

## MINUTES

### **HARRISBURG PLANNING COMMISSION REGULAR MEETING April 6, 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  
Neil Grover, City Solicitor

**CALL TO ORDER: 6:35 PM**

**APPROVAL OF MINUTES:** Commissioner McKissick moved, and commissioner Green second the motion, to approve the minutes from the March 2, 2022 meeting without corrections; The motion was adopted unanimously by a (6-0) vote.

#### **OLD BUSINESS:**

- 1. 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 and (2011 Clayton Avenue, Harrisburg, PA 17109) and Christina Freytes (1903 Boas Street, Harrisburg, PA 17103) with Xtreme Management, 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 an auto repair business known as Allison Hill Automotive previously had purchased the subject property for a past auto repair business at the subject property. The Applicant also stated that various commercial uses are located on the street with other auto repair garages located within a three-block radius. The Applicant provided documentation to board members.

Mr. Bowen noted that the Planning Bureau had not received the documentation that was being submitted to the Board. Commissioner McKissick asked if any construction had occurred at the property since the last Planning Commission meeting. The Applicant stated that his tenants had constructed the building against his knowledge in December of 2021. He also stated that other townships allow for the construction of buildings under 1000 square foot without building permits and was not aware that Harrisburg required building permits for buildings of that size. The Applicant reaffirmed that the building was already constructed prior to the March 2nd Planning Commission meeting. Mr. Bowen noted that during a site visit of the last week of February of 2021 the building was not present at the property and that a photo was taken to verify this. The Applicant again reaffirmed the building was constructed in December of 2021.

*Note: The site visit was conducted 02/09/2022 in which a photo was taken that shows the subject building not present on-site.*

Commission O'Toole noted that the property has some challenges to be used but was hoping for an improved presentation for the current Planning Commission meeting in order to have a better understanding of how the property would be used. Commission O'Toole note the plans currently submitted to the board would be a major improvement to the property.

Commissioner Alsberry noted that the information provided to the Commission should have been submitted to the Planning Bureau prior to the meeting. The Applicant noted that they were not expecting the meeting to be at the current date and was therefore unprepared assuming that the meeting was to occur on the 18<sup>th</sup>. Commissioner Green asked for a recap of the proposed business activities. The Applicant stated that only small repairs will occur on-site for cars to be sold with a plan to sell approximately five to seven cars.

The Applicant noted that the following properties were condemned: 1313, 1315, 1317, 1320, 1322, and 1326 Howard Street. The Applicant noted that they believe this contributed to people signing a petition in supporting the project.

Commissioner Marek asked what the condition of the property was when the Applicant purchased the property. The Applicant stated the property was in poor condition and was condemned. The Applicant noted some improvements were made to the property after the original purchase. The Commissioner asked for clarification which lots would be occupied by the project and what lot the new building was constructed upon. Commission O'Toole noted that the site plan for a new building and site improvements was dated in 2012. The Applicant noted that due to finances the plans were never completed.

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

Commissioner O'Toole asked if there are any recommend conditions that could be applied if he were to make a motion to approve. Mr. Bowen stated that the Planning Bureau would need to review the additional documentation for site improvements to recommend further conditions for the project. He also noted that there would be number of conditions to be added due to the number of existing nonconformities at the property. Commissioner O'Toole inquired about the number of minimum conditions required to bring the proposal into compliance. Mr. Bowen stated that further review of the property would be needed to make that determination.

Commissioner O'Toole moved, to table the application with the Planning Commission identifying possible conditions of approval by the next meeting. Mr. Bowen noted that the Planning Bureau would still be recommending a denial for the proposed use, but could provide potential conditions to the Planning Commission. Mr. Grover noted that the request is for a Variance and that the Applicant will need to meet the standards of the Variance. Commissioner McKissick stated that it appears that the proposal does not meet the standards to justify a variance request.

Commissioner Green stated that the Applicant provided some information that the property was likely an automotive lot in 1983. Mr. Grover stated that there is public information from state records and licensing that would indicate if the property was legally used as an automotive lot. Mr. Bowen noted that any previously existing legally nonconforming auto sales lot would be considered abandoned due to the illegal use that has been operating on site for at least a year which is different than the proposed auto repair and auto sale use deeming any previous uses as abandoned.

