

## MINUTES

### HARRISBURG PLANNING COMMISSION REGULAR MEETING October 5, 2022

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

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

**CALL TO ORDER: 6:38 PM**

**APPROVAL OF MINUTES:** Commissioner O’Toole moved, and Commissioner McKissick second the motion, to approve the minutes from the September 7, 2022, meetings without corrections; The motion was adopted by a (5-0) vote with Commissioner Reed abstaining.

#### **NEW BUSINESS:**

*Note: The Board altered the original order of the agenda to have items one from old business and new business be discussed last due to the length of the subject cases.*

- 1. Special Exception Application for 1725 Walnut Street**, zoned Residential Medium-Density (RM), filed by Fern Wilcox with Daystar Center for Spiritual Recovery, to establish a “Supportive Housing – Family” use, which requires relief from the off-street parking requirements.

Mr. Bowen gave a synopsis of the report, recommending approval with the following conditions:

1. The property shall maintