

# 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:** Proposal to rezone parcels at Creek and Friedensville Roads from RR – Rural Residential to R-RC – Residential Retirement Complex

**DATE:** March 6, 2020

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Attached is a map and rezoning appeal dated December 19, 2019 and submitted by the property owner to rezone two parcels at the northeast corner of Creek and Friedensville Roads from RR, Rural Residential, to R-RC, Residential Retirement Complex. An additional response and narrative dated January 31, 2020 were submitted on February 28, 2020 and are also attached for consideration.

#### **Background**

This appeal is submitted by the property owner with the intent to construct an approximately 15,000 square foot, 4 story assisted living facility including 20 one-bedroom and 20 two-bedroom units and a 60 space parking lot. This use is not permitted in the current RR zoning district.

These two parcels are located at the very south east corner of the City. The eastern border of the property is the municipal boundary between Bethlehem and Hellertown, which is also Saucon Creek. The southern border of the property is Friedensville Road, which is the municipal boundary between the City and Lower Saucon Township. Water Street Park and the Heller Homestead Park abut these properties in Hellertown Borough and Lower Saucon respectively. Stever Mills, a limited zoning overlay district consisting of upscale twin dwellings, sits on the west side of Creek Road across from the proposed area to be rezoned. The overlay was approved in 2003.

#### **Discussion**

These two parcels have a combined area of approximately 10.5 acres and currently consist largely of open space. The parcels include a single family dwelling with driveway access off of Creek Road and a barn to the rear.

The RR-Rural Residential zoning district, is intended to provide for low density neighborhoods that are primarily comprised of single family detached dwellings. A few other uses are permitted by special exception, including a place of worship, school or government facility. Maximum building coverage is 15% and maximum impervious coverage is 50%. The maximum permitted building height is 35 feet and 2 ½ stories.

The R-RC, Residential Retirement Complex zoning district, provides for coordinated residential development for persons of retirement age, including communal dining, open space, shared parking and recreational facilities to allow for ancillary health care facilities. The definition of “Residential Retirement Complex” notes that it is a “planned residential development . . . which provides certain health care facilities for the residents.” The narrative and the site plan show the existing house as a Club House for “administrative services, group gatherings and other events.” The R-RC zoning district also allows additional uses not included in this plan proposal, such as community recreation center, adult daycare center or a place of worship.

In the R-RC district the maximum building coverage is 25%. There is no maximum impervious coverage. The maximum permitted building height is 45 feet and 4 stories. The minimum lot size is 10 acres. Other R-RC districts include Moravian Village and Kirkland Village.

The entire parcel is located in the floodplain. Site work and construction are proposed in the “1% Annual Chance Flood Hazard” zone or the 100-year flood zone. Any new construction and site work will need to be compliant with the Floodway and Flood Fringe Districts article in the Zoning Ordinance and all other applicable ordinances, including construction of all base floor construction at least 1 ½ feet above flood levels.

RR zoning is utilized in areas that are environmentally sensitive (such as steep sloped areas, wooded areas or floodplain areas, etc.), include agricultural land uses or have limited infrastructure so that impacts of development are limited.

The R-RC zoning district allows a significantly greater amount of coverage than the current RR zone. Although the 40 unit development shown on the site plan requires less than the maximum permitted building and impervious coverage in either zoning district, future phases could be constructed. Additionally, the proposed 4-story building is greater in height than the 2 ½ stories currently permitted in the RR zone.

Although the Zoning Ordinance requires 28 parking spaces for the proposed use, the development shows over twice that amount or 60 total spaces. Any proposed development impacting a floodplain should be developed in a way that minimizes impacts and the overall amount of impervious coverage.

### **Recommendation**

Because the parcel is located in a flood prone area and abutted by the Saucon Creek and parkland to the east and the south, the Planning Bureau does not support the rezoning of the parcel to R-RC at this time.

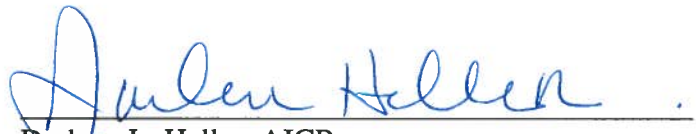
This item is placed on your March 12, 2020 Planning Commission agenda for consideration. The Planning Commission makes a recommendation to City Council for the ultimate Ordinance and Zoning Map revision.