The Applicant noted that they have further documentation regarding Allison Hill automotive previously owning the subject property. Commissioner Green noted that there appears to be periods of time in which the previous auto repair businesses were not operating, which causes the past use to lose the legal nonconforming status. The Applicant noted that they believe because there was continuous signage the use could continue. The Applicant noted that they lost their previous place of business due to the I-83 project and that they've had difficulty locating a new location that conforms with the zoning code.

Commissioner O'Toole noted that there may be some challenges in proving the legal aspects of the request and the legal representation may help with the Applicant's proposal. Mr. Grover noted that the Applicant will need to be agreeable to continuing the case to the next meeting. Commissioner O'Toole asked the Applicant if they agree to have the case heard next month. The Applicant stated that they were.

Commissioner O'Toole again moved to table the application with the condition that the Applicant is agreeable to the continuation. Commissioner Green seconded the motion. The motion was adopted by a unanimous vote (6-0).

- 1. Special Exception Applications for 932 North 2<sup>nd</sup> Street**, zoned Residential Medium-Density (RM), filed by Courtney DeRosier with Chops Barbershop, 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 condition was that:

1. Any exterior alterations to the building, including signage, will receive approval from the Historic Preservation Specialist or, if necessary, receive HARB approval of a Certificate of Appropriateness (COA) application.

The case was represented by Courtney DeRosier (932 North 2<sup>nd</sup> Street, Harrisburg, PA 17102) with Chops Barbershop LLC.

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 have been in the neighborhood for 10 years and was hoping to move the business into their home for financial reasons.

Commissioner Alsberry asked the Applicant if they had talked their neighbors about the proposal. The Applicant stated they had not.

Commissioner McKissick inquired about past uses at the property. Mr. Bowen stated that according to city records that a law office was located on site until approximately 2004. Commissioner O'Toole noted that a business likely vacated from the location at some point prior to the mid 2000's.

Commissioner Green inquired about the proposed hours of operation. The Applicant stated the business would operate from Tuesday thru Friday and every other Saturday 10am to 1:30pm with a one-to-two-hour gap with operations ceasing at approximately 5:30pm to 6:00pm. The Applicant noted most of his clients would likely walk to the location. Commissioner Green ask for the location of the previous business operations. The Applicant stated the business was previously located at 1103 Front Street, which is now closed. The Applicant noted that the proposed business will operate as appointment only.

Commissioner Marek asked if the Applicant owns the property and if they will live on-site. The Applicant stated that they would live on the second floor and operate the proposed business out of the first floor of the property. The commissioner inquired if the first floor of the property could be used as residential space. The Applicant noted that the property would require substantial renovations to reconfigure the first floor into residential space.

Commissioner Alsberry noted that parking could be an issue. The Applicant stated that there is paid parking outside of the proposed business and available parking on Forester Street.

Commissioner Alsberry asked whether there was anyone from the public that was for or against the project. Bernie Pupo (925 North 2<sup>nd</sup> Street, Harrisburg, PA 17102) noted that the area formally had a number of commercial businesses but now most places have closed up. Mr. Pupo also stated that he spoke with another neighbor that is opposed to the proposed business but could not attended the meeting. He stated that the community noted that neighbors hoped that the

meters would be removed since the area is now residential. The individual stated that he is against the proposed business.

F.X O'Brian (928 North 2<sup>nd</sup> Street, Harrisburg, PA 17102) stated he is against the proposal because there are no business within the neighborhood. He stated that he was looking forward to the increased residential character of the neighborhood with the 2<sup>nd</sup> Street two way conversion project. Mr. O'Brian stated that having a commercial business in the area is inconsistent with resources being invested to make the area more residential. He also noted the Applicant had a post on Facebook about having up to 16 customers per day. The individual stated that parking is challenging in the area and that he is against the project.

The Applicant noted that he has no plans to have up to 16 clients per day and that he would be maxed out at 10 clients per day. He stated that his current business has been downsized from previous operations.

Commissioner McKissick noted that it is possible that some businesses could be added to the area so long as they go through the zoning process. He also noted that due to the small size of the commercial space the number of clients would likely be limited.

Commissioner McKissick moved, and Commissioner Marek seconded the motion, to Approve the request with Staff Conditions. The motion was adopted by a vote (5-1) with Commissioner O'Toole voting in opposition.

**2. Variance Application for 720 Division Street**, zoned Commercial General (CG), filed by Brian Sheedy with McDonald's, LLC, to establish a side-by-side drive-thru, which requires relief from the Specific Criteria regulating drive-thru facilities.

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

1. Any exterior alterations to the building, including signage, will receive approval from the Historic Preservation Specialist or, if necessary, receive HARB approval of a Certificate of Appropriateness (COA) application.

