

“We do suggest some caution” (16)

The Bethlehem Gadfly 2 W. Market St., Gadfly's posts, Serious Issues November 14, 2018

(16th in a series of posts on 2 W. Market St.)

Atty Preston, then Kori Lannon for the owners of 2 W. Market – ok, let's get everybody in here!

Where does the City stand on the matter?

The City is an important player in this process.

Darlene Heller, Director of Planning and Zoning, provided the Planning Commission with a guiding memo, as is usual procedure, and elaborated on the memo during the meeting after the presentation of the owner's case.

Heller's memo is here: [City on 2 W. Market](#)

The key points for the City:

- 2 W. was not originally built with a commercial store front.
- Text amendments are not written for the relief of one party.
- It is unclear which or how many properties would be affected by this text amendment.
- There is no connection with the City's Comprehensive Plan (which is linked on Gadfly's sidebar – very interesting – take a look)

Here are the parts of Heller's memo that Gadfly thought especially relevant:

Morning Star Partners owns the property at 2 W. Market St which is zoned RT.

The purpose 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] allows several non-residential uses. . . .by special exception.”

The occupancy is no longer permitted since the courts have overturned the approval.

[Section 1304.04] is intended to allow flexibility for the re-use of corner buildings originally built as a commercial storefront.

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.

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.

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.

In her verbal remarks, Heller explained the genesis and rationale of section 1304.04, the subject of the proposed amendment. Heller said it was observed that some buildings with storefronts were vacant or had been turned into apartments, and the purpose of 1304.04 was to give some flexibility for owners for those storefronts to be reused as originally intended.

Also in her verbal remarks, Heller said the City was "not taking a position" on the petition, but that regarding a text amendment designed for a particular property, "we do suggest some caution."

There was quite a bit of public comment at this Planning Commission meeting – that's where we go next.

Stay with Gadfly on this issue, gang, we're going deep!