

MINUTES

HARRISBURG PLANNING COMMISSION REGULAR MEETING July 6, 2022

MEMBERS PRESENT: Joseph Alsberry, Chair
Shaun E. O'Toole
Jamesetta Reed
Ausha Green

STAFF PRESENT: Jacob Bowen, Deputy Planning Director
Neil Grover, City Solicitor

CALL TO ORDER: 6:34 PM

APPROVAL OF MINUTES: Commissioner O'Toole moved, and commissioner Green second the motion, to approve the minutes from the June 1, 2022 meeting without corrections; The motion was adopted unanimously by a (4-0) vote.

NEW BUSINESS:

1. **Variance for 916 South 18th Street**, zoned Commercial General (CG), filed by Henry Kornblatt, with 916 Industrial, LLC, to construct an eight-foot fence, which requires a Variance for exceeding the allowable fence height.

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

1. The Applicant shall include an elevation of the fence with the required Building Permit application, demonstrating there is no barbed wire proposed for the top of the fence and confirming slats will be placed on the inside of the fence.
2. The Applicant shall provide a plant screening to the exterior of the proposed fencing to provide a buffer between the adjacent residential homes and the commercial uses on site and the soon to be expanded I-83 right-of-way. The Planning Bureau recommends the Applicant use evergreen species in order for the plant buffer to be effective year-round.

The case was represented by Henry Kornblatt (916 South 18th Street, Harrisburg, PA 17104) with 916 Industrial, 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 clarified the type of fencing that they intend to install, noting that barb wire will not be used or have slats. Commissioner Alsberry asked how the I-83 project will affect the subject property. Mr. Bowen stated that the property to the north

will be acquired for the I-83 project causing the Applicant's property to abut the expanded I-83 right-of-way.

Commissioner Alsberry asked whether there was anyone from the public that was for or against the project. Debra Craig (1740 Paxton Street, Harrisburg, PA 17104) stated that the property previously had issues with trash. She stated that she supported the project.

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

2. **Variance for 709 North 2nd Street**, zoned Commercial Neighborhood (CN), filed by John Staz, with Home Source Construction Group, LLC, 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 condition was 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.

The Applicant or a representative for the application was not present. Commissioner Alsberry requested a motion to have the application tabled. Commissioner O'Toole moved, and Commissioner Reed seconded the motion, to table the request. The motion was adopted by a unanimous vote (4-0).

3. **Variance & Special Exception Application for 1801 Market Street**, zoned Residential Medium-Density (RM), filed by Adrian Woodman, with Builders Property Management, to establish a two-unit "Multifamily Dwelling" use on-site and request relief from the off-street parking requirements, which requires Special Exceptions, and to request relief from the density regulations regulating the property, which requires a Variance.

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 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.
2. The Applicant will coordinate with the Department of Public Works to ensure that the account billing reflects the establishment of the proposed uses on-site.

The case was represented by Adrian Woodman (1436 South 13th Street, Harrisburg, PA 17104) with Builders Property Management.

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. The Applicant stated that the barbershop was a lot for them to handle and were looking to have a lower impact on the community by changing the use.

Commissioner O'Toole stated that the project makes sense particularly with the reduction to the impacts on parking. Commissioner Green concurred with Commissioner O'Toole.

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).

4. **Special Exception Application for 2307 Berryhill Street**, zoned Residential Medium-Density (RM), filed by Renada White, with D & R Venue, to establish an "event venue," which is a use not specifically prohibited requiring a Special Exception and request relief from the off-street parking requirements.

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

1. The Applicant will limit the evening hours of operations to 9pm to mitigate any adverse impacts that may be generated by the proposed use to surrounding residents.
2. No alcoholic beverages are to be permitted to rented events or gatherings either as BYOB or through a licensed caterer to limit the space to family oriented and professional venues appropriate within a primarily residential neighborhood.
3. The Applicant will coordinate with the Department of Public Works to ensure that the account billing is updated to reflect the new use.
4. The Applicant will coordinate with the City Engineer to address all existing development that encroaches into the public right-of-way.

Mr. Bowen noted that because the proposed use is not specifically defined, parking requirements are applied to the most similar use in terms of impacts on parking demand. Mr. Bowen stated that based on the proposal the most similar use is a "Community Center" use, which requires one off street parking space for every 300 square foot of gross floor area and one space for each employee.

The case was represented by Renada White and Darryl Everett (2038 Swatara Street, Harrisburg, PA 17104) with D & R Venue.

Commissioner Alsberry asked the Applicant whether the conditions in the case report were acceptable. The Applicant stated that the conditions of approval align with their business plan

and that they have no issues with the conditions. The Commissioner asked the Applicant if they had reached out to the neighbors. The Applicant stated that they had notified the neighbors twice by mail and they had received some interest from neighbors in using the space.

Commissioner Alsberry noted that with no alcoholic beverages onsite he inquired about the type of meetings that would occur at the property. The Applicant stated that they are targeting church groups, holiday parties, book clubs, men & woman groups, birthday parties for youth, baby showers, art shows, girl scouts and other daytime uses.

