

MINUTES

HARRISBURG PLANNING COMMISSION REGULAR/VIRTUAL MEETING November 4, 2020 ZOOM PLATFORM

MEMBERS PRESENT: Joseph Alsberry, Chair
Vern McKissick, Vice Chair
Shaun E. O'Toole
Jamesetta Reed
Ausha Green
Anne Marek
Zac Monnier

MEMBERS ABSENT:

STAFF PRESENT: Geoffrey Knight, Planning Director
Neil Grover, City Solicitor

OTHERS PRESENT:

CALL TO ORDER: 6:35 PM

APPROVAL OF MINUTES: Commissioner Marek moved, and Commissioner Reed seconded the motion, to approve the minutes from the October 7th meeting without corrections; the motion was adopted by a unanimous (7-0) vote.

OLD BUSINESS:

1 Variance & Special Exception Applications for 260 Boas Street, zoned Residential Medium-Density (RM), filed by Derek Dilks with Dilks Properties of Harrisburg, LLC, to establish a “Multifamily Dwelling” use on-site and to request relief from the density regulations for the RM district.

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

1. If granted approval for the requested zoning relief, the Applicant will subsequently file a Land Development Plan and receive approval from the Planning Commission and City Council, for the establishment of an eight-unit “Multifamily Dwelling.”
2. The Applicants will coordinate with the City’s Historic Preservation Specialist on any proposed exterior alterations to the property and will file a Certificate of Appropriateness (COA) application and receive approval from HARB for any work City staff deems it necessary to do so.

3. The Applicants will coordinate with the Department of Public Works to ensure that the account billing is updated to reflect the new development and to identify the appropriate refuse storage needs and location.
4. While not specifically-required by the Zoning Code, the Planning Bureau would recommend that the Applicant consider identifying available parking options within the surrounding neighborhood and advertising these options to future tenants.
5. The Applicant should submit a financial pro forma outlining the calculations that demonstrate the necessity of establishing eight units.

The case was represented by Derek Dilks with Dilks Properties of Harrisburg LLC (the developer), 1701 North Front Street, Harrisburg, PA 17102; and Chris Dawson with Chris Dawson Architect (the project architect), 300 North 2nd Street, Harrisburg, PA 17101 (aka “the Applicants”).

Commissioner Alsberry asked the Applicants whether the conditions in the case report were acceptable; they confirmed that they were. Commissioner Alsberry asked whether the Applicants had anything to add to the case report. They stated that the project was inspired by a similar, eight-unit church conversion project in Washington DC; they stated that when they saw the project for sale, they thought a similar project would be a great addition to the neighborhood.

The Applicants noted that the property was in need of renovation, and that because the building was on the market for a while, they did not believe it would find another type of reuse. They stated that they had initially considered the establishment of twelve units, but that they had scaled back the proposal to eight units; they noted that the proposal would involve some loft units with taller ceilings. The Applicants noted that there was a trend of churches being repurposed for residential uses and that they felt the current proposal was the highest and best use for the property. They stated that the project, in conjunction with other nearby projects along 3rd Street, would add to the character and vibrancy of the neighborhood.

Commissioner Alsberry stated that one of his primary considerations in reviewing such proposals was the impact on parking; he acknowledged that the Zoning Code did not require the provision of off-street parking spaces, but that on-street parking in the neighborhood streets was somewhat limited. The Applicants confirmed that the property could not accommodate parking on-site, but noted that they owned a nearby property at 909 Green Street which did have off-street parking spaces available; they stated that they had in excess of ten parking spaces and would be willing to make those available to future residents of the project, although they didn’t wish to have an approval tied to those spaces. The Applicants noted that they were actually reducing the amount of required parking from the previous use as a church, but reiterated that they were willing to offer future tenants access to the referenced off-site parking.

Commissioner Alsberry asked whether any of the commissioners had comments or concerns about the project. Commissioner McKissick reiterated Commissioner Alsberry’s concerns about the parking, but noted that his comments weren’t directed specifically to the current proposal. He stated that parking, specifically the availability of on-street parking, had been an increasing concern around some of the recently approved residential developments. Commissioner McKissick stated that previous applicants had indicated they would find parking solutions for the tenants of their projects, but that tenants had eventually secured residential parking permits for on-

street parking, overwhelming the available inventory. He referenced some of the more recent office conversion projects that had been approved downtown.

Commissioner McKissick asked Planning Bureau staff how residential parking permits were granted, and if there were ways to prevent new residents coming into a neighborhood from securing residential parking permits. He noted that some downtown developers had indicated they would direct future tenants of projects to park in the city's downtown garages, but that many of those residents were looking for on-street parking permits instead. Commissioner McKissick acknowledged that the current project appeared to have available off-street parking nearby, but stated that he wanted to ensure the Planning Commission was not continuing to contribute to the problem in future development reviews. He noted that he had received some correspondence over the previous weeks regarding the issue and that he had shared that with the other commissioners.

Commissioner McKissick stated that he felt the current project was a reasonable development proposal, that eight units seemed appropriate for the site, and that the project architect had done a good job with the reconfiguration of the interior space. He reiterated that he'd like to see the impact of new residential units on on-street parking addressed more thoroughly in future development projects.

Mr. Knight stated that many of the multifamily conversion projects were occurring downtown, within the footprint of the Competing Parking Area, and noted that some of the commissioners were also on the Harrisburg Parking Authority board. He asked whether they were aware of any outreach efforts to residents by Standard Parking to encourage downtown residents to use the existing vacant garage spaces. Mr. Knight noted that conditions were different in Midtown, where there were no public parking garages. He stated that the Zoning Hearing Board also considered the impact on parking in the surrounding neighborhood for projects of this type and intensity, even when it was not explicitly required by the Zoning Code, and noted that the Planning Commission and Zoning Hearing Board may want to consider requiring the provision of at least some off-street parking in future reviews.

Commissioner McKissick stated that he felt the Zoning Code regulation not requiring off-street parking when converting from one use to another was somewhat of a loophole considering that although the former use required more parking, it wouldn't be required on as regular a basis as the tenants of the proposed apartment project.

The Applicants stated that if they pursued apartment projects in the downtown area in the future, they would be happy to actively encourage residents of those developments to secure spaces in the nearby garages. They noted that the Zoning Hearing Board would sometimes state that they were not able to add legal requirements to their decisions that residential units were attached to specific spaces in garages. The Applicants stated that they would be willing to put such actions in writing to assure the commissioners that they would promote such parking, and that they felt such requirements would be a reasonable solution. Commissioner McKissick stated that he appreciated the Applicants' offer. He stated that he felt residents were victims of the recovery plan which took away local control of public parking in downtown and midtown Harrisburg.

Commissioner McKissick asked whether there was some loophole that permitted tenants of new units to secure on-street parking permits. Mr. Knight requested clarification on the issue. Commissioner McKissick asked whether there was any regulation that prevented new residents from requesting an on-street parking permit as opposed to requesting a monthly parking pass for a space in a parking garage. He stated that in the past, the Planning Commission had sometimes overlooked the impact on parking of new projects in an effort to support development, but that he hoped they would begin reviewing that aspect of proposals in the future.

Mr. Knight acknowledged that the City was a victim of the agreement that transferred control of public parking assets to a private operator, and stated that the Planning Bureau would prefer to identify all excess parking spaces surrounding new projects, and work with applicants to ensure that the use of these spaces was maximized. He noted that the City could not do this for projects within the Competing Parking Area where many of the recent residential conversions were located, but that for projects in other areas of the city, the Planning Bureau could encourage applicants to reach out to owners of property with excess parking to see whether spaces were available for lease.

Commissioner O'Toole stated that he had read the correspondence regarding on-street parking referenced by Commissioner McKissick, and agreed that the Planning Commission should seek measures to resolve parking concerns, but noted that because the current project had access to off-street parking at a nearby property, he didn't have any concerns with the proposal.

Commissioner Marek reiterated some of the previous points, noting that the issues surrounding the availability of on-street parking were something that should be examined more closely in future reviews. She noted that while it was logical to assume capacity in nearby garages would accommodate new demand for parking, that had not been borne out in reality. She stated that she agreed that the commissioners should begin addressing that moving forward, and thanked the Applicants for agreeing to more proactively identify available parking and for offering to provide parking for residents of the current project in their nearby property. Commissioner Marek stated that she believed the current proposal represented the highest and best use of the subject property, and that she was aware that such projects were increasingly common in other cities as church congregations shrunk or looked for more affordable buildings. She noted that while it would be welcome to see a unique use such as artists' studios, she wasn't sure that such proposals would be financially-viable.

Commissioner Monnier stated that he disagreed with the other commissioners regarding the provision of parking and stated that he felt the City should be getting rid of off-street parking requirements for new projects. He stated that he felt the community needed to identify other ways of getting around the city than in vehicles. Commissioner Monnier noted that the city could not accommodate a parking space for every person without requiring the removal of many buildings to construct surface parking lots. He stated that he felt it was not an effective way to manage traffic and parking in a manner consistent with good urbanism.

