

## MINUTES

### HARRISBURG PLANNING COMMISSION REGULAR MEETING March 2, 2022

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

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

**CALL TO ORDER: 6:31 PM**

**APPROVAL OF MINUTES:** Commissioner Reed moved, and commissioner O'Toole second the motion, to approve the minutes from the February 2, 2022 meeting without corrections; The motion was adopted by a (4-0) vote with two abstentions

*Note: Commissioners Green and McKissick voted to abstain due to their absence at the February 2, Planning Commission meeting.*

#### **OLD BUSINESS:**

1. **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.

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

1. The Applicants will only operate the proposed use as an emergency shelter during winter months (December 1<sup>st</sup> thru March 31<sup>st</sup>).
2. The Codes Bureau will perform a thorough inspection of the interior of the building, to ascertain whether property complies with all building code regulations for residential uses.

The case was represented by Oscar Douglas Jr. (3121 Hoffman Street, Harrisburg, PA 17110) with Tabernacle Baptist Church.

Mr. Gaylord asked the Planning Commission if the previous abstention was still in effect. Commissioner Reed confirmed that it was. *Note: Commissioner Reed is a member of the Tabernacle Baptist Church and therefore requested to be recused from the subject case.*

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 the current operations are near capacity with 18 individuals utilizing the shelter, which has a capacity for 20 people. The Applicant noted that they have pride providing the service to the community and hope to continue it in the future. The Applicant expressed gratitude for the review of the application and to come before the board.

Commissioner Alsberry asked if the operations will continue annually and around the same time period. The Applicant stated that the organization Christian Churches United has the final say as to whether the operations could continue, but the Applicant is very hopeful that they will.

Commissioner McKissick asked if the proposed operations will be seasonal. The Applicant stated that the proposed use will run from December 1st to March 31st with the current year of operations having started on December 7<sup>th</sup>. Commissioner Green noted that the proposal would provide a great service to the City.

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 (5-0).

**2. 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.**

Mr. Bowen stated that the Applicant's representative requested that the case be continued to the April Planning Commission meeting to address several outstanding issues.

Commissioner Green moved, and Commissioner McKissick seconded the motion, to Table the request. The motion was adopted by a unanimous vote (6-0).

**NEW BUSINESS:**

**1. Special Exception Applications for 305 Edward Street, zoned Residential Medium-Density (RM), filed by Lisa Rogers with REAL Skincare, LLC, to establish a "Personal Services" 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 proposed signage must be in conformance with Section 7-325.6 of the Zoning Code, which outlines the requirements of on-premise signs within the RM zoning district; if necessary, the Applicant will submit an Easement application for the signage and receive approval from the City.

The case was represented by Lisa Rodgers (303 Edward Street, Harrisburg, PA 17110) with REAL Skincare LLC and Quincey Rodgers (933 Willcliff Drive, Mechanicsburg, PA 17050) the property owner. (aka the Applicant)

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 ask Planning Bureau staff to explain further about the required three parking spaces. Mr. Bowen stated that the requirement is for three off-street parking spaces, but since the Applicant lives on site and the business model involves one on one appointment only visits, the actual needed parking would likely involve one off-street parking space. Commissioner Alsberry noted that there is potential for more than one client to be on premise while waiting for an appointment, which would cause more than one vehicle to be parked on the street. The Applicant stated that they typically make an effort to schedule time in between clients for various tasks which would likely limit the frequency of more than one client on-site, though it is possible that more than one client could visit the business. Commissioner Alsberry asked the Applicant if they had concerns in regards to parking if more than one client visits the site. The Applicant stated they did not have any concerns in regards to parking due to the ease of finding parking while living on-site.

Commissioner McKissick asked about previous commercial uses of the property. The Applicant noted that the property had been used most recently for an office. Commissioner Green inquired about the number of employees and if the Applicant will maintain another location. The Applicant stated they would be the only employee and that they will have one place of business. Commissioner Green asked if the Applicant reached out to neighbors. The Applicant stated that notification letters were sent to property owners and that a notice of the proposal was posted in the window of the property. Commissioner Green stated that it would have been beneficial if the Applicants had reached out to neighbors.

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

Commissioner Alsberry noted that it is preferred that Applicants reach out to neighbors. The Applicant stated that they had received support from some neighbors.

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 (6-0).

**2. Variance & Special Exception Applications for 23 Evergreen Street**, zoned Residential Medium-Density (RM), filed by Awilda Giambanco, to establish a two-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 for “Multifamily Dwellings” and density regulations regulating the proposed uses, 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 limit the gravel parking pad to the footprint of the garage that previously existed on-site, or will utilize pervious pavers if the proposed parking area will be larger to accommodate the off-street parking space.
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 Awilda Giambanco (2242 Berry Hill Street, Harrisburg, PA 17104) and Jose Montano (541 North Front Street, Steelton, PA 17104). (aka the Applicant)

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 McKissick asked if the building is currently rented or occupied. The Applicant confirmed that the building is currently not occupied. Mr. Bowen noted that the need for zoning relief was brought to the Applicant's attention from a code inspector that was at the property.

Commissioner O'Toole noted the commission typically does not support the type of application before the board, but due to the circumstances he is in favor of the proposal. Commissioner Marek asked if it was financially feasible to renovate the property as a single family unit. The Applicant noted they purchased the property under the impression it was legally able to be a two unit dwelling and thus invested considerable money in renovating the property for two dwelling units.

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 Green seconded the motion, to Approve the request with Staff Conditions. The motion was adopted by a unanimous vote (6-0).

- 3. Variance Application for 312 Verbeke Street**, zoned Commercial Neighborhood (CN), filed by Joshua Kesler with Silverstone Enterprises, LLC, to establish a "Accessory Use" as a parking lot without a principal use on site, which requires a Variance.

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

Planning Bureau staff recommends the request be **Approved** with the following condition(s):

1. The Applicant will replace the existing gravel with an appropriate surfacing material such as asphalt, concrete, decorative paving block or other such material as may be approved by the City Engineer.
2. The proposed parking lot will be limited to a total of two curb cuts, one each for ingress and egress point, to preserve publicly-available, on-street parking while limiting conflict points with vehicular and pedestrian traffic. No access point will be constructed onto Verbeke Street to limit conflict points along a primary pedestrian route. The Planning Bureau recommends that the design reflect the internal parking and circulation configuration of the adjacent lot at 326 Verbeke Street.
3. The proposed parking lot will incorporate landscape screening and provide trees in conformance with Section 7-307.12 of the Zoning Code, and will conform to the applicable regulations in Chapter 7-327 of the Zoning Code.
4. The Applicant will reconstruct ADA compliant sidewalks around the perimeter of the property.
5. The Applicant will submit a Certificate of Appropriateness (COA) application for HARB review for the proposed lot improvements.
6. The Applicant will coordinate with CRW to address any applicable stormwater management regulations.

The case was represented by Joshua Kesler (121 South Street, Harrisburg, PA 17101) with Silverstone Enterprises, LLC. and Ambrose Heinz (17 North 2<sup>nd</sup> Street, Harrisburg, PA 17101) with Stevens & Lee. (aka the Applicant)

Commissioner Alsberry asked the Applicant whether the conditions in the case report were acceptable. The Applicant noted that they have concerns with condition two in regards to limiting the number of curb cuts. Mr. Bowen stated that staff recommended limiting the project to two curb cuts in order to mitigate the effects of reducing on-street parking while promoting the goals of Vision Zero by reducing the number of conflict points between pedestrians and vehicles. The Applicant stated they would be willing to work with City staff during the design phase of the project to reduce the impacts to on-street parking.

