

**MINUTES**

**HARRISBURG PLANNING COMMISSION  
REGULAR MEETING  
January 5, 2022**

**MEMBERS PRESENT:** Joseph Alsberry, Chair  
Shaun E. O'Toole  
Jamesetta Reed  
Anne Marek

**MEMBERS ABSENT:** Vern McKissick, Vice Chair  
Ausha Green

**STAFF PRESENT:** Geoffrey Knight, Planning Director  
Jacob Bowen, Interim Deputy Planning Director  
Isaac Gaylord, Deputy City Solicitor

**CALL TO ORDER: 6:35**

**APPROVAL OF MINUTES:** Commissioner O'Toole moved, and commissioner Reed second the motion, to approve the minutes from the November 3rd, 2021 meeting without corrections; The motion was adopted by a unanimous (4-0) vote.

**OLD BUSINESS:**

**1 Resolution for the expansion of residential parking permits in the CAN Zone 1.**

Mr. Knight noted that the resolution before council is to formalize the discussion and to put a vote to the CAN Zone One resolution which was discussed at the November 3rd Planning Commission meeting. The resolution was represented by Ms. Johnna Seeton (119 South Street, Harrisburg, PA 17101) who stated concerns for the parking issues and expressed appreciation towards the efforts put forth in developing the resolution and for the Planning Commission considering the resolution with a vote. Ms. Seeton expressed hopes that the Commission would vote to expand parking through approving the resolution.

Commissioner Alsberry asked whether any of the commissioners had comments or concerns about the project. Commissioner Reed noted that there was a very good presentation last month. Commissioner Marek stated that she was able to read up on the previous discussion to expand parking.

Commissioner Alsberry asked whether there was anyone from the public that was for or against the project; Kevin Burrell (230 North Street Harrisburg, PA) stated that he lives within the CAN One Zone and supports the resolution.

Commissioner O'Toole moved, and Commissioner Marek seconded the motion, to Approve the resolution. The motion was adopted by a unanimous vote (4-0)

**2 Special Exception Application for 305 Market Street, zoned Downtown Center (DC), filed by Nathan May with Mayson Management LLC, to establish a "BYOB Club" use on-site.**

Mr. Knight gave a synopsis of the status of the project review, noting that Commissioners recommended a continuance from the previous meeting in order to give the Applicant time to provide more information on the proposal and give the city more time to prepare information that may be requested from the Planning Commission.

The case was represented by Nathan May with Mayson Management (the business proprietor), 660 West Vine Street, Lancaster, PA 17603 ( aka the Applicant).

The Applicant stated that he had been in contact with Commissioner Green and provided floor plans, concepts, and other materials related to past projects. The Applicant noted that he is not aware of any instances occurring on the subject property. He stated limited activity occurred at the property since the last Planning Commission meeting, with intentions of halting activities until the current meeting, outside of member only events on Fridays and Saturdays.

Commissioner Alsberry asked Planning Bureau staff if they received specific information that was requested by Commissioner Green regarding the proposal. Mr. Knight noted that it was unclear what information was requested however, the Bureau prepared files including social media posts that contradict the Applicant's initial testimony that stated a BYOB club was not operating on the premises of the property. Mr. Knight also indicated that police staff are present at the meeting in order to answer any questions or offer testimony regarding past experiences at the current and previous business operations of the Applicant.

The Applicant stated that the city and the Planning Bureau did not respond to his attempts to reach out and that all requested information from Commissioner Green have been sent to her. It was also noted by the Applicant that all advertised events on social media for the subject property were for members only and not open to the public. The Applicant stated that information provided by Mr. Knight was not new information

Commissioner O'Toole stated concerns that no new information was brought before the Commission and asked if the previous application for a BYOB club had adequate information. Mr. Knight noted that the Applicant had submitted an application for only a BYOB club, but based on new evidence such as social media posts and hours of operation, that additional approval for a "Dance Hall / Nightclub" would be required. He also noted that the Applicant did not provide a business plan or any additional information to both the Planning Bureau and the Planning Commission. Mr. Knight stated that the applicant did reach out to the planning Bureau

seeking guidance on the needed information to provide at the upcoming Planning Commission meeting. Mr. Knight noted that the Applicant had already received clear guidance on what was to be provided for the upcoming meeting.

Commissioner Reed noted that no business plan was received by the Planning Commission which was specifically requested in the last meeting. The Applicant noted that the Planning Bureau responded to his information request directing him to reach out to the Police Commissioner. Mr. Knight noted that the Applicant was directed to Commissioner Carter because he has the finale authority in approving a BYOB club permit. The Applicant stated that he was unable to contact the Police Commissioner despite numerous efforts to reach out to him.

The Applicant noted that there are two other businesses in the city with the same operations that did not have to submit a business plan and expressed concerns why he was required to show a business plan. Commissioner O'Toole stated that a business plan was required per Commissioner Green's request.

Commissioner Marek stated that based on the application it was not clear what use was being proposed and that clarity on the specific use would be helpful. The Commissioner noted that there was a large number of letters of opposition towards the proposal and thought that it would be helpful if the officers present could provide comment.

Commissioner Alsberry asked whether there was anyone from the public that was for or against the project; Jacalyn Barnet (the general counsel for Harrisburg University) noted that the public has not been made aware of any additional information for the proposed business from the previous Planning Commission meeting and expressed concerns about the vagueness of the written proposal.