The case was represented by Michael Jeitner (74 West Broad Street, Suite 500, Bethlehem, PA 18018), Ambrose Heinz (17 North 2<sup>nd</sup> Street, Harrisburg PA), Radu Tigulia (2 Bangor Road, Middletown, PA, 17057). (aka the Applicant)

Commissioner Alsberry asked the Applicant whether the conditions in the case report were acceptable; they requested clarification for the condition. Mr. Bowen noted on the plan set that the original ADA spots will be moved away from building requiring crosswalk access to the relocated ADA parking spaces. Mr. Bowen noted that the condition of approval involves the placement of some type of physical barrier that would prevent vehicles from queuing over the proposed crosswalk and blocking access to the relocated ADA parking spots. The Applicant noted that a raised curb would likely create tripping hazard but could accommodate the condition through other means. Mr. Bowen Noted that the condition is flexible to include any type physical

means that would prevent vehicles from queuing over the ADA crosswalk area. The Applicant stated that they were acceptable of the condition.

The Applicant gave a brief presentation of the project demonstrating the details and rationale of the proposed side-by-side drive-thru project. They noted that the project would improve traffic flow and capacity in response to the increase demand for drive-thru services. The Applicant noted the proposal involves four menu board signs with the current Zoning Code limiting a property to two menu board signs.

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 (6-0).

**3. Variance & Special Exception Applications for 531 Division Street**, zoned Residential Medium-Density (RM), filed by Wilbur Clark with Lingo Memorial Church, to allow for the expansion of an existing non-conforming sign and for relief from signage regulations within the Zoning Code.

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

1. Any illumination of the proposed sign must conform to the Environmental Performance Standards in Section 7-331.9 of the Zoning Code so as to not create a nuisance, specifically to prevent light spillover onto the residential properties to the west of the proposed signage.
2. The Applicant will plant a vegetative screening to the west of the proposed signage in order to reduce the impact of possible light spill over to nearby residential properties and to better conform with the varies aspects set forth in condition one.

The case was represented by Wilbur Clark (2747 Reel Street, Harrisburg, PA 17110) and Ronald Holton (315 Rumson Drive, Harrisburg) with Lingo Memorial Church.

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

Commissioner McKissick stated that he supports the project based on the proposed signage facing a large unpopulated area. Commissioner O'Toole noted that he supports the project. The Applicant noted that they want the new signage to increase visibility, which is challenging due to the large trees outside of the building.

Commissioner Marek noted that the proposal appears to be more of a retrofit of the original sign. Mr. Bowen noted that the majority the increased square footage of sign face will be on the existing sign cabinet.

Commissioner Alsberry asked whether there was anyone from the public that was for or against the project; there were no comments. Commissioner Alsberry noted project appeared to be straightforward and that the signed faced a non-residential area.

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

**4. Variance & Special Exception Applications for 331 Schuylkill Street**, zoned Residential Medium-Density (RM), filed by Kelly Volb-Miller with Therapy Group, LLC, to establish a “Treatment 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 Denial for the following reasons:

Planning Bureau staff recommends the request be **Denied** for the following reason(s):

1. The Applicant has not demonstrated unique hardship and circumstances that would justify the granting of a Variance at the subject property; as the Applicant notes, the property is currently occupied by an active use and thus no additional zoning relief is necessary to allow reasonable use of the property. If, as the Applicant contends, denial of the request would force them to relocate the business, then the property could be marketed as and used for an “Office” as the continuance of a legal, non-conforming aspect moving forward, a fairly broad use which could accommodate various types of businesses.
2. The Applicant has stated the 2014 Zoning Code update was responsible for the existing “Office” use on-site to be out of conformance with the regulations; however, the “conditions created by the provisions of the zoning ordinance” cannot be used as a justification. Furthermore, the Applicant’s assertion is inaccurate, as the property’s designation under the prior Zoning Code was “Residential Limited Zone B (RLB)” which **did not** permit “Treatment Center” uses by right.
3. The proposed use is not compatible with the surrounding community and would likely generate adverse impacts for the nearby residential properties, particularly towards the residential dwellings that directly abut and surround the subject property. While the Applicant notes that a similar use is operating in the Polyclinic Hospital, that is a long-standing facility that has provided mental health and substance abuse counseling/treatment for years and is intentionally designed to separate and differentiate itself from the surrounding neighborhood.
4. The property could reasonably be reused as a continuation of the existing legally non-conforming “Office” use, which is more compatible with the surrounding community; alternatively, there are other non-permitted uses which require less deviation from the Zoning Code.
5. From the outset, the Planning Bureau provided clear guidance to the Applicant that the proposed use was not permitted on-site; it was only after receiving approval for the current use on-site, which was granted primarily on the Applicant’s affirmation that substance abuse counseling would not be provided, that the proposal for substance abuse counseling was put forward. The Applicant is attempting to utilize their existing operations as a justification for the proposed Variance; in the Bureau’s opinion, this represents an end-run around the zoning regulations.