Commissioner McKissick stated that he is in favor of four curb cuts because the number of added off-street spaces would offset the number of on-street space lost due to the curb cuts. Commissioner Reed asked if the number of spaces would change from the existing lot. The Applicant stated that the number would likely remain the same and that the overall goal of the project is to provide off street parking for the Mill Works expansion proposal, which does not have any off-street parking.

Commissioner Marek stated that she prefers the proposed parking layout with four curb cuts due to the maximization of parking off-street spaces. The commissioner noted that metered spots are not located around the proposed parking lot. Mr. Bowen noted that the City is attempting to avoid any issues with the competing parking agreement by minimizing the number of affected on-street parking spaces. The Commissioner inquired if handicap spots will be required in the proposed parking lot. Mr. Bowen noted that the Zoning Code will require ADA compliant parking based on the size of the parking lot, which is addressed with condition three.

Commissioner Marek noted that improved one way signage on the public streets would provide better traffic flow and work towards implementing goals within Vision Zero.

Commissioner Alsberry asked whether there was anyone from the public that was for or against the project. Ruby Doub (8 South 20<sup>th</sup> Street, Harrisburg, PA 17104) noted that she owns property at 1325 Williams Street and was notified of the project because it is within 100 feet of the proposal. Ms. Doub noted that she was interested in learning more about project. The Applicant stated that they could provide more information to Ms. Doub after the meeting. Ms. Doub stated that she is neither opposed or supportive of the project and simply wanted to learn more about the proposal.

Commissioner Marek requested that the restriction of curb cuts onto Verbeke Street should remain as the only part of condition two, with the limit of curb cuts being raised to four.

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 (6-0).

*Note: Condition two was modified to the proposed parking lot being limited to a total of four curb cuts.*

**4. Special Exception Application for 17 North 2<sup>nd</sup> Street**, zoned Downtown Center (DC), filed by Ron Kamionka with Hospitality Partners, LLC, to establish a “Night Club or Dance Hall” use on-site, 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 remove the fencing along North 2<sup>nd</sup> Street and ensure that the sidewalk remains open for public use. The Planning Bureau recommends the Applicant use rope barriers or similar queue barriers for crowd control at the entrance.
2. The Applicant must conform to the provisions of Chapter 3-343 of the City Code related to noise control and abatement.

The case was represented by Ron Kamionka (17 North 2nd, Harrisburg, PA 17101) with Hospitality Partners, LLC.

Commissioner Alsberry asked the Applicant whether the conditions in the case report were acceptable. The Applicant stated that the crowd control fencing is the most effective method for crowd control, particularly with line cutting and conflict reduction. The Applicant requested that Condition one be removed. The Applicant stated that the fencing would only be used during weekend nights. Mr. Bowen noted that there was some issues in the past with the barriers being left out in the public sidewalk area. Commissioner Alsberry noted that he does not have significant concern with removing the condition.

Commissioner McKissick ask what the square footage was of the space and the capacity. The Applicant stated that the usable square footage is 4,100 square feet with a capacity of

approximately 234 people. Commissioner O'Toole noted that he did not have concern with amending Condition one.

Commissioner Green asked the properties current use was. The Applicant stated that the previous use was Hops Vines and Spirits. Commissioner Marek noted that she would be supportive of removing condition one with the exception that the barriers do not block sidewalk access. Mr. Bowen noted that even with the removal of condition one the Applicant still would be required to file a sidewalk use permit with the city which would regulate the placement of the fencing.

Commissioner McKissick noted that the fencing is not permanent and would not be casted into concrete. Commissioner Alsberry inquired how the condition would read. Mr. Gaylord noted that the condition could just be removed.

Commissioner McKissick moved, and Commissioner Marek seconded the motion, to Approve the request with only condition two. The motion was adopted by a unanimous vote (6-0).

**5. Special Exception Application for 1918 North 4<sup>th</sup> Street**, zoned Residential Medium-Density (RM), filed by Lamont Palmer with Xtreme Management, LLC, to establish a "Adult Day Care" use on-site, which requires a Special Exception.

