

MINUTES

HARRISBURG PLANNING COMMISSION REGULAR/VIRTUAL MEETING March 3, 2021 ZOOM PLATFORM

MEMBERS PRESENT: Joseph Alsberry, Chair
Vern McKissick, Vice Chair (arrived at 7:20 PM)
Shaun E. O'Toole
Jamesetta Reed
Ausha Green (arrived at 6:35 PM)
Anne Marek
Zac Monnier

MEMBERS ABSENT:

STAFF PRESENT: Geoffrey Knight, Planning Director
Tiffanie Baldock, Senior Deputy City Solicitor

OTHERS PRESENT:

CALL TO ORDER: 6:33 PM

APPROVAL OF MINUTES: Commissioner O'Toole moved, and Commissioner Reed seconded the motion, to approve the minutes from the February 3rd meeting without corrections; the motion was adopted by a unanimous (5-0) vote.

OLD BUSINESS:

NEW BUSINESS:

- 1 Variance & Special Exception Applications for 1622 Berryhill Street, zoned Residential Medium-Density (RM), filed by Camille Bennett with Bennett Land Development, to establish a "Rooming House" use on-site and request relief from the off-street parking requirements, and to request relief from the Specific Criteria regulating the proposed use.**

Mr. Knight gave a synopsis of the report, recommending Approval with Conditions; the conditions were that:

1. Per the application, the Planning Bureau would recommend that the Applicant prioritize occupancy for candidates who are veterans, a population for which securing housing is a primary concern.
2. The Planning Bureau would recommend that the Applicant install an ADA ramp or lift in the rear yard, if possible; if not, a lift along the side of the porch between the subject property and

the property to the west would be advisable. If such access is provided, the Applicant will need to establish an ADA-accessible bedroom and bathroom.

3. The Applicant will identify both off-street parking spaces in the rear of the property with signage on the doors of the existing garage; they will also pave the proposed parking space between the garage and Ella Alley formally paved if it is not already, although the Planning Bureau would recommend the use of pervious pavers, if possible.
4. The Codes Bureau will perform a thorough inspection of the interior of the building, to ascertain whether the property complies with all modern Building Code regulations; if not, the Applicant must submit Building Permits to have the structure brought into compliance.

The case was represented by Camille Bennett with Bennett Land Development (the property owner), 305 Hillside Road, Harrisburg, PA 17104 (aka “the Applicant”).

Commissioner Alsberry asked the Applicant whether the conditions in the case report were acceptable; they confirmed that they were.

Commissioner Alsberry stated that he didn’t have any questions for the Applicant and expressed his support for the project, noting that the Applicant intended to prioritize housing for veterans and noting that he himself was a veteran, so he appreciated that focus.

Commissioner Alsberry asked whether any of the commissioners had comments or concerns about the project. Commissioner Green stated that she didn’t have any questions and that she was interested in hearing from members of the public.

Commissioner Marek noted that the property was currently functioning as a five-bedroom, single-family dwelling and asked the Applicant what type of modifications they were proposing to convert the property to a “Rooming House” use; the Applicant stated that she was planning on incorporating the required ADA access and accommodations. Commissioner Marek clarified that her question was in relation to the interior work that the Applicant would be undertaking to convert the property from a single-family dwelling to a “Rooming House” use. The Applicant noted that three of the existing five bedrooms would be used for tenant sleeping rooms, and that the other two would be converted into office space for the tenants.

The Applicant stated that she had previously operated a “Rooming House” use on-site before converting the property to a single-family unit, and that she had successfully operated it in a manner that was indistinguishable to surrounding neighbors. She stated that he neighbor had requested she convert the property back to a “Rooming House” since recent tenants had created problems for the surrounding community, including loud music, unruly children, and property destruction, and that the current situation was unmanageable. The Applicant stated that she was not going to make major changes to the property, and that she would work with the Codes Bureau to confirm what renovations would be acceptable.

The Applicant also stated that she did intend to make the ADA accommodations required by the Zoning Code. Commissioner Marek asked whether the Applicant was therefore withdrawing the Variance request related to relief from the ADA accessibility requirements. Mr. Knight noted that he had not seen anything in the submitted application that indicated the Applicant was intending

on installing an ADA ramp or a lift on-site, and that he was unable to review the rear of the property during the site visit to post the property, so he was unsure if the Applicant was able to provide such accommodations on-site, and thus that he had included that aspect of the project in the case report.