The case was represented by Ms. Kelly Volb-Miller (692 Cassell Road Elizabethtown PA 17022) with Hospitality Partners, LLC and Ms. Veronica Morrison (3401 North Front Street, P.O. Box 5950 Harrisburg, PA 17110) with Mette, Evans & Woodside. (aka the Applicant).

Commissioner Alsberry asked the Applicant to state any reasons why the Planning Commission should not deny the proposed use. The Applicant noted the property is suited for mental health service related uses based on the properties past functions and the surrounding neighborhood in particular to the Polyclinic being located across the street. The Applicant stated that there was not a previous intention to have substance abuse services at the property. It was argued that the proposal does not constitute a change from the current use based on the Zoning Code definition of a "Treatment Center". The Applicant stated that they will not be able to properly treat mental health issues due to the prevalent co-occurring aspects of substance abuse with mental health issues.

The Applicant stated that the current clients would not change if approved and that a drug and alcohol assessment is needed for some clients which requires a state license. The Applicant noted that there is limited ability of co-occurring treatment for patients. The Applicant also noted that the residential nature of the area would provide for a less institutional and more private place for drug and alcohol counseling. The Applicant noted that the proposal is not a typical treatment center use with only one client being served at a time. The request is for a private license.

Mr. Bowen stated that the mental health services have clearly been established as a legal nonconforming use as an "office" and that the licensing to treat substance abuse is what constitutes the "Treatment Center" use in the zoning code. He noted that there are concerns that the subject property directly abuts residential properties and is surrounded by a residential neighborhood. Mr. Bowen also noted that approving a "Treatment Center" use is within the Residential Medium-Density (RM) zoning district would not set a good precedent. He stated the use could reasonably be located by right in three other zoning districts within the city.

Commissioner Alsberry asked if the Applicant had reached out to any nearby residents. The Applicant stated that they talked with seven different neighbors and did not receive any negative responses.

The Applicant noted that the proposal does not fully meet the "Treatment Center" use definition as there will only be one personal license to treat substance abuse on site and that there will be a limited number of patients at the property with the primary use still catered towards mental health services.

Commissioner McKissick noted that he does not believe the proposal meets the qualifications for variance. Commissioner O'Toole stated that there does not appear to be hardship.

Commissioner Reed ask for clarification on the difference between the proposed use and existing use. The Applicant stated that currently, once an established client needs substance abuse treatment they have to be sent to another therapist, which typically causes clients to no longer receive mental health consultation.



Commissioner Green noted that there had been previous communications about operating the facility for just mental health treatment. The Applicant noted that they began to receive many referrals from the state for drug and alcohol treatment after having communications to operate the facility without the substance abuse aspect.

Commissioner Green asked about the level of treatment that is typically needed for substance abuse treatment. The Applicant stated that there are different levels of treatment including outpatient and inpatient treatment, with the proposal including just inpatient treatment. The Applicant noted that treatment would only include counseling and not medication prescription.

Commissioner Marek asked for confirmation if mental health services are permitted and if a variance is still needed if one personal license is needed for the treatment of substance abuse. Mr. Bowen stated mental health services are permitted as an "Office" use and that any treatment of substance abuse is classified as a "Treatment Center" use in the Zoning Code.

The Applicant stated that the location has worked for the treatment of mental health issues because of the proximity of similar uses and the ability of patients to seek more anonymous treatment away from their places of employment. The Applicant noted that currently the office use designation has caused limitations on their ability to fully treat their patients.

Commissioner Marek asked about the number of typical patients per day and hours of operations. The Applicant stated that normal hours are 8am to 8pm with at least ten patients per day on average with some patients being seen via Zoom.

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

Commissioner Marek asked if the board were to make a motion to approve is there any recommend conditions of approval. Mr. Bowen noted that he does not have any conditions he would recommend.

