

The neighbors' expert witness is “taken aback” at the 2 W. Market text amendment

The Bethlehem Gadfly 2 W. Market St., Neighborhoods, Northside January 6, 2020

 91st in a series of posts on 2 W. Market St 

So — trying to keep things simple for you — this controversy begins with the “corner-store ordinance” on the books as part of the revision of the City Comprehensive Plan and Zoning code revisions about a decade ago.

The purpose of the corner store ordinance was to permit those properties originally designed to have a first-floor store but which had been converted into living spaces over time to be used again as stores.

Once this particular architectural configuration (the punched-in corner entrance) is pointed out to you, you, like me, will see they are abundant throughout the City. They are distinctive architecturally.





Gadfly could probably find 5-10 without any trouble within a half-hour walking radius of both his home and work place.

The thrust of the owners of 2 W. Market's efforts, including the text amendment now under fire, is to make this below kind of building originally designed to be a home equate with those originally designed as a store — and to allow a business use there.



If you put the four pictures together and played the Sesame Street “which one doesn’t belong” game, the young ‘uns wouldn’t strain. Yet Commission and Council members did.

At the December 11 Zoning Hearing Board meeting, the first witness — an “expert witness” — for the neighbors was Gadfly follower Karen Beck Pooley.

<https://youtu.be/atWzyBJQWi4>

What conclusions did expert witness Beck Pooley reach?

- 1) “The amendment didn’t clearly articulate the planning priorities set out in the Comprehensive Plan.”
- 2) “It was very unclear as to how the recommended adjustment would affect properties throughout the City.”

Where does thinking about zoning begin, according to expert witness Beck Pooley? The City Comprehensive Plan.

“The new Comprehensive Plan was updated in 2009. That’s where the community’s priorities, vision, how it wants to see properties used . . . what it’s overall priorities are for how the City’s going to function and how people are going to interact in different spaces throughout the City. That’s set out first, established by that Comprehensive Plan, and the zoning ordinance is the tool the City has to control the way development happens . . . to be in accordance with the priorities set out in that Plan.”

What did expert witness Beck Pooley see comparing the text amendment to the Comprehensive Plan and Zoning Ordinance?

“I was taken aback at how different it was from the original intent of the ordinance. . . . The previous ordinance clearly stemmed from the City contemplating mixed uses, thinking about how a variety of uses existed in neighborhoods, harkened back to historical uses of properties in those

neighborhoods The amendment operated in a very different way to actually allow non-conforming uses to expand which is sort of the opposite of what the typical zoning ordinance does.”

Makes sense to Gadfly. Throughout the long controversy Gadfly wondered about the silence surrounding the Comprehensive Plan in the proposer’s arguments, a Plan that Gadfly began to think of as analogous to a constitution. How could the amendment be good if it is not in accord with the constitution, thought Gadfly.

And, yes, the range, the impact of this amendment tailored to one property on other properties was never, never settled, so how could one vote for its passage?

Are you with me?

Seems a good start for the neighbors challenging the amendment.

Let’s see where the argument goes.