Commissioner Monnier stated that he appreciated the proposed project and knew that there were many issues regarding the existing condition of historic architectural elements; he applauded the Applicants for pursuing the project. He asked whether the Applicants had considered other residential, such as co-living units, before deciding to move ahead with the proposed one-bedroom

units. The Applicants noted that the project in Washington DC that they had previously referenced was a co-living development, but stated that he wasn't sure Harrisburg's real estate market was ready for such a proposal. Commissioner Monnier noted that it could be difficult to be the first to construct such a unique development for the local market, noting that Harrisburg was a somewhat risk-averse climate. The Applicants stated that it was something they might consider in the future.

Commissioner Monnier stated that he had spoken with a number of city residents who were interested in the concept of co-housing developments, and that Harrisburg was in a particularly unique situation as the state capital since a lot of people moved into the city on a temporary basis that did not require a one-year lease in a rental unit. Commissioner Monnier noted that co-housing might be a more attractive option than hotels or Airbnb units, which he noted were still being rented fairly frequently despite the COVID pandemic.

Commissioner Alsberry asked whether there was anyone from the public that was for or against the project; Commissioner Marek gave instruction to the public in attendance on how to request to be unmuted so they could provide comment. Mr. David Butcher with WCI Partners, LP (1900 North 2nd Street, Harrisburg, PA) stated that his company supported the project and felt it was a great development, especially considering the risky nature of the proposal.

Commissioner Alsberry stated that he also supported the project, and appreciated that it would be a great reuse for an historic church building.

Commissioner Marek moved, and Commissioner Monnier seconded the motion, to Approve the request with Staff Conditions. The motion was adopted by a majority vote (6-1).

NEW BUSINESS:

1 Variance Application for 925 North 3rd Street, zoned Commercial Neighborhood (CN), filed by Theo Armstrong with Zeroday Brewing Company, to install two wall signs.

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

1. The Applicant will receive approval from HARB for the Certificate of Appropriateness (COA) application submitted for the proposed signage.

The case was represented by Theo Armstrong with Zeroday Brewing Company (the business owner), 250 Reily Street, Harrisburg, PA 17102; and David Butcher with WCI Partners, LP (the property owner), 1900 North 2nd Street, Harrisburg, PA 17102 (aka "the Applicants").

Commissioner Alsberry asked the Applicants whether the conditions in the case report were acceptable; they confirmed that they were. Commissioner Alsberry asked whether the Applicants had anything to add to the case report; they noted that they had received approval from HARB at their November 4th meeting.

Commissioner Alsberry asked whether any of the commissioners had comments or concerns about the project. Commissioner Marek stated that she felt the request made a lot of sense and that the proposed signage was well-designed.

Commissioner Monnier noted that he used to work for the Pennsylvania Liquor Control Board and that he appreciated that many of the higher-level staffed parked in the spaces along James Street would be seeing that signage when they came into work. He stated that he appreciated all the work that Zeroday Brewing Company had done on the subject property. The Applicants stated that they were excited to move into their new space.

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

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

2 Variance & Special Exception Applications for 3005 North 4th Street, zoned Residential Medium-Density (RM), filed by Alfredo Cruz, establish two additional dwelling units on-site which involves Special Exceptions for the expansion of existing, non-conforming aspects of the property related to the use and the provision of off-street parking, and a Variance request to exceed the permitted number of residential units on-site.

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

The case was represented by Alfredo Cruz (the property owner), 14 Pocono Drive, Mechanicsburg, PA 17055 (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 when he purchased the building, it was in bad shape, and noted that he was planning on fixing up the property and then reselling it, but eventually decided to retain it and rent it out as apartments. He stated that he was not aware he would need zoning relief since it was his first time doing such a project in the city, and stated that he was trying to rectify the situation. He asked that the Planning Commissioner reconsider the Planning Bureau's recommendation of denial. The Applicant stated that he had tenants currently living in the units, which were each approximately 400-500 square feet.

Commissioner Alsberry stated that the Applicant should have called Planning Bureau staff to confirm whether the proposal required zoning relief or not.

Commissioner Alsberry asked whether any of the commissioners had comments or concerns about the project. Commissioner McKissick stated that the current issue was the result of an unfortunate circumstance, but that he didn't see any justification for the requested Variance in the submitted application. He stated that if the Applicant had used a real estate agent in the purchase of the property, they should have informed the Applicant of the uses permitted by the Zoning Code. He stated that he would be recommending that the request be denied.

Commissioner O'Toole reiterated Commissioner McKissick's statements that while he felt bad for the Applicant, they hadn't provided any justification upon which he felt the commissioners could approve the request.

Commissioner Green asked for more information on the internal configuration of the property. The Applicant stated that the two units in the front of the building were efficiency units and the two units in the rear of the building were one-bedroom apartments, and that each had their own kitchens and bathrooms. He stated that his tenants were happy with his units and that he didn't want to displace them; he noted that two of his tenants had been in their units for approximately two years.

Commissioner Marek concurred with the other commissioners that the information provided by the Applicant did not justify the determination of a hardship which would support the approval of the requested zoning relief. She asked how long the building had been operating as four units; the Applicant stated that it had been configured that way for approximately a year and a half, and that he had spent six months converting the property to four units after he purchased it. Commissioner Marek asked whether it had been fully occupied by tenants during that entire time; the Applicant stated that it had. Commissioner Marek noted that it had not been operating in its current configuration for very long.

Commissioner Monnier stated that he felt the Applicant could make a good case for a hardship based on financial justifications. He inquired as to whether the Applicant had considered the financial investment prior to purchasing the property. The Applicant stated that he purchased the property for \$27,000 and that he was hoping to resell the property for \$80,000-\$100,000 after doing renovation work. He stated that he decided to rent it to individuals he knew who needed housing, and noted that he had never been a landlord before. He reiterated that he was not familiar with the process of converting an existing property into more units. Commissioner Monnier asked the Applicant whether he was able to financially evaluate whether the property could be feasible as two units; the Applicant stated that he wasn't sure. Commissioner Monnier stated that the Applicant should recalculate the finances of the project to determine whether the property would be financially viable as two units.

Commissioner Alsberry asked whether there was anyone from the public that was for or against the project; Commissioner Marek gave instruction to the public in attendance on how to request to be unmuted so they could provide comment. Ms. Arlene Burno (3990 Sumner Drive, Harrisburg, PA) stated that she was born and raised in the city and that she supported the project. She stated that there were many blighted properties throughout the city, with limited availability of apartments for those who needed housing. Ms. Burno stated that she understood why the Applicant had established two additional units on-site; she referenced the housing availability survey completed in 2018 and stated that there were not available units for people looking for affordable housing. Ms. Burno stated that the project would help the city's tax base. She stated that she was passionate about the city and the potential that it had, and that she felt the current project was a good addition to the community.

Commissioner Alsberry asked whether there was anyone else from the public that was for or against the project. Mr. Grover began to provide a response but his connection to the Zoom meeting was disconnected.

Commissioner Reed asked Planning Bureau staff what the options were for the Applicant, noting that the work to establish four units had been completed; she asked whether the Applicant would have to return the property to its previous two-unit configuration. Mr. Knight stated that after-the-fact reviews presented a challenge in moving forward. He referenced Commissioner McKissick's earlier point about the Applicant's realtor being responsible for providing accurate information, and noted that he had recently witnessed weekend work being conducted on a property near his house, without submitting the requisite permits, at the behest of the current realtor, and noted that because of this he did not always fault a property owner in situations where unpermitted work was performed. Mr. Knight also stated that he did not want the Planning Commission to approve after-the-fact work as an end-around to the proper zoning relief process. He stated that the approach in this specific instance would be dependent on the work that actually occurred on-site to establish an additional two units.

Mr. Knight also noted that the project touched on another concern regarding housing in the city, specifically the retention of affordable, single-family units versus the many proposals to convert rowhomes into multi-unit apartments. He referenced the conflict between supporting smaller units for individuals that were often more affordable versus larger units for families that might be a bit more expensive, observed the dearth of the latter type of housing, and noted the difficulty in achieving balance between those perspectives. Mr. Knight stated that the best approach may be to discuss the property with the Codes Bureau to ascertain what options may be available moving forward.

The Applicant confirmed that there were four full bathrooms and four full kitchens, and stated that he could not afford to remove those aspects of the units and would likely have to sell the building if he were forced to remove those. Commissioner Monnier stated that he understood the Applicant's dilemma and suggested that the Applicant might be able to sell the building and then look to invest in another property. He stated that he didn't want to discourage good landlords from pursuing units in the city.

Mr. Grover re-established his meeting connection and recommended that the Applicant consider securing legal counsel in advance of a Zoning Hearing Board meeting since he had a significant hurdle to overcome in proving a legitimate hardship. He noted that legal counsel may be able to identify justifications that the Applicant had not considered in developing his case.

Commissioner Alsberry asked whether there was anyone from the public that was for or against the project; Commissioner Marek gave instruction to the public in attendance on how to request to be unmuted so they could provide comment. There were no additional comments. Commissioner Alsberry recommended that the Applicant follow Mr. Grover's advice and noted that while the Planning Commission seemed to support the Applicant's concept, they were bound by the regulations in the Zoning Code when making their decision.