Mr. Pat Shaull (the Director of Safety and Risk Assessment with Harristown Corporation) noted that he has submitted video evidence to the city (through security camera footage) that the proposed business has been in operation for five weekends since the November meeting. He observed that approximately 15 to 40 people access the building on nights of operation between the hours of 1:30 AM to 4:30 AM with armed door staff. Mr. Shaull expressed concerns for the safety of staff and residents that live and work at Harristown properties within close proximity to the Applicants existing and proposed operations.

Dennis Sorensen (Deputy Chief for the Harrisburg Police Department) recommended that the proposal be continued until further documentation is provided by the Applicant. He noted that Police Bureau staff are present to provide comment on past interactions with the Applicant. Deputy Chief Sorensen clarified that Police Commissioner Carter had met several times with the Applicant and that a BYOB permit is not reviewed by the Police Bureau until going through the planning process. He did note that the advertised hours of operation past 2:00 AM would not be permitted by the City Code for a BYOB club. The Deputy Chief distributed a synopsis of events from officers that responded to three of the Applicant's business operations since August of 2020.

Christopher Auletta (Corporal for the Harrisburg Police Department) stated that the Harrisburg Police responded several different times to 346 South 14<sup>th</sup> Street “Sin City” (club that was previously operated by the Applicant). Mr. Auletta stated on his last response to the property that he arrested a juvenile that was armed with a firearm who was hired as staff to collect an entrance fee. Upon entry to the building the officer noted that the property had no running water and was condemned. The officer also noted responding to another club operated by the applicant at 1500 Paxton Street “The 1500 club” six times during July of 2021. He stated that one of the calls involved a shots fired incident in which one individual was shot in the back on site. The officer stated that the Applicant was not cooperative with the investigation. The officer stated there was a general trend at the Applicants previously operated nightclubs in which they were conducted in condemned buildings and vacated once identified by the police.

Brandon Braugher (Corporal for the Harrisburg Police Department) stated that he and other officers responded to a double shooting at the rear of 305 Market Street on October 24<sup>th</sup> that included a hired security guard for the business operations on site. The officer noted that the interior of the property was set up as a nightclub including alcohol and DJ equipment. The officer stated that the property only had one way in and one way out through the rear door. He also stated that on the previous night of the incident, the Applicant confirmed with officer Showers that the operations on site were not permitted. The officer stated that he encountered the Applicant on Halloween night, October 31<sup>st</sup> when the Applicant attempted to re-enter the building but was denied re-entry due to a police blockade at the entrance of the subject property.

Chad Showers (Police Officer for the Harrisburg Police Department) stated that on the night of the shooting, October 24<sup>th</sup> he encountered an individual during a routine business check at approximately 2 AM who informed the officer that he was hired for security at the subject property (305 Market Street). He stated the same individual was later shot on the same night. Deputy Chief Sorensen stated that the Applicant does not have the only unpermitted club within the city and that the Applicant is making an effort to do things the correct way. He also stated that if the existing operations continue in the way they have, the BYOB club would likely not workout.

The Applicant stated that he was hired to oversee the property at 346 South 14<sup>th</sup> Street and was rarely on site. The Applicant stated that the event referenced by the police was not an event sponsored by the Applicant but was conducted by a different individual who used the Applicants branding (Cross Promotion). The Applicant noted that his only responsibility for the property at 346 South 4<sup>th</sup> Street was to collect rent for the landlord and that he was not present during the events that occurred in August of 2020. He stated that the operations occurring at 1500 Paxton Street were conducted by different individuals and only used his branding as well.

Commissioner Alsberry stated that the Planning Commission must follow procedures in reviewing the case and that Commissioner Green requested additional information for the case. Commissioner Alsberry noted that the Applicant failed to follow procedure by not providing the requested information and would vote to deny the application.

Commissioner O’Toole moved, and Commissioner Marek seconded the motion, to Deny the resolution. The motion was adopted by a unanimous vote (4-0)

**3 Variance Application for 1402 North 3rd Street, zoned Commercial Neighborhood (CN), filed by Sean Linder with SJL Rentals LLC, to convert the existing building into a five-unit “Multifamily Dwelling” on-site, which requires a Variance for exceeding the allowable density on-site.**

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

1. The Applicant will receive approval from the Planning Commission and City Council for the accompanying Land Development Plan application, and will incorporate any conditions adopted in the approval of that application.
2. Any new signage to advertise businesses in the proposed first-floor commercial space will be in conformance with the applicable regulations of the Zoning Code or, if not, will receive approval for a zoning relief request, as necessary, from the Zoning Hearing Board.
3. Any exterior alterations to the building will receive approval from HARB of the Certificate of Appropriateness (COA) application submitted concurrent with the zoning relief application; this includes HARB approval of any future improvements related to the commercial space on the first floor (including signage).
4. The Applicant will coordinate with the Department of Public Works to ensure that the account billing reflects the establishment of the proposed uses on-site.

The case was represented by the property owner Sean Linder (3396 Darien Road, Bethlehem, PA 18020) with SJL Rentals LLC and his legal counsel Andrew Giorgione with Buchanan, Ingersoll and Rooney.