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

1. 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 codes.
2. The Applicant must file a Mercantile Permit application for any business currently operating on-site that are not registered with the city. If an existing business does not conform to the Zoning Code, the Applicant must request zoning relief or provide documentation to the City's satisfaction that the operations can legally operate within the Residential Medium-Density (RM) zoning district.
3. The Applicant will ensure that all sidewalks along the perimeter of the property are repaired to an ADA-compliant condition and remain free of illegally parked vehicles.
4. The Planning Bureau recommends that a portion of impervious area on-site be replaced with lawn or landscaping; this will create an aesthetically-pleasing outdoor area for visitors/clients, decrease the amount of stormwater runoff, and help to reduce the urban heat island effect from the existing asphalt parking area.
5. The Applicant will ensure the business is in conformance with the requisite Specific Criteria, including securing the appropriate licensing from the Pennsylvania Department of Aging prior to receiving a Certificate of Occupancy (COA) from the city.
6. The Applicant will coordinate with the Department of Public Works to ensure appropriate location and storage of refuse containers on site, and to update the billing account information.

The case was represented by Lamont Palmer (2011 Clayton Avenue, Harrisburg, PA 17109) with Xtreme Management, LLC.

Commissioner Alsberry asked the Applicant whether the conditions in the case report were acceptable. The Applicant stated that for condition five, that he would not be able to obtain licensing from the Pennsylvania Department of Aging until a Certificate of Occupancy (COA) was issued from the city. Mr. Bowen noted that the city would not permit the proposed use to operate until receiving licensing from the state. The Applicant noted that he cannot get licensing from the state until receiving a Certificate of Occupancy. Mr. Bowen noted that condition could be amended to require licensing from the state prior to issuing a mercantile license to operate the proposed business within the city. Mr. Gaylord noted that the issue could be further researched and that the Department of Aging would not allow the business to operate without the (COA).

Commissioner Alsberry asked if the site was previously a A&P grocery store. The Applicant confirmed that it was. The Commissioner asked if the Applicant if they would be working with the nearby senior center. The Applicant stated that they would.

Commissioner McKissick asked what the most recent use of the property was. The Applicant stated that the property was used for offices. Commissioner O'Toole asked if the Applicant intends to be the operator of the proposed business. The Applicant stated the proposed use would be leased to a different entity.

Commissioner Reed inquired about the type of services that would be provided by the proposed use, noting that the use would be regulated by the state.

Commissioner Green inquired about the hours of operation and the transportation method for future patrons. The Applicant stated hours of operation would be from 8:00 AM to 5:00 PM with transportation provided from shared rides or vehicle drop off.

Commissioner Marek asked about the number of people would be on site. The Applicant stated the number of residents is regulated by the state based on the square footage of the building. Mr. Gaylord noted that he believes the state requires 50 square foot per resident.

Commissioner Alsberry asked about the number of spaces located at the property. The Applicant stated that the front lot has 15 spaces and the middle lot has at least 40 spaces.

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

Commissioner Green made motion to approve the request with staff conditions with the admission of condition five. Mr. Bowen requested that the board consider modifying condition five to require licensing from the Pennsylvania Department of Aging to be submitted to the city prior to issuing a mercantile license to operate the proposed use. Mr. Gaylord noted that because the proposed use would be operated by a third party that the city cannot require a mercantile license from the property owner. Mr. Gaylord suggested amending condition five to "The Applicant will ensure the business is in conformance with the requisite Specific Criteria, including securing the appropriate licensing from the Pennsylvania Department of Aging". He noted that this is a requirement of the state to operate the business.

Commissioner Green moved, and Commissioner Reed seconded the motion, to Approve the request with the modified conditions. The motion was adopted by a unanimous vote (6-0).

**6. Variance Applications for 1327 Howard Street**, zoned Residential Medium-Density (RM), filed by Lamont Palmer with Xtreme Management, LLC, to establish an “Auto, RV, Boat, or Manufactured Home Sales” use and an “Auto Body Shop/or Repair Garage” use on-site .