Commissioner Marek asked Planning Bureau staff how they could ensure the property would be converted into a three-unit “Rooming House,” and not a five-unit “Rooming House.” The Applicant stated she had initially bought the property in 1997, was current on all her taxes and payments to the City, and that she was a responsible landlord. She stated that she was only proposing to convert the property back to the three-unit “Rooming House” configuration because that was a manageable number of tenants.

Commissioner Marek stated that she concurred with the Applicant and that her question was in regard to the long-term operation of the property if approval was granted. Mr. Knight noted that the process would likely be similar to any other zoning relief approval or even by-right uses, in that the City would rely on an applicant submitting a Building Permit or a Mercantile Permit to complete work on or operate a property in a manner that is in conformance with the Zoning Code regulations. He stated that if on-site conditions changed, and the intensity of the proposed use was increased, the Planning Bureau would issue a Zoning Violation Letter notifying the property owner of the need to submit additional zoning relief requests, reverse the non-conforming aspect, or possibly submit a Building Permit application to have work on-site reviewed by the Codes Bureau. Mr. Knight noted that the Applicant had submitted a Mercantile Permit application with her zoning relief requests, and that the Planning Bureau would rescind approval of that permit if the Applicant began operating the property in a manner not approved by the Zoning Hearing Board. The Applicant confirmed that she was required to undergo annual inspections, at which the Codes Bureau could confirm that there were only three rooms being rented out.

Commissioner Monnier stated that he didn’t have questions and that he was open to more alternatives for housing, including boarding houses, but noted that the Zoning Code would likely need to be changed to allow the by-right establishment of more types of housing.

Commissioner Alsberry asked whether there was anyone from the public that was for or against the project; Ms. Baldock gave instruction to the public in attendance on how to request to be unmuted so they could provide comment. There were no comments.

Commissioner Alsberry reiterated his support for the project and that he appreciated the project was not proposing to increase the number of bedrooms. The Applicant reiterated her intention to only rent rooms to veterans because she felt that particular group did need more help and more affordable living options. She noted that use of the kitchen and bathroom, and all utilities, would be included in the rental cost. Commissioner Alsberry stated that he agreed with Commissioner Monnier that it was important to have more different types of affordable living arrangements in the city.

Commissioner Monnier moved, and Commissioner O’Toole seconded the motion, to Approve the request with Staff Conditions. The motion was adopted by a unanimous vote (6-0).

2 Variance Applications for 2218 & 2223 Susquehanna Street, zoned Residential Medium-Density (RM), filed by Justin Heinly with Heinly Homes LLC, to establish an “Auto Body Shop and/or Repair Garage” and to establish an “Accessory Parking Lot or Structure” on a property without a principal use.

Mr. Knight gave a synopsis of the report, recommending Denial.

The case was represented by Justin Heinly with Heinly Homes LLC (the property owner), 205 Harris Street, Harrisburg, PA 17102 (aka “the Applicant”).

Commissioner Alsberry asked the Applicant whether they could provide reasons why the Planning Commission should not deny the application. The Applicant stated that he appreciated the Planning Bureau’s review and that he wanted to address the reasons for denial individually.

With respect to the first reason, the Applicant stated that the tenant had been operating on-site as a “hobby” for approximately two years, and that he was now looking to establish a commercial operation. He stated that there had been no impact on the neighbors and noted that the business proprietor had undertaken improvements such as installing cameras and lighting and painting the building. The Applicant stated that while he understood that auto repair shops generally impose adverse conditions on the surrounding neighborhood, he felt the current business was an exception. He noted that the proposed business would only involve auto detailing and not auto repair, and stated that he didn’t think the proprietor should be assumed to operate in the same illegal manner as other auto-oriented businesses in the city.

With respect to the second reason, the Applicant stated that the only reason the previous zoning relief application for an auto repair shop on-site had been withdrawn was because that business owner had passed away. The Applicant stated that he didn’t feel that request being withdrawn should have a bearing on the current request, and noted that once he purchased the property, he had evicted that tenant for poor behavior.

With respect to the third reason, the Applicant stated that when he purchased the property, he contacted the previous two property owners regarding the history of uses on-site. He noted that prior to the previous unauthorized auto repair use, the property had hosted a business that manufactured horse bits and other equestrian accessories. He acknowledged that while there may not be records related to past businesses on-site, the building was constructed for commercial uses. He stated that the structure was not four units which had been combined into one, but rather was a single building, which he provided as additional justification that the property was developed with the intention of commercial use.