Mr. Giorgione requested that the application be discussed concurrently with the land development application for the same property on the agenda. Mr. Knight noted that both the land development and variance request contain similar conditions and property descriptions. The Planning Commission agreed to go forward with a single testimony from the Applicant for both the land development and zoning relief requests.

Commissioner Alsberry asked the Applicant whether the conditions in the case report were acceptable. They confirmed that they were. The Applicant also stated that they received a Certificate of Appropriateness from HARB. Commissioner Alsberry asked whether they had anything to add to the Planning Bureau's case report.

The Applicant stated that his company currently has 155 units in Harrisburg that have either been rehabilitated or are in the process of being rehabilitated and has a vested interest on the growth of the community. The Applicant stated that due to the properties current state of disrepair that a full rehabilitation will be necessary. He also stated that a parking lease has been secured with the property at 1327 Susquehanna Street and that the project has support from surrounding neighbors.

Commissioner Alsberry stated that the Applicant addressed his concerns related to parking. Commissioner O'Toole noted that the application was straightforward. Commissioner Marek stated that the project appears to take the property back to its original use of apartments and a

commercial space on the first floor. The Commissioner requested clarification on what was being built out at the rear of the property. The Applicant stated that the rear of the second and third floors will be built out to accommodate for modern amenities in the upper floor apartments.

Commissioner Alsberry asked whether there was anyone from the public that was for or against the project; there were no comments.

Mr. Gaylord clarified that the vote was for the zoning relief aspects of the application and not part of the land development application.

Commissioner O'Toole moved, and Commissioner Marek seconded the motion, to Approve the request with Staff Conditions. The motion was adopted by a unanimous vote (4-0).

#### **NEW BUSINESS:**

#### **4 Land Development Application for 1402 North 3rd Street, zoned Commercial Neighborhood (CN), filed by Sean Linder with SJL Rentals LLC, to convert the existing building into a five-unit "Multifamily Dwelling."**

Commissioner O'Toole moved, and Commissioner Reed seconded the motion, to Approve the request with Staff Conditions. The motion was adopted by a unanimous vote (4-0).

#### **5 Special Exception Applications for 641 Ross Street, zoned Industrial (IND), filed by Jeffery McNeely, to establish a "Restaurant" use on-site, which requires a Special Exception for the principal use of the property and for relief from the off-street parking requirements.**

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

1. The Applicant will remove gravel from the side and rear yard setback areas to bring the property into compliance of the impervious surface regulation.
2. The Applicant will keep the outside of the restaurant free of debris by providing refuse containers near the front of the property during operating hours for patrons.
3. The Applicant will coordinate with the Public Works Department regarding appropriate location and access for refuse containers.
4. No other vehicles shall be stored on site other than the proposed food cart and trailer.

The case was represented by the property owner Jeffery McNeely (627 Geary Street, Harrisburg, PA 17110).

Commissioner Alsberry asked the Applicant whether the conditions in the case report were acceptable; they confirmed that they were. He asked whether they had anything to add to the Planning Bureaus case report. The Applicant stated that they are looking to grow with the city of Harrisburg and that they are currently employed with the city's Sanitation Department.

Commissioner Alsberry stated that he was happy to see the Applicant do something about cleaning up the area. Commissioner O'Toole requested clarification on the location of the property in relation to the general neighborhood. Commissioner Reed ask the Applicant if they plan to have outdoor seating on site. The Applicant stated that if permitted he would like to have outdoor seating, but is flexible to what is permissible.

Commissioner Marek ask the Applicant if they had any concerns about security. The Applicant stated that they intend to install security cameras once getting approval for the project. Commissioner Marek asked the Planning Bureau to clarify condition one. Mr. Knight stated that the Applicant will need to remove gravel from the side and rear set back, which is approximately 5 feet, and would bring the property into conformance with the Zoning Code.

Commissioner Alsberry asked whether there was anyone from the public that was for or against the project; there were no comments.

Commissioner Marek moved, and Commissioner Reed seconded the motion, to Approve the request with Staff Conditions. The motion was adopted by a unanimous vote (4-0).

**6 Variance Application for 1825 North 3<sup>rd</sup> Street, zoned Commercial Neighborhood (CN), filed by Alec Dascani with Community 1<sup>st</sup> Realty, to establish a two-unit “Multifamily Dwelling” use on-site, which requires a Variance for exceeding the allowable density on-site.**

Mr. Bowen noted that the Applicant was not able to attend the meeting and requested to have his case continued to the February meeting.

Commissioner O'Toole moved, and Commissioner Marek seconded the motion, to Table the request. The motion was adopted by a unanimous vote (4-0).

**7 Variance & Special Exception Applications for 1718 State Street, zoned Residential Medium-Density (RM), filed by Bethania Alvarado, to establish a two-unit “Multifamily Dwelling” use on-site, which requires a Special Exception, and to request relief from the Specific Criteria and density regulations regulating the property, which require Variances.**

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

1. The Applicant shall allow the Codes Bureau to perform a comprehensive inspection and receive approval for all necessary City permits prior to receiving a Certificate of Occupancy and leasing any units.
2. The Applicant will replace the gravel, installed without permits, with pervious pavers to establish a legal parking area in the rear of the property to accommodate the required off-

street parking spaces; the pervious pavers are required to ensure the property stays below the impervious surface threshold.