Mr. Bowen gave a synopsis of the report, recommending Denial for the following reasons:

1. The Applicant has performed unpermitted work on the property, occupied a condemned structure without securing clearance and a Certificate of Occupancy from the City, and established a non-conforming use on-site despite having a Mercantile Permit for the use denied by the Planning Bureau in May 2020.
2. The proposed auto-orientated uses are not compatible with the surrounding residential neighborhood and would negatively impact the health, safety and welfare of nearby residents.
3. The request does not represent the least modification possible from the zoning regulations; there are other uses not permitted by right which require less intensive zoning relief and/or would have less adverse impacts on the surrounding neighborhood.
4. The Applicant has not demonstrated unique hardship and circumstances that would justify the granting of a Variance at the subject property.

The case was represented by Lamont Palmer (2011 Clayton Avenue, Harrisburg, PA 17109) with Xtreme Management, LLC.

Commissioner Alsberry ask the Applicant to state any reasons why the Planning Commission should not deny the proposed use. The Applicant noted that when the building was purchased it was used as a garage and car sales use. The Applicant stated that in 2014 the property was rezoned which no longer permitted the garage use. The Applicant stated that he has hardship created by losing his current location for car sales off Paxton street due to the I-83 expansion project and is unable to find another location.

Commissioner O’Toole asked the Applicant about their proposed auto sales use that came before the board for the Cameron Street property. The Applicant noted that a disagreement with a partner caused the use of the Cameron Street property to be unfeasible. The Commissioner asked what the address was for the property affected by the I-83 expansion project. The Applicant stated the property address is 1601 Paxton Street.

Commissioner McKissick noted that based on the packet submitted that he does not have enough information to contextually understand the makeup of the surrounding neighborhood. Mr. Bowen noted that the property is located in between attached residential units with a light industrial use across the street. The Applicant noted that the opposite side of the street is composed primarily of commercial uses. Mr. Bowen noted the Planning Bureau had some concerns due to the property directly abutting residential units and the smaller garage size would likely cause some auto repair work to occur outdoors.

Commissioner Green noted that there appeared to be a large number of vacant homes on the street. The commissioner asked the Applicant if there are any plans to improve the property as it appeared to be in disrepair. The Applicant stated that they intended to improve the property with funds received from the sale of their property that will be affected by the I-83 expansion project. The Commissioner asked about possible traffic impacts. The Applicant stated they did not have concerns in regards to traffic.

Commissioner Green noted that past auto repair and car sale uses in residential neighborhoods typically had some issues with cars being placed on sidewalks and other negative impacts. The Applicant noted that they will only be repairing cars that are intended for sale at the property, stating that the use will not be a public garage. The Commissioner asked if the Applicant reached out to the neighborhood. The Applicant stated they had.

Mr. Bowen noted that the City has no record of a legal use operating on site. Commissioner Green asked what the last use was. Mr. Bowen noted that the property likely had informal uses on the property for a significant period of time.

Commissioner Marek noted concerns of the execution of the proposed use at the subject property particularly due to the property's small size. She express some confusion over what properties are involved with the proposal. Commissioner Green asked staff why the application is only labeled as 1327 Howard Street. Mr. Bowen noted that typically for applications involving multiple addresses the primary address is used for the application name. Mr. Bowen stated that the location map and list of parcel numbers involved in the project are provided in the Planning Bureau case report. Mr. Gaylord noted that a lot consolidation would be required if the Application were to be approved.

Commissioner Marek suggested the application be continued in order for the Applicant to address concerns and to provide more information about how the property could be improved. The Applicant noted that he does not want to invest money into the property until receiving approval.