Commissioner McKissick moved, and Commissioner Monnier seconded the motion, to Deny the request. The motion was adopted by a unanimous vote (7-0).

3 Variance & Special Exception Applications for 1103 South Front Street, zoned Riverfront (RF), filed by Thomas Zimmerman with Veterans Outreach of Pennsylvania, to establish a “Use Not Specifically Prohibited” in the Zoning Code and to construct buildings below the Minimum Building Height regulation.

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

1. Prior to submission of a Land Development Plan, the Applicant will redesign the development along the eastern portion of the lot to be subdivided to consolidate facilities on a smaller footprint, better secure the structures against potential flooding, and maintain public access to the southern end of the property along the river. The Planning Bureau believes this can be done through a more grid-like approach to the siting of the housing units and community center facility. The development footprint can further be reduced by removing the large truck-turning driveway and the excessively-large parking area. There is no justification for the provision of 26 parking spaces; as other service providers have attested to in past applications, the percentage of individuals housed in such developments with their own vehicle is very low. The facilities on-site should be located on the highest portion of the property, given the proximity to AE Floodplains and Floodways of both the Paxton Creek and Susquehanna River.
2. The Applicant will retain public access along the western portion of the property along the Susquehanna River to the southernmost point. This will retain a recreational amenity for the community at large, will maintain an ecological buffer along the river, and will conform to best practices for floodplain management. The Planning Bureau would recommend that the Applicant, upon transfer of the property, consider adding a permanent easement along the river to prevent development in perpetuity.
3. Either the current or future property owner will dedicate right-of-way, along the existing footprint of the Capital Area Greenbelt running from the property to the north (1101 South Front Street) to the bridge over the railroad tracks, to the City of Harrisburg to ensure that the public maintains access to this critical stretch of the existing multi-use trail.

The case was represented by Bruce Grossman, Esquire with Caldwell & Kearns (the legal counsel), 3631 North Front Street, Harrisburg, PA 17110; Tom Zimmerman with Veterans Outreach of Pennsylvania (the prospective property owner), 6526 Plowman Ridge, Harrisburg, PA 17112; and Christine Hunter with H. Edward Black & Associates, Ltd., 2403 North Front Street, Harrisburg, PA 17110 (aka “the Applicants”).

Commissioner Alsberry asked the Applicants whether the conditions in the case report were acceptable; they stated that they were unaware of the conditions prior to the case report being read, and that their design was adaptable, but that they felt there were reasons why some of the conditions could not be met. Mr. Knight noted that in previous conversations with the project architects, he had raised the issues related to reconfiguring the layout on-site, reducing the space for the truck turnaround and parking areas, and addressing the flooding issues. The Applicants acknowledged that he had mentioned those issues. He also noted that he had discussed the Greenbelt access issues with the Applicants, although he noted that the Planning Bureau did not

expect the Applicants to retain the full existing footprint of the trail around the periphery of the property, but that they should retain a connection across the property and along the riverfront. Mr. Knight noted that this would prevent development within the floodplain and floodway in the future.

The Applicants stated that they concurred with the condition related to avoiding the floodplain areas. The Applicants noted that the property was currently owned by an entity that had allowed the Greenbelt to run across the property, and that the owners were planning on donating the southernmost five acres of the property to the Applicants, after which time the Applicants would work with the Greenbelt Association to relocate the trail to the north of the parcel to be subdivided. The Applicants stated that the current property owner intended on providing the Greenbelt with access across the property via an easement, which should ensure its continued existence across the property.

The Applicants stated that while they agreed that there should not be development along the riverfront, they were concerned about public access considering the resident population of the project was going to be homeless individuals and that for therapeutic reasons, the residents would need privacy and security. They stated that the fence would run along the proposed subdivision line. The Applicants stated that they assumed the Planning Bureau's condition was related to access along the riverfront all the way to the southern tip of the parcel. Mr. Knight confirmed that was correct, but noted that he hadn't anticipated that the public would be permitted into the facility property, but rather that any fencing would be constructed so that it would enclose a portion of the five acres while maintaining access along the riverfront.

The Applicants stated that this issue was something they would have to consider in more detail and consult with Planning Bureau staff moving forward. The Applicants stated that they were amendable to discussing the Planning Bureau's conditions, but that they couldn't provide confirmation at the current meeting on whether they could accept them.

Commissioner Alsberry asked whether the Applicants had engaged with residents from the nearby neighborhood of Shipoke. They confirmed that they had had a town hall meeting with the residents approximately two weeks prior, and had provided answers to the approximately seventy questions submitted by the Shipoke Neighborhood Association. The Applicants confirmed that they also discussed the project with the Mayor's Office, who had recommended they reach out to the neighborhood association; they stated that they had intended to have more meetings with stakeholders, but that the COVID pandemic had interrupted those plans. The Applicants also referenced the letter of support they had received from the Capital Area Greenbelt Association.

Commissioner Alsberry reiterated that the Planning Commission always wanted to see engagement with the community; the Applicants noted that some of the members of the Shipoke neighborhood were likely in attendance at the current meeting and noted that they had invited the residents to attend the meeting to speak on the project.

Commissioner Alsberry asked whether any of the commissioners had comments or concerns about the project. Commissioner McKissick stated that he felt the proposal was an intriguing project that would address the homeless population which was already present in the area, particularly living under the highway overpasses and on some of the forested properties. He stated that his primary

concern was developing in accordance with floodplain regulations [At this point, Commissioner Marek interrupted and stated that it was difficult to hear him; Commissioner McKissick asked Commissioner Alsberry to continue soliciting comments from other commissioners while he adjusted his audio equipment].

Commissioner Reed asked the Applicants whether the project involved permanent housing or transitional housing. The Applicants noted that the project involved the construction of fifteen tiny home units, each with a half-bath, sleeping facilities, kitchen facilities, and a work space. They noted that there would be a 6,000-square-foot community center facility that would have meeting spaces, training areas, laundry facilities, and showers. The Applicants stated that the intention was to give each individual their own space, but also encourage them to engage and interact with one another. They also noted that the units would be transitional, but have a different model than existing facilities; they noted that each individual would have access to a case worker and would be permitted to live on-site as long as necessary. The Applicants also noted that they had been coordinating with the Capital Area Coalition on Homelessness (CACH) on the project, and using their standards for helping the local homeless population.

The Applicants noted that they were intending on following a proven model which had been implemented in other cities; they noted that their original concept had been developed in Racine, Wisconsin and that other projects were developed in Kansas City, Missouri; Savannah, Georgia; San Diego, California; and Milwaukee, Wisconsin. They noted that the model was intended to help individuals who were not succeeding in the existing homeless services infrastructure. They stated that homeless veterans often became frustrated with existing systems, but that the proposed facility had been proven to work for those individuals.

Commissioner O'Toole stated that it was an interesting project, but asked how the commissioners could proceed through the process if the Applicants could not commit to adopting the Planning Bureau's recommendations.

Commissioner Green stated that she liked the concept and location of the project, and was interested to see how it would work in Harrisburg.

Commissioner Marek stated that she thought it would be an interesting and exciting project which would serve an existing need in the city. She noted that she had some concerns regarding the location of the project, which were generally addressed in the conditions in the Planning Bureau's case report. She concurred with Commissioner O'Toole that she was unsure how the commissioners should move forward given that the Applicants were not able to confirm whether they could comply with those conditions. Mr. Knight noted that the project would eventually need to file a Subdivision & Land Development Plan application as well, and that the commissioners would have another opportunity to review the project and consider potential changes to the submitted application at that time. He stated that the Planning Bureau would be willing to meet with Applicants prior to a Zoning Hearing Board review to discuss the recommendations of the Planning Bureau.

Commissioner Alsberry stated that the commissioners could consider Tabling the application for consideration at a future meeting. Commissioner Marek noted that the Applicants could then file

their Subdivision & Land Development Plan and have both applications reviewed concurrently at the next meeting.

Commissioner Monnier stated that he supported the “tiny house” movement and the co-living model being implemented in the proposed design. He expressed reservations about losing access to this portion of the Greenbelt, noting that it was a unique site where natural vegetation had overgrown former industrial ruins, and having it be developed. Commissioner Monnier also referenced a future Paxton Creek greenway, noting that it was a concept embedded in the draft Comprehensive Plan document, and stated that access to the confluence of Paxton Creek and the Susquehanna River should be protected for that project. He also stated that he was a bit conflicted because he understood the need for the residents to have privacy and security so that they could have a better path back into integration in society. Commissioner Monnier stated that he hoped a conversation with the current property owners would result in an agreement to maintain access to the confluence area at the southern edge of the property, and thus that he supported the proposal to Table the vote to a future meeting date.

Mr. Knight noted that the second condition in the Planning Bureau’s case report would address Commissioner Monnier’s concern about maintaining access to the confluence of Paxton Creek and the Susquehanna River. He also noted that the potential Paxton Creek greenway referenced by Commissioner Monnier would not run to the confluence due to topographical issues preventing excavation and construction of a trail, and that the proposed greenway would likely connect to the Greenbelt near the Lochiel Hotel on Shanois Street.