Commissioner O'Toole stated the Applicant did notify neighbors by mail. The Commissioner inquired about previous uses of the property. The Applicant stated that the most recent use was a commercial sign company that created and repaired signs. The Applicant stated that before the sign company the property had a bar use on site. Commissioner O'Toole noted that he supported the project because it does not have a BYOB aspect. The Applicant stated that they believe there are sufficient venues that target adult crowds and that they believe their hours of operations will attract a different crowd.

Commissioner Green asked about the number of available parking spaces. Mr. Bowen noted that the parking lot could likely fit about 12 to 14 cars, but the lot can fit approximately eight off-street parking spaces that conform to the parking lot standards of the Zoning Code and are not within a public right-of-way. He noted that only legally conforming spaces can count towards the parking requirements. Commissioner Green noted that she has some concerns regarding their being sufficient parking for events. Mr. Bowen suggested that the Applicant considered doing valet style parking for some events to maximum the number of cars within the off-street parking area.

Commissioner Alsberry suggested that the Applicant's look into finding parking lots nearby for overflow off-street parking. The Applicant noted that there is available on-street parking along 23rd Street.

Commissioner Alsberry asked whether there was anyone from the public that was for or against the project. Stella Tiddle (511 South 23rd Street, Harrisburg, PA 17104) stated that she has lived in the area since 1962 and is very familiar with the area. She stated she has concerns about parking. She stated that the hours of operations and restrictions of alcohol address her concerns regarding noise and security. She noted that the Applicants should work to mitigate any possible issues from parking. Ms. Tiddle stated that if there is not a parking issue, she supports the project.

Judith Posatho (532 Benton Street, Harrisburg, PA 17104) stated that her main concern for the area is trash and noted she has been picking up trash in the community for the past 20 years. Ms. Posatho stated she has not seen progress on the issue within the city. She stated that if the Applicants maintain the property and address trash she does not have an issue with the proposal.

Commissioner Alsberry stated that the proposal was a great project, particularly because there is not BYOB aspect to the project.

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

5. **Variance Application for 1017 Maclay Street**, zoned Industrial (IND), filed by Chuck Farrell, with PEG Commercial, LLC, to establish a “Place of Worship” use on-site, which requires a Variance.

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

1. The Applicant shall coordinate with the Office of the City Engineer to determine signage and other traffic mitigation methods to address traffic flow and any potential spillover into the adjacent public rights-of-way.
2. The Applicant shall coordinate with the City’s Floodplain Administrator to remove the unpermitted block wall located entirely within the Paxton Creek Floodway at the rear of the property, bringing the site into conformance with FEMA regulations.
3. The Applicant will provide a dedicated pedestrian space of at least four feet in width within the western off-street parking area to remove potential conflict points between pedestrians and vehicles.
4. The Applicant shall remove the marked on-street parking spaces along the public right-of-way on Julia Street to distinguish available on-street parking as public and to encourage parishioners to use the available off-street parking at the project site.
5. The Applicant will coordinate with the Department of Public Works to ensure that the account billing reflects the establishment of the proposed uses on-site.

The case was represented by Chuck Farrell (1349 Quail Hollow Road, Harrisburg, PA, PA 17112) with PEG Commercial, LLC; Charles Courtney (100 Pine Street, Harrisburg, PA 17110) with McNees Wallace & Nurick LLC (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. The Applicant stated that the front portion of the building has been vacant for a long time. He noted that the front portion of the building is more of an institutional and commercial character while the rear portion of the building has a more industrial character. The Applicant stated that the front portion of the building is intended to contain the proposed “Place of Worship” use. The Applicant stated that the proposed use would be compatible with the surrounding area as a transitional area between institutional and industrial districts.

Commissioner O’Toole noted that the property is currently having work done to it. The Applicant stated that they have received building permits to make various improvements to the front portion of the building. The Applicant stated that given the buildings age, a lot of work is needed.

Commissioner Alsberry stated that he has concerns regarding traffic coming down Maclay Street in regards to the number of congregates associated with the use. Mr. Bowen stated that traffic flow was a concern of the Planning Bureau, particularly because the proposed use would likely

have a large number of people enter the property and leave the property within a short time frame associated with church services. He stated that Dawood Engineering reviewed the proposal and did not express significant concerns other than the need for improved signage. Mr. Bowen noted that an egress from the rear of the property onto Julia Street would likely mitigate some of the traffic concerns related to Maclay Street. Mr. Bowen stated that condition one will require the Applicant to coordinate with Dawood in order to satisfy any traffic concerns.

Commissioner Alsberry asked if the Applicant intends to rent out parking during Farm Show events. Mr. Grover noted that the Applicant would have to register under City Code to rent parking spaces out, which would apply a tax. Mr. Bowen noted that under previous ownership of the property, spaces were rented out along Julia Street within the public right-of-way for Farm Show events. Mr. Bowen stated that part of condition four would address this issue in the future.

Commissioner Reed asked about teaching space for Sunday school or other activities for the space. The Applicant noted that there is an intent to do choir and that the church is very active.

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).