Mr. Grover noted some challenges related to the "Treatment Center" use definition which does not traditionally include counseling services. He stated that services provided from court appointed substance abuse vs employee assistance substance abuse programs would likely include very different types of clientele and effect the impact of the proposed use within the neighborhood. He noted that the parameters of the Zoning Code includes substance abuse counseling but the Zoning Board may have different interpretations of defining scope the "Treatment Center" use definition.

Commissioner McKissick asked if a variance was granted and the property was sold, could the "Treatment Center" use be continued. The Applicant noted that the property is not suitable for a traditional full scale treatment center operation beyond the proposed consulting services. Mr. Grover noted a possible condition could restrict the proposal to just substance abuse counseling. Mr. Bowen noted that if a legally nonconforming "Treatment Center" use was established, there would be challenges for the city to deny a more intensively used "Treatment Center" use to locate on the property based on the parameters of the zoning code.

The Applicant noted that a possible condition could be to limit the use to the personal license to treat substance abuse. Mr. Grover stated that he is unaware of the definition of personal licenses in Pennsylvania law. Mr. Bowen stated that the parking requirements do limit the number of licensed counselors permitted to operate on site as additional counselor would require a Special Exception for parking relief.

Commissioner Alsberry stated that he has concerns that the use could be expanded in the future. Mr. Grover stated that the city has had some challenges with “Treatment Center” uses in the past, and recommended the Applicant suggested enforceable conditions that could address some of the challenges related to “Treatment Center” uses. Mr. Bowen stated that the enforcement of possible conditions could be challenging from the city's perspective.

The Applicant stated that she would be the only counselor on-site to treat drug and alcohol and wants to keep the substance abuse component of the business minimal. The Applicant noted that they would further investigate enforceable conditions. They also stated that clientele would only be state employees. Mr. Grover stated that part of the concern was that if approved, clientele beyond the contract with state workers could seek treatment at the proposed location.

Commissioner Marek stated she had limited concerns about what the Applicant was proposing but did have concerns regarding any future “Treatment Center” uses that could locate at the property. The Applicant stated it would be challenging for her to secure any new contracts.

Commissioner Green inquired about the ownership of the building. The applicant stated that they owned the property under the name Pork Chop Properties LLC. Mr. Bowen noted that the case report was incorrect in describing ownership as a lease as limited liability companies do not provide ownership names.

Commissioner Marek moved, Commissioner Green seconded the motion to Approve the request with the condition to limited the use to one personal license of consulting services under the definition of a treatment facility. The motion failed with a vote of (3-3). Commissioner McKissick moved, Commissioner Reed seconded the motion to Deny the request. The motion failed with a vote of (3-3). Commissioner McKissick moved, Commissioner O’Toole seconded the motion to Approve the request with no conditions. The motion failed with a vote of (3-3). Mr. Grover stated that the proposal is deemed denied with a split board.

**5. Variance Application for 512-514 North 2<sup>nd</sup> Street**, zoned Commercial Neighborhood (CN), filed by Derek Dilks with 512-514 N 2<sup>nd</sup> Street, LLC, for relief from the density regulations to establish a seven-unit, “Multifamily Dwelling” use with first-floor commercial space.

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. The project design and construction must conform to the proposal previously reviewed and approved HARB; any changes to that design must be resubmitted to the Planning Bureau for a determination on whether additional HARB review is necessary.
3. Any new signage advertising businesses on the first floor will conform to the regulations in Chapter 7-325 of the Zoning Code; if such signage will not be in conformance, then a zoning relief application will be filed as necessary. Additionally, any such signage will receive approval from HARB.

The case was represented by William Pompeii (2201 North Front Street, Suite 200, Harrisburg, PA 17110) with K&W Engineers LLC; Chris Dawson and Alison Krichman (300 North 2<sup>nd</sup> Street, Suite 701, Harrisburg, PA 17101) with Chris Dawson Architects (aka the Applicant).

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

Commissioner Alsberry stated that it was great the proposal would remove boarded up properties within the city. Commissioner McKissick noted that the property has been challenging for a number of years. He stated he is supportive of the project and that the massing of the structure is appropriate.

Commissioner O'Toole stated that he was supportive of the project. He noted that the project had been in the press for a number of years. The Applicant stated that they tried hard to preserve the buildings but that it was too challenging. Commissioner Marek stated that she is supportive of the project and the revitalization of the area.

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

Mr. Bowen clarified to the Commission that the proposal is only for a variance request related to exceeding the lot density for the number of proposed units.