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.

The case was represented by the property owner Bethania Alvarado (809 West 177 Street, Apt 4H, New York, NY 10033) and Roberto Burgos (2510 North 5<sup>th</sup> Street, Harrisburg, PA 17110) with Wellbeins Management Group, LLC (aka “the Applicants”) Mr. Burgos stated that he would be translating for the Applicant.

Commissioner Alsberry asked the Applicant whether the conditions in the case report were acceptable; the Applicant stated that they believe they are already in compliance with the conditions. Mr. Knight noted the Codes Bureau is likely unaware the property is being converted into two units it would likely still require additional permitting and a final inspection. The Applicant confirmed that they are in the process of obtaining all the permits.

Commissioner O'Toole stated that the Planning Commission is typically not in favor of converting a single-family home into more than one unit, however he noted that this is an exception considering the severe blighted condition of the property. The Commissioner asked the Applicant if they will be living in one of the units. The Applicant stated that they intend to move to Harrisburg to be closer with family. Commissioner Marek stated that it makes sense to have two units to enable necessary renovations to property and that it is nice that the property has parking on site.

Commissioner Alsberry asked whether there was anyone from the public that was for or against the project; there were no comments.

Commissioner O'Toole moved, and Commissioner Reed seconded the motion, to Approve the request with Staff Conditions. The motion was adopted by a unanimous vote (4-0).

**8 Variance & Special Exception Applications for 1344 State Street, zoned Residential Medium-Density (RM), filed by Lisa Jenkins, to establish a three-unit “Multifamily Dwelling” use on-site and request relief to the off-street parking requirements, which require Special Exceptions, and to request relief from the Specific Criteria and density regulations regulating the proposed use, which require Variances.**

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

1. The Zoning Hearing Board will grant approval for a total of two units in order to obviate the request for relief from off-street parking and to meet the variance requirements that the request be the minimum necessary to afford relief.
2. The Codes Bureau will perform a thorough inspection of the interior of the building, to ascertain whether work previously conducted on-site is in conformance with Building Code

regulations; if not, the Applicant must submit Building Permits to have the entire structure brought into compliance with current Building

The case was represented by the property owner Lisa Jenkins (1350 State Street, Harrisburg, PA 17103).

Commissioner Alsberry asked the Applicant whether the conditions in the case report were acceptable; the Applicant stated that they are applying for three units because the current building configuration of three units, large building size, ability to accommodate off street parking, and the number of existing three-unit buildings in close proximity. Commissioner Alsberry noted that the staff report stated that there is only room for two off-street parking spaces. The Applicant stated that she could provide parking from her residence at 350 state Street.

Mr. Knight stated that the proposal to provide parking from the owners residence is a unique proposal and the Planning Bureau would consider the suggestion to satisfy condition one. Mr. Knight stated that the Planning Bureau recommended condition two in order to have the Applicant request the minimum necessary to afford relief, as two units would be the minimum request. Mr. Knight noted that the Zoning Hearing Board would likely not view a three-unit request as the minimum relief and therefore the Planning Bureau felt that a request for two units would have a higher likelihood of gaining approval. He also noted that the Applicant can still choose to request for three units from the Zoning Hearing Board.

Commissioner Alsberry ask for confirmation that the Applicant will provide four off street parking spaces for three units. Mr. Knight noted one off-street space is required for each unit and .6 off street parking spaces is required to accommodate guest parking which is rounded to the nearest whole number of one. The Applicant stated that they can provide the needed parking and that many of the properties on State Street are already three units. Commissioner Alsberry stated that parking is very difficult along State Street and that two units would be easy to approve. The Commissioner asked if there were any type of written statements that could be provided by the Applicant for parking off site?

Mr. Gaylord stated that there are a variety of options to satisfy the parking requirements through offsite parking within 400 feet (Mr. Knight noted the correct distance is 500 feet) of the property such as a deed restriction or lease agreement. Mr. Knight reiterated that the Applicant would have a better chance of approval by requesting two units from the Zoning Hearing Board, but if they choose to they can move forward with the request for three units.

Commissioner Alsberry stated that he would be more in favor of the project if the Applicant can provide a notarized statement for the additional two off-street parking spaces from the Applicant's residence at 1350 State Street.

Commissioner O'Toole asked the Applicant when she purchased the property. The Applicant stated that the property was inherited. Commissioner O'Toole ask the Applicant if they are the ones who did the conversion. The Applicant stated that the house is very large and is currently set up as two efficiencies and one larger apartment. Mr. Bowen noted that the property was

converted from the relative that the applicant inherited the property from. Mr. Knight stated that city records only indicate the property as a single-family unit.

Commissioner O'Toole stated that the Planning Commission typically does not support multifamily conversions and that the old Zoning Hearing Board would almost certainly deny the application for three units. Commissioner O'Toole suggested making a motion to approve the application for three units if the Applicant is able to address the parking and because it is an after the fact conversion. Mr. Gaylord stated that the motion should make reference to the Applicant providing a legally guaranteed method for providing off street parking as required by the Zoning Code.