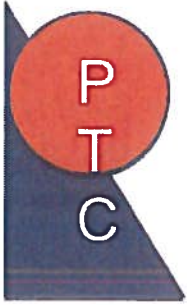
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cc: Mayor Donchez  
A. Karner  
E. Healy  
T. Samuelson  
C. Peiffer  
Sue Kandil. Penn Technology Consulting LLC  
Abraham Atiyeh, Creek Investors LLC  
Atty. Ronald Corkery, Corkery & Almonti

File

DATE: 3-6-20

  
\_\_\_\_\_  
Darlene L. Heller, AICP  
Director Planning and Zoning



# PENNTC TECHNOLOGY CONSULTING, LLC

P.O. Box 66, Fogelsville, PA 18051

Phone: 610-730-9809 [suekandil3@gmail.com](mailto:suekandil3@gmail.com) <http://penntc.com>

Land Development /Site/Civil Engineering

December 11, 2019  
Bethlehem City Council  
10 East Church Street  
Bethlehem, PA 18018

**RE: 2105 Creek Road, Parcel Q7 9 7 0204 and Parcel Q7 9 6 0204  
Rezoning Request  
RR Zoning District (Existing)**

Dear Council Members,

On behalf of the Applicants, Creek Investors, LLC & Exchange 9, LLC, the owners of Parcels Q7 9 7 0204 and Q7 9 6 0204, we are requesting the rezoning of the two tracts which are located in the RR Rural Residential Zoning District to R-RC Residential Retirement Complex Zoning District. A copy of the proposed plan is hereby attached.

## **Request for Rezoning to R-RC**

1. The Applicant desires to establish a Residential Retirement Complex located off of Creek Road in City of Bethlehem. The Property will consist of 40 units, 20 units one bedroom and 20 units two bedrooms, with 60 parking spaces structures. The existing house will be used as a club house for administrative services, group gatherings for activities, and other events. The building will be served by public water and sanitary.
2. The Present R-RC Zoning District is presently limited to three areas within Bethlehem City. Adding another area within the Bethlehem City map meets a growing need for the aging Baby Boomer generation while allowing them to age in the City and not move to other municipalities that offer residential retirement complex.

If you have any questions, please feel free to contact me.

Sincerely,

Sue Kandil, P.E.  
President  
610-730-9809

**CITIZEN PETITION FOR REZONING PURSUANT TO CITY ARTICLE 1326**

TO: BETHLEHEM CITY COUNCIL

RE: REZONING REQUEST  
2105 CREEK ROAD, PARCELS Q7 9 7 0204 and Q7 9 6 0205  
APPLICANTS: CREEK INVESTORS, LLC and EXCHANGE 9, LLC

1. Applicants, Creek Investors, LLC and Exchange 9, LLC, are the owners of two tracts totaling 10.4776 acres of land located at 2105 Creek Road in the RR Rural Residential Zoning District.

2. Applicants hereby respectfully requests City Council to rezone the tracts to R-RC Residential Retirement Complex Zoning District.


3. Appended hereto, in accordance with the Citizen Initiated Rezoning Request Document Submission Checklist, is the following:

- (a) \$200.00 filing fee check made payable to City of Bethlehem.
- (b) Cover Memo dated December 11, 2019 from Sue Kandil, P.E. addressed to Bethlehem City Council.
- (c) 10 Large Site Plans listing the required information.
- (d) Metes and bounds property description of tract to be rezoned.
- (e) Submission via email to [cityclerk@bethlehem-pa.gov](mailto:cityclerk@bethlehem-pa.gov).

4. Respectfully submitted by Abraham Atiyeh as the Manager and sole Member of Creek Investors, LLC, a Pennsylvania Limited Liability Company, and Exchange 9, LLC, a Pennsylvania Limited Liability Company, with offices located at 1177 Sixth Street, Whitehall, Lehigh County, Pennsylvania.

Applicant:

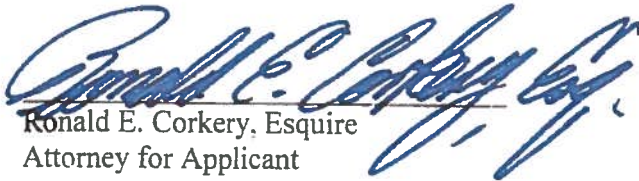
CREEK INVESTORS, LLC  
EXCHANGE 9, LLC

  
By: Abraham Atiyeh,  
Manager-Member

Date: December 11, 2019

Respectfully submitted,


CORKERY & ALMONTI

  
Ronald E. Corkery, Esquire  
Attorney for Applicant  
Attorney I.D. No. 19587  
352 Fifth Street, Suite A  
Whitehall, PA 18052  
Phone: 610-437-9867

COMMONWEALTH OF PENNSYLVANIA )  
 )  
 : ss:  
COUNTY OF LEHIGH )

