

MINUTES

HARRISBURG PLANNING COMMISSION REGULAR MEETING February 2, 2022

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

MEMBERS ABSENT: Vern McKissick, Vice Chair
Ausha Green

STAFF PRESENT: Jacob Bowen, Deputy Planning Director
Isaac Gaylord, Deputy City Solicitor

CALL TO ORDER: 6:38 PM

APPROVAL OF MINUTES: Commissioner Marek moved, and commissioner Reed second the motion, to approve the minutes from the January 5, 2022 meeting without corrections; The motion was adopted by a unanimous (4-0) vote.

OLD BUSINESS:

1. **Variance Application for 1825 North 3rd Street**, zoned Commercial Neighborhood (CN), filed by Alec Dascani with Community 1st Realty, to establish a two-unit "Multifamily Dwelling" use 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. Any exterior alterations to the building will receive approval from the Historic Preservation Specialist or, if necessary, receive HARB approval of a Certificate of Appropriateness (COA) application.
2. The Codes Bureau will perform a thorough inspection of the interior of the building, to ascertain whether the work which established the additional unit as done in compliance with building code regulations; if they do not, the Applicant must submit the necessary Building Permits to have the entire structure brought into compliance.
3. 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.
4. The Applicant will provide a signed lease for any spaces secured in the adjacent parking lot to the south.

The case was represented by the property owner Alec Dascani (2563 Tiffany Lane, Harrisburg, PA 17112) and Dayvon Colberi (1825 North 3rd Street, Harrisburg, PA 17102) with Community 1st Realty (aka the Applicants).

Commissioner Alsberry asked the Applicants whether the conditions in the case report were acceptable. The Applicants noted that they did not intend to pursue leasing parking in the adjacent lot. They stated that there is adequate parking along the adjacent street, and they can provide photos of available on-street. The Applicants also noted that there is parking at the nearby Community Center.

Commissioner Marek noted that it was nice to see the property get renovated. The Commissioner asked what the square footage was for each unit. The Applicants stated that they were not sure of the exact square footage for each unit but did note that the building is 3,232 square feet, per County records. The Applicants also stated that they have interior scale drawings available.

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

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

Commissioner Alsberry stated that the project was withdrawn.

Note: The application was withdrawn per request of the Applicant.

NEW BUSINESS:

1. **Special Exception Application for 2901 North 6th Street**, zoned Residential Medium-Density (RM), filed by Valerie Moore with Loving Handz Early Learning & Development Center, Inc," to establish a "Child Care Center" use on-site, and request relief from the off-street parking requirements for the proposed use.

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

1. The Applicant should coordinate with the City Engineer's Office to determine whether a drop-off/pick-up location can be designated along North 6th Street to allow for the safe loading and unloading of children.
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.
3. The Codes Bureau will perform a thorough inspection of the interior of the building, to ascertain whether the property complies with all modern building code regulations; if not, the Applicant must submit Building Permits to have the structure brought into compliance.

The case was represented by the property owner Valerie Moore (3549 North 6th Street, Harrisburg, PA 17110) with Loving Handz Early Learning & Development Center, Inc.

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 they did not.

Commissioner Alsberry stated he had safety concerns with a child care center at 6th and Division Streets. The Commissioner asked the Applicant if they plan to install any fencing. The Applicant stated they planned to install fencing on a portion of the property for where the children will be playing. Mr. Bowen noted that the fenced in play area is part of the requirement for condition two, that satisfies the Specific Criteria of Section 7-309.2(m) of the Zoning Code.

Commissioner Alsberry asked Planning Bureau staff if it was possible for the Applicant to make parking with the back garage. Mr. Bowen noted that due to the garage size and location on the property in relationship to Division Street, it would be difficult to utilize the garage for parking. Mr. Bowen stated the rear of the property can be accessed via a public right-of-away, but do to challenges with the property configuration that it was not practical to use the rear of the property for parking. Mr. Brown also noted that the previous use likely did not utilize the rear of the property for parking in a legal manner.

Commissioner O'Toole stated that the property is located in a residential neighborhood and has operated as a commercial use for numerous years and did not foresee the property being reused for a residential use.

