



26 September 2019

City of Bethlehem
10 East Church Street
Room B-212
Bethlehem, PA 18018

ATTN: Bethlehem City Council
Via Robert Vidoni, Esq. City Clerk

RE: Zoning Map Amendment (Re-zoning Request for 11 and 15 West Garrison Street)
Bethlehem, Northampton County, PA
Response to City Council Hearing Testimony

Dear Mr. Waldron, President of Council, and Council Members,

For the Council Members that don't know me, I would like to tell you a bit about myself. I would like you to get to know the person behind this request.

I have lived and worked in center city Bethlehem since 1974. Since 1983, I have lived in an apartment in the 700 block and have operated my business office in this block as well. I would love to live in an apartment in this new building. I call Bethlehem my home and have no plan to change that.

I am not an absentee landlord. I know all of my tenants personally, respond to their needs personally and perform some of the repair and maintenance work personally. The 700 block of New Street is not a passive investment for me. It's a hands-on undertaking that provides me with satisfaction and many long-term friendships. People in the neighborhood know me and appreciate that my tenants are nice people whom they are comfortable living next to. This area has a number of absentee landlords and police records show that many of the problems that occur are at addresses associated with properties owned by absentee landlords.

I am an architect by profession. My work involves finding creative solutions to complex problems with outcomes that are favorable for everybody. I am not a developer. Every time I was referred to as a developer at the hearing, I got a knot in my stomach. I'm pursuing this project because in my professional opinion I believe it is the type of project that will be good for Bethlehem.

I have been appointed to and served on city of Bethlehem committees. I have been asked to participate in public meetings requesting input from citizens and have always responded when asked. I am currently a member of the City of Bethlehem Code Board of Appeals. I have served on this Board for approximately 25 years and, for a period, I served as chairman of this Board. I value the opportunity to provide service to the city and this community.

Now, I would like to provide follow-up to items that were discussed at the September 17, 2019 hearing on the re-zoning of the above captioned properties. I'd like to start by clarifying some specifics that may be confusing or were mis-stated by people that spoke.

- Both properties are not single-family homes. 11 West Garrison is a two-unit apartment building.
- The proposed height of the concept for the new building is not 120 ft. The building height is 57'-4".
- The proposed number of apartments is 72, the number of proposed parking spaces is 74 and the retail/restaurant/personal service space on the street level fronting North New Street is 8,350 Net Square Feet.

Further, concerns were expressed about specific aspects of the project. To offer my response to those concerns, I will categorize them based on what I believe to be the main issues.

- **EFFECT ON NEIGHBORING RESIDENTS:** The concept incorporates elements that respond to the nature of the neighborhood and are included to specifically minimize impact on adjacent properties.

No retail, restaurant, personal service or commercial space is proposed on the two Garrison Street properties which are the subject of the re-zoning request. The distance between the commercial uses in the building and any adjacent residential property is over 70 ft.

A primary reason for purchasing 15 West Garrison is the buffer yard requirement between the CB and RT zoning districts. The required buffer yard is 20 ft wide. There are permitted exceptions in the Zoning Ordinance that allow the width of a buffer yard to be reduced to 8 ft. The proposal does not take the permitted exceptions into account and is providing the full 20 ft width buffer next to the adjacent RT zoned property. In this area a 20 ft width is equivalent to a lot width. Currently, the existing building on 15 West Garrison is approximately 5 ft from the home at 17 West Garrison. The buffer increases the separation by 300%.

- **OPEN DOOR:** The development of this property will be subjected to an extensive zoning and land development plan review and approval process. The concerns expressed at the hearing should be addressed during this process. The next stage of the process is the proper venue for considering the concerns.

The sketch plan that has been presented was prepared specifically to open a dialogue to determine what is permitted and appropriate for this property. Both the Planning and Zoning Departments have recommended the plan as presented. This dialogue, including the comments made at the City Council hearing, is providing valuable input in the direction that the project takes.

