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To: Honorable Members of the Bethlehem Township Board of Commissioners
Doug Bruce, Township Manager
From: Amanda L. Raudenbush, AICP, Planning Director
Date: June 13, 2019
Re: June 17, 2019 Board of Commissioners Meeting Report

Departmental Activities

- Continue implementation process of permitting software
- Began utilization of planning software
- Continue cleaning and straightening of office area
- Researched and drafted a proposed 503 amendment to the Township UCC ordinance

Pre-Application Meeting

One Pre-Applications Meeting was held on June 12, 2019 with Township Staff.

Northwest Corner of Church and Bethman Roads

- The applicant proposes a senior living facility on the northwest corner of Church Road and Bethman Road. As proposed, this facility would be a three-story building, consisting of age-restricted independent living (75 units), assisted living (60 units) and memory care (20 units). This property is currently zoned AG – Agriculture District, in which this use is not permitted.

Board of Commissioners New Business

- None

Board of Commissioners Old Business

- **Justice Grown – Conditional Use** – Bethlehem Village Shoppes would like to utilize an empty storefront for a Medical Marijuana Dispensary. This existing shopping center is located at 3650 Nazareth Pike and the new business is proposed for the

northern end unit, next to the District Magistrates Office. A Medical Marijuana Dispensary is listed as a Conditional Use in the General Commercial zone and therefore needs to go through the Conditional Use process which includes a public hearing. The 3,380 square foot facility includes a 213 square foot vault room.

Comments were issued by the Township's consultants, and forwarded to the Applicant. The Bethlehem Township Planning Commission recommended granting the conditional use, with the stipulation that the secure delivery area be a fully enclosed garage.

Important Information Regarding This Conditional Use Application

The Pennsylvania Medical Marijuana Act was enacted on April 17, 2016 and is known as Act 16. Section 2107 of Act 16 preempt municipal zoning, however municipalities still have the responsibility for the location of these uses. This means municipalities **may not be more restrictive** than the state regulation, i.e. requirements for dispensary cannot exceed for other commercial businesses in same zoning district. This use and its' licensing are regulated by the Pennsylvania Department of Health. The Township Zoning Ordinance lists Medical Marijuana Dispensary as a Conditional Use in the General Commercial zone.

A Conditional Use is a category of use permitted by the Municipalities Planning Code. Conditional uses require a public hearing and approval by the governing body. Conditional uses are permitted as long as base zone requirements and additional conditions as outlined in the zoning ordinance are met, as well as any other conditions that the governing body may attach. The applicant bears burden of proof for specific standards and criteria, meaning they are objective and measurable. With any concerns regarding general, non-specific or non-objective standards (i.e. compatibility with the neighborhood, in harmony with the general purpose of the ordinance, etc.), the burden of proof is on the objectors. Those objectors must prove with credible and particularized evidence that the proposed use will not comply with non-specific, non-objective standards.

The conditions outlined in the Zoning Ordinance for this use are in line with the State Regulations, and therefore are not more restrictive than the State Regulations. A copy of the conditions as listed in the Bethlehem Township Zoning Ordinance is attached.

Current Submissions for June 24, 2019 Planning Commission Meeting

- **Fairfield Inn & Suites – Preliminary Plan** – This application received all of the zoning relief it needed to move forward as a Preliminary Plan. The applicant is proposing a 4-story, 107-room hotel on a 3.4 acre parcel located on Emrick Boulevard and Cook Drive. This parcel is zoned Light Industrial/Office Campus and has been referred to previously as LVIP VI, Lot 44. This structure will use public water and sewer.