Commissioner Marek stated that most of her questions had already been addressed. She noted that the applicant should provide more evidence that the multifamily conversion was not completed by the Applicant. The Applicant stated that the property currently has a two-unit electrical meter set up. Commissioner Marek suggested that the Applicant provide more documentation for the Zoning Hearing Board to demonstrate hardship that is needed to receive a variance. Commissioner O'Toole noted to the Applicant that they will need to provide a clear argument about the condition in which they inherited the property and the financial necessity to receive a variance.

Commissioner Alsberry asked whether there was anyone from the public that was for or against the project; Kevin Burrell (230 North Street, Harrisburg PA) asked if there was any sort of parking study that could be referenced as parking is a common topic. Mr. Bowen noted that the Planning Bureau is currently in the preliminary phase the parking study within the Summit Terrace neighborhood. Mr. Knight noted that there is no city-wide parking study to his knowledge.

Commissioner O'Toole suggested the Commission replace condition one with a new condition that requires the Applicant to provide the additional parking needed to satisfy the required four spaces for a 3-unit multifamily dwelling. Mr. Gaylord noted that the language the condition should include is: "Off-Street parking is provided in compliance with section 7-327.5 (A) of the Zoning Code." Commissioner O'Toole stated that this would involve some type of written agreement. Mr. Gaylord noted that the parking agreement would not have to be directly with tenants but could be something more permanent such as a deed restriction. Commissioner Alsberry suggested that the Applicant reached out to the Planning Bureau prior to attending the Zoning Hearing Board meeting.

Commissioner O'Toole moved, and Commissioner Marek seconded the motion, to Approve the request with an Additional Condition that the Applicant provide the required four off-street parking spaces. The motion was adopted by a unanimous vote (4-0)

**9 Special Exception Application for 2810 Green Street, zoned Residential Medium-Density (RM), filed by Nyisha Ranson with Indigo Children of the Next Generation, to establish a "Child Care Center" use on-site.**

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

1. The construction of any permanent fencing and play equipment for the required outdoor play area will require the approval of a Floodplain Development Permit.
2. The proposed Child Care Center must comply with all aspects of the Specific Criteria of Section 7-309.2(m) of the Zoning Code.

Mr. Bowen noted that for condition two the Applicant is not required to provide an outdoor play area since the subject property is located within 500 feet of a public park. Commissioner Alsberry asked if condition one is to remain. Mr. Bowen stated that condition one will remain because the subject property is located within a 100 year floodplain and if the Applicant chooses to construct an outdoor play area, floodplain regulations would still apply.

The case was represented by the business proprietor Nyisha Ranson (3031 Guineveres Dr, Apt B1 Harrisburg, PA 17110) with Indigo “Children of the Next Generation”

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

Commissioner O'Toole ask the Applicant if they would be leasing the property. The Applicant confirmed that they were leasing the property. Commissioner O'Toole stated he lives close to the property and observed that there has not been a long-term tenant in a very long time.

Commissioner Marek noted that the proposed use would be great use for the space. The Commissioner asked the Applicant for the proposed number of employees for the business. The Applicant stated that she intends to have three full time staff and up to four part time staff. Commissioner Marek requested the proposed hours of operation. The Applicant stated 6:00 AM to 6:00 PM Monday through Friday.

Commissioner Alsberry asked whether there was anyone from the public that was for or against the project; there was no comment.

Commissioner Alsberry stated that overall the project looks good, particularly through providing sufficient parking.

Commissioner O'Toole moved, and Commissioner Reed seconded the motion, to Approve the request with Staff Conditions. The motion was adopted by a unanimous vote (4-0). 1:51

**10 Variance & Special Exception Applications for 2200 North 3<sup>rd</sup> Street, zoned Residential Medium-Density (RM), filed by Daphne McCoy with Shades of Greatness Inc, to establish a “Supportive Housing – Facility” use on-site, which requires a Variance, and request relief to the off-street parking requirements, which requires a Special Exception.**

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

1. The Applicants will coordinate with the Department of Public Works to ensure that the account billing is updated to reflect the new use.
2. The Applicant is required to obtain or show any license or certification that may be required to operate the proposed facility.

The case was represented by the property owner Daphne McCoy (761 Cattail Drive, Harrisburg, PA 17111) and the project architect Frank Baxter (125 Bentzel Rd, Lewisberry, PA).

Commissioner Alsberry asked the Applicant whether the conditions in the case report were acceptable; they confirmed that they were. Commissioner Alsberry asked if the Applicant had anything to add to the report. Mr. Baxter stated that the architectural description of the property was on point from the staff report.

Commissioner O'Toole asked the Applicant on the intended number of occupants at the property. The Applicant stated that the goal was to have up to four occupants. The Applicant stated that her goal is to assist kids from foster care and get them on their feet. Mr. Baxter noted that the Applicant intends to give structure and provide skills to an age group that faces much difficulty. Commissioner O'Toole request clarification on what age group will be living on premise. The Applicant stated that the age group will involve individuals between the ages of 18 and 24.

Commissioner Reed ask the applicant how long individuals will be residing at the property. The Applicant stated the goal is to have residents out within a year, but it could take longer. The Applicant stated that the property will be used to house boys. Commissioner Reed inquired about the funding source for the project. The Applicant stated that funding will primarily come from the Shades of Greatness organization.