There are many variables that must be considered in further developing this project. Information learned as the project moves forward will possibly cause it to evolve. For example, backers of the project are not comfortable with the mixed zoning of the site. This issue must be resolved to secure their support. Accordingly, I cannot promise that the concept will not change. This type of project cannot proceed without the entire site being zoned Central Business.

I can promise that the concerns raised by the property owners on Garrison Street will be taken into account.

- **VARIANCES:** Variances must be narrowly written and restrictive in what they permit. Once a variance is obtained, any future change that may fall under the conditions set by the variance requires submitting for a new variance. Example: I designed a multi-tenant building in the Lehigh Valley that was approved with dimensional and use variances. Now, every time a tenant changes, the owner must submit for a revision to the initial variance. Variances are a headache for property owners and the governing body that grants them. Re-zoning is the proper and appropriate approach.
- **COMMUNITY:** We live in a city. Population density, parking, traffic, crime/safety and change are part of this environment. Other than to provide an increase in the residential population to this area, the direction that this project proposes will not create negative consequences. Anything that brings the neighbors and tenants together is good for me, my tenants, the neighborhood and the city. For the proposed project to succeed, it has to be in a location that makes people feel safe.

The community building that has taken place has been initiated by my tenants with my support. When I was asked if the grass area in the middle of the block could be used for a block party, I immediately agreed to allow it because it is a great idea. When I was asked if kids could play in this yard, I said yes as long as they were supervised because there is a parking area and driveway next to the yard.

The sketch plan submitted shows a space labelled "Community Room" on street level at the intersection of Garrison and New Streets. This can replace the yard area being lost and provide a location for neighborhood meetings and community gatherings.

- **PARKING:** Currently, there are 4 driveway/curb cuts from my property onto Garrison, New and North Streets. To access the two levels of parking that are proposed, only 2 driveways are required – one on North Street and one on Garrison Street. New Street does not have a vehicle access point. The existing driveway on Garrison Street is 50 ft wide to allow 4 cars to back onto Garrison. The proposed driveway on Garrison is 27 ft wide. The reduction in width will actually add one street parking space on Garrison Street. New Street and North Street will both gain one street parking space.

The Central Business District zoning does NOT require parking to be provided for any use. The proposal is adding parking that, based on several recent nationally recognized parking studies, will be sufficient to meet the needs of the proposed occupancies of this project. Having on site parking is one element of my current use of the property that has made renting units successful.

In 1992, I submitted a site plan to the city planning commission for approval to add a parking area at 713 North New Street. The chairman of the commission thanked me for adding the parking.

- **COMMERCIAL INFILTRATION:** The proposal for the portion of the overall site that is currently zoned RT does not contain any retail, restaurant or personal service uses. The small amount of commercial space provided (8,350 SF – enough for only 2 or 3 tenants) is located in the CB district and fronts on New Street. The 700 block of New Street has, during my ownership of the property, typically had 4 or 5 commercial uses. The number of commercial spaces is not expanding with this proposal.

The property that is currently RT and fronting Garrison Street contains parking and residential space. Both uses that are permitted in the RT zoned portion of the site. When only permitted use is considered, properties in RT may contain parking and multi-family dwellings more than 3 ½ stories up to a maximum height of 60 ft. This proposal with a height of 57'-4" would be permitted in RT based on the type of use.

There is no commercial space infiltrating the Garrison Street neighborhood. Commercial uses that could serve the area in close proximity to the property or would generate limited amounts of traffic would be preferred. This type of tenant would further minimize effects in the neighborhood.

The previous Zoning Ordinance was adopted in 1970. For at least thirty-five years, this two-block area of Garrison Street was zoned CB – Central Business District. This concept does not expand the CB into an area that has been historically zoned for residential use. RT zoning was introduced into this neighborhood in 2005. This request is asking to put a limited amount of the CB district back into an area that had been CB for five decades.

- **SINKHOLE:** The Lehigh Valley is founded on dolomitic limestone that is prone to sinkholes and their occurrence is common. Example: The PPL Center is built on a site that had a sinkhole that caused the collapse of a six-story office building.

