

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: Petition of Morning Star Partners, LLC for Zoning Text Amendment

Attached is the petition of Morning Star Partners LLC for a zoning text amendment that proposes to revise and amend Section 1304.04 of the Ordinance to allow Morning Star to operate a professional office as a permitted special exception use and to use the existing dwelling unit as a permitted financial services office.

Findings of Fact

Morning Star Partners owns the property at 2 W Market Street which is zoned RT. It immediately abuts the CB, Central Business, district to the north and the Institutional zoning district to the south. The RT zoning district extends to the east and the west of this property. The property is immediately abutted by an office building to the north, educational and office buildings to the east, a Bed & Breakfast to the south east, educational buildings to the south and a residential building to the west. It is located in a mixed-use neighborhood. See the attached map showing the various existing land uses.

The lot contains a single family detached home, 2 retail units, 2 apartments in accessory buildings and a detached garage. It is a mixed-use parcel.

The purpose section of the Zoning Ordinance notes that the RT, High Density residential District, is to provide for "higher density residential neighborhoods with a mix of housing types". However, it is also noteworthy that the Use Chart of the Zoning Ordinance, Section 1304.01, allows several non-residential uses in the district that are not allowed in other lower density residential zoning districts. For instance, bed & breakfast inns, funeral homes, museum, adult day care, nursing home or personal care home are permitted by special exception in the RT zone, but not allowed in lower density zoning districts such as RR or RS.

The lot is located in the North Bethlehem Historic District.

The parcel has experienced a series of zoning appeals in recent years in an attempt to reuse the single family detached home as a professional office for financial services. The first of three zoning appeals was denied. The second appeal was not heard by the Zoning Hearing Board (ZHB) since it was determined to be res judicata. The third appeal was originally approved by the ZHB but was later overturned by the PA Commonwealth Court. Following the ZHB approval and during the appeal period, permits were issued for the office conversion. The work was completed to convert the single family home to a financial services office and Morning Star Partners now occupies the building. The occupancy is no longer permitted since the courts have

overturned the approval.

The current Section 1304.04 is entitled "Reuse of Corner Commercial Uses Allowed in the RT and RG Districts" and was added to the Zoning Ordinance as an amendment in December 2012. This section is intended to allow flexibility for the reuse of corner buildings originally built as a commercial storefront. The section requires special exception approval by the ZHB. The section has been used 3 times since its adoption.

Proposed Amendment

The attached petition expands on the existing Section 1304.04 by proposing that a professional office use should also be permitted and that a storefront shall not be required.

Many of the other sections of 1304.04 are proposed to remain the same, including parking relief, impact of the proposed use, signage and special conditions. The types of professional offices recommended to be included are reflected in the professional office definition in Section 1302.104 of the ordinance. This section would apply to RT and RG zoning districts.

It is unclear which or how many properties would be affected by this text amendment in the future. Although the amendment is specifically written to provide relief for the applicant's property, there is no information related to the overall number of properties that will be affected.

Additionally, the City typically proposes amendments to address overall goals and objectives of the Comprehensive Plan or other planning documents. It is not the City's practice to initiate text amendments that are written for specific, individual properties. If individual properties need relief from the zoning ordinance text, that relief would be sought through the Zoning Hearing Board.

Comprehensive Plan

A Comprehensive Plan typically charts a course for future development. It provides a long-term view of goals and objectives for Bethlehem in a wide range of inter-related topics. There are several chapters that include principles related to this amendment.

The Future Land Use chapter proposes to guide future development by protecting residential neighborhoods and by promoting compatible land uses at appropriate densities. The chapter recommends differentiating between business uses that should be permitted near neighborhoods and those that should not.

The High-Density Residential section on page 3-10 states that portions of high-density residential areas could also allow for offices, personal care/assisted living homes, nursing homes, funeral homes, day care centers, senior housing and related facilities.

The Housing and Neighborhoods chapter recommends facilitating mixtures of residential and low-intensity non-residential uses in appropriate areas of the City. The chapter encourages smart growth principles such as mixed residential/non-residential uses where appropriate. Strategies for preserving neighborhoods include ensuring the city's zoning ordinance adequately addresses issues of compatibility between commercial uses and adjacent residential uses on the edge of non-residential districts.

The Historic Preservation chapter, in its goals for preserving historic resources, promotes adaptive reuse of older structures for uses other than their original use.

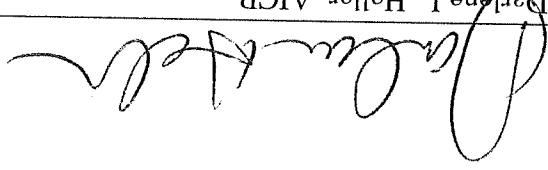
Summary

Although the property owned by the petitioner for this proposal is located near the CB zone and may be considered a transitional area of the RT zone, there is no information about how many properties this amendment would affect in other areas of the city. Therefore, the end result of the amendment is unclear. If the amendment really only affects this one property, then relief for the applicant would typically be through review and approval of the Zoning Hearing Board. The proposed amendment is scheduled for review on your November 8 meeting. The proposal will be forwarded to City Council for final review and consideration.

Attachment

CC: Mayor Donchez
Ed Healy
Alicia Karner
Tracy Samuelson

DATE: 11-2-18


Darlene L. Heller, AICP
Director of Planning and Zoning