Mr. Baxter noted that the project will revert the property back to its original use of a single family home. He also noted that other supportive housing units are within the neighborhood. The Applicant stated that individuals that age out of foster care can receive funding until they reach the age 24. Commissioner Marek clarified with the applicant that it will be young adults and not kids living at the property. The Commissioner asked the Applicant if there will be an adult (support staff) living on site. The Applicant stated that an adult (support staff) will live full time on site including overnight.

Commissioner Alsberry asked whether there was anyone from the public that was for or against the project; there was no comment.

Commissioner O'Toole moved, and Commissioner Reed seconded the motion, to Approve the request with Staff Conditions. The motion was adopted by a unanimous vote (4-0).

**11 Variance & Special Exception Applications for 1321 North 4<sup>th</sup> Street, zoned Residential Medium-Density (RM), filed by Joshua Kesler with Historic Holdings LLC, to establish a “Brewery” use on-site, which requires a Variance, and request relief to the off-street parking requirements, which requires a Special Exception.**

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

1. The Applicant will formalize the existing gravel parking lot at 312 Verbeke and bring the property into conformance with the Zoning Code regulations; this includes submittal of Variance and/or Special Exceptions applications, as well as a Certificate of Appropriateness application for HARB review and approval.
2. The Applicant will ensure that all necessary permits are filed with the city for work proposed on the new "Brewery" facility, including Building Code and Health permits.
3. The Applicant will coordinate with the Department of Public Works on any necessary adjustments to trash billing accounts and refuse storage needs for the new use in the building; as with other brewing operations in the city, the Planning Bureau recommends that the Applicant dispose of such waste in an environmentally friendly manner.
4. Although not located in a Municipal Historic District, given its unique industrial architecture and its close relationship to the Millworks building to the south, the Planning Bureau recommends that the Applicant maintain the property in as close to its historic conditions and materials as possible.

The case was represented by the property owner and business Joshua Kesler (121 South Street, Harrisburg, PA 17101) with historic holdings, LLC and his legal counsel Ambrose Heinz with Stevens & Lee.

Commissioner Alsberry asked the Applicant whether the conditions in the case report were acceptable; Mr. Heinz clarified to the Planning Commission that the application is to extend the existing accessory brewing operations of the Millworks restaurant and is not proposing an industrial scale brewery. The Applicant stated that he agreed to conditions two thru four, but would need more time to consider condition one. He stated that there are future plans for the parking lot at 312 Verbeke and that he is not the sole owner of the property.

Mr. Heinz stated the parking lot is a completely separate property and the long term intent of the proposed project is to eventually combine the property (1321 North 4<sup>th</sup> Street) with the Millwork's property. Mr. Heinz stated that proposal is expected to have little impact on parking and is more closely aligned with the adjacent commercial area. Mr. Heinz stated that the proposal involves moving existing operations from the Millwork's property into the existing building. (1321 North 4th Street). Commissioner O'Toole asked if the proposal will bring any more people into the neighborhood. Mr. Heinz stated there is no intent to increase traffic into the neighborhood. The Applicant stated there would be more people in the building though at a low intensity with uses such as art classes, additional kitchen space, brewing space, and storage.

Commissioner Alsberry asked if the use of a Brewery is the correct description for the proposed use. Mr. Knight noted that the existing brewing operations (at the Millworks property) is permitted by right as an accessory use to a restaurant as a microbrewery. He stated that the accessory use can only be on the same property as the principle use to be considered accessory. He stated that because the proposal is on a separate property, the proposed brewing operations become the principal use of the property (1321 North 4<sup>th</sup> Street). Mr. Knight stated that he acknowledges that the brewery operations will not be industrial in scale, but the proposal will

have an impact on the amount of traffic generated in the area, particularly through freed up space at the adjacent Millwork's property.

Mr. Knight stated that condition one was recommended to address potential parking concerns related to the project and to formalize a parking lot. Mr. Heinz stated concerns about tying in condition one to the rest of the project. Mr. Heinz noted that agreeing to condition one could cause issues with developing the parking lot in the future. He asked if they could identify a specific number of parking spaces for the Zoning Hearing Board at different properties or available on street parking related to the expanded operations.

Mr. Knight noted that the Planning Bureau is open to considering alternatives, however the final decision will be with the Zoning Hearing Board. He noted that the Zoning Hearing Board would likely have concerns towards granting relief for the number of required off street parking spaces in the RM zoning district.

Mr. Heinz noted that the application is structured to request relief by special exception for the expansion of the existing business into the subject property. He noted that the Applicant would be acceptable of modifying condition one so that it requires a street vacation and the combination of the property (1321 North 4<sup>th</sup> Street) with the Millwork's property. Mr. Heinz stated that the Applicant submitted the Variance and Special Exception application prior to doing a street vacation and lot consolidation in order to be up front about the proposed use of the property, which is an expansion of the restaurant and brewery operations occurring at the Millworks site. He noted that there is an intent to file for a street vacation and lot consolidation. Mr. Heinz reaffirmed that the Applicant is hesitant on accepting the first condition.

Mr. Knight stated that the past Zoning Hearing Board was hesitant on accepting a street vacation as a condition since they do not have involvement in the process. Mr. Knight also stated that the Applicant would have to justify a public good for a street vacation, which may be possible. He stated that addressing the issues at the parking lot would likely benefit the Applicant before the Zoning Hearing Board.