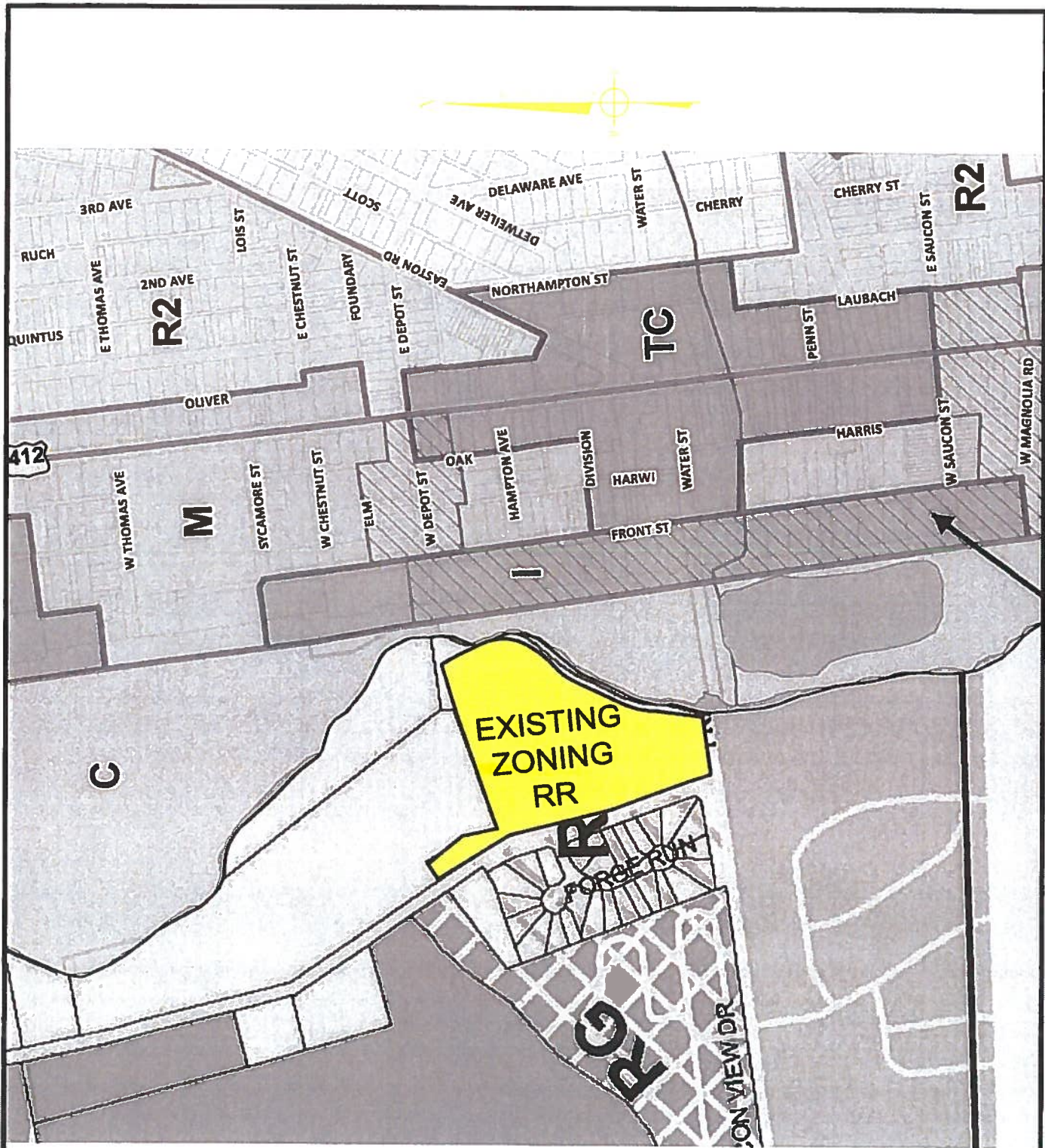
On this 11th day of December, 2019 before me, the undersigned officer, personally appeared the above-named Abraham Atiyeh, known to me, or satisfactorily proven to be the person whose name is subscribed to the foregoing Citizen Petition for Rezoning and he acknowledged that he is the Manager-Member of Cross Creek, LLC and Exchange 9, LLC, and is authorized to execute the foregoing Instrument, and that he executed the Petition for Rezoning for the purpose therein contained.

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

  
Notary Public

Commonwealth of Pennsylvania - Notary Seal  
Patricia F. Snyder, Notary Public  
Lehigh County  
My commission expires March 22, 2023  
Commission number 1156645  
Member, Pennsylvania Association of Notaries