With respect to the fourth reason, the Applicant stated that he wasn’t sure he had a response aside from noting that the Planning Bureau and the Zoning Hearing Board trusted applicants, property owners, and businesses to do what they commit to doing as part of a zoning determination. He noted that the City had enforcement powers which they could utilize to ensure compliance with the constraints he recommended for the proposed use, which he stated were fair and reasonable. The Applicant reiterated that he didn’t feel the numerous violations of similar uses throughout the city should be held against the proposed use as he was a different property owner and the proprietor

of the business was a different individual as well. He noted that he had provided a sketch drawing of the subject properties, and that he did not intend on continuing the trend of violations that had previously been concentrated in the area.

The Applicant stated that he was also looking to purchase an adjacent lot to continue improvements to the block; he stated that he didn't want to use the vacant property as a parking lot, which he didn't feel was the best use of space for the community, and that he felt some green space could accommodate community uses such as picnic tables. The Applicant stated that the current proposal was temporary, and that he eventually hoped to develop the parcel as an office for his business, which might also accommodate a business incubator. The Applicant solicited questions or comments on the proposal.

Commissioner Alsberry inquired as to whether the Applicant had discussed the project with any neighbors from the surrounding community. The Applicant stated that in addition to the required notification letter, he was familiar with most of the residents in the surrounding neighborhood since his company (Midtown Property Management) managed several properties in the community. He stated that many of his tenants and the other property owners he knew had pledged their support for the project and that he had letters of support from those individuals, which had not been submitted with the application. The Applicant also stated that the owner of the prospective business had befriended residents of the surrounding neighborhood. He stated that the photos that Planning Bureau staff provided of the illegal occupancy of the vacant lot were taken when it was under different ownership.

Commissioner Alsberry asked whether any of the commissioners had comments or concerns about the project. Commissioner O'Toole stated that he agreed with the Planning Bureau that a garage use would be detrimental to the surrounding neighborhood, and that he didn't think there was a good enough justification relative to the requirements of the Zoning Code. He stated that he would be opposed to the proposal. The Applicant asked him what uses would be appropriate; Commissioner O'Toole stated that the property could be utilized as open space or as accessory parking for residents in the surrounding neighborhood. The Applicant stated that there were seven or eight other garages on the block that were vacant, which demonstrated that there was no demand for off-street parking.

Commissioner Green referenced the current tenant and inquired about the terms of his lease, noting that much of the Applicants' proposal depended on the actions of the current tenant. The Applicant stated that the current lease was month-to-month and that the proprietor of the proposed business had been operating for about a year; he stated that the lease would be written for the amount of time (seven years) outlined in the zoning relief application. Commissioner Green stated that she wasn't sure the Applicant had proven a hardship through the request, and that she wasn't sure the request was addressing a need. The Applicant noted that he was using the property for personal storage and that approval would be tied to him as the property owner and not necessarily his tenant.

Commissioner Marek stated that she felt differently from the other commissioners and concurred with the Applicant that the structure had been built for commercial purposes, and that she wasn't sure what other by-right uses might be appropriate for the property. She asked what types of uses other commissioners felt would be permitted by right. Mr. Knight stated that he concurred with

Commissioner Marek and the Applicant that finding by-right uses for the property would be difficult, noting that residential uses were unlikely and that there were limited commercial uses permitted in the RM zoning district. He noted that he had discussed alternative potential uses with the Applicant, who had showed the property to some interested artists, but that they ultimately chose not to sign a lease for various reasons.

Mr. Knight stated that he did think zoning relief was warranted, but that he was skeptical that an auto repair use would not be detrimental to the neighborhood. He stated that he felt a commercial parking facility might be a good option, as it would address an evergreen concern amongst the public. He stated that he was not aware of a pending project in the area that might have parking issues which might create an immediate need for off-street parking, but that there always seemed to be a need for off-street parking in denser residential neighborhoods. Mr. Knight stated that a commercial parking facility might be good temporary placeholder, especially if the Applicant intended on further developing the lot in the future, since there would already be parking available and the loss of commercial spaces (versus accessory parking) would not put a separate use out of conformance with the Zoning Code.

Commissioner Marek stated that the use being proposed did not fit neatly within the definition of an “Auto Body Shop and/or Repair Garage” use. The Applicant stated that he had also considered requesting permission to establish a car wash use on-site, but that it would not be possible to recycle the water on-site, so that any such request would need to receive relief from that aspect of the Zoning Code as well.

Mr. Knight noted that the Planning Bureau was open to considering a greater variety of uses under the “Use not Specifically Prohibited in the Zoning Code” classification, but that the Zoning Hearing Board had expressed reluctance to applying that designation to even unique businesses. He recounted a case from several years ago in which the Board had determined that a “live poultry shop” had been classified as a “Retail Store” use; he stated that since then, he was hesitant to recommend that applicants seek approvals through the vagaries of the Zoning Code.