Commissioner Marek stated that she agrees with the proposed use and that it is of lesser impact of the previous use. The Commissioner express some concerns towards the safety of children due to the location of the property at a busy intersection. The Commissioner asked for clarification in regards to the number of employees. The Applicant stated that they intend to have three employees total. Commissioner Marek noted the use would require five parking spaces total.

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).

2. Variance Application for 1106 Capitol Street, zoned Residential Medium-Density (RM), filed by Oscar Douglas and Delvert Palmer Jr. with the Tabernacle Baptist Church, to establish a "Supportive Housing - Emergency" use on-site.

Commissioner Alsberry stated that the case cannot be heard because one more commissioner is needed to make quorum. Commissioner Alsberry noted that Commissioner Green may arrive at a later time in that the case can be moved later on the agenda.

Mr. Gaylord noted that the Applicant can request a continuance if they choose and that is believed that Commissioner Green is enroute to the 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).

Note: Commissioner Reed recused herself from the case because she is an active member the Tabernacle Baptist Church. Due to the absences of two commissioners, a quorum of at least four commissioners was not present to vote on the case.

3. Variance & Special Exception Application for 1400 & 1406 Sycamore Street, zoned Residential Medium-Density (RM), filed by George Fernandez with Fernandez Realty Group LLC, to establish a 23 unit “Multifamily Dwelling” use; which requires a Special Exception, and to request relief from the density regulations and maximum impervious lot coverage area, which require Variances.

Mr. Bowen 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 Lot Consolidation & Land Development Plan and receive approval from the Planning Commission and City Council.
2. The Applicant is required to receive a Certificate of Qualification pursuant to Chapter 12-101 of Title 12, Affordable Housing Certification prior to recording the Lot Consolidation & Land Development Plan with the Dauphin County Recorder of Deeds.
3. The Applicant will reconstruct or install new, ADA-compliant sidewalks along the frontages of all properties associated with the development. Additionally, the Applicant will ensure that the proposed curb cut to the rear parking area will use a driveway design that elevates to the height of the surrounding sidewalks.
4. The Applicants 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 Jonathan Bowser (430 North Front Street, Wormleysburg, PA 17043) with Steelworks Construction.

Commissioner Alsberry asked the Applicant whether the conditions in the case report were acceptable; the Applicant stated that they were. He asked whether they had anything to add to the Planning Bureaus case report. The Applicant stated they did not.

Commissioner Marek ask for confirmation if the project is located on the corner near a school. The Applicant confirmed the project location is across the street from Foose Elementary School. The Commissioner asked whether the Applicant engaged with the neighborhood and if any feedback was received. The Applicant stated that the property owner has reached out to the Housing Authority, which owns a large number of nearby housing units, and that there has been discussions with the School Board. The Applicant also stated that the property owner did a press

release with an article published in PennLive and have received positive comments from the public and have been responding to general questions about the project.

Commissioner Marek asked the Applicant if they have been actively communicating with Capital Region Water (CRW), particularly in regards to the scale of impervious surface area related to the project. The Applicant stated if granted zoning relief they would address stormwater aspects during the Land Development process, and would begin communications with CRW prior to the Planning Commission meeting that would review the potential Land Development Plan.

Commissioner Marek asked for clarification on the affordable housing parking requirements. Mr. Bowen stated that under the new ordinance each affordable housing unit is required to have 0.5 parking spaces. Commissioner Marek noted this is the first affordable housing project reviewed by the board and ask for confirmation if the project is fully affordable. The Applicant confirmed the project was.

Mr. Gaylord noted that the process of qualifying projects of affordable housing is still being developed. He noted that there will be an agreement between the Applicant and the city certifying the project as affordable along with annual requirements that will ensure the project remains affordable. Mr. Gaylord stated the project is the first to utilize the recently passed affordable housing ordinance and that the city anticipates more affordable housing projects in the future.

Commissioner Marek asked if there are any other significant changes generally from the Affordable Housing Ordinance. Mr. Gaylord stated that there was changes to the street vacation requirements that involves affordable housing and there are some changes with LERTA requirements. Commissioner Reed ask if there are any requirements for guest parking for affordable projects. Mr. Bowen stated the guest parking is not required for affordable housing. Mr. Gaylord noted that any project that receives incentives under the Affordable Housing Ordinance would lose their Certificate of Occupancy if they fail to maintain the units as affordable under their agreement with the city. He stated that proof of affordability will have to be provided on an annual basis, which will be part of the traditional annual rental registration process that occurs for all rental units in the city. Mr. Gaylord also stated that there are an array of documents that will be needed to confirm a project stay affordable.