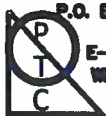


## EXISTING ZONING EXHIBIT

PROJECT: 2105 CREEK ROAD

CITY OF BETHLEHEM  
NORTHAMPTON COUNTY  
PENNSYLVANIA

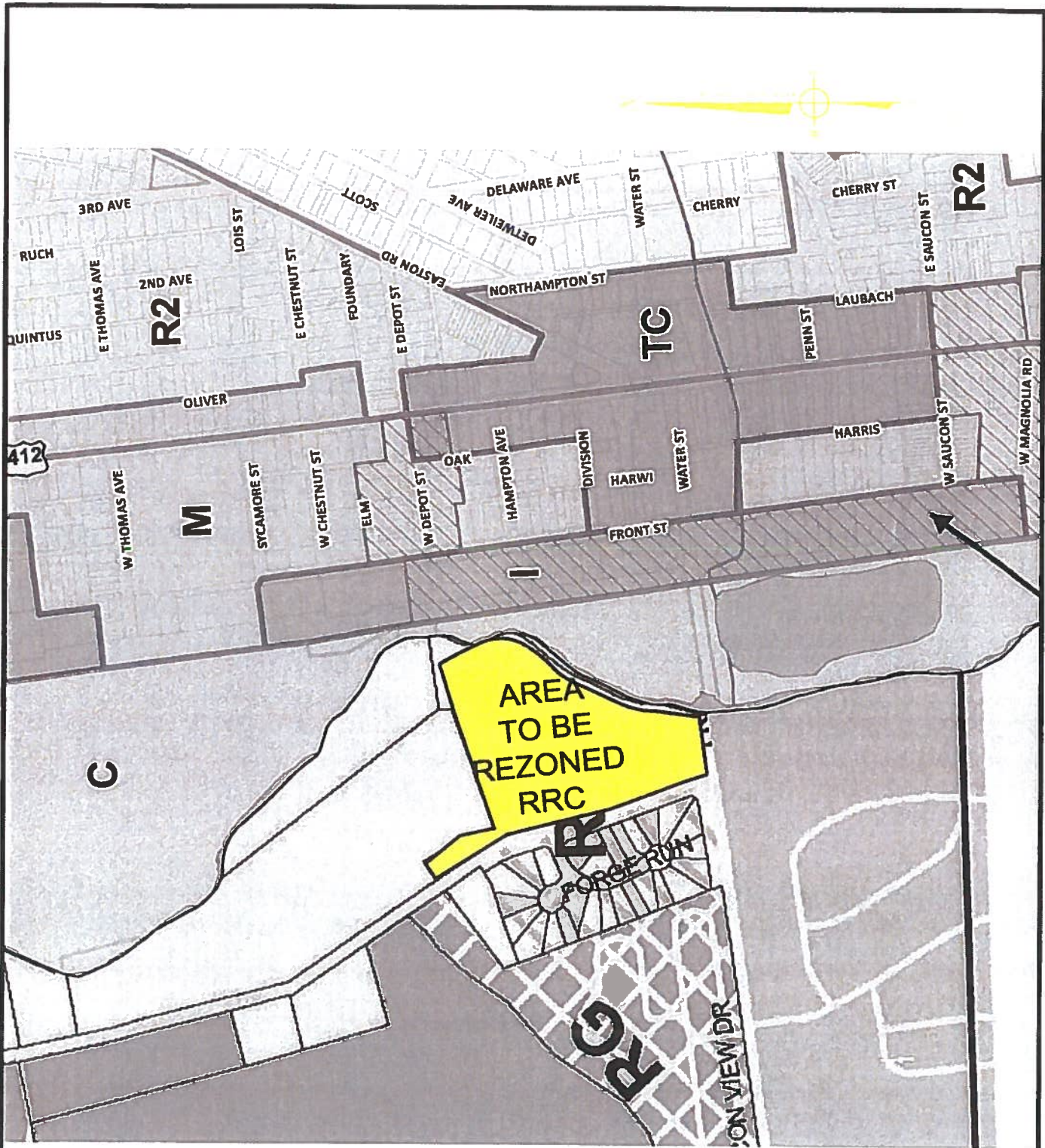
PENN TECHNOLOGY CONSULTING, LLC  
LAND DEVELOPMENT / SITE/CIVIL ENGINEERING  
P.O. BOX 66, FOGELSVILLE, PA 18051  
PHONE: 610-730-6809  
E-MAIL: SUEKANDL300@GMAIL.COM  
WEBSITE: HTTP://PENNTC.COM