The Applicant asked whether the use could be classified as a “Personal Services” use, noting that the designation permitting bicycle repair and stating that the proposed use would be closest to that type of operation.

Commissioner Marek reiterated that the structure could not be repurposed for a use permitted in the RM zoning district, and thus zoning relief was warranted to allow reasonable reuse of the property, and stated that she did not think the “Auto Body Shop and/or Repair Garage” designation fit the proposed use of the property. She asked whether there was a different path through which the Applicant could approach reuse of the property.

The Applicant reiterated his inquiry to Planning Bureau staff regarding the acceptability of a “Personal Services” use designation. Mr. Knight stated that he was not necessarily against the consideration of the proposed use under that designation, but that he felt the Zoning Hearing Board maybe skeptical of that approach to the proposed use. He stated that he felt that the proposed use might be more intensive than the activities described in the definition of “Personal Services” use and that he was hesitant to provide a response one way or another, but that the Planning Bureau

would not oppose that approach if the Planning Commission chose to review the proposal under that classification.

Commissioner Marek stated that she appreciated the Planning Bureau's concerns about approving the proposed use and the potential long-term ramifications of granting approval for the request, and that she shared that concern, but felt that the proposal as submitted might differ enough to garner support from the commissioners.

Commissioner Marek inquired as to the reason Planning Bureau staff recommended Denial for the accessory parking lot. Mr. Knight noted that the Zoning Code required accessory parking to be "accessory" to a principal use on the same lot, and thus the proposed accessory parking lot required approval of a Variance request, and stated that because the principal use with which it was associated was not being supported by the Planning Bureau, denial was likewise recommended for the accessory lot.

The Applicant asked whether the current meeting was an appropriate time to revise the proposal to request a commercial parking facility for 2218 Susquehanna Street, which would allow him the time to find an acceptable use for the garages at 2223 Susquehanna Street. Commissioner Alsberry interrupted him and noted that the commissioners were still asking questions regarding the project, and that they hadn't decided whether or not to approve or deny the request.

Commissioner Monnier stated that Susquehanna Street was meant to be a less-traveled "back street" which more readily accommodated pedestrians and bicyclists, and that the concept of a citywide bike network which was mentioned in the draft Comprehensive Plan document, could be realized through the installation of a bike boulevard on this block. He stated that an auto-oriented business would conflict with this future vision of Susquehanna Street. Commissioner Monnier also noted, however, that he didn't want to prevent the establishment of a business that had a positive impact on the neighborhood, and that temporary occupancy of the property by the proposed business might not adversely impact implementation of a bike network which might take a decade or so to complete.

Commissioner Monnier asked whether potential approval could be granted with a future expiration date. Mr. Knight noted that it was ultimately up to the Zoning Hearing Board, and referenced a previous decision by the Board which included a time-conditioned approval of a surface parking lot; he noted that the Applicants in that case received two short-term extensions before the Board ultimately voted to deny the continuation of that use. Mr. Knight noted that the members who made that decision were no longer on the Board, and that he was not sure how the current members would view such a proposal. Commissioner Monnier stated that he preferred approval conditioned on the sunset of the use after a few years' time. He noted that this approach would permit the owner of the proposed business to prove the viability of the business, build a customer base, and eventually grow to the point that the use could be relocated. Commissioner Monnier added that if the commissioner ultimately decided to approve the proposal, he would like to add a condition that the accessory parking lot utilize a pervious paving material.

The Applicant noted that a sunset clause of seven years was included in the current proposal, and noted that the existing, completely-impervious surface of the lot had a substantial cost with respect

to the stormwater management fees, and thus that he was intending on maintaining the impervious coverage on the proposed accessory parking lot, but would be removing impervious surface area for the proposed lawns to the north and south of that lot.

Commissioner Alsberry asked whether there was anyone from the public that was for or against the project; Ms. Baldock gave instruction to the public in attendance on how to request to be unmuted so they could provide comment. Ms. Charissa Williams (2228 North 3rd Street, Harrisburg, PA) stated that she knew both the Applicant and the owner of the proposed business, and that while she had a good relationship with them, she was concerned about the impact of the business on traffic along Susquehanna Street. She noted that there were more vehicles related to the business, that they sometimes blocked the street, and that she had difficulty accessing the off-street parking area behind her house. She noted that cars which were being worked on by the business owner had been left in the vacant lot. Ms. Williams stated that she trusted the Applicant to ensure that any vehicles would be parked in the proposed lot in an orderly fashion. She reiterated that she did have some concerns about the potential impact of the business on the neighborhood.

