

MINUTES

HARRISBURG PLANNING COMMISSION REGULAR MEETING August 3, 2022

MEMBERS PRESENT: Joseph Alsberry, Chair
Vern McKissick, Vice Chair
Shaun E. O'Toole
Anne Marek

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

CALL TO ORDER: 6:30 PM

APPROVAL OF MINUTES: Commissioner O'Toole moved, and commissioner McKissick second the motion, to table the approval of the minutes from the July 6, 2022 meeting; The motion was adopted unanimously by a (4-0) vote. **Note: Commissioner Marek & McKissick were not present at the July 6th meeting.**

OLD BUSINESS:

1. **Variance Application 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 conditions were that:

1. Any exterior alterations to the building will receive approval from the Historic Preservation Specialist or, if necessary, receive HARB approval of a Certificate of Appropriateness (COA) application.
2. The Codes Bureau will perform a thorough inspection of the interior of the building, to ascertain whether the work which established the additional unit is 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 case was represented by John Staz III (1738 North 3rd Street, Suite A Harrisburg, PA 17102) with Home Source Construction Group, LLC.

Commissioner Alsberry asked the Applicant their relationship to the project. The Applicant stated that he owns the property at 709 North 2nd Street and the property at 707 North 2nd Street. He stated that the property was previously a two unit and had the first-floor space converted into a restaurant while the second floor remained a residential unit. The Applicant stated that the restaurant was open for a few months and then went out of business. He stated that all the kitchen equipment had been removed by the seller. He stated that he tried leasing the property as a restaurant but did not have any luck securing a commercial tenant. He noted the property appears to be challenging to rent as a restaurant space. The Applicant stated that limited changes are needed to convert the space back into it's previous use of an apartment.

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

Commissioner O'Toole asked if the property is across from the YMCA parking lot. The Applicant confirmed that it was. Commissioner O'Toole stated that the previous restaurant sold smoothies. He noted that the restaurant use never came before the board. Mr. Bowen noted that because the property is in the CN district zoning relief was not required for the previous restaurant use. Commissioner O'Toole noted that it made sense to return the property back to a residential use.

Commissioner Marek stated that it made sense to bring the property back to a residential multifamily use.

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 Approve the request with Staff Conditions. The motion was adopted by unanimous vote (4-0).

New Business

1. **Special Exception Application for 2604 North 5th Street**, zoned Residential Medium-Density (RM), filed by Patricia Walker, with Patricia Walker Family Childcare LLC, to establish an accessory "Child Care Home – Group" use on-site, which requires a Special Exception for the use.

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

1. The proposed "Child Care Center" must comply with all aspects of the Specific Criteria of Section 7-309.2(o) of the Zoning Code.
2. The Codes Bureau will perform a thorough inspection of the interior of the building, to ascertain whether the property complies with all modern building code regulations; if not, the Applicant must submit Building Permits to have the structure brought into compliance.

The case was represented by Patricia Walker (2604 North 5th Street, Harrisburg, PA 17110) with Patricia Walker Family Childcare 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 the expansion would not cause issues with neighbors. She stated that parking will not be an issue because drop off and pick is limited with social distancing due to Covid. She stated that she will increase her capacity by four more children.

Commissioner Alsberry asked the Applicant if they had reached out to neighbors. She stated that she reached out the neighbors per the application requirements to send out letters to neighbors. She stated that the business has been operating for 25 years.

Commissioner Marek asked about the proposed hours of operations. The Applicant stated that the hours would not change, remaining as 7:30am to 5:30pm.

Commissioner Alsberry asked whether there was anyone from the public that was for or against the project. There were no comments. The Commissioner stated that there is a need for childcare.

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

2. **Special Exception Application for 2134 North 2nd Street**, zoned Riverfront (RF), filed by Steven Toole, to establish a four-unit “Multifamily Dwelling” use and request relief from the off-street parking requirements, which requires Special Exceptions

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 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 Susan Confair (2331 Market Street, Camphill, PA 17011), with Reager & Adler (aka the Applicant).

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

Commissioner O’Toole stated that he was not aware that the subject property was used as a Fitness Center.

Commissioner Marek stated that given the property’s size it is likely it would be difficult to function as a single-family dwelling unit. The Commissioner noted that she appreciates the larger square footage sizes of the apartments. She asked if there are off street parking options in the area. Mr. Bowen noted that the property does not have any space that could be used for off-street

parking. He stated that the Planning Bureau encouraged the Applicant to reach out to the owner of the adjacent parking lot to consider having a leasing agreement for off street parking for tenants.

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

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

3. **Special Exception Application for 45 North 13th Street**, zoned Residential Medium-Density (RM), filed by Tyshawn Greenlove & Jeffrey Montgomery, with N & M Café, to establish a "Coffee Shop/Café" use and request relief from the off-street parking requirements, which requires Special Exceptions

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 Health Inspection and receive approval for all necessary City permits prior to receiving a Certificate of Occupancy.
2. The Applicants will coordinate with the Department of Public Works to ensure that the account billing is updated to reflect the new use.
3. The Applicant shall coordinate with the property owner to remove all illegally installed barbwire on-site and to remove the vehicular gate along North 13th Street given there is no legal curb cut or driveway that allows vehicular access across the sidewalk.
4. The Applicant shall not sell routine household goods or a significant portion of packaged goods that would otherwise be associated with a "Convenience Store" use.

The case was represented by Tyshawm Greenlove (45 North 13th Street, Harrisburg, PA 17103), Jeffrey Montgomery (45 North 13th Street, Harrisburg, PA 17103) with N & M Cafe and Cory Leshner (415 Market Street, suite 204, Harrisburg, PA 17101) with the Law Offices of Cory A. Leshner LLC (aka the Applicant).

Commissioner Alsberry asked the Applicant whether the conditions in the case report were acceptable. They confirmed that they were. The Applicant noted that the property owner stated that the gate across the front of the property no longer opens. The Applicant stated that the movable fence in the rear will be used for vehicular access. The Applicant stated that there are different options available to address the gate such as adding a privacy fence. Mr. Bowen noted that the gate, which was illegally installed by the property owner, also exceeds the allowable fence height of four feet. He noted that a substantial change is needed for the fence. Mr. Grover stated that the property owner has had issues with compliance. The Applicant stated that they received permission to remove the barb wire. Commissioner Alsberry asked if the Applicants are still acceptable of all conditions. That Applicant stated that they were.

Commissioner Alsberry asked the Applicant if they had spoken with the neighbors. They stated that they went door to door and spoke with the neighbors regarding the new business plan. The

Applicant stated that they also spoke with the president of the Summit Terrance Neighborhood association about the revised application. They stated no opposition towards the project.

Commissioner McKissick stated that it appears the property has been commercial for a long period of time and the property is in a mixed-use location. He also noted that the commercial space is relatively small. Commissioner O'Toole stated he had no issues and that the Applicants did a good job reaching out to the community.

Commissioner Marek stated that she did not have issues with the project. She noted that the Applicants had made a strong effort to find an appropriate use for a difficult property.

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 he agreed with the other commissioners and the project would provide something useful for the neighborhood with minimal traffic issues.

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

Other Business

ADJOURNMENT: 7:02PM

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