SHEET NUMBER:	DATE:	SCALE:	DRAFTER:
1 OF 3	10/23/19	1"=500'	SK

**PENNSYLVANIA**  
VENTURE CAPITAL INC.  
823 3rd Street, Whitehall, PA. 18052 (610) 403-6666



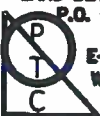


## AREA TO BE REZONING EXHIBIT

PROJECT: 2105 CREEK ROAD

CITY OF BETHLEHEM  
NORTHAMPTON COUNTY  
PENNSYLVANIA

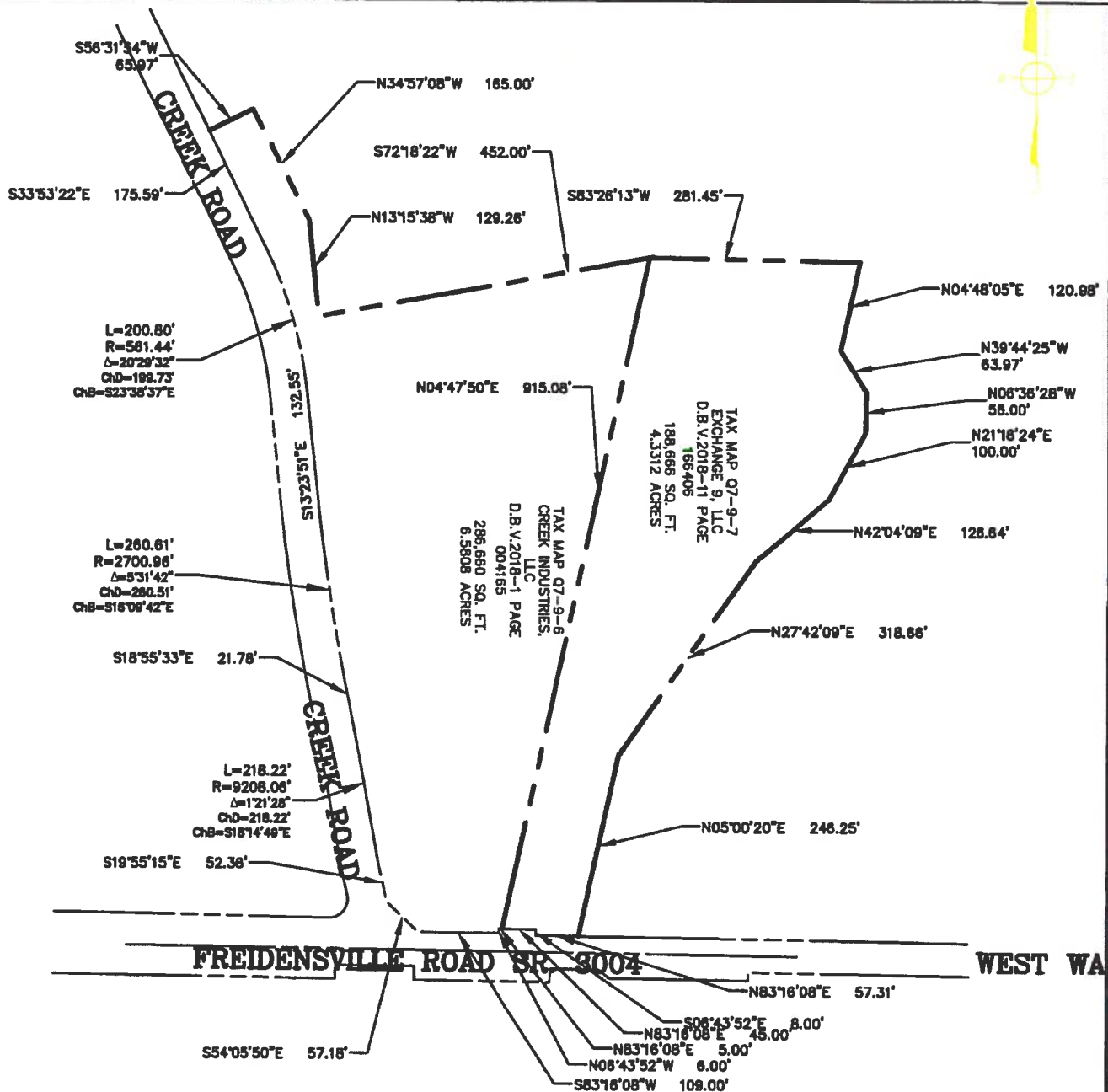
PENN TECHNOLOGY CONSULTING, LLC  
LAND DEVELOPMENT / SITE / CIVIL ENGINEERING  
P.O. BOX 66, FOGELSVILLE, PA 18051  
PHONE: 610-730-8808  
E-MAIL: SUEKANDL3@GMAIL.COM  
WEBSITE: HTTP://PENNTC.COM



SHEET NUMBER:	DATE:	SCALE:	DRAFTER:
2 OF 3	10/23/19	1"=500'	SK

**PENNSYLVANIA**  
VENTURE CAPITAL INC.  
823 3rd Street, Whitehall, PA. 18052 (610) 403-6666





## PARCELS EXHIBIT

PROJECT: 2105 CREEK ROAD

CITY OF BETHLEHEM  
NORTHAMPTON COUNTY  
PENNSYLVANIA

PENN TECHNOLOGY CONSULTING, LLC  
LAND DEVELOPMENT / SITE / CIVIL ENGINEERING  
P.O. BOX 68, FOGELSVILLE, PA 18051  
PHONE: 610-730-8800  
E-MAIL: SUEKANDL30@GMAIL.COM  
WEBSITE: HTTP://PENNTC.COM



**PENNSYLVANIA**  
VENTURE CAPITAL INC.

823 3rd Street, Whitehall, PA. 18052 (610) 403-8888

SHEET NUMBER:	DATE:	SCALE:	DRAFTER:
3 OF 3	10/23/19	1"=200'	SK

**I. Location:**

Located in City of Bethlehem, Northampton County, Pennsylvania, with an address of 2105 Creek Road, Bethlehem, PA 18015.

**II. Source of Title:**

Being lands now or formerly owned by Creek Industries, LLC and recorded in the office of the recorder of deeds in Northampton County, Pennsylvania in D.B.V. 2018-1 Page 004165.

**III. Description:**

Being more fully bounded and described as follows, to wit:

**Beginning** at a point on the western right-of-way line of Freidensville Road (S.R. 3004), said pin also being a easterly corner of the herein described lot, **Thence:**

Along the aforementioned western right-of-way line of Freidensville Road (S.R. 3004), the following three (3) courses and distances; VIZ;

1. North 83°16'08" East 109.00 ft. to a point;
2. North 06°43'52" West 6.00 ft. to a point;
3. North 83°16'08" East 5.00 ft. to a point on the southern property line of lands now or formerly Exchange 9, LCC (Tax Map Q7-9-7);
4. Along the aforesaid lands of Exchange 9, LLC, North 04°47'50" East 915.08 ft. to a point;

