Eastburn and Gray, PC
Attorneys at Law

John A. VanLuvanee
[redacted]

July 9, 2026

Via email: cfletcher@bethlehem-pa.gov
cpeiffer@bethlehem-pa.gov

Cathy Fletcher, AICP,
Director of Planning and Zoning
Craig Peiffer, AICP,
Asst. Director of Planning and Zoning
City of Bethlehem
10 East Church Street
Bethlehem, PA 18018

RE: Petition for Amendment to the City of Bethlehem Zoning Ordinance

Dear Ms. Fletcher and Mr. Peiffer:

Under cover letter dated October 24, 2024, our firm, on behalf of Pennsylvania Avenue Development, LLC, filed a Petition for Amendment to the Zoning Ordinance of the City of Bethlehem, together with a draft ordinance that included terms of a text amendment. The proposed text amendment would add a new "Healthcare Adaptive Reuse" use to the Zoning Ordinance, as well as special provisions to be added to Section 1322.03(y) of the Zoning Ordinance outlining the requirements for the use. As originally drafted, the use would be available to the owners of properties located in the RS and RT zoning districts that are currently used as assisted living facilities or personal care homes. A copy of the October 2024 transmittal letter, Petition and proposed ordinance are enclosed.

Petitioner Pennsylvania Avenue Development, LLC owns property at 815 Pennsylvania Avenue in the RS zoning district. The property is currently licensed by the Commonwealth of Pennsylvania and used as a 75-bed personal care home pursuant to a February 27, 2016 Decision of the City Zoning Hearing Board. A copy of the Zoning Hearing Board Decision granting a variance to permit the current use is enclosed for your reference. If the proposed text amendment is adopted, Pennsylvania Avenue Development could apply to convert the use of its property to the Healthcare Adaptive Reuse use.

The October 2024 draft ordinance was discussed at a meeting of the City Planning Commission on December 12, 2024. At the December 2024 meeting, concerns were expressed about the number of properties that might qualify for this use. At the conclusion of discussion on the amendment, the Planning Commission and the Applicant agreed to table the motion.

Enclosed with this letter is a revised draft ordinance. The revised ordinance limits the applicability of the ordinance to properties located in the RS residential district. This will reduce the number of properties that will qualify for the use.

On behalf of Pennsylvania Avenue Development, LLC, I am requesting that the City move this proposed amendment forward to a public hearing before the City Council. In the Petition that we filed in October of 2024, we requested that the City Council forward the Petition and amendment to the Lehigh Valley Planning Commission and the City Planning Commission in accordance with Section 1326.02(d) of the Zoning Ordinance and Section 609(c) of the Pennsylvania Municipalities Planning Code for review and comment prior to scheduling a public hearing on the proposed amendment.

I look forward to hearing from you as to the manner in which this proposed amendment will now be processed.

Very truly yours,

John A. VanLuvanee

JAV/eah
Enclosures
cc: David Taylor, Zoning Officer
Pennsylvania Avenue Development, LLC
Mr. Abraham Atiyeh

BILL NO. _____

ORDINANCE NO. 2027 - _____

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE ZONING ORDINANCE OF THE CITY OF BETHLEHEM A/K/A THE ZONING CODE, PART 13 OF THE CODIFIED ORDINANCES OF THE CITY OF BETHLEHEM, BY ADDING A NEW USE DEFINED AS "HEALTHCARE ADAPTIVE REUSE" AND ADDING PROVISIONS TO ADDRESS ADAPTIVE REUSE OF EXISTING INSTITUTIONAL USES IN THE RS ZONING DISTRICT.

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

SECTION 1: Adaptive Reuse Provisions in the RS Zoning District.

In Section 1304.01 Allowed Land Uses in Primarily Residential Districts, add "Healthcare Adaptive Reuse (S. 1322)" to Section 1304.01(b((3) Institutional/Semi-Public Uses and insert the letter "P" in the column for the RS district and the letter "N" in the columns for all other districts.

Add a new subsection 1322.03(y) "Healthcare Adaptive Reuse" to Section 1322.03 Additional Requirements for Certain Uses as follows:

1322.03(y) Healthcare Adaptive Reuse.

(1) The "Healthcare Adaptive Reuse" use is intended to allow existing healthcare buildings to be converted to different healthcare uses, as provided in this subsection.

(2) This subsection shall only apply to properties in the RS zoning district having a lot size of one acre or greater that are occupied by an existing lawful Assisted Living Facility or Personal Care Home.

(3) The use of qualifying properties may be adapted and changed for use as and for: a) in-patient and/or out-patient behavioral health services and/or b) a drug and alcohol treatment facility licensed by the Commonwealth of Pennsylvania that addresses substance abuse disorders.

(4) The total number of resident beds shall not be increased from the number of beds that currently lawfully exist in the Assisted Living Facility or Personal Care Home.

(5) The height of existing buildings shall not be increased from the building height existing at the time of adoption of this subsection. The building setbacks that exist at the time of

adoption of this subsection shall not be reduced where a setback abuts a lot line of an existing dwelling.

(6) The number of off-street parking spaces shall not be reduced below the number of spaces that lawfully exist on the property.

(7) Prior to occupancy, the facility operator shall provide proof of receipt of applicable required licenses from agencies of the Commonwealth of Pennsylvania, prior to occupancy of the facility.

SECTION 2. All subsections in Article 1322 following new subsection 1322.03(y) shall be renumbered accordingly.

SECTION 3. All Ordinances and parts of Ordinances inconsistent herewith be and hereby are repealed.

SECTION 4. The provisions of this Ordinance Amendment are declared to be severable, and if any provision, sentence, clause, section, term, phrase or part of this Ordinance Amendment is for any reason found to be unconstitutional, illegal or invalid, then such unconstitutionality, illegality or invalidity shall not affect or impact any of the remaining provisions, sentences, clauses, sections, terms or parts of this Ordinance Amendment.

Sponsored by _____

_____

PASSED finally in Council on the _____ day of _____, 202___.

_____
President of Council

ATTEST:

_____
City Clerk

This Ordinance approved this _____ day of _____, 202___.

_____
Mayor