on Union Boulevard, Valley Farm Market on Stefko Boulevard, Azar Market on Linden Street, Weis Market on Schoenersville Road and Price Rite on 8th Avenue.

COMPREHENSIVE PLAN

The Future Land Use section of the Bethlehem Comprehensive Plan discusses the protection of residential neighborhoods by promoting compatible land uses at appropriate densities. Additionally, it recommends differentiating between business uses that should be permitted near neighborhoods and those that should not.

The Comprehensive Plan describes "Neighborhood Commercial" land use areas included on the zoning map (such as East and West Broad Street), but those areas are a very different mix of uses and building types than any of the City's Institutional zones. In addition, Bethlehem includes a large portion of commercial/retail zones for a city of this size, including two downtowns, Stefko Boulevard, Route 412, BethWorks, Martin Tower, Linden Street, Broad Street, Schoenersville Road, Easton Avenue, Airport Road, etc. It is challenging to continue to support each of these areas with a healthy mix and variety of retail and commercial uses. It hasn't been demonstrated that Bethlehem can support additional retail sites.

The Comprehensive Plan describes the area surrounding the institutional properties of Center and Dewberry as low density and medium density residential areas.

RECOMMENDATION

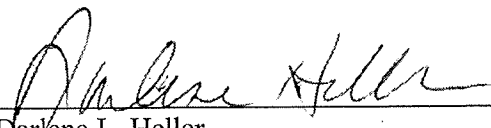
The Planning Bureau does not recommend approval of the Institutional Overlay zone at this site. The purpose and intent of the original overlay are not met at this site. In addition, some of the Additional Requirements in the overlay are not applicable to the property in question. Placement of random commercial uses at this location are not in keeping with the overall goals and intent of the Comprehensive Plan. The proposed commercial uses would be best suited for one of the commercial zoning districts in other areas of Bethlehem.

This item is placed on your January 14 Planning Commission agenda for consideration.

cc: Mayor Donchez
A. Karner
T. Samuelson
E. Healy
C. Peiffer
Bethlehem Manor Village LLC

Enclosure

DATE: 1-8-21



Darlene L. Heller
Director of Planning & Zoning

ARTICLE 1312
ADDITIONAL REQUIREMENTS IN THE I-O
INSTITUTIONAL OVERLAY DISTRICT

1312.01 Applicability.

(a) The I-O Institutional Overlay District shall serve as an overlay district to the I Institutional District. The I-O District shall exist within land areas designated on the Zoning Map. Within the I-O District, all of the same regulations shall apply as apply within the I District, except for provisions specifically modified by this Article 1312.

(b) The I-O District is intended to serve as a transitional area between a college or university campus and a CB District.

1312.02 Additional Uses Allowed in the I-O District.

(a) Within the I-O District, the following additional uses shall be allowed, in addition to uses allowed in the I District:

- (1) Multiple family dwellings
- (2) Retail stores, such as pharmacy, drugstore, clothing store, grocery store, convenience store, newsstand, bookstore, movie store or music store, but not including sale of on-road motor vehicles
- (3) Personal service uses, such as Barber or Beauty Shop, Salon, Day Spa or Tanning Business
- (4) Restaurants and retail bakeries
- (5) Laundromats and dry cleaning shops
- (6) Copy centers
- (7) Bicycle sales and service shop enclosed within a building
- (8) Post office
- (9) Computer sales and repair store and custom assembly
- (10) Financial institutions

1312.03 Additional Requirements in the I-O District.

- (a) The total floor area of the commercial uses within the overlay district shall not exceed 20% of the total floor area within the overlay district.
- (b) Although the commercial uses shall be open to the public, each building and use shall be designed as part of the college/university and intended to serve the college/university community including students, employees and visitors.
- (c) Setbacks and building facade designs shall match and/or provide an orderly transition between the college and adjacent commercial properties.
- (d) Pedestrian access to the commercial uses shall be provided in a safe, attractive, and convenient manner, including such features as parks, plazas, atriums or courtyards.
- (e) Sales of gasoline or similar vehicle fuels shall be prohibited.
- (f) Vehicle drive-through facilities shall be prohibited.
- (g) Adult Oriented Establishments shall be prohibited.