Along the lands now or formerly Mathew G. & Christopher Cummings (Q7-9-4), the following four (4) courses and distances; VIZ;

5. South 72°18'22" West 452.00 ft. to a point;
6. North 13°15'38" West 129.26 ft. to a point;

7. North 34°57'08" West 165.00 ft. to a point;
8. South 56°31'54" West 65.97 ft. to a point on the northern right-of-way of Creek Road;

Along the aforesaid right-of-way of Creek Road, the following eight (8) courses and distances; VIZ;

9. South 33°53'22" East 175.59 ft. to a point;
10. Along a curve to the right, having a radius of 561.44 ft., a central angle of 20°29'32", an arc length of 200.80 ft., and a chord bearing and distance of South 23°38'37" East 199.73 ft. to a point;
11. South 13°23'51" East 132.55 ft. to a point;
12. Along a curve to the left, having a radius of 2,700.96 ft., a central angle of 05°31'42", an arc length of 260.61 ft., and a chord bearing and distance of South 16°09'42" East 260.51 ft. to a point;
13. South 18°55'33" East 21.78 ft. to a point;
14. Along a curve to the right, having a radius of 9208.06 ft., a central angle of 01°21'28", an arc length of 218.22 ft., and a chord bearing and distance of South 18°14'49" East 218.22 ft. to a point;
15. South 19°55'15" East 52.36 ft. to a point;
16. South 54°05'50" East 57.18 ft. to the **point of beginning**.

Containing: 286,660 S.F. or 6.5808 Acres.

**Subject to:**

Subject to easements and right-of-ways that a full and complete title search might discover.

**I. Location:**

Located in City of Bethlehem, Northampton County, Pennsylvania, with an address of Freidensville Road, Bethlehem, PA 18015.

**II. Source of Title:**

Being lands now or formerly owned by Exchange 9, LLC and recorded in the office of the recorder of deeds in Northampton County, Pennsylvania in D.B.V. 2018-11 Page 166406.

**III. Description:**

Being more fully bounded and described as follows, to wit:

**Beginning** at a point on the western right-of-way line of Freidensville Road (S.R. 3004), said pin also being an easterly corner of the herein described lot, **Thence:**

Along the aforementioned western right-of-way line of Freidensville Road (S.R. 3004), the following three (3) courses and distances; VIZ;

1. North 83°16'08" East 45.00 ft. to a point;
2. South 06°43'52" East 8.00 ft. to a point;
3. North 83°16'08" East 57.31 ft. to a point on the southern property line of lands now or formerly Hellertown Borough (Tax Map Q7-10-4);

Along the aforesaid lands of Hellertown Borough, the following seven (7) courses and distances; VIZ;

4. North 05°00'20" East 246.25 ft. to a point;
5. North 27°42'09" East 318.66 ft. to a point;
6. North 42°04'09" East 126.64 ft. to a point;



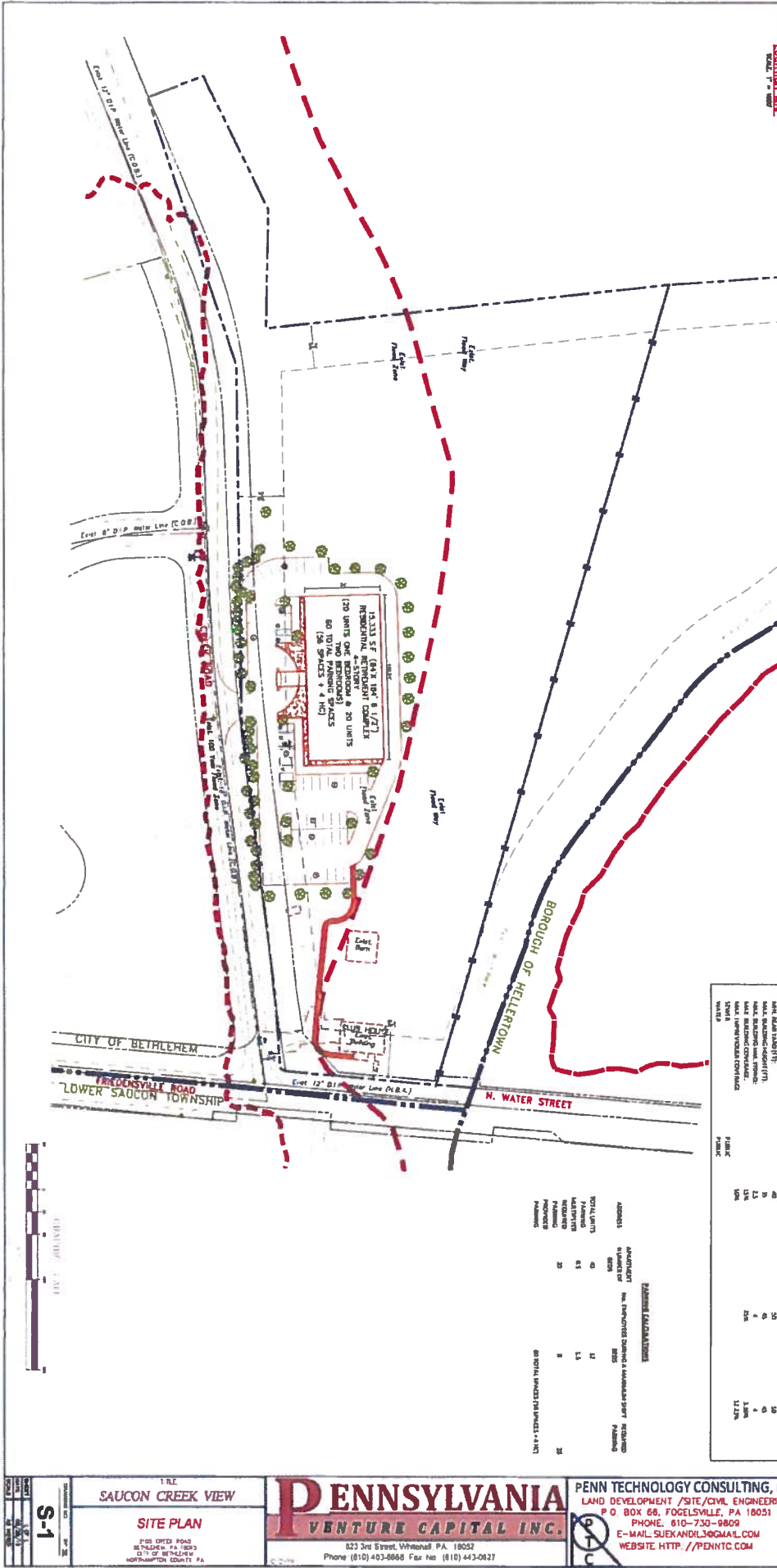
NORTHAMPTON COUNTY  
CITY OF BETHLEHEM  
TAX MAP Q7-9-7  
Page 2 of 2