The Applicants noted that the project footprint would be located entirely in the 500-Year Floodplain, although they noted that the 100-Year Floodplain did encroach on the periphery of the site.

Commissioner Alsberry noted that Commissioner McKissick had reconnected to the meeting and offered him the opportunity to finish his previous comments. Commissioner McKissick stated that he understood why the Applicants were proposing the project at the subject property, but that there were often significant site constraints to deal with when non-profits were gifted properties. He referenced a previous project that his firm had done in which significant investment was needed to mitigate the impact on the wetlands that comprised a substantial amount of the site. He asked whether the tiny homes were intended to be movable in the event of a flood; he noted that floodproofing measures could often be fairly expensive and might impact the viability of the project.

Commissioner Marek asked the Applicants whether there were plans for future expansion of the proposed use. They noted that the current proposal only included the construction of fifteen tiny homes and an accompanying community center for residents, and that they had discussed with the Planning Bureau a potential expansion of five tiny homes in the future, although that would only be pursued if the current proposal received approval for the necessary zoning relief and land development and if the project itself was successful. The Applicants stated that they would submit all the necessary applications for review in the future if they decided to pursue an expansion, but reiterated that the current proposal was only for fifteen tiny homes.

Commissioner Alsberry asked whether there was anyone from the public that was for or against the project; Commissioner Marek gave instruction to the public in attendance on how to request to be unmuted so they could provide comment. Mr. David Dekok (113 Conoy Street, Harrisburg, PA) stated that he was in opposition of the project. He stated that the Applicants had confirmed in their presentation to the neighborhood association that housing would be available to sex offenders and those with felony criminal records, which he felt was unsafe. He stated that the project was a five-minute walk from the Shipoke neighborhood and residents may roam at night looking to buy drugs and steal. Mr. Dekok stated that the Applicants should locate the project in their own neighborhoods.

Ms. Rebekah Leiphart (609 Showers Street, Harrisburg, PA) noted that she was the president of the Shipoke Neighborhood Association, and confirmed that the Applicants had attend a neighborhood meeting the previously week at which forty questions, from all members of the community, were presented to them. She stated that the Board had taken a final vote on a formal position statement on the project, and that the Board had unanimously voted to support the project.

She outlined some of the conditions the Board had included in its letter of support, noting that the Board was aware that the project may house convicted felons and sex offenders, and that they wanted to ensure that residents would have individual addresses so that sex offenders could be identified per Megan's Law. Ms. Leiphart noted that the Applicants were considering using P.O. boxes and stated that the Board strongly requested that the project provide individual addresses for each unit, whether it was assigned to each unit or somehow affiliated with the community center facility. Ms. Leiphart also noted that another consideration that the Board requested was that any zoning relief approvals only be granted for the five acres being subdivided from the larger parcel. She noted that the remaining fifteen acres had no current proposals and that applying any zoning relief to the full parcel would be opposed by the neighborhood. Ms. Leiphart stated that the Board also supported the proposal to relocate the project footprint to higher ground on the eastern side of the parcel to reduce potential impacts from flooding. She noted that since many Shipoke residents had lived through past floods, they had a genuine concern for ensuring the project was successful and safe from as much of the flooding risk as possible.

Ms. Leiphart reiterated that the Shipoke Neighborhood Association supported the mission of the project and the overall goals, and that their conditions were included to ensure the project was successful and able to safely integrate into the community as much as possible.

The Applicants confirmed that the current zoning relief requests were only for the five acres that were to be subdivided and not for the entire parcel. They stated that they looked forward to continued coordination with the neighborhood association. They stated that they didn't think that individual addresses being assigned to residents would be an issue, since the residents would be receiving benefits from the Veterans Administration; thus, they would need individual addresses to which that could be delivered. The Applicants reiterated that the current zoning relief was only being requested for the five acres to be subdivided and not the entire parcel. The Applicants noted that, with respect to relocating the footprint to the east, there was metal and slag in the ground from previous activities in some locations that might make it difficult to construct in that area. They did acknowledge that they had considered that, but felt their current layout was appropriate for the site.

The Applicants requested clarification on the final condition from the Board. Ms. Leiphart stated that after the town hall meeting the previous week, she had contacted Planning Bureau staff to ask how the zoning relief requests would be limited to the proposed five-acres site, and was told that there was no way to guarantee that the zoning relief would be limited to that area. She stated that she understood the Applicants only intended for that to be the case, but that the Board wanted confirmation that the zoning relief would be limited to that area before granting their support for the project.

Mr. Knight stated that he wasn't sure he could provide clarity on the issue, noting that the Zoning Hearing Board might attach a condition to any approval that the relief would only be for the proposed project site and not the entire parcel. He noted that the Zoning Hearing Board may decide that they could not hear the case until the parcel was formally subdivided. Mr. Knight noted that having to subdivide the property in advance of a ruling on the requested zoning relief might delay and add substantial cost to a project that was designed to be low-cost in order to ensure the units were as affordable as possible. Ms. Leiphart asked whether the current request, without additional conditions, would thus apply to all twenty acres. Mr. Knight noted that the Planning Bureau often tied approvals various applications for a project to one another, such as pending Subdivision application and the current zoning relief request, to ensure that the final approvals reflected all necessary considerations attached to any specific aspect of the project.

The Applicants stated they wanted to hear the rest of the comments from the public and the commissioners, and then would request the review of the application be Tabled until the next Planning Commission meeting. They reiterated that they were only requesting zoning relief for the five acres to be subdivided and that they would make that position clear in all future meetings regarding the project. Ms. Leiphart noted her appreciation. She asked for confirmation that the Applicants were willing to use the proposed community center as a fixed address to address concerns about ex-felons and sex offenders, noting that it would go along way towards addressing the concerns from the community. The Applicants stated that they believed there was no reason they couldn't use the physical address of the community center.

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

The Applicants formally requested that the review of the current application be Tabled and requested a copy of the Planning Bureau's case report. Commissioner Alsberry stated that he was going to recommend that the commissioners Table the review as well. He noted that he was a veteran and supported the project's goals and mission.

Commissioner Alsberry asked the commissioners for a motion to Table the review. Commissioner Marek noted that the City Solicitor wanted to make a statement. Mr. Grover noted that the commissioners should add a condition, prior to a vote to Table the application, that any decision be subject to the eventual approval of a Subdivision Plan consistent with the application.

Commissioner McKissick moved, and Commissioner O'Toole seconded the motion, to Table the application until the January 2021 meeting, with the additional condition that any approval should

be subject to the lot to be subdivided from the overall parcel. The motion was adopted by a unanimous vote (7-0).

4 Special Exception Applications for 549 South Front Street, zoned Residential Medium-Density (RM), filed by Joshua Benjestorf, to establish an additional dwelling unit on-site which involves the expansion of existing, non-conforming aspects of the property related to the use, the number of residential units, and the provision of off-street parking.

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

The case was represented by Joshua Benjestorf (the property owner), 549 South Front Street, Harrisburg, PA 17104 (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 the building was a solid structure but that it was rotting from the inside out; he noted that the roof had sprung a leak a few years ago and required significant repairs beyond the temporary patch that the Applicant applied. The Applicant stated that the previous owner of the property had rented the two parking spaces on the first floor of the garage to neighborhood residents, but that he had recently ended those agreements and begun using the space for his personal vehicles. He stated that if he wasn’t able to quickly rehabilitate the building it might collapse.

Commissioner Alsberry asked whether any of the commissioners had comments or concerns about the project. Commissioner McKissick noted that the Applicant seemed to be implying that if the commissioners did not grant approval, he would allow the structure to collapse through neglect.

Commissioner O’Toole stated that he didn’t think the Applicant was demonstrating a hardship, noting that the building had been generating revenue previously when the parking spaces were being leased. He said he did not believe the request qualified for a Variance.

Commissioner Marek stated that she concurred with Commissioner O’Toole and did not feel the Applicant had provided a sufficient justification.

Commissioner Monnier stated that he agreed with the Applicant that the building did require repairs, but suggested that he utilize it for its intended use of providing parking. He noted that the amount of investment necessary to create a habitable and rentable space would likely not be financially-viable. He also noted that parking was often at a premium, particularly in the Shipoke neighborhood, and stated that he felt the most appropriate use for the space was for parking.

Commissioner Alsberry asked whether there was anyone from the public that was for or against the project; Commissioner Marek gave instruction to the public in attendance on how to request to be unmuted so they could provide comment. Ms. Rebekah Leiphart (609 Showers Street, Harrisburg, PA) noted that she was only speaking for herself and not on behalf of the Shipoke Neighborhood Association, and asked whether the Applicant was only intending on using the second-floor for a residential unit but would maintain the first floor for off-street parking. The Applicant confirmed that was the case, and noted that he had building plans and contractors ready

to proceed upon approval from the Zoning Hearing Board. Ms. Leiphart also stated that she was unsure as to whether the second floor of the garage was below the Base Flood Elevation; the Applicant stated that the second floor was level with the second floor of the primary residence, so he did not think it would be below that threshold. Ms. Leiphart stated that it was her understanding that the first-floor spaces would be for the prospective tenants in the second-floor unit. The Applicant stated that the first-floor space would be used for the upstairs tenants, so that they would not require any on-street parking.