Ms. Laura Harding (2246 North 3rd Street, Harrisburg, PA) stated that she had not met either the Applicant or the business owner, and thus was skeptical that he was accurately representing his relationship with residents in the surrounding neighborhood. She stated that she felt Commissioner Marek should recuse herself from the review of the case due to her having a personal relationship with the Applicant. Ms. Harding stated that the current business created adverse impacts, including high speed traffic, an increased number of vehicles, vehicles blocking the street, and storage of vehicles on the vacant lot. She stated that she felt the current auto detailing business was adding to blight in the neighborhood.

Ms. Harding stated that she thought an applicant who was a realtor should know that the area was a residential neighborhood that was not appropriate for the proposed use. She expressed concern about the Applicant's proposal to, in the future, develop the vacant lot as an office use for his business. She noted that many of the nearby residents had lived there for at least twenty years, and that she didn't believe the Applicant was being honest when he said he had relationships with the residents in the surrounding community.

Ms. Harding stated that she was upset the Applicant was not a member of the neighborhood and was telling the community how to change. She stated that the owner of the business should find an appropriate property on which to establish the use, and that the neighborhood should not be changed at all. She stated that she was going to oppose any zoning changes to the neighborhood as long as she could.

the project; Ms. Baldock gave instruction to the public in attendance on how to request to be unmuted so they could provide comment; there were no other comments.

Commissioner Alsberry expressed his concern about establishing a precedent for similar cases in the future, and noted that auto repair shops he was aware of in the city usually created problems for the surrounding neighborhoods. He indicated that he would be voting to deny the proposal. Commissioner Alsberry stated that it was the Planning Commission's general practice to take the future impact on the neighborhood, as well as the concerns about precedence into consideration

when undertaking a review of similar types of projects; however, he indicated he was open to hearing perspectives from other commissioners.

Commissioner Monnier noted that the commissioners could apply the sunset clause referenced by the Applicant in their proposal. He also noted that the statements from the public were indicative of frequently-voiced concerns about changes to neighborhoods; he stated that while he understood that perspective, the current zoning regulations were not meeting the long-term needs of the city, and they should be more flexible, particularly with respect to the establishment and promotion of small businesses. He stated that he thought the current proposal was appropriate for the property as a temporary use.

Ms. Baldock noted that the commissioners' resolution was only recommendatory to the Zoning Hearing Board, but that the Applicant and the Planning Commission should consider whether the hardship criteria was met. She noted that in the example of the time-conditioned approval referenced previously by Mr. Knight, the property owners had suffered a catastrophic fire and the redevelopment of the site required a substantial amount of time and energy, which established the necessary hardship conditions to approve zoning relief. Commissioner Monnier asked whether that would create a precedent for the Planning Commission to grant a temporary approval for the current request. Ms. Baldock stated that she felt the Planning Commission would be establishing a new precedent if they were to apply a similar approach for the current request.

Commissioner O'Toole addressed a previous exchange from the meeting, and stated that while he appreciated the attendance and commentary from the public, he didn't think it was necessary for Commissioner Marek to recuse herself from the application review. He noted that Harrisburg was a relatively small city, and that the commissioners knew many people, but that these relationships did not require recusal when individuals submitted applications for review before the Planning Commission. He noted that Commissioner Marek was not related to the Applicant, nor had a business relationship with them, and thus that recusal was not necessary. He stated that he trusted her to make a decision based on the merits of the request.

Commissioner Alsberry concurred with Commissioner O'Toole, and stated that he felt some of the accusations made by the public were a bit excessive.

Commissioner Alsberry noted that Commissioner McKissick had arrived during the discussion and asked whether he had any comments or questions. Commissioner McKissick stated that because he had joined in the middle of the discussion, he would recuse himself from comments on the proposal.

Commissioner Alsberry asked whether any of the commissioners wanted to make a motion to Deny the request; no commissioner choose to make such a motion and thus the Planning Commission does not have a recommendation to make to the Zoning Hearing Board regarding this request, and that Planning Bureau staff would provide their case report and the minutes of the meeting to the Zoning Hearing Board, but that they would not have a recommendation from the Planning Commission. Commissioner O'Toole stated that he thought that was a good result, and noted that there might be an "uphill battle" to get approval at the Zoning Hearing Board meeting.

The Applicant inquired about the revision of the proposal to include a commercial parking lot, and whether that request would need to be resubmitted or whether it could be brought up at the Zoning Hearing Board meeting. Mr. Knight stated that because they were related, the proposal could be raised at the Zoning Hearing Board meeting.