7. North 21°18'24" East 100.00 ft. to a point;
8. North 06°36'28" West 56.00 ft. to a point;
9. North 39°44'25" West 63.97 ft. to a point;
10. North 04°48'05" East 120.98 ft. to a point on the eastern property line of lands now or formerly Bethlehem City (Tax Map Q7-9-5;
11. Along the aforesaid lands Of Bethlehem City, South 83°26'13" West 281.45 ft. to a point on the northern property line of lands now or formerly Creek Investors, LLC (Tax Map Q7-9-6);
12. Along the aforesaid lands of Creek Investors, LLC, South 04°47'50" West 915.08 ft. to the **point of beginning**.

Containing: 188,666 S.F. or 4.3312 Acres.

**Subject to:**

Subject to easements and right-of-ways that a full and complete title search might discover.

[illegible]

**BETHLEHEM INDEPENDENT LIVING AT THE SAUCON CREEK**

**RESPONSE TO**

**DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT INTEROFFICE MEMO**

**DATED JANUARY 31, 2020**

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Included in the supplemental submission is a project narrative to provide a better understanding of the project and the services available to the residents of the facility.

The proposed building will comply with the maximum permitted building height of 45 feet and four stories.

The proposed building will be two feet above the floodplain and, therefore, comply with the requirement for the base floor to be at least 1 ½ feet above flood levels. In addition and for purposes of safety, the parking lot will be above the base flood elevation. The applicant recognizes that it will be necessary to obtain all required regulatory approvals for the proposal as described above.

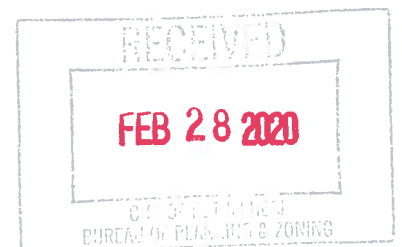
The applicant does not intend to construct any additional project phases on the property, particularly since the open space on the remainder of the property is considered a benefit and amenity for the building residents.

Although the proposal is a "Residential Retirement Complex" as listed in the Zoning Ordinance definition, it is an independent living facility which by definition necessitates more parking spaces than the amount required by the ordinance. The number of spaces proposed is based on the presumption that there will be a vehicle for each unit in addition to which additional spaces will be required for the staff and visitors.



# **BETHLEHEM INDEPENDENT LIVING AT THE SAUCON CREEK**

## **PROJECT NARRATIVE**





The property located at 2105 Creek Road Bethlehem, PA 18015 is truly a unique parcel. It is located in a beautiful, historic area that is a desirable location for both people to live and work. The proposed project, Bethlehem Independent Living at The Saucon Creek, would be an ideal addition to the City of Bethlehem and fulfill the demand for independent living for seniors in the City. This community would offer the residents weekly health checks by a physician. Similar to our Independent Living building at Saucon Valley Manor, each apartment will have a full kitchen and washer/dryer within the apartment.

The most exciting feature of this property is its proximity and connectivity to the South Bethlehem Greenway, a gorgeous trail with a park feature that connects this proposed project to the community and allows them to enjoy the splendor of nature. In addition, the ability to take strolls along the South Bethlehem Greenway trail will encourage active residents and promote health & wellness.