The Applicant noted that the proposal had been supported by HARB at their previous meeting. He stated that he had wanted to collaborate with his neighbors on improving the appearance of this block of Showers Street, and that he felt this would be a good start to that project. Ms. Leiphart strongly recommended that the Applicant consider getting an Elevation Certificate for the structure to confirm whether the proposed work could be approved per FEMA regulations. The Applicant stated that he has asked the Codes Bureau inspector about those building code regulations, which was how he was apprised of the zoning relief requirement to pursue the project.

Commissioner Alsberry asked whether there was anyone from the public that was for or against the project; Commissioner Marek stated that there were no other questions from the public.

Commissioner McKissick noted that, based on the type of structure and date of construction, it was possible the garage was initially intended as living space for servants, and that there were other properties along River Street in which these buildings still functioned as living units. He stated that there might be historical documentation, such as a Sanborn Map, that might provide a historical justification for the request.

Commissioner Alsberry asked whether any of the commissioners wanted to make a motion on the proposal. Commissioner Monnier asked whether they should Table the application and provide the Applicant with an opportunity to research the history of the property to see whether he could locate documentation to help his case. Commissioner O'Toole stated that it was up to the Applicant.

Commissioner Monnier noted that it appeared the commissioners were trending towards denying the application, and suggested the Applicant consider working with the Planning Bureau and Historic Harrisburg Association to locate new documentation to present as evidence. Commissioner Marek stated that she felt it would be a tough task and that while it may provide some justification, it would not compel approval.

Commissioner Monnier asked the Applicant whether they wanted to consider that path. The Applicant stated that he would be open to considering that approach if it would lead to an approval. He stated that he was willing to work within the required regulations to proceed with the project; he stated if the request was denied he would acknowledge that, and that he was focused on improving the appearance of the rear alleyway. He stated that he did not want the structure to continue to rot. Commissioner Monnier stated that he appreciated the Applicant was willing to invest in the property despite the environmental and regulatory challenges.

Commissioner Alsberry reiterated his request for a motion on the application, but asked Commissioner McKissick whether there was a process for getting historic documentation to justify

the proposed residential conversion of the garage. Commissioner McKissick stated that he wasn't suggesting the Applicant developed a historic resource survey, but rather that he thought the Applicant should work with historic agencies and organizations to determine whether there was evidence to indicate that a residential use had previously occupied the building. He stated that it might change his own perspective on the proposal and that it would be a more persuasive type of evidence than what the Planning Commission had been presented for similar proposals in the past.

Commissioner O'Toole moved, and Commissioner Reed seconded the motion, to Deny the request. The motion was adopted by a majority vote (6-0; with Commissioner Monnier abstaining).

5 Variance & Special Exception Applications for 2120 Chestnut Street, zoned Residential Low-Density (RL), filed by Arlene Burno with JBAB, LLC, to establish a "Multifamily Dwelling" use and to exceed the permitted number of residential units on-site.

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

The case was represented by Arlene Burno (the property owner), 3990 Sumner Drive, Harrisburg, PA 17109 (aka "the Applicant").

Commissioner Alsberry asked the Applicant whether the conditions in the case report were acceptable; Mr. Knight noted that there were no conditions included in the case report. Commissioner Alsberry asked whether the Applicant had anything to add to the case report; she stated that prior to her purchase of the property and rehabilitation work, the property was an eyesore that was a blight on the community and that she wanted to return the property to its former beauty. The Applicant stated that she initially intended on establishing a veterans transitional housing facility, but after communicating with the Planning Bureau, decided to revise the proposal to a three-unit apartment building. She stated that there were limited options for people looking for affordable housing.

The Applicant stated that during her research, she discovered documentation that the Bellevue Park Association had agreed to allow multiple units on-site in 1984. She stated that her mission was to have quality affordable housing for individuals, to contribute to the overall character of the neighborhood, and not to have "undesirable characters" living in the units. She noted that the property and the community were beautiful. The Applicant stated that she was not currently renting any units; she noted that she had begun seeking larger families to rent the property as a single-family dwelling, but that the cost was too expensive for interested tenants, and that this led her to pursue the establishment of multiple units on-site.

The Applicant stated that she had utility billing records documenting that the property had been used as multiple units since 1992. She also referenced documentation she had submitted that the previous owner had been granted a Landlord License in 2014, and that the property had been inspected as a rental unit in the past. The Applicant stated that she had spoken with a previous resident of the property, who lived on-site from 1958-1959 and who confirmed that the property had been a multi-unit apartment designed for veteran housing. She noted that the history gave her the initial idea for the veterans transitional housing, but that she eventually decided to pursue multiple affordable units on-site.

Commissioner Alsberry asked whether any of the commissioners had comments or concerns about the project. Commissioner McKissick asked whether the property was located in the Bellevue Park historic neighborhood; the Applicant confirmed that it was and provided some specifications on the property itself. Commissioner McKissick inquired as to whether the deed had been modified to remove some of the original covenants that were attached to properties in the neighborhood which restricted properties to single-family use. The Applicant stated that she had reviewed her deed and the deeds of the two previous owners, and that she had not been able to identify any restrictions on the use. Commissioner McKissick stated that he did not have the deeds in his packet; Mr. Knight noted that he usually only provided deeds to the Zoning Hearing Board, since the four hard copies went to those members to establish standing, but that he had provided the documents to the commissioners in the digital packet he distributed before the meeting.

Commissioner McKissick asked whether the project had been submitted to the neighborhood's Architectural Review Commission which was a requirement including in the original deeds for work in the neighborhood. The Applicant stated that she had tried to contact the neighborhood association and had been provided with a "resale" documentation subsequent to applying for her loan. She stated that she had purchased the property after reviewing the Dauphin County website which stated the property was "multiunit," and that she always performed this research before purchasing a property; she noted that she wasn't aware that the County's records were not related to the City's zoning and land use records, which was confusing for interested buyers.

The Applicant stated that she had reached out to the Planning Bureau to get clarity on the status of the property and what was permitted and that she had also filed a Right to Know request for documentation related to the history of the property and the grandfathering in of the previous multiunit use. She noted that she had consulted a lawyer with respect to the letter received from the Bellevue Park Association stating that the property was a single-family unit, and that her legal counsel indicated that she should be okay to move forward with the multiunit proposal. The Applicant stated that she got two appraisals for the property – one as a single-family dwelling and one as a multiunit apartment building – and that she had requested that her real estate agent locate any documentation related to approved past uses of the property.

Commissioner O'Toole noted that the Applicant had provided a letter from a previous owner of the property (a Mr. Vincent Fogarty) which indicated that his brother had sold the property in 1992 to new owners (the Tennants) who used the property as multifamily apartments. He stated that this testimony was contradicted by a letter from the legal counsel for the Bellevue Park Association, dated September 4, 2020, which indicated the property had been used as a single-family dwelling since 1992. The Applicant stated that she spoke with the Association's attorney and informed him that the previous owner had received a Landlord License. Commissioner O'Toole acknowledged that there was proof the property was operated as a multi-unit property subsequent to 1992.

Commissioner Marek stated that she was having difficulty tracing the property history through the various documents provided in the case packet. She asked the Applicant to confirm that the property had, at one time, operated as a single-family dwelling; the Applicant stated that she was not aware that it had been a single-family unit since 1958. Commissioner Marek noted that there wasn't a deed stating that the property was multiple units. The Applicant stated that she had

received a letter from the legal counsel for the Bellevue Park Association which stated the property was a single unit, but reiterated that her research indicated that the property was operated as multiple units from 1992-2017.

The Applicant stated that PPL had installed three electrical boxes at one point and that they had billed the property as multiple units since 1992. Commissioner Marek stated that that was not proof of the occupancy of the units or the continuing use of the property as multiple apartments, noting that the billing accounts might not have been updated. Commissioner Marek asked whether the utilities were being paid by separate individuals; the Applicant confirmed that was the case.

Commissioner Marek stated that her criteria for determining how to vote in the present case was whether or not the property was used as a single-family dwelling at some point in the recent past, and noted that some of the submitted documentation indicated that was the case. She also noted that the property was included in the Bellevue Park Homeowners Association and thus the property had to conform to the bylaws of that body; the Applicant confirmed this was the case, but stated that she had provided documentation from 2018 showing that the Bellevue Parking Association had agreed to allow the property owner to operate a four-unit use. The Applicant stated that her research had not indicated that the property had ever been used as a single-family dwelling since the 1950s.