3 Street Vacation Application for 430 Reily Street, in the block bounded by Boyd Street, North 5th Street, Reily Street, and Fulton Street, zoned Residential Medium-Density (RM), filed by Kevin Baird with 400 Reily Street Management LLC & KevGar Holdco, LLC, to vacate Kelker Alley, Walker Alley, and rights-of-way (grocer's alleys).

Mr. Knight gave a synopsis of the report, recommending Approval with Conditions; the conditions were that:

1. If required by Capital Region Water or other utility providers, the Applicant will execute easement agreements with those providers to allow access to and maintenance of existing infrastructure running through or along the right-of-way, or will have such infrastructure formally abandoned.
2. The Planning Bureau would recommend that the Applicant either coordinate with the City Engineer's Office to preserve the existing granite curbs on-site for use elsewhere in the city, or incorporate the existing granite curbs into the development in a way that highlights the unique asset.

The case was represented by Kevin Baird (the developer), 1435 Walnut Street, Philadelphia, PA 19102; and Charles Suhr with Stevens & Lee (the legal counsel), 17 North 2nd Street, Harrisburg, PA 17101 (aka "the Applicants").

Commissioner Alsberry asked the Applicants whether the conditions in the case report were acceptable; they stated that they were. He asked whether the Applicants had any additional information to add to the case report; they responded that they did not, but would be discussing the relevance of the street vacation request in their testimony on the accompanying Land Development Plan application. The Applicants noted that the current applications were following up on the zoning relief requests reviewed at the previous months' Planning Commission meeting, and that while the current version had minor modifications to the previous submission, it was similar overall to the proposal.

Commissioner Alsberry asked whether any of the commissioners had comments or concerns about the project; Commissioner Marek noted that the Planning Bureau's case report had required coordination with other utilities, which was her main comment.

Commissioner Alsberry asked whether there was anyone else from the public that was for or against the project; Tiffanie Baldock gave instruction to the public in attendance on how to request to be unmuted so they could provide comment. There were no other comments.

Commissioner Marek moved, and Commissioner McKissick seconded the motion, to Approve the request with Staff Conditions. The motion was adopted by a unanimous vote (7-0).

- 4 Lot Consolidation & Land Development Plan Application for 430 Reily Street, in the block bounded by Boyd Street, North 5th Street, Reily Street, and Fulton Street, zoned Residential Medium-Density (RM), filed by Kevin Baird with 400 Reily Street Management LLC & KevGar Holdco, LLC, to consolidate the properties on the project site and construct a multi-story, mixed-use development featuring commercial space for grocery store, restaurant, coffee shop, and office uses; 85 residential apartments; and an approximately 500-space parking garage along with associated site and access improvements.**

Mr. Knight gave a synopsis of the report, recommending Approval with Conditions; the conditions were that:

1. The Applicant will receive approval from City Council for the concurrently submitted Street Vacation application for the rights-of-way that run through the project site.
2. The Applicant will coordinate with the Department of Public Works to confirm the appropriate size and location of refuse collection on-site.
3. The Applicant will continue coordination with the City Engineer's Office comments regarding the construction of sidewalks around the property, necessary signage and street markings for access to the site, driveways and curb cuts to the parking garage on-site, and potential improvements to the street infrastructure surrounding the project site.
4. The Applicant will coordinate with the Planning Bureau on the number and location of bike racks around the site to meet the requirements of the Zoning Code and/or bike storage locations within the building (for residents and employees of businesses on-site) to support bicycling as a method of travel as much as possible.
5. The Applicant will continue coordination with City staff on the installation of the Boyd Street urban meadow to ensure that the proposed development enhances that project and integrates access from that right-of-way.

The case was represented by Kevin Baird (the developer), 1435 Walnut Street, Philadelphia, PA 19102; Charles Suhr with Stevens & Lee (the legal counsel), 17 North 2nd Street, Harrisburg, PA 17101; Greg Holtzman with BL Companies (the project engineer), 2601 Market Place, Suite 350, Harrisburg, PA 17110; and Jarred Neal with Traffic Planning & Design (the traffic engineer), 4000 Crums Mill Road, Suite 102, Harrisburg, PA 17112 (aka "the Applicants").

Commissioner Alsberry asked the Applicants whether the conditions in the case report were acceptable; they stated that they were. He asked whether the Applicants had any additional information to add to the case report; they responded that they had developed a presentation to update the commissioners on revisions and modifications from the previous design. Commissioner Alsberry invited the Applicants to make their presentation.