As the Vice President of The Manors of the Valley, I strongly believe that this project would fill a void in the senior living community. The Manors of the Valley, which includes Saucon Valley Manor, Whitehall Manor, Bethlehem Manor, & Parkland Manor, are senior living communities ranging in care levels from Independent Living to Advanced Memory Care. Our locally owned and operated facilities provide all-inclusive rates, dedicated staff, and quality of care that differentiate us as leaders in the community. We have been leaders in the community since 1998 and have recently been named Reader's Choice Best Assisted Living and Best Personal Care Home 2017, 2018, and 2019.

This proposed project would align perfectly with our comprehensive care levels provided to not only encourage residents to live in a beautiful community free of worry, but also ease

their minds with our “age-in-place” model where our other communities can accommodate residents’ advanced care needs.



## Lehigh Valley Planning Commission

GREG ZEBROWSKI  
Chair

STEVEN GLICKMAN  
Vice Chair

PAMELA PEARSON  
Treasurer

BECKY A. BRADLEY, AICP  
Executive Director

February 21, 2020

Darlene Heller, AICP  
Director of Planning and Zoning  
10 East Church Street  
Bethlehem, PA 18018

**RE: Zoning Map Amendment – RR to R-RC  
City of Bethlehem  
Northampton County**

Dear Ms. Heller:

The Lehigh Valley Planning Commission's (LVPC) Comprehensive Planning Committee will consider the subject amendment at its meeting on February 25, 2020, pursuant to the requirements of the Pennsylvania Municipalities Planning Code (MPC). The LVPC will issue a second letter on or after the Committee meeting should the Committee have any additional comments.

The proposed amendment changes the zoning of two parcels, located at 2105 Creek Road (PINs Q7 9 6 0204 and Q7 9 7 0204) from Rural Residential (RR) to Residential Retirement Complex (R-RC). This rezoning is generally inconsistent with the County Comprehensive Plan, *FutureLV: The Regional Plan*, because it is located entirely within a High Conservation Priority area of the Natural Resources Plan. High Conservation Priority areas are intended to be conserved, restored and enhanced in order to protect the character of the region.

The LVPC offers the following additional comments related to the proposed amendment in consideration of FutureLV:

### **Environmental Impacts**

The subject properties are located entirely within the Federal Emergency Management Agency (FEMA) Flood Way and AE Flood Zone (100-Year Flood Zone), where the proposed zoning for age-restricted residential development does not 'minimize environmental impacts of development to protect the health, safety and welfare of the public' (Policy 3.2). Development in the Flood Way and Flood Zone may also conflict with FEMA standards for critical facilities, those housing populations with limited mobility and others at-risk, as defined by FEMA.

**Hazard Mitigation and Economic Vitality**

Location in the floodplain does not 'incorporate resiliency and hazard mitigation into planning and design, including 100- and 500-year floodplains' (Policy 5.1), as it facilitates the introduction of housing for a traditionally lower-mobility population which may increase hazards during future flooding events. Construction in the floodplain does not 'provide a wide variety of attainable housing in locations that maximize social and economic opportunities for everyone' (Policy 4.5), due to the propensity for these areas to experience flooding losses.

**Emergency Response**

The LVPC encourages the City to further evaluate encumbrances on emergency personnel created by future development resulting from the proposed amendment. Emergency response efforts, directly or indirectly related to potential inclement weather events, may be hampered by the location of the subject property which does not 'enhance planning and emergency response efforts among emergency personnel' (Policy 5.1).

If you have any additional questions regarding the content of this letter, please do not hesitate to call. As a reminder, in accordance with MPC requirements, any ordinance amendments should be forwarded to the LVPC after official adoption. Thank you very much.

Sincerely,



Samantha Smith  
Chief Community Planner

cc: Robert G Vidoni, Esq., City Clerk  
Eric Evans, City Administrator





# BOROUGH OF HELLERTOWN

685 MAIN STREET

HELLERTOWN, PENNSYLVANIA 18055 -1745

610-838-7041 • FAX 610-838-0500

[www.hellertownborough.org](http://www.hellertownborough.org)

February 12, 2020

Darlene Heller  
Director Planning & Zoning  
City of Bethlehem  
10 E. Church Street  
Bethlehem, PA 18018

Dear Darlene,

The Hellertown Borough Planning Commission is in receipt of a zoning map amendment for 2105 Creek Rd., Bethlehem, PA. The applicant requests the rezoning of the parcel from RR (Rural Residential) to R-RC (Residential Retirement Complex).

The Hellertown Borough Planning Commission discussed this request at its February 11<sup>th</sup> meeting due to its proximity with Hellertown Borough.

The Hellertown Borough Planning Commission recommends that this parcel not be rezoned for the following reasons:

- The parcels proximity to flood hazard areas and the historical flooding of this area.
- Lack of pedestrian access from the parcel to areas west into Hellertown Borough.
- Public street access – including the narrowness of Creek Road and the possibility of vehicle conflict at Creek Road and Water Street – is inadequate.

Thank you for the opportunity to comment on this item.

Sincerely,

Joseph Pampanin  
Secretary, Hellertown Planning Commission