

**BEFORE THE ZONING HEARING BOARD
CITY OF BETHLEHEM, NORTHAMPTON COUNTY, PENNSYLVANIA**

SUPPLEMENTAL STATEMENT

IN RE: APPLICATION OF JERC PARTNERS XCII, LLC

I. BACKGROUND

JERC Partners XCII, LLC ("Applicant") is equitable owner of real estate located at 2141 Commerce Center Boulevard and * Commerce Center Boulevard (Northampton County Tax Parcel I.D. Nos. P7-21-1C-0204 and P7-21-1-0204) in the City of Bethlehem ("Property"). The Property is 26.73 acres in size and located in the IR (Industrial Redevelopment) Zoning District and within LVIP VII at the corner of Commerce Center Boulevard and S.R. 412. The legal owner of the Property is Lehigh Valley Industrial Park, Inc. Applicant proposes a resubdivision to redistribute acreage of the Property among two existing lots. Lot A would be 18.5 acres in size and Lot B would be 8.14 acres in size. Applicant proposes to build a 216,000 square foot warehouse/distribution building with associated parking on Lot A and a 101,000 square foot warehouse/distribution building with associated parking on Lot B. Lot A's intended tenant and the prospective tenant(s) for Lot B intend to use the Property as distribution as a principal use and/or warehouse or storage as a principal use which are permitted by special exception in the IR Zone. Applicant seeks special exception approval pursuant to Ordinance Sections 1305.01(e) and 1325.07 for these uses. Additionally, Applicant requests a variance from the parking requirements of Ordinance Section 1319.01(a)(4) for Lot B. The requested relief should be approved as outlined below.

II. REQUESTED RELIEF

Ordinance Section 1305.01(e) is the Table of Use portion of the Zoning Ordinance that regulates industrial uses in the IR Zone. Section 1305.01(e)(2) permits by special exception distribution as a principal use (other than a trucking company terminal) and warehousing or storage as a principal use. Lehigh Valley Industrial Park, Inc. has entered into an Agreement of Sale with the Applicant. The Property is two undeveloped lots located in the industrial park known as Lehigh Valley Industrial Park VII. LVIP VII was designed to accommodate special exception, distribution/warehousing and storage uses within the IR Zoning District in a safe manner consistent with the general requirements of such uses. Applicant proposes to develop the Property with a 216,000 square foot and a 101,000 square foot buildings for use as distribution and/or warehouse and/or storage as principal uses. The Property will have public road access onto Commerce Center Boulevard and SR 412. The proposed tenant for Lot A is intending to use Lot A for a cold storage warehouse and distribution facility. There is no specific tenant for Lot B.

Existing uses in the surrounding neighborhood include various new warehouse and distribution facilities, the Primark Distribution Center, Four Winds Concrete, Walmart E-Commerce Distribution Center, Crayola Distribution Center, and the Norfolk Southern Intermodal facility. An active railyard storing rail cars and a rail spur serving the Intermodal are located immediately south of the Property. Applicant's proposed special exception uses do not have specific objective criteria

pursuant to Ordinance Section 1322.03 of the Zoning Ordinance entitled "Additional Requirements for Certain Uses". Distribution and warehousing or storage as principal uses do have specific parking and off street loading requirements set forth in Ordinance Section 1319. While the exact identity of the proposed tenant(s) for Lot B is not known but obtaining special exception use approval for the distribution and warehousing or storage principal uses will aid in financing the development of the Property; "increase the full potential of tenants"; increase the marketability of the Property; and reduce the overall risk of the project. Lot A will feature a 216,000 square foot building, 106 parking spaces and 32 loading docks. Lot B will feature a 101,000 square foot building, 58 parking spaces and 27 loading docks.

