

**MINUTES**

**HARRISBURG PLANNING COMMISSION  
REGULAR  
August 4, 2021  
10 North 2<sup>nd</sup> Street, Room 205  
City of Harrisburg.**

**MEMBERS PRESENT:** Joseph Alsberry, Chair  
Shaun E. O’Toole  
Jamesetta Reed  
Anne Marek  
Ausha Green  
Zac Monnier

**MEMBERS ABSENT:** Vice Chairman McKissick

**STAFF PRESENT:** David Clapsaddle, Deputy Planning Director  
Isaac Gaylord, Deputy City Solicitor

**OTHERS PRESENT:**

**CALL TO ORDER:** 6:39PM

**APPROVAL OF MINUTES:** Commissioner Marek stated she had corrections to the July minutes. On item number 4, it was Commissioner O’Toole that had questions about the parking boundary and Commissioner Green stated that it was she who asked about the sidewalk improvements. Mr. Clapsaddle stated that he would correct the minutes. Commissioner O’Toole moved, and Commissioner Marek seconded the motion, to approve the minutes from the July 7<sup>th</sup> meeting, as corrected. The motion was adopted by a unanimous (6-0) vote.

**NEW BUSINESS:**

**1 Preliminary/Final Land Development Plan Application for Bethel Village,** on five parcels located at 1008 & 1012 North 6<sup>th</sup> Street, zoned Commercial Neighborhood (CN), and 429-441 Herr Street, zoned Residential Medium-Density (RM), filed by Bethel Village, LLC to request approval for construction of a 49-unit “Multifamily Dwelling” use and associated site and access improvements.

Mr. Clapsaddle provided the Commissioner with a recap of the history of the application. He stated the Planning Commission approved the Special Exception and Variances by a unanimous vote on July 7<sup>th</sup>; the Zoning Hearing Board on July 19<sup>th</sup>, voted to continue the application to a special meeting on August 3<sup>rd</sup>. At that meeting, the Zoning Hearing Board held the application to their regular meeting on August 16<sup>th</sup>. Mr. Clapsaddle stated, and Solicitor Gaylord agreed, that the Planning Commission could consider the land development plan application tonight if they so

choose. Solicitor Gaylord also stated that the language for Condition Number 1 would need to be amended, to delete the August 3, 2021 meeting and state that all conditions imposed by the Zoning Hearing Board would be met. Mr. Clapsaddle summarized the staff report for the Commission, then read the staff recommendation of **Approval**, subject to the following conditions:

1. All of the conditions from the Zoning Hearing Board decision from the August 16, 2021 meeting shall be included in the project and incorporated into the Final Plan Sets before submission to the City.
2. The Final Plan Sets shall include a note that the parking areas depicted on this plan shall be only for the tenants of the project.
3. The Applicant will coordinate with the Department of Public Works to confirm the appropriate size and location of refuse collection on-site and update the billing accounts to reflect the new use.
4. At the time of application of a Zoning Permit, the Applicant shall submit a landscaping plan demonstrating conformance to Section 7-307.11 of the Zoning Code. The plan shall also provide a mitigation plan for removal of mature trees.
5. At the time of application of a Zoning Permit, the Applicant shall submit a lighting plan demonstrating conformance to Section 7-327.12 of the Zoning Code.

The Planning Bureau staff recommends the request be approved for the following reasons:

1. The proposed preliminary/final land development plan conforms to applicable standards of the Zoning Code and SALDO.
2. The proposed project will provide much needed age-restricted and affordable housing units to the City. It advances the affordable housing initiative recently adopted by the City Council.
3. The use is harmonious and compatible with the surrounding neighborhood and will not detract from the character of the community.

The application was represented by Joseph Hughes of Snyder, Secary & Associates, 2000 Linglestown Road, # 304, Harrisburg, PA. 17100.

Chairman Alsberry asked the Applicant if the Planning Bureau's conditions were acceptable. Mr. Hughes stated he has read the staff conditions and agrees with them. He stated at the last meeting there was some discussion about sidewalk repair. Commissioner Green stated that was regarding another application.

Chairman Alsberry stated he had no questions at this time, and asked the Commissioners for comments or questions.

Commissioner O'Toole stated he had no questions.

Commissioner Reed stated she had no questions or comments.

Commissioner Green stated that she had no questions or comments.

Commissioner Marek stated that she had not received a copy of Dauphin County's comments. Mr. Clapsaddle stated we did get them late and had nothing substantive. The same was true for

comments from Capitol Region Water. The Police Bureau submitted a comment sheet, and had no issues. She also questioned if the Applicant would need to vacate the alley. Solicitor Gaylord stated they would not, as this is a private right of entry dating back to 1899. She had no more questions.

Commissioner Green followed up on the alley question. Solicitor Gaylord stated there used to be a public alley there, but it was vacated in 1898. Instead of a new public alley, the landowners agreed to a private right of entry.