6. Variance & Special Exception Application for 29 North 2nd Street, zoned Downtown Center (DC), filed by Stephen Detwiler, with Capital City Venues to establish a “Night Club or Dance Hall” use and request relief from aspects of the Specific Criteria for the proposed use.

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

1. All alcohol sales on-site require the issuance of a liquor license granted from the PLCB in which the Applicant or hired catered services must conform to all applicable rules and restrictions associated with such license.
2. Off premise alcohol including BYOB activities shall not be permitted on-site without the authorization of a BYOB permit from the City and approval of a “B.Y.O.B Club” use from the Zoning Hearing Board. Any unauthorized alcohol sales or BYOB activities either directly or indirectly by the Applicant will result in the immediate revocation of any Mercantile license(s) associated with unauthorized activities.
3. The Applicant shall submit a sidewalk use permit for any proposed seating or other uses that may occupy the public sidewalk.
4. 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 Stephen Detwiler (29 North 2nd Street, Harrisburg, PA 17101) with Capital City Venues.

The Applicant stated that he hopes to have a private membership use that would have less violence given people would know each other. He stated that a caterer with a liquor license would control the portions of alcohol being served. He stated that there would be a monthly membership fee and a metal detector at the door to keep things safe. The Applicant stated that there would also be other events such as hosting DJ'S and weddings. The Applicant stated that they do not want to do a BYOB due to the issues associated with the use. The Applicant also noted that they wish to build the business and eventually do horseback riding on City Island.

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

Commissioner Alsberry expressed security concerns related to alcohol and suggested considering an age limit.

Commissioner O'Toole asked if the location is the former News Stand. The Applicant confirmed that it was. Commissioner Reed inquired about how the community related aspects of the proposed use will operate. The Applicant stated that the property could be used Monday thru Thursday for daytime uses. He stated that events will be 21 and up and with catered alcohol and security being the highest priority. He noted that the daytime uses could be used for stop the violence meetings.

Commissioner Reed asked about the CDL program proposed on site. The Applicant stated that he is looking to mentor and help people to get their CDL licenses on the second floor during the week.

Commissioner Alsberry asked whether there was anyone from the public that was for or against the project; Ron Kamionka (17 North 2nd Street, Harrisburg, PA 17101) stated he has concerns about the Applicant using an off-primes catering license which does not regulate when the business has to close but only when the catering has to stop serving alcohol. Mr. Kaminonka stated that the proposal to have off-primes catering is a workaround from getting a liquor license. He stated that a membership does not limit the number of non-members that can visit the property. He stated that his primary concern is safety. Mr. Kaminoka stated that he would be supportive of the proposal if the Applicant had a liquor license which would enable the liquor control board to enforce violations. Mr. Kaminoka noted that he received the same zoning relief, but he had a liquor license. He stated that without a liquor license he is opposed to the request.

Mr. Grover noted that illegal uses have been a major problem within the city and that if the Applicant were to have a cover charge at the door the operation would be shut down. He noted that the city has public safety concerns related to similar uses. Mr. Grover noted that he believes that the Applicant purchased this proposed business from an individual that previously operated illegal clubs.

The Applicant noted that he purchased the proposed use and took over a lease from the individual mentioned by Mr. Grover. He stated that he addressed various property issues when taking over the property. The Applicant stated that the membership would enable the business to track who enters the property. He noted that he was hoping to have a more laid-back atmosphere

associated with a members only club. The Applicant noted that he hopes to help the community during the week by connecting the business to things such as horseback riding and paintballing in the city. He stated that with his business people cannot pay at the door but only through a membership fee. He stated that drinks and food would be free with the membership club. He stated that patrons could leave their wallets at home except for an ID with unlimited food and drink to members.

Mr. Grover asked for clarification if members can eat and drink unlimited and if this is the case the monthly fee would likely be high. The Applicant noted that that Thursday thru Saturday would allow for all you can eat and drink for members. Mr. Bowen noted that there will likely be some challenges being open three or four days a week with the off-premise liquor license given that each off-premise license holder is permitted to only serve alcohol 52 times per year at events.

The Applicant stated that the events would be private and that parking would not be an issue given the availability of parking on 2nd Street. Commissioner O'Toole noted that the proposal does appear to look like a method to circumnavigate the need for a liquor license. He proposed that a condition should be added to restricted the hours of operation. Mr. Grover stated that restrictions on hours of operation can be imposed onto any use. He encouraged the Applicant to work with and join the downtown merchant association to address safety and liability concerns and that closing times have been staggered downtown for bar and restaurant uses.

Commissioner O'Toole recommended that the proposed use should be required to close at 1am. Mr. Bowen asked if the time restriction was for all activities on site. The Commissioner confirmed that it was. The Applicant asked if 1am would be the time in which patrons would not be allowed in. Mr. Grover stated that 1am would be the time in which the doors would be closed and patrons would have to leave.

Commissioner O'Toole moved, and Commissioner Reed seconded the motion, to Approve the request with Staff Conditions and an additional condition stating that: All business activities must cease operations by 1am. The motion was adopted by a vote (3-1) with Commissioner Green dissenting.

Other Business:

ADJOURNMENT: 9:06 PM

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