The Applicants referenced the location of the project site with respect to surrounding streets and development projects such as the Federal Courthouse and the Boyd Street urban meadow. They showed the proposed building footprint, and noted that the site layout had changed from the proposal presented to the Zoning Hearing Board at the February 22nd meeting. Specifically, they noted that the vehicular access points had been relocated from Reily Street to Fulton Street and North 5th Street. The Applicants noted that there was a significant grade change of ten feet from the northeastern corner to the southwestern corner of the block, which allowed the design to

accommodate a half-basement parking area that include a bike storage area accessed from the Boyd Street urban meadow.

The Applicants noted that the proposed grocery store footprint had been reoriented to primarily front Reily Street, and that they had reoriented the lobby and common area of the proposed apartment complex portion to front the Boyd Street urban meadow. They noted that the upper floors now featured a “U” design with commercial and residential space fronting three sides of the building (Reily Street, North 5th Street, and Boyd Street) instead of just two sides, and that the parking structure would be located in the middle of the building footprint. The Applicants referenced the proposed elevation plans, again noting that the vehicular access to the garage had been relocated from Reily Street to Fulton Street which allowed the primary frontage to feature the grocery store and restaurant entrances. They noted that the delivery loading/unloading area would be located next to the proposed parking garage entrance on Fulton Street, and that the parking garage exit, coffee shop/café, and restaurant uses would have frontages on North 5th Street. Finally, the Applicants discussed the Boyd Street urban meadow frontage featuring the coffee shop/café and residential lobby, as well as the exterior access to the bike storage area. The Applicants then reviewed the 3D building rendering that illustrated the aspects noted above.

The Applicants solicited questions or comments from the Planning Commission. Commissioner Monnier stated that the project was very well done. Commissioner McKissick asked the project team’s traffic planner (Mr. Neal) to provide feedback on the expected levels of service and the impacts on nearby intersections, noting that the project would induce more vehicular trips in an area that had not seen much traffic. Mr. Neal noted that for the initial project proposal, they had evaluated trip generation from each use, as well as pass-by rates and internal capture from people visiting the businesses who also lived on-site; he stated that the peak-hour trips the use would generate would be 220 trips in the morning and 260 trips in the evening, with about 375 trips on Saturdays. Mr. Neil noted that he used the traffic analysis generated for the Federal Courthouse project and worked under the final conditions after completion of that project; he stated that those studies indicated that the street network still had sufficient capacity to accommodate the trips generated by the project.

Commissioner McKissick asked whether the scope of any intervention would be limited to retiming lights at intersections in the surrounding street grid. Mr. Neal noted that street networks in cities were “landlocked” in that they often could not be expanded for things like auxiliary turn lanes, so transportation interventions would primarily be limited to light timings.

Commissioner McKissick inquired as to the total number of parking spaces being proposed as part of the project; Mr. Neal noted that the total number of spaces was in flux, depending on the final layout of the site and the building; Mr. Baird stated that there were going to be 480 spaces, but concurred that the number was not final and that they were looking for efficiencies in adding spaces as they revised the design.

Commissioner Alsberry asked whether any of the commissioners had other comments or concerns about the project; Commissioner McKissick stated that he was glad to see the project evolving and that he felt the current design was better than the previous proposal. He stated that one of his concerns was that the neighborhood wasn’t left with just a concrete garage shell, noting that

previous discussions regarding the appearance of the downtown garages only resulted in the application of paint. The Applicants stated they felt having the apartment lobby and units front the Boyd Street was a better look for the building and would be a better frontage for the urban meadow. Commissioner McKissick stated that the project would set a new standard for development in the city.

Commissioner Marek stated that she was pleased with the current submission, especially the proposal to relocate the vehicular access points to Fulton Street and 5th Street. She inquired about the status of the coordination with the entities managing the City's parking assets, noting that the project site was in the Competing Parking Area; the Applicants stated that they had received a letter of support from PK Harris, which should resolve the issue. Ms. Baldock clarified that PK Harris had not submitted a letter of support, but rather a letter of non-objection, and noted that the City was still working to finalize the details of any agreement to ensure that there were no impacts to taxpayers. She stated that while an agreement had not been finalized, the Parking Authority's legal counsel was aware of and had been involved in the discussions.

Commissioner Monnier stated that he appreciated the inclusion of the bike storage area and felt that using the site grading to incorporate that aspect was a great idea. He noted that if bicycling to and from the project increased to the point that it overwhelmed the storage area, the Applicants could consider converting some of the vehicular parking to bike storage. Commissioner Monnier stated that he appreciated the Applicants' moving the vehicular access points to the side streets, as it made more sense from a circulation and pedestrian safety perspective.