The Applicant noted that he has a mortgage satisfaction letter that provides information about a previous auto repair use that operated on site in the 1990s. Commissioner McKissick noted that the requirements for a variance don't seem to be met and that he had concerns about the precedent that could be set from the approval of the application. The Applicant noted that another business could not be used at the property due to it's isolated location. Commissioner McKissick noted that a future use would not have to involve a business. Mr. Gaylord noted that a Zoning Map amendment could be an option for the Applicant. Mr. Bowen noted that the Planning Bureau would not be supportive of zoning map amendment due to the properties location within a close vicinity to residential property which typically create issues with IND zoning abutting to residential zoning.

Commissioner O'Toole ask for clarification on the number of proposed cars being sold on the property. The Applicant stated they intend to sell 10 cars maximum at one time. The Commissioner asked if RV's or boats will be sold. The Applicant stated no. Mr. Bowen noted

that the RV and boat aspect of the auto sales definition is language in the zoning code and it was not present in the Applicant's intent.

Commissioner Alsberry stated that he would favor a continuance in order for a more clear picture of the proposed use to be presented. Mr. Bowen noted that Planning Bureau staff would be happy to work with the Applicant to provide a more detailed application to the board, though it is unlikely the Planning Bureau would change its recommendation of denial.

Commissioner Green inquired about the condemnation status of the property, noting the case report stated the building is occupied. Mr. Bowen noted the building has an active condemnation status due to termination of water service that has not been addressed. The Applicant noted that the building has water service. Mr. Bowen noted that it is likely the Codes Bureau was not notified of the reestablishment of water service.

Commissioner O'Toole noted that there could be worse uses on the property and that he is flexible to potentially supporting the project. Mr. Bowen noted Planning Bureau concerns of setting a precedent of approving an auto related use within a residential zoning district. The Applicant noted that his property on Paxton street has had minimal issues despite being within close proximity of residential houses.

Commissioner McKissick stated that there was support for a continuance if the Applicant was willing to accept one. The Applicant stated that they were.

Commissioner Alsberry asked whether there was anyone from the public that was for or against the project; Jeffery Montgomery Jr (3901 Woodville Road,) noted that he owns a car lot and started a car a lot in a residential neighborhood within the city. Mr. Montgomery noted that business operations would be possible on-site without impacting residents.

Commissioner McKissick moved, and Commissioner Marek seconded the motion, to table the request to the April 6<sup>th</sup> Planning Commission meeting. The motion was adopted by a unanimous vote (6-0).

**7. Variance & Special Exception Applications for 45 North 13<sup>th</sup> Street**, zoned Residential Medium-Density (RM), filed by Tyshawn Greenlove with N&M Convenience, LLC, to establish a "Convenience Store" use on-site, which requires a Variance, and to request relief from the off-street parking requirements, which requires a Special Exception.

Mr. Bowen gave a synopsis of the report, recommending Denial for the following reasons:

1. The proposed use is not compatible with the surrounding community and would likely generate adverse impacts for the nearby residential properties; additionally, there are more compatible uses that have occupied the building in the past and for which approval would require equal or lesser zoning relief.
2. There is a limited need within the community for the proposed use as the subject property is currently located within 250 feet of an existing "Convenience Store" use and there are other such uses located nearby on Market Street.

The case was represented by Jeffery Montgomery Jr (3901 Woodville Road, Harrisburg PA) and Tyshawn Greenlove (79 Simon Court, Mechanicsburg, PA 17050) with N&M Convenience, LLC. (aka the Applicant)

Commissioner Alsberry ask the Applicant to state any reasons why the Planning Commission should not deny the proposed use. The Applicant stated that they are from the community and that the building has previously been used for other commercial uses. The Applicant stated they would provide a need to the community through healthy foods and fresh fruit.

Commissioner Alsberry ask the Applicant if they had any thoughts about addressing loitering. The Applicant stated that they will have a strict policy that forbids people from hanging outside the store and will work with local law enforcement.

Commissioner McKissick asked if the daycare next store is currently functioning. The Applicant stated that it was. The Commissioner asked for clarification of the location of the other convenience store. Mr. Bowen noted the other store is located approximately 250 feet to the west of the subject property. The Applicant noted that the nearby convenience store provides mostly junk food, which is a different business model from the proposed convenience store.