The Applicant stated that a broader conversation is needed related to commercial parking along the 3rd Street corridor in Midtown in which the parking lot is more related to. The Applicant stated that he wants to be part of that broader conversation, but feels that the special exception requested is a separate issue and should not be connected to the larger city need for parking. The Applicant requested if there was a way to restructure condition one in a more informal way.

Mr. Heinz recommended that condition one be restructured and the application move forward on the condition that the properties be combined (1321 North 4<sup>th</sup> Street and the Millworks property) and if that does not happen the Applicant will be required to identify nine off street parking spaces at an offsite location within 500 feet. Mr. Knight stated that a combination of the properties would not remove the RM zoning designation of the property which would not obviate the off-street parking requirements.

Mr. Heinz stated that a lot consolidation would render the property split zoned with a single commercial operation that would be subject to the commercial parking requirements that do not

specify a number of required parking spots. Mr. Gaylord clarified that if a lot consolidation were granted, the property would still be subjected to the parking requirements within the RM zoning district. Mr. Knight again noted that the Planning Bureau would be open to different proposals that could satisfy the required parking at a site within 500 feet of the property.

Commissioner O'Toole ask the Applicant if they are still in the process of rehabilitating a bar on 3rd Street. The Applicant stated that due to labor shortages the project is currently on hold. Commissioner Marek ask for clarification on the required number of parking spots for the use. Mr. Knight confirmed that the request is for nine off-street parking spaces. The Commissioner asked what the use would become if he lot consolidation were to occur. Mr. Knight stated that the use would become an accessory brewery to the restaurant. Commissioner Marek ask if there would be any additional requirements including parking if the project was considered an expansion of an existing use. Mr. Gaylord stated that the project would be subject to the parking requirements for a restaurant use within the RM district. Commissioner Marek noted the proposal could potentially be looking at more than nine off-street spaces and therefore would be looking to uphold the parking requirements for the property. The Commissioner asked what Zero Day Brewery was approved as. Mr. Knight stated the use was approved as an accessory use to the non- conforming cinema use.

Mr. Heinz stated that the property was already existing as a non-conforming use and had originally suggested that the application be for a non-conforming to another non-conforming use. He stated that Planning Bureau staff advised the Applicant to apply for a variance and that if approved the use would be permitted as a standalone operation. Commissioner Marek noted that if approved the Applicant could use the space as a brewery or other possible uses. Mr. Heinz noted that the application described the proposed use as an expansion of the existing accessory brewing use and will not be an industrial scale brewery. Commissioner Marek stated that the proposal would still increase the density of the property through activities related to the brewery.

Mr. Heinz stated that the Applicant does not want to tie the application to the parking lot, but they would be open to finding a solution to the parking.

Mr. Gaylord noted that the parking requirements for a restaurant is one space for every 200 square foot of floor area and one space for each employee. The Applicant stated they would still be requesting relief for off street parking and that they bring a significant amount of business into the area. Mr. Heinz stated that the building would not be utilized as a restaurant. Commissioner Marek stated that the issue remains that the Applicant is still requesting relief for off-street parking and that she cannot support the request.

Mr. Heinz requested that the Planning Commission table the request in order for the Applicant to address the parking concerns. Commissioner Alsberry clarified that the main concern is related to condition one. Mr. Gaylord noted that the Applicant will need to submit a written continuance request from the Zoning Hearing Board. Mr. Heinz retracted his original request to table the application stating that they wish to move forward to the Zoning Hearing Board with a recommendation from the Planning Commission and plans to address the parking concerns.

Commissioner Alsberry asked if the Applicant is not acceptable of condition one. Mr. Heinz confirmed that they were not. Commissioner O'Toole asked if a different condition could be applied prior to the Zoning Hearing Board. Mr. Knight stated that a different solution towards the parking could be put forward and negate condition one.

Commissioner O'Toole moved, and Commissioner Marek seconded the motion, to Approve the request with Staff Conditions. The motion was adopted by a unanimous vote (4-0).

**12 Land Development Application for 1006 North 6<sup>th</sup> Street, zoned Commercial Neighborhood (CN), filed by Matt Long with Mallard Investment Properties LLC, to construct a mixed-use, four-unit “Multifamily Dwelling.”**

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

1. Any new signage to advertise a business in the proposed first-floor commercial space will be in conformance with the applicable regulations of the Zoning Code or, if not, will receive approval for a zoning relief request, as necessary, from the Zoning Hearing Board.
2. The Applicant will submit a new Certificate of Appropriateness (COA) application for HARB review for the construction of a new building, including proposed new signage for any business to be located in the commercial space.
3. The Applicant will coordinate with the Department of Public Works to ensure that the account billing reflects the establishment of active uses on-site.
4. The Applicant must receive an extension from the Zoning Hearing Board for their previously approved zoning relief from the Density Standards prior to the issuance of a final building permit.

The case was represented by Will Pompeii (2201 North Front Street, Suite 200 Harrisburg, PA 17110) with K&W Engineers.

Commissioner Alsberry asked the Applicant whether the conditions in the case report were acceptable; they stated that they were. Commissioner Alsberry asked if the Applicant had anything to add to the report; the Applicant stated that a COA application was submitted in November of last year and they were currently working with the Planning Bureau regarding the variance time extension.