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

**6. Lot Consolidation and Land Development Plan Application for 512-514 North 2<sup>nd</sup> Street**, filed by Derek Dilks with 512-514 N 2<sup>nd</sup> Street, LLC, to establish a seven-unit, "Multifamily Dwelling" use with first-floor commercial space.

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. Additionally, any such signage will submit a Certificate of Appropriateness (COA) application and receive approval from HARB.

2. The Applicant will receive approval of the zoning relief request filed concurrently with this application, and will ensure all conditions of approval for that application are included in the final plan sets.
3. The Applicant will reconstruct ADA compliant sidewalks along North 2<sup>nd</sup> Street.
4. The Applicant will coordinate with the Department of Public Works to ensure that the account billing reflects the establishment of active uses on-site.

The case was represented by William Pompeii (2201 North Front Street, Suite 200, Harrisburg, PA 17110) with K&W Engineers LLC; Chris Dawson and Alison Krichman (300 North 2<sup>nd</sup> Street, Suite 701, Harrisburg, PA 17101) with Chris Dawson Architects (aka the Applicant).

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

Mr. Bowen noted that per Dauphin County Planning Commission comments, sidewalk improvements along North 2<sup>nd</sup> Street were not indicated on the final site plan. He stated given the severe deteriorated condition of the sidewalks, the Planning Bureau assumes that the Applicant intends to reconstruct the sidewalks, but it is required as indicated in condition three.

Commissioner Green inquired about the proposed rental rates. The Applicant stated that they did not know what the rental rates would be yet. Commissioner Green asked if the Applicant was aware of the recently passed affordable housing legislation. The Applicant stated that they were, but the details of the legislation was not clear. Mr. Bowen noted that affordable housing legislation will likely need to be amended and proposed changes will likely be proposed within the month.

The Applicant stated that the property owner has a number of properties which have a wide range of rental rates. Commissioner Marek asked for further clarification on the proposed structural wall on the north side of the property. The Applicant stated there is a possibility to secure an easement to have windows on the north side of the building. Commissioner Marek noted that it appears the proposed wall is on a different property. Mr. Grover asked if the Applicant is looking to do an air rights easement to preserve the view from the windows. The Applicant noted that the details are still being worked out through their attorneys.

Commissioner Marek asked for clarification regarding the rear tenant area. The Applicant stated that the area is for a dumpster area and not meant for a leisure space.

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

- 7. Lot Consolidation and Subdivision Application for 204 Walnut Street & 115 North 2<sup>nd</sup> Street**, filed by Second & Locust Investors, LLC, to subdivide a portion of the property at

204 Walnut Street, and consolidate this portion with the adjacent parcel at 115 North 2<sup>nd</sup> Street.

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

1. The Planning Bureau would recommend that the Applicant install landscape screening along the perimeter of the parking lot at 115 North 2<sup>nd</sup> Street to bring the property into conformance with the Zoning Code, enhance the streetscape aesthetics, and help better manage stormwater runoff.

The case was represented by Eric Diffenbaugh (25 Broad Street, Newville, PA 17241) with Diffenbaugh Wadel Inc.

Commissioner Alsberry asked the Applicant whether the conditions in the case report were acceptable. The Applicant asked for clarification on location of screening. Mr. Bowen stated that the condition involves placing plant screening around the perimeter of 115 North 2<sup>nd</sup> Street in order to be in conformance with the Zoning Code. The Applicant noted that no lot improvements are proposed.

Commissioner McKissick stated that the previous property owners were required to add fencing and landscaping to the property which was never implemented. He noted that the property was only allowed to be used as a parking lot for three years and is now operating as an illegal parking lot. Mr. Grover noted that the city's position is that the parking lot is illegal.

The Applicant stated that they were unaware of the properties previous history. Commissioner McKissick noted that the building that was demolished at 115 North 2<sup>nd</sup> Street was very historic and that after the demolition it was promised that a new building would be constructed within three years, which did not occur.

Mr. Bowen noted that the Applicant did not state whether they were acceptable of the condition. The Applicant noted that they do not have the authority state whether they accept the condition since they are not the property owner.

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

### **Other Business**

Commissioner Marek asked for updates on the status of formally publishing and updating the Comprehensive Plan. She noted that edits were never completed and that the plan is not published anywhere. Mr. Bowen noted that he would investigate the status of the Comprehensive Plan updates further.

**ADJOURNMENT: 9:06 PM**

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