Commissioner Marek ask for confirmation if the project meets the parking requirements. Mr. Bowen confirmed that it does. The Commissioner asked if there was available on-street parking located at the adjacent streets. The Applicant stated that there is not on-street parking along Sycamore Street, but there is available on-street parking on 14th Street. The Commissioner asked if there was any public transportation access in a close vicinity to the project. The Applicant stated they are aware of public transportation available on 13th Street within a two-block radius but cannot confirm if that is the closest available public transportation.

Commissioner Marek ask if the Affordable Housing Ordinance has any square footage requirements on housing units and that she believes that the project is proposing units that are all less than 500 square feet. The Applicant noted the units will likely average between 450 to 600

square feet. Mr. Gaylord noted the ordinance does not have any square footage requirements, but affordable units must be materially equal to any non-affordable housing units that would be located within the same project.

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

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

4. Street Vacation Application for Salmon Street, filed by Phillip Dobson with Statewide Enterprises, LLC, to vacate a portion of Salmon Street extending from Shannon Street to the I-83 right-of-way.

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

Note: The Applicant requested a continuance in order to address the requirement to hold two public engagement sessions with the public as required in the 2020 Amended Street Vacation Ordinance Bill No. 18. The Applicant is also working with PennDOT to address any possible issues regarding the I83 expansion project which is adjacent to the proposed street vacation.

5. Lot Consolidation & Land Development Application for 2463 Jefferson Street & 655 Schuylkill Street, zoned Institutional (INS), filed by David Peffley with D&F Realty, to rehabilitate the existing building into a 22-unit “Multifamily Dwelling” use and construct a parking lot with 20 off-street parking spaces on-site.

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

1. The Applicant will reconstruct or install new, ADA-compliant sidewalks along the frontages of all properties associated with the development. Additionally, the Applicant will ensure that the proposed curb curbs and parking area be elevated to the height of the surrounding sidewalks, so that vehicle access is treated as a driveway and not a through-street.
2. 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.
3. The Codes Bureau will perform a thorough inspection of the interior of the building, to ascertain whether work previously conducted on-site related to the existing units is in conformance with Building Code regulations.

The case was represented by the project architect Dale Hair (426 South 3rd Street, Lemoyne, PA 17043) with KD3 Design Studio and Thomas Godfrey (4250 Crums Mill Road, Suite 301, Harrisburg, PA 17112) with Dawood Engineering, Inc. (aka the Applicants).

Commissioner Alsberry asked the Applicants 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 Applicants stated that they reached out to Mr. Spriggs and Mr. Washington with the Department of Public works in regards to sanitation. The Applicants stated that after the conversation that it was determined that they will be adding a dumpster to the site to address refuse concerns. The Applicants noted that site ingress would be one way from Schuylkill Street and egress on to Oxford Street due to various reasons.

Commissioner Marek asked if CRW provided comment for the project. The Applicant stated that comments were provided by CRW via email and was directed to the Mr. Bowen. The Applicants noted that CRW suggested providing vegetative plantings to the proposed rain garden and that they could accommodate the comments.

Commissioner Marek noted that no members of the public were currently present. The Commissioner asked if the Applicants have received any feedback from neighbors. The Applicants stated they had not received negative comments and they would be improving the adjacent sidewalks and would be cleaning up the property.

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

Commissioner Alsberry asked whether the project was in close proximity to vacant lots. The Applicant stated that across the street from Schuylkill Street that there are some vacant lots that are currently owned by the Redevelopment Authority. Commissioner Alsberry asked whether the property is across from the Welfare building. The Applicants noted that the Welfare building has an adjacent parking lot across from the project.

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).

OTHER BUSINESS:

Commissioner Alsberry asked if there are any updates on the Comprehensive Plan. Mr. Bowen stated that due to capacity constraints that the Planning Bureau has not had an opportunity to work on Comp Plan implementation. Mr. Gaylord noted that the Law Bureau will be coordinating with the City Business Administrator in further developing the documentation to be presented to the Planning Commission regarding the affordable housing certification process.

ADJOURNMENT: 7:35 PM

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