Commissioner Monnier commented on the split zoning on the property. He asked if it would be required to be changed to one or the other. Solicitor Gaylord said it is not required for lot consolidation purposes, as long as the zoning boundary is clearly identified, as it is with this application.

Chairman Alsberry asked if there is anyone from the public that was for or against the project. There was no public comment. Seeing none, he asked for a motion.

Commissioner O'Toole moved, and Commissioner Monnier seconded the motion to Approve the request with Staff Conditions, amending Condition 1 to state the Applicant must receive all necessary approvals and comply with any conditions imposed by the Zoning Hearing Board. The motion was adopted by a unanimous vote (6-0).

In response to a question, Mr. Clapsaddle stated an affected party could appeal the Zoning Hearing Board to the Court of Common Pleas 30 days from the date of the decisional. Solicitor Gaylord added, that in theory, the Land Development Plan could go on to City Council, but if zoning relief was not granted by the Zoning Hearing Board, the project would not move forward.

**2 Special Exception Applications for 524 Maclay Street**, zoned Residential Medium-Density (RM), filed by Victor Rivas with Rivas Property Investments, to convert the property from one non-conforming use (a "Restaurant") to another non-conforming use (a "Convenience Store") and to request relief from the off-street parking requirements.

Mr. Clapsaddle stated that the Applicant was not present and suggested the Commission hold the item the September meeting, as the Planning Bureau recommended denial and the applicant may want to discuss that.

Chairman Alsberry asked the Board how they would like to proceed. Solicitor Gaylord interjected, stating that we needed to know if the Board would have to hear the application at their August meeting in order to meet the 45-day deadline. Commissioner Marek stated that if the applicant didn't care enough to show up, we should move forward and hear the application. Mr. Clapsaddle informed the Commission that the applicant was aware of the meeting. Commissioner Green stated she believed the Commission should hear it, and get it out of the way. After discussion, the Board decided to hear the application and move forward.

Mr. Clapsaddle summarized the report for the Commission. Stating concerns regarding neighborhood compatibility, traffic movement on Maclay Street and parking, the Planning Bureau recommended **Denial**, for the following reasons:

1. The Applicant has not met their burden of proof demonstrating that the application meets the standards for granting approval.
2. The Applicant has not provided sufficient proof that the proposed non-conforming use will have an equal, or less impact to the neighborhood than the previous non-conforming use.
3. The Applicant has not provided evidence that there is sufficient on-street parking available to meet the needs of the proposed use.

Chairman Alsberry stated he had concerns regarding truck traffic, particularly during delivery of goods to the store. He was also concerned that motorists may double park while going into the store. Solicitor Gaylord stated that there is an error in the staff report the referenced intersection is at Maclay and 6<sup>th</sup> Street, not Maclay and Herr Street.

Chairman Alsberry then turned to the Commissioner members for comment.

Commissioner O'Toole stated he would not support the application, citing concerns over traffic, parking and the analysis of the staff report.

Commissioner Reed stated she has no questions or comments.

Commissioner Green stated she was opposed to the application, as there are similar uses in the area about half a block way from the site and the Rite-Aid store is nearby as well.

Commissioner Marek stated the use was not necessary and agreed with Commissioner Green.

Commissioner Monnier asked if the previous non-conforming use could be reinstated. Mr. Clapsaddle stated the prior use could come back, as the license was still active. The tavern has been closed for two years. Commissioner Monnier continued, noting that in one of pictures, cars are parking on the sidewalk; there is no indication that this use would be good for the neighborhood.

Chairman Alsberry asked if there was anyone in the audience who wanted to speak for or against the project. Seeing none, he asked for a motion. Commissioner Monnier moved, and Commissioner Green seconded the motion for denial. The motion was adopted by a unanimous vote (6-0).

## **OTHER BUSINESS:**

### **1. Report on Harrisburg Just Climate Action Stake Holders Group.**

Commissioner Reed had no report.

### **2. Subdivision and Land Development Ordinance Regulations:**

Mr. Clapsaddle stated that when Director Knight is here, he normally brings up any recommended changes to the SALDO. Mr. Clapsaddle stated he is reviewing the SALDO for possible amendments, and will have some recommendations to start a discussion next meeting.

### **3. Comprehensive Plan**

Commissioners Green and Marek discussed the attendance and participation at the last two neighborhood meetings. Commissioner Green noted that some felt they have been left out of the process.

### **4. Commissioner Monnier's Last Meeting**

Chairman Alsberry noted that this is Commissioner Monnier's last meeting and thanked him for his service on the Board. Commissioner Monnier stated that the City has a lot of issues ahead of it, but also has a lot of talented people to address them. Chairman Alsberry wished him good luck in his future endeavors. Other Commissioner's also wished him well.

Chairman Alsberry called for a motion to adjourn. Commissioner Monnier, moved, and Commissioner Green seconded the motion to adjourn the meeting. The motion passed by unanimous vote (6-0) at 7:19 PM.

**ADJOURNMENT: 7:19 PM**