Commissioner Marek stated that she was concerned the property had never been recognized by the Homeowners Association as a multi-unit dwelling. The Applicant disagreed and referenced documentation from 2018 and 2019 in which the Bellevue Park Association confirmed that the property could be used as multiple units. She again referenced the letter from 1984 which stated that the property was multiple units; the Applicant stated that the documentation proved that the use would be permitted going forward. Commissioner Marek indicated that the documentation referenced by the Applicant was related to 2220 Chestnut Street, and not for the subject property; the Applicant stated that the agreement provided to 2220 Chestnut Street was not made available to her for the subject property. She stated that she was hoping to meet with the Bellevue Park Association to secure a similar agreement for her property, but that she felt the agreement for the property at 2220 Chestnut Street should be applicable to her project as well. Commissioner Marek stated that the Bellevue Park Association had not approved a similar authorization for the Applicant's property; the Applicant stated that the association meeting minutes she provided indicated that they were going to approve the proposed use as multi-unit apartments and that she felt that demonstrated that she had neighborhood support to move forward with her proposal.

Commissioner Marek stated that she was reviewing the documentation referenced by the Applicant, but did not see any records that indicated the Association had supported a multi-unit apartment use at her property. She stated that she did not want to occupy more meeting time with a discussion on whether the submitted documentation supported the Applicant's contention, and that she felt the submitted documentation did not support the Applicant's position.

Commissioner Monnier stated that he felt the Applicant had done a substantial amount of research into the history of the property, and stated that he was surprised by the letter from the Bellevue Park Association which strongly opposed any multi-unit use of property within the neighborhood. He stated that as a ten-year renter, he felt the dynamic of homeowners versus renters was somewhat

imbalanced. Commissioner Monnier noted that the Applicant had invested a substantial amount of money into renovating the property and stated that he felt her intentions were genuine. He stated his support for the current proposal.

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

Commissioner Marek noted that the current application was fairly complex, given that the property was governed by homeowner association by-laws in addition to the Zoning Code, and she stated that she had some concerns about whether the previous multifamily use had been formally approved by the City or homeowners association.

Commissioner McKissick moved, and Commissioner Marek seconded the motion, to Deny the request. The motion received two votes in favor of Denial and two votes opposed to Denial. Commissioner Alsberry asked all the commissioners to also raise their hands when voting on the motion, and restated the current motion to Deny the request. The motion was defeated by a majority vote (2-4; with one abstention). Commissioner Reed moved, and Commissioner Green seconded the motion, to Approve the request. The motion was adopted by a majority vote (5-2).

6 Variance & Special Exception Applications for 1323-1333 Marion Street & 1400 & 1402 North 4th Street, zoned Residential Medium-Density (RM), filed by Ian Wewer with Seven Bridges Development, related to the establishment of a “Multifamily Dwelling” on each of the project sites and including zoning relief requests related to various aspects of the Development Standards and Landscaping Requirements in Chapter 7-307 of the Zoning Code and to relief from the off-street parking requirements in Section 7-327.6 of the Zoning Code.

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

1. The Applicant will redesign the project site to have units fronting the entirety of Marion Street (while maintaining four-foot setbacks on either end) with off-street parking located in the rear of the units. This will necessitate an additional Variance for development within a rear yard setback, and will likely increase the intensity of the Maximum Impervious Lot Coverage relief request (which can be mitigated using pervious pavers), but can obviate the request for relief from off-street parking for that project site, as fourteen total parking spaces could be established on-site.
2. The Applicant will redesign the building footprints to have a door installed for each “vertical stack” of units and the Applicant will alternate façade treatments for the units, to help them blend in to the eclectic architectural design of the surrounding neighborhood.
3. The Applicant will coordinate with the owners of 1332 & 1334 Fulton Street on consolidating access to off-street parking for all properties into a single curb cut along Calder Street. This will ensure the project conforms to the City’s Vision Zero policy and will retain more on-street parking along Calder Street.

4. The Applicant will ensure that all necessary stormwater management documentation for the project is submitted to, and approved by, Capital Region Water and the City Engineer's Office prior to final review by City Council.
5. The Applicant will ensure that sidewalks, curb cuts, and ramps are constructed to ADA standards along the entirety of all properties that are included in the development proposal.
6. The Applicant will coordinate with the City's Department of Public Works on the size and location of refuse facilities on-site.
7. The Applicant will ensure that any lighting on-site is designed to reduce or eliminate light spillover onto adjacent properties.
8. The Applicant will receive approval from the Planning Commission and City Council for the concurrent Lot Consolidation & Land Development Plan.

The case was represented by Chris Rice and Colleen Baird with Martson Law Offices (the legal counsel), 10 East High Street, Carlisle, PA 17013; Ian Wewer with Seven Bridges Development (the developer), 922 North 3rd Street, Harrisburg, PA 17102; and Mitch Kemp with SLD Planning & Consulting, 801 Belvedere Street, Carlisle, PA 17103 (aka "the Applicants").

Commissioner Alsberry asked the Applicants whether the conditions in the case report were acceptable; they stated that they generally supported the conditions, but wanted to discuss them further. The Applicants stated that they wanted to provide some background to the project before addressing the Planning Bureau's conditions of approval.

The Applicants noted that the project team had previously been before the commissioners in late 2019 with a Zoning Map Amendment for the project site and surrounding blocks, which had received approval from the Planning Commission before being withdrawn by the Applicants from consideration by City Council in order to get more feedback from the community. They stated that they had begun working with S&A Homes and the Harrisburg Redevelopment Authority in 2017 to secure the properties, and that after a year and a half, the properties were transferred back to HRA, with the Applicants paying the transfer fees and closing costs. The Applicants noted that their planned community outreach efforts in early 2020 had been disrupted by the COVID pandemic.

The Applicants stated that they were still pursuing the overall goals of developing vacant lots in the MarketPlace Townhomes neighborhood, but that they wanted to begin with a first phase of the project to provide an idea of how the rest of the lots would be developed, and thus, they were moving forward through concurrent zoning relief and land development applications. They stated their intention to begin construction on two "Multifamily Dwellings" in Spring 2021; the Applicants also noted that they would be resubmitting a new Zoning Map Amendment in 2021 to allow future phases to proceed more expeditiously.

The Applicants stated that they had received feedback from the community regarding the proposal for Lot H [note: along North 4th Street] and outlined some of the comments. They noted that the primary concern was parking which was a primary consideration for the project team. The Applicants also noted that community was interested in affordable, workforce housing, and stated that there would be some opportunity for lower-income households to move into the development, specifically noting that one apartment in each building would be dedicated to workforce housing

and that that unit would be constructed similar to non-workforce units in the development. They stated that the public wanted to ensure that the project was constructed with local labor, and noted that they had used local labor on other projects in the city and would thus commit to doing so for the current project. The Applicants noted that a final concern was how large the units would be; they noted that their overall plan for development of all the lots in the MarketPlace Townhomes footprint would include two- and three-bedroom units to allow singles, couples, and families to move into the developments. The Applicants stated that they had received a response, with no adverse comments, from the Dauphin County Planning Commission and had received comments from Planning Bureau staff.

The Applicants summarized the developments proposed for each of the two sites. They noted that Lot D [note: along Marion Street] would be developed as a “Multifamily Dwelling” with twelve units at approximately 800 square feet each, one of which would be workforce housing, and that it would involve consolidating six vacant parcels into a single lot. They noted that it would be a three-story building with eight parking spaces on-site. The Applicants noted that Lot H would be developed as a three-story, “Multifamily Dwelling” with nine units at approximately 680 square feet, one of which would be dedicated to workforce housing. The Applicants confirmed that this site would not include off-street parking due to the dimensional restrictions of the site and the intended footprint of the building.

The Applicants noted that the zoning relief included Special Exception requests for the proposed use and for relief from the off-street parking requirements, and Variance requests for density, impervious coverage, and maximum building width. They stated they had no control over the issues which justified approval for the requests, and noted that the properties had been demolished in the past creating parcels that could not be redeveloped in conformance with the Zoning Code. The Applicants stated that they were working with the City to address parking concerns, and stated that they would be utilizing on-street parking in front of the existing lots, and would be supporting other parking proposals in the area, including the proposed development of a nearby parking garage. They stated that they would be supporting new and improved alternative transit projects including CAT bus routes and bike lanes, coordinating with adjacent property owners, and promoting the use of off-street parking facilities to new tenants.

The Applicants reiterated that the current proposal was Phase 1 of a project that would eventually entail four phases, and that each step was considered individually and as part of the greater Midtown neighborhood. They stated that they had invested two years of work into the project, and were dedicated to creating a project that benefitted the community.

The Applicants read through the conditions listed in the Planning Bureau’s case report individually and provided responses to each item. They stated that they were willing to review the request for a reconfigured site configuration as mentioned in Condition #1. The Applicants stated that they agreed with Condition #2 and were willing to coordinate with adjacent property owners to address Condition #3. They stated that they requested a waiver from compliance with the stormwater management regulations. The Applicants confirmed that Conditions #5-8 were acceptable and they would be able to meet those.

Commissioner Alsberry asked whether any of the commissioners had comments or concerns about the project. Commissioner McKissick stated that he wanted to first hear from the community before providing his comments, and the other commissioners concurred.