Commissioner Alsberry echoed the other commissioners' comments, noting that he appreciated the inclusion of the parking garage and that the businesses included in the project, especially the grocery store and the coffee shop.

Ms. Baldock noted that the initial proposal included a 23,000-square-foot grocery store and requested confirmation that the revised proposal involved an approximately 8,000-square-foot space. The Applicants concurred that the proposed space was smaller, but noted that it was tenant-driven and that if a prospective grocer wanted to see more space, they could accommodate that as well. They stated that the current urban grocer model utilized up to 10,000 square feet, and noted that the reconfigured floor plan was how they were able to modify the vehicular access points.

Commissioner Alsberry asked whether there was anyone from the public that was for or against the project; Ms. Baldock gave instruction to the public in attendance on how to request to be unmuted so they could provide comment. There were no comments.

Commissioner McKissick moved, and Commissioner Marek seconded the motion, to Approve the request with Staff & Additional Conditions; the additional condition was that the Applicants would secure any necessary approvals from the City and the Parking Authority regarding the construction of a commercial parking structure within the Competing Parking Area. The motion was adopted by a unanimous vote (7-0).

OTHER BUSINESS:

1 Comprehensive Plan update

Mr. Knight noted that two of the three planned Comprehensive Plan webinars/public comment sessions had been completed, with one remaining. He noted that the initial February 17th session featured the Introduction, Land Use & Community Facilities, and Housing chapters, and that the February 24th session included the Economic Development, Mobility & Access, and Energy & Utilities chapters. Mr. Knight stated that City Council had been diligent about notifying the public of the webinars and soliciting attendance and participation, but noted that City Council was considering options for expanding the public engagement process beyond the digital format which might be complicated by COVID restrictions and available venues. He noted that City Council was considering larger venues such as school buildings or churches. Mr. Knight noted that the third and final webinar/public comment session would be on March 10th, and would cover the Parks, Open & Civic Space, Historic & Cultural Resources, and Integration & Implementation chapter. He stated that the Planning Bureau would be discussing the future public engagement timeline with City Council after the final session.

Mr. Knight noted that councilmembers were getting a good idea of what changes may need to be made to the document, and what the process might look like moving forward. He stated that he was happy with how the process was moving. He noted that it might be helpful to have Councilman Madsen attend the April 7th Planning Commission meeting to discuss an outline of the review process moving forward.

Commissioner Alsberry asked Commissioner Green what the City Council's perception of the document and process was; she stated that councilmembers were pleased with how the process had been moving forward, but that they were a bit concerned about reaching those who were not comfortable with the online forum. She noted that they were considering distributing physical copies of the document in locations throughout the city to enable easier access for populations with more difficulty accessing the Zoom sessions. She stated that the councilmembers felt the sessions were engaging, and that Planning Bureau staff had done a good job organizing and presenting the material.

Commissioner Green also noted that they were considering separate meetings for each chapter so that the sessions were shorter and encouraged more attendance from individuals just interested in certain topics. She noted that with the weather warming up, City Council was considering hosting sessions at various outdoor venues such as Reservoir Park or City Island.

2 Subdivision & Land Development Plan regulations

Mr. Knight noted that the issue of revising the City's subdivision and land development regulations was raised at the February Planning Commission meeting, so he thought that he would start the process by providing versions of the existing Subdivision & Land Development Ordinance (SALDO). He noted that the packets had been distributed a bit later than he intended, and that the commissioners likely hadn't had time to digest the regulations or come up with discussion points, and that it might be best if the commissioners scheduled some discussions for the April 7th meeting.

Mr. Knight noted that the current SALDO regulations dated to 1990, and thus that a review and revision of the regulations was long overdue. He noted that the Planning Commission could

consider a variety of changes including to the types of projects that required land development review, as well as to the submission requirements. He noted that City Council was considering the concept of required “public goods” was being introduced as a component of street vacation legislation being heard by City Council, and noted that the Planning Commission may want to consider something similar for land development reviews.

Mr. Knight stated that the Planning Bureau was open to any and all changes to the regulations, and that he hoped revisions could better plan the Harrisburg of today and prepare for the Harrisburg of the next twenty years.

ADJOURNMENT: 8:19 PM

Commissioner O’Toole moved, and Commissioner Marek seconded the motion, to adjourn. The motion was adopted by a unanimous vote (7-0). The meeting adjourned at 8:19 PM.