As an architect, under current building codes, I deal with designing to compensate for this geological trait with every structure I design. A common solution for the concept that was presented is to design the footing/foundation as a grade beam that can span any distance that the project geotechnical engineer specifies. This is a common engineering issue with multiple solutions that can be employed.

Importantly, for a sinkhole to occur, there must be a water source. The two sinkholes in New Street and the one on my property were exposed to water from the leaking/broken water main in New Street. The water main was replaced for the entire length of the 700 block of New Street. Much of the surrounding area is impervious surface. There is very little chance of enough water entering the ground and creating another sinkhole.

- **COMPREHENSIVE PLAN:** Under the Pennsylvania Municipal Planning Code, all cities in the Commonwealth are required to plan their development and govern the same by zoning, subdivision and land development ordinances. Where and what type of uses are desired are defined in this Comprehensive Plan. The Plan becomes a framework for the zoning and SALDO ordinances. Zoning does not determine where uses are to be permitted, the Comprehensive Plan does. I consulted the City's current Comprehensive Plan to determine the type of development the City prefers in this location. The following are actual quotes from the Plan:

- New high-rise apartments should be limited to areas near the downtowns.
- Denser forms of housing should be limited to buildings that also include street-level commercial uses if the lot is adjacent to a major street. Upper-story apartments and upper-story offices should be encouraged to create more customers for nearby businesses.
- Recently, the City has issued many more building permits for new apartments than new detached homes or townhouses. These trends reflect the fact that Bethlehem is an urban area and indicate the current direction of the City's housing market.
- Sustain a physical environment in and around the City's retail centers that projects vitality and encourages people to work, live and play in Bethlehem.
- The North Side does not have a shortage of roadway capacity.
- Encourage more walking and bicycling.
- Add parking spaces in both downtowns.
- Current land use patterns in the City are the starting points for Bethlehem's Future Land Use strategies. Housing is the dominant use of land north of the Lehigh River...apartments accounting for 26%.
- Citywide, the number of owner-occupied housing units decreased by 1.8% between 1990 and 2000. During this same period, renter-occupied homes grew by 10.8%.

It should also be noted that:

- The Future Land Use Plan included in the Comprehensive Plan does not show residential zoning on this portion of West Garrison Street.

My cover-to-cover review of the City's Comprehensive Plan found this proposed concept completely in keeping with the City's Comprehensive Plan for development.

As previously stated, I have lived and worked in center city Bethlehem since 1974. Because of my profession, I have worked with the city zoning, planning and economic development departments on multiple occasions. When I purchased the first property on North New Street, I had a conversation with Jay McCarthy. He was the City's Economic Development Director when we spoke.

He said that the area bounded by North Street, New Street, Union Blvd. and Main Street was difficult to classify under zoning. The reasons were because the individual properties were very small and contained a variety of residential, retail, restaurant, personal service and office uses. The area was zoned CB – Central Business District because under that classification the greatest variety of uses were permitted. The intent was to provide an incentive for investors to buy multiple properties, consolidate them and develop them in a manner suitable to a center-city urban location. It was a strategy that would spur a future outcome appropriate to the central business area of North Bethlehem.

Changing this two-block area of West Garrison Street to RT – High Density Residential didn't eliminate non-conforming properties. It just changed the nature of the non-conformities. Further, because this RT zoning district is surrounded by properties zoned for commercial use, the change has consequences related to developing the commercial properties. For example, buffer yards are now required on all of the commercially zoned properties adjoining the RT District. Already small properties will be much more difficult to develop and less attractive to investors.

In order to do something that I believe will be beneficial to the City of Bethlehem, I request your favorable consideration of my re-zoning application. I am not interested in having Sand Island named after me. I'm simply trying to do a "great" project for the City.

Respectfully,

A handwritten signature in black ink, appearing to read "Dennis R. Connell, AIA.", written in a cursive style.

Dennis R. Connell, AIA