Commissioner Alsberry asked whether there was anyone from the public that was for or against the project; Commissioner Marek gave instruction to the public in attendance on how to request to be unmuted so they could provide comment. Ms. Kara Henderson (1408 North 4th Street, Harrisburg, PA) noted that her mother lived in a property adjacent to one of the proposed building sites and stated that she had concerns about how the project would impact parking on the street for residents, some of whom were disabled. She stated that parking was difficult under current circumstances and that residents fought for parking every day. Ms. Henderson noted that when she spoke with the Applicants at a public presentation they had held the previous week, she was not happy with the proposal since the project was too close to her mother's property line and it did not include parking. She stated that locating parking in front of the properties was already tough and was more difficult on street sweeping days and when State workers parked in the neighborhood. She stated that she had only been made aware of the project when the Applicants had made a presentation the week before. Ms. Henderson stated that her mother was one of the original residents of the neighborhood and that she should not have to fight to find parking. She stated that she would fight against the project unless it provided adequate parking.

Mr. Matthew Long (with a business address of 28 North Cameron Street, Harrisburg, PA) stated that he owned several properties in the neighborhood, including a property adjacent to Lot D at 1330 Fulton Street. He also stated that he had developer rights through HRA for 108 parcels in a nearby area, and that he was part of a development team which was creating an alternative proposal to that being presented by the Applicant.

Mr. Long stated that he felt parking would be a huge issue. He stated that he felt the project was being rushed through in its current configuration. He noted that the Applicant was requesting relief from 19 of the 27 required off-street parking spaces [note: the current proposal requires 25 off-street parking spaces], and that this project represented the first phase of the project with 8 lots out of the total of 63 lots in the MarketPlace Townhomes development. Mr. Long stated that after two years, the Applicant should have a comprehensive approach to development of all the lots, and not be submitting applications for just two of the sites that would be reviewed separately.

Mr. Long stated that he didn't think the pedestrian right-of-way behind 1328 & 1330 Fulton Street was taken into consideration in the submitted plans. He stated that a project of this magnitude should be required to submit a more comprehensive plan for the entire future development project. He stated that as the owner of an adjacent parcel, he was in opposition to the current proposal.

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

Commissioner McKissick stated that the Planning Bureau staff's recommendations were good steps towards improving the current proposal. He stated that he wasn't sure whether the Planning

Commission could require the Applicant to provide documentation on the eventual master plan for the neighborhood, but that they might be able to do so as a compensatory feature.

Commissioner O'Toole stated that she could not support the Special Exception request for the relief from the off-street parking requirements, and felt the commissioners should take a hard line on that issue.

Commissioner Green stated that she was concerned by the number of parking spaces being proposed for the number of units in the developments, and stated that she also wanted to see a more comprehensive plan for the overall project footprint in the neighborhood. She indicated that she didn't feel too strongly in support of or opposition to the current proposal.

Commissioner Marek acknowledged that the project had been in consideration for a while, and stated that she felt the current proposal was an improvement on previous concepts for the neighborhood presented by the Applicants, but noted that she still had concerns with the project. She stated that her primary concern was the provision of off-street parking, and noted that the neighborhood had been "pushing off the parking situation" for a while. Commissioner Marek noted that the current proposal was a first phase, and if future phases required the same relief from the off-street parking requirements, it would exacerbate the current parking issues. She stated that parking needed to be addressed in a comprehensive manner, and that the commissioners shouldn't address that issue in a piecemeal review of project phases until it reached a critical point. Commissioner Marek stated that she could not support the Special Exception request for relief from the off-street parking requirements.

Commissioner Marek stated that she had hoped someone from HRA would attend the current meeting to address some concerns from the public, and to confirm whether a comprehensive proposal for the neighborhood, including things like parking and utilities, had been considered. She noted that she had not yet seen such a proposal despite the Applicant's continued involvement in the proposal over the last couple years.

Commissioner Marek also noted that the Applicants had mentioned they had recently held a public meeting, and that they had held other meetings with the public in the past, but noted that the Planning Commissioners received a petition of opposition from the public prior to the night's meeting, with at least 80 signatures, and that she was concerned by such a large percentage of local residents being opposition to the project. She stated that she wasn't sure exactly why there was so much opposition to the proposal.

Commissioner Monnier expressed frustration at the insistence that existing residents needed to maintain their access to the same parking they had always used, and that the provision of on-street parking should have a higher priority than supporting new development. He noted that if that was maintained as a standard, the city would end up with suburban development patterns; he stated that the city needed more density to support a multimodal transportation system including bus systems and bike infrastructure. Commissioner Monnier stated that he felt the Planning Commission should approve the proposal with the conditions included by the Planning Bureau. He stated that the conversation would not change unless there was pressure to do so, and that if the Planning

Commission required existing parking arrangements to be retained, the city would not receive new development.

Commissioner McKissick asked whether the profit motive of developers was more important than the needs of residents who had lived in the city. Commissioner Monnier clarified that the city needed to accommodate more residents than just those who lived in the city currently. Commissioner McKissick said that it sounded as though he was telling existing residents to leave the city; Commissioner Monnier stated that he felt residents should reconsider some of the ways they move around the city. Commissioner McKissick stated that it was not up to Commissioner Monnier to tell existing residents how to live.

Commissioner McKissick stated that he didn't think that parking would always be such an important consideration and that once there were technological advances such as autonomous vehicles, that cities might tear down parking garages. He stated that it was not the current situation, however, and that the commissioners' responsibility was to address issues as they existed and not make decisions as though the city was an idealistic future version of itself. Commissioner Monnier stated that he felt the current off-street parking requirements were outdated and that there were many other people in the city who felt the same way.

Ms. Leiphart (owner of a property at 121 Cumberland Street, Harrisburg, PA) interjected and stated that she had attended the public presentation that the Applicants conducted. She stated that she was in favor of the project because it could increase property values and would address some of the blighting conditions created by vacant buildings and some buildings that needed rehabilitation work. She expressed some concern with losing the community garden that occupied the properties along Marion Street, and asked whether the Applicants had a plan for that current use.

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

Commissioner Alsberry stated that he agreed with the rest of the commissioners, noting that he often was an advocate for addressing parking for existing residents. He stated that parking availability was a significant issue, especially considering the pending opening of the new Federal Courthouse. He advised the Applicants to work with the neighbors to address their concerns, noting that the petition submitted with 80 signatures indicated there was a lack of communication.

Mr. Knight stated that he wanted to make a few notes prior to the commissioners' vote on the application, specifically related to the issues of a "comprehensive plan" for the area. He noted that there was a plan development for the neighborhood in the early 2000s as part of the MarketPlace Townhomes project, and that some of that plan had been implemented, specifically the rowhomes to the east of the project site. He noted that progress stalled during the Great Recession, but that since then there were economic cycles during which the project should have been completed if the overall plan was viable; however, he noted that the project wasn't completed which led to HRA reacquiring the properties. Mr. Knight also noted that the current Applicants did present something similar to a conceptual comprehensive plan as part of their previous Zoning Map Amendment proposal, which included building massing and layout, and that the current proposal represented a

reduction in intensity from that proposal. He stated that he wasn't sure whether those were presented to the Planning Commission, but that the Applicants had presented those to the public.

Mr. Knight also noted that the City was considering expanding the residential parking permit area to include the neighborhood around the Broad Street Market, which should address some of the complaints about State workers parking in the neighborhoods; he noted that State workers should be parking in the downtown garages as opposed to parking in adjacent residential neighborhoods. Mr. Knight also noted that a RACP grant had recently been submitted to the State for a combined office building/parking garage that could address some of the anticipated parking demand in the neighborhood, although he wasn't sure if they were going to receive the funding and/or when the project might be completed. Mr. Knight noted that while this project wasn't a guarantee, it was more advanced than at previous points in the past when such a project was more uncertain.

Mr. Knight stated that he was trying to provide background information regarding some issues that had been raised by the public and the commissioners and was not adding that information to specifically support or oppose the current application. Commissioner Marek stated that it sounded as though the Planning Bureau staff was supporting the Applicant's current proposal. She stated that the plans previously developed by the Applicants was no longer applicable because it did not move forward. She also stated that there were several other project teams developing conceptual drawings for the neighborhood, and that their ideas may differ from the current Applicants' proposal.

Mr. Knight noted that the case report demonstrated that the Planning Bureau did not support the project as currently proposed, and that he felt there were ways of modifying the proposal that would result in a better product and would provide more off-street parking for the block along Marion Street. Mr. Knight noted that any development of the vacant parcels in the neighborhood would have an adverse impact on the availability of on-street parking for existing residents and that, in fact, this was an issue raised for projects throughout the city. He stated that while he appreciated the impact that development projects would have on access to existing on-street parking, the City should not oppose development on this concern alone. Mr. Knight stated that the City and Planning Commission should coordinate on an approach to parking in the consideration of new development projects in the city.

Commissioner McKissick stated that he thought a parking availability study would help in the review of future projects, with a walking buffer overlaid on proposed project sites to determine how many spaces were available and how much demand there might be, which would help ascertain the "pain point" when it came to impacts on parking. He noted that the commissioners did not have access to that information, which left the Planning Commission to guess at the potential impacts of projects. Mr. Knight concurred with that proposal and noted that while it would be a good idea to apply citywide, it might be most impactful in the Competing Parking Area since new off-street parking was more difficult to build. Commissioner Marek reiterated that she had hoped HRA would be in attendance to discuss with a parking availability study or density analysis could be completed. She asked whether the Planning Commission could add that as a condition of approval; Mr. Knight stated that the Planning Bureau could look into doing such a study.