Commissioner O'Toole asked if the Applicant reached out to the community. Mr. Bowen confirmed that the Applicant only provided notification letters to property owners within 100 feet of the subject property.

Commissioner Reed asked for clarification on the building that is proposed to be used as a convenience store. Mr. Palmer noted that due to Covid the daycare was no longer in demand due to Covid.

Commissioner Green noted that there are various convenience stores within a close proximity to the subject property. The Commissioner expressed concerns about parking and about illegal parking on the gravel lot next store. The Applicant noted that most convenience stores do not have parking. Mr. Bowen noted a portion of the lot is owned by HRA and not the Applicant. Mr. Gaylord stated that if the lots were owned by the Applicant an additional variance would be needed to establish off premise parking on site.

Mr. Palmer noted the property has some parking on site. Mr. Bowen noted that the property has two legal off-street parking spots that conform with the zoning code. The Applicant noted that the past daycare use did not have issues with parking.

Commissioner Marek noted general concerns about the proposed use. The Commissioner asked the Applicant if they currently have any other businesses operating. The Applicant stated that they did not. The Commissioner noted that there is no business plan or substantial information that shows that supposed business would not operate as a typical convenience store. The Applicant noted that they do not want to invest in the property until knowing if they will be approved.

Commissioner Marek stated that the area is highly residential and that a concentration of convenience stores is concerning related to issues of congestion, littering, and loitering.

Commissioner Green noted that due to the rear access for parking it is unlikely that customers would use the parking. The Applicant noted that the near by convenience store has not parking. Commissioner Green noted that the Planning Commission would have the same concerns for other convenience stores.

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

Commissioner McKissick moved, and Commissioner Marek seconded the motion, to Deny the request. The motion was adopted by a unanimous vote (6-0).

**8. Lot Consolidation and Land Development Application for 100 North 13<sup>th</sup> Street**, filed by Radon Construction, LLC, to convert the existing building into a 12-unit “Multifamily Dwelling” use and consolidate various lots and construct a twelve (12) space parking lot along with associate site and access improvements.

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

1. The Applicant will submit a Certificate of Appropriateness (COA) application and receive approval from HARB for the proposed parking area and fencing, which is located in the Summit Terrace Architectural Conservation Overlay District (ACOD).
2. The Planning Bureau would recommend that the bike parking be installed near the building entrance along Walnut Street or via a secured, indoor storage area, and that the concrete pad along Walnut Street be replaced with landscaped yard.
3. The Applicant will adequately illuminate the proposed parking lot in conformance with the Environmental Performance Standards in Chapter 7-331 of the Zoning Code.
4. The Planning Bureau recommends that the Applicant utilize the side yard space along Walnut Street for the benefit of the residents, such as a community garden or outdoor seating area.

The case was represented by Jeffery Shyk (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 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 asked staff what other requests have been approved for the property. Mr. Bowen confirmed that the project received zoning approval for various requests including for the use and off street parking.

Commissioner Green asked about what the projected rent will be for the project in terms of affordability. The Applicant noted that the apartments will be market rate units. The Commissioner ask the city staff if they have been in contact with the Applicant in regards to the Affordable housing ordinance. Mr. Bowen stated that because zoning approval was received prior to the passage of the affordable housing ordinance that there was little incentive for the Applicant to take advantage of any density bonuses since the project was approved.

Commissioner Marek noted that the Planning Commission had previously asked many questions in regards to the project when it was before the board for the zoning relief aspects.

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 McKissick seconded the motion, to Approve the request with Staff Conditions. The motion was adopted by a unanimous vote (6-0).

**ADJOURNMENT: 8:57 PM**

Commissioner O'Toole moved, and Commissioner Reed seconded the motion, to adjourn. The motion was adopted by a unanimous vote (6-0).