Commissioner Alsberry asked if the Applicant has made any effort to address any possible concerns regarding parking. He stated that parking is an issue in the area and that the community had concerns about parking for a project at an adjacent property. The Commissioner asked if the Applicant has reached out to any members of the community. The Applicant was not sure if anyone reached out to neighbors regarding the project.

Commissioner Reed asked the Applicant if the proposed units will be fair market value. The Applicant stated that he does not know. Mr. Knight noted that the apartments will be two bedrooms, which would likely reflect a higher rental price.

Commissioner Marek stated the project appears to be quite an undertaking and appreciates that the Applicant is attempting to rebuild the structure back to its original form. Commissioner Marek asked if the Jackson House shared a common wall with the property. The Applicant stated that they believe it did. Mr. Gaylord stated that the Applicant will have to go before the Zoning Hearing Board in order to extend the previously approved variance that expired.

Commissioner Alsberry asked whether there was anyone from the public that was for or against the project. Dave Kegriz (Owner of the Jackson House Restaurant) stated that he had several unresolved issues with the owner of the property. He stated that he previously owned the property and had water line access through the property which was damaged after the building demolition. Mr. Kegriz stated he had a dispute with the property owner regarding water line access and property damage incurred from the related demolition work. He stated that the property damage has not been resolved despite a verbal commitment made by the property owner. Mr. Kegriz stated he is not opposed to the new building but feels that the Applicant should repair the damage caused on his property. He noted that the building does share a common wall with the project site.

Commissioner Alsberry noted the Planning Commission does not have a lot of authority to resolve the issue. Commissioner O'Toole stated that the Jackson House restaurant has served as an anchor to the area and ask the Applicant who he sold the property to (1006 North 6<sup>th</sup> Street). The Applicant stated that he sold the property to an individual named Jerry Helm for \$1 due to multiple challenges he faced with the property.

Commissioner O'Toole asked how much authority the Planning Commission has to make the Applicant address the damage caused to Mr. Kegriz's property. Commissioner Marek noted that the Planning Commission should take into account the concerns. Mr. Gaylord stated that he could not provide a comprehensive legal answer to a solution without further research. Commissioner Marek asked what conditions were applied to a development at an adjacent property that also had a shared wall. Mr. Knight stated that he does not recall the conditions.

Mr. Gaylord stated that adding conditions (addressing the concerns with the neighbor) would likely be difficult for a land development plan. Commissioner O'Toole asked Mr. Kegriz how he found out about the Planning Commission meeting. Mr. Kegriz stated he was made aware of the project through the posting at the property. He again stated that he is not opposed to the building, and hopes that the Applicant will resolve the issues on to his property.

Commissioner Alsberry stated that Applicants should talk to the community and was surprised that more people from the community did not attend the meeting. Commissioner Alsberry asked what is required for the zoning. Mr. Knight clarified that the Applicant will still move forward with the zoning requests even if the land development case is continued. Commissioner O'Toole noted that the Applicant would have a better chance of success if they send out notices to the neighborhood for their project. Mr. Bowen noted that the Applicant will have to send out notices to neighbors for the zoning aspects of their case. Commissioner Alsberry asked if notifying the neighbors could be added as a condition. Mr. Knight noted that the vote would not be for a resolution and therefore no condition is to be added, but notifying neighborhood could be a recommendation. Mr. Gaylord noted that there is a high likelihood the Applicant will have sent

out notices to surrounding property owners prior to attending next month Planning Commission meeting.

Commissioner O'Toole moved, and Commissioner Marek seconded the motion, to Table the request with Staff Conditions. The motion was adopted by a unanimous vote (4-0).

### **OTHER BUSINESS:**

#### **1 Comprehensive Plan Update**

Mr. Knight noted the Comprehensive Plan was adopted November 23, and it is now an official document. He stated that the Comprehensive Plan will likely be considered within the review of future cases. Commissioner O'Toole inquired if they can deny a request based on consistency with the Comprehensive Plan. Mr. Gaylord stated that further research is necessary to provide an accurate answer. Mr. Knight stated that the planning Bureau is looking into updating applications to include aspects of Comprehensive Plan consistency. He also stated that the Planning Bureau is developing GIS mapping as a tracking tool for data related to the Comprehensive Plan that would be available to the public. Mr. Knight also noted that the City Historic Preservationist Frank Grumbine left the Planning Bureau and that staffing vacancies would be filled as soon as possible.

Mr. Knight stated that Councilman Dave Madison committed to an annual update to the Comprehensive Plan to help guide the city in decision making. Commissioner Alsberry noted that the Planning Commission has more allies on the new City Council. Commissioner Marek asked if the document is completely done and if any more edits will be required. Mr. Knight noted that there is some money leftover in the contract with the consultant. He mentioned he believes some of the funds could possibly be used to make the document ADA compliant or for other updates.

#### **2 Subdivision & Land Development Ordinance regulations**

Mr. Knight noted that due to capacity issues the Planning Bureau has not been able to address SALDO issues.

### **ADJOURNMENT: 9:48 PM**

Commissioner Marek moved, and Commissioner Reed seconded the motion, to adjourn. The motion was adopted by a unanimous vote (4-0).