The Applicants stated that they wanted to address some of the points of discussion. They stated that they felt the neighborhood was a great asset that could be improved through high-quality new development. They acknowledged that parking was a primary concern of the public. The Applicants stated that their initial proposal alongside the Zoning Map Amendment had included higher density, but that they had scaled back the proposal in response to public comment. They stated that the public indicated they wanted to see what a first phase of the overall development proposal would look like and that was why they were moving forward with the current proposal. The Applicants reiterated their intention to return to the Planning Commission with another Zoning Map Amendment application.

The Applicants stated that when they had previously introduced the Zoning Map Amendment, members of the public wanted confirmation from them that they would not develop the project to maximize the building footprint to the extent permitted by the Commercial Neighborhood (CN) zoning district. They reiterated that this was the reason for submitting the first phase with a project that was less intensive than what they had previously proposed.

The Applicants stated that their goal in pursuing this project was to appease the residents, which could be challenging because some of the requests were contradictory or would not result in a successful project. They stated that they spoke with Ms. Henderson's mother to assuage their concerns that the adjacent development would be too close to her property, and he referenced a conversation with another long-time resident who was in favor of additional development on the vacant lots. They expressed their confidence that the project would be successful and would bring benefits to the greater community. They stated that once they received approval for the current proposal, they would continue that approach in future project phases.

The Applicants stated that they did not want to change what made the neighborhood great, but to improve some of the underutilized sites for the benefit of existing residents. They referenced the existing community garden and noted they were in conversations with the organizers to find a permanent home for that use. The Applicants stated that it was going to take years to realize the full potential of the neighborhood, and that they were only one stakeholder in those efforts, but that they thought the current proposal was a good first step.

The Applicants committed to continuing discussions with the community as the overall project progressed, but reiterated that they were trying to address the demands of the public in providing a first phase of the development.

Commissioner Monnier moved, and Commissioner Green seconded the motion, to Approve the request with Staff Conditions. The motion was defeated by a majority vote (1-6). Mr. Grover noted that the zoning relief and land development applications were being heard concurrently and asked whether the commissioners were voting on both issues or just the first one. Commissioner Alsberry stated that he believed they were voting on both applications, and asked for another motion on the application. There were no additional motions made and Commissioner Alsberry stated that the previous vote against the motion to Approve the project would stand.

Mr. Knight noted that the previous vote was a denial of the motion to Approve the application and thus that a formal position on the application had not been voted on by the commissioners. He asked Mr. Grover for confirmation. Mr. Grover concurred with Commissioner Alsberry that the

prior vote meant the Planning Commission was recommending Denial for the proposal. Mr. Knight asked whether the review could be Tabled or Continued; Mr. Grover stated that neither was possible since there was no meeting in December and there was a window in which a final decision had to be made. He noted that this was only a recommendation to the Zoning Hearing Board and the City Council for the zoning relief and the Land Development Plan, respectively, but then retracted his previous statement and recommended the commissioners take two separate votes on the applications since they followed separate paths after the Planning Commission meeting.

Commissioner Marek expressed some confusion as to how the Planning Commission's votes on the two applications could be different since they addressed the same project. She noted that the Land Development Plan was contingent on the project receiving approval for the zoning relief requests. Mr. Grover reiterated his previous statement that the Planning Commission should vote separately on each issue. Mr. Knight noted that the commissioners could take two separate votes if the recommendations would be different for each, but that if the commissioners were going to vote the same way for both, then a single vote would suffice. Mr. Grover disagreed and noted that they could not address both in the same vote because they might create an issue that opened the decision to an appeal.

Commissioner Alsberry asked for a motion on the zoning relief requests. With respect to the zoning relief requests, Commissioner Monnier moved, and Commissioner Green seconded the motion, to Approve the request with Staff Conditions. The motion was defeated by a majority vote (1-6).

With respect to the Lot Consolidation & Land Development Plan, Commissioner Monnier moved, and Commissioner McKissick seconded the motion, to Approve the request with Staff Conditions. The motion was defeated by a majority vote (1-6).

7 Lot Consolidation & Land Development Plan Applications for 1323-1333 Marion Street & 1400 & 1402 North 4th Street, zoned Residential Medium-Density (RM), filed by Ian Wewer with Seven Bridges Development, to consolidate six lots along the 1300 block of Marion Street and two lots at 1400 & 1402 North 4th Street, into two separate parcels on which "Multifamily Dwellings" will be constructed.

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

1. The Applicant will redesign the project site to have units fronting the entirety of Marion Street (while maintaining four-foot setbacks on either end) with off-street parking located in the rear of the units. This will necessitate an additional Variance for development within a rear yard setback, and will likely increase the intensity of the Maximum Impervious Lot Coverage relief request (which can be mitigated using pervious pavers), but can obviate the request for relief from off-street parking for that project site, as fourteen total parking spaces could be established on-site.
2. The Applicant will redesign the building footprints to have a door installed for each "vertical stack" of units and the Applicant will alternate façade treatments for the units, to help them blend in to the eclectic architectural design of the surrounding neighborhood.
3. The Applicant will coordinate with the owners of 1332 & 1334 Fulton Street on consolidating access to off-street parking for all properties into a single curb cut along Calder Street. This

will ensure the project conforms to the City's Vision Zero policy and will retain more on-street parking along Calder Street.

4. The Applicant will ensure that all necessary stormwater management documentation for the project is submitted to, and approved by, Capital Region Water and the City Engineer's Office prior to final review by City Council.
5. The Applicant will ensure that sidewalks, curb cuts, and ramps are constructed to ADA standards along the entirety of all properties that are included in the development proposal.
6. The Applicant will coordinate with the City's Department of Public Works on the size and location of refuse facilities on-site.
7. The Applicant will ensure that any lighting on-site is designed to reduce or eliminate light spillover onto adjacent properties.
8. The Applicant will receive approval from the Planning Commission and City Council for the concurrent Lot Consolidation & Land Development Plan.

The case was represented by Chris Rice and Colleen Baird with Martson Law Offices (the legal counsel), 10 East High Street, Carlisle, PA 17013; Ian Wewer with Seven Bridges Development (the developer), 922 North 3rd Street, Harrisburg, PA 17102; and Mitch Kemp with SLD Planning & Consulting, 801 Belvedere Street, Carlisle, PA 17103 (aka "the Applicants").

[Note: the discussion for this case is included by reference to the minutes for the associated Variance & Special Exception requests, noted above.]

Commissioner Monnier moved, and Commissioner McKissick seconded the motion, to Approve the request. The motion was defeated by a majority vote (1-6).

OTHER BUSINESS:

1 Comprehensive Plan Update

Mr. Knight noted that the primary update was that several additional comments had been received from the public regarding the draft Comprehensive Plan document. He noted that the Dauphin County Planning Commission (DCPC) had provided a response, which recommended approval of the plan as submitted. He noted that the review was only a single page, so it did not provide more depth as to specific aspects that were supported or any recommendations on modifications to the document.

Commissioner Marek asked whether there was any additional information on the Comprehensive Plan update. Mr. Knight reiterated his previous comments, and also noted that the comments were generally supportive of the document formatting and conceptual ideas, although there were recommendations to improvements in the proposed goals and actions. He also confirmed that the DCPC had formally voted to approve the document at the previous night's meeting.

Commissioner Reed asked whether the process stood with respect to the timeline. Ms. Baldock stated that they were a couple weeks into the required 45-day public comment period, which ended on December 4th, but that City Council was free to lengthen that process and timeline if they'd like. She noted that it would be up to City Council how to proceed after that date, but that they would be required to host at least one public hearing prior to a vote on the document.

Commissioner Marek noted that Mr. Knight had given a brief presentation to the City Council members, which was attended by the copyediting consultant (Lauren Good with Wallace Montgomery) and some of the commissioners, and which included an overview of the document. She noted that Councilman Dave Madsen was in charge of the process since the document was in his committee; she inquired as to the process he was intending to roll out to ensure they felt comfortable with the amount of public input that was accommodated.

Ms. Baldock noted that she had not heard from City Council regarding the scheduling of public sessions to discuss or review the document. Commissioner Marek asked whether they had any plans for how to dissect the plan themselves; Ms. Baldock stated that plans had not been presented to the Administration. Commissioner Green stated that City Council intended to review the plan and that Councilman Madsen had indicated he would be coordinating with Councilmembers to discuss the process, but that she had not yet heard from him. Commissioner Green said she would reach out to Councilman Madsen and provide the Planning Commission with his response.

Mr. Knight thanked Commissioner Marek for reminding him of the presentation to City Council. She noted that she thought the commissioners would be interested in the update since it had been a thorough presentation and good overview of the draft document to the City Council.

ADJOURNMENT: 10:19 PM

Commissioner Green moved, and Commissioner Monnier seconded the motion, to adjourn. The motion was adopted by a unanimous vote (7-0). The meeting adjourned at 10:19 PM.