Section 1325.07 of the Zoning Ordinance governs special exception use requests. LVIP VII was designed specifically for industrial, commercial, distribution and office uses. Since warehousing and distribution uses do not have specific use requirements at Article 1322, it must only comply with the general criteria. The proposed uses are in accordance with the Comprehensive Plan and are consistent with the spirit, purposes and intent of the Zoning Ordinance. At the proposed location, such uses are in the best interest of the City of Bethlehem. LVIP VII was designed specifically to accommodate these types of uses. As such, these uses are appropriate and consistent with those in the general vicinity of the Property. The proposed uses will not substantially change the character of any surrounding residential neighborhood. These uses are suitable in terms of street, traffic and safety. LVIP VII was designed to accommodate such uses and traffic flow out typically moves eastbound along Route 412 to Interstate 78. These uses are not a hazard to public safety. The Property does not contain steep slopes, mature woodland, wetlands, floodplains, springs or other important natural features. While not determinative, Applicant's affiliates, Triple Net Investments XVII LP, Triple Net Investments XII LP, and Triple Net Investments XLVIII, LLC received substantially similar special exception relief to construct a 195,000 square facility on Lot 13 (2010 Spillman Drive), a 243,200 square foot facility on Lot 14 (2120 Spillman Drive), and a 53,700 square foot facility at 1010 Harvard Avenue in LVIP VII Bethlehem Commerce Center in advance of identifying end user tenants. Applicant is proposing the same type of review in this application for Lot B. Accordingly, special exception use approvals should be granted.

Ordinance Section 1319.01(40) requires warehouses and distribution uses have parking or storage space for all vehicles used directly in the conduct of such business, plus one parking space for each 1.5 persons regularly employed on the premises. If the number of employees is not known, then one space must be provided per 1,000 square feet of building floor area. Applicant is proposing 106 parking spaces for Lot A and 58 parking spaces for Lot B. For Lot A, the Applicant's intended tenant has advised that based on its current headcount per facility/production line with a 3-line facility that there will be 40 employees per line for two shifts. This would be 120 employees with 10 support staff or 130 total, with only 70 employees at most on any one shift at the Property. Based on the Ordinance requirements and this employee count, 47 parking spaces are required for Lot A and 106 parking spaces are proposed.

The building on Lot B is intended to be a speculative project. Based on this, the applicable parking requirements are one space per 1,000 square feet of building floor area. Based on building size of 101,000, 101 parking spaces would be required and 58 parking spaces

are proposed. Applicant requests a variance from the parking requirement and submits that the proposed 58 parking spaces is more than sufficient based on use of ITE standards and Applicant's experience with tenant needs in the Lehigh Valley. The parking numbers per ITE utilizing the square footage as the independent variable for Lot B at 101,000 square feet and 58 proposed parking spaces would be supported by ITE for the parking variance. Data contained in the Institute of Transportation Engineers (ITE), Parking Generation Manual 6th Edition supports the requested variance when calculating the parking demand for Lot B. The data contained in the ITE Parking Generation Manual is based on operational facilities and therefore provides a statistically accurate estimate of the parking demand for similar facilities. Additionally, the employee count provided by the intended tenant for Lot B supports the variance request as if the square footage was used, 216 spaces would be required where only 47 spaces are required based on the number of employees.

The requested variance is the minimum necessary for reasonable use of the Property. Relief from the Zoning Ordinance is appropriate for the proposed development. The requested variance should be considered dimensional in nature. Applicant submits that granting the requested relief will not create an adverse impact on public health, safety or welfare or the surrounding area. Granting the requested relief will not substantially impact neighboring property values and is not otherwise detrimental to the welfare of the community. The proposed parking is appropriate for the character of the area and the use is permitted by special exception on the Property. The proposed development will be compatible with the surrounding uses.

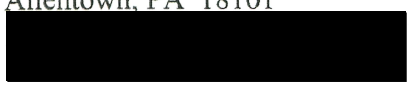
III. CONCLUSION

For the aforementioned reasons, Applicant should be granted the requested relief.

Respectfully submitted,

FITZPATRICK LENTZ & BUBBA, PC

By: 

Catherine E.N. Durso, Esquire
Two City Center
645 West Hamilton Street
Suite 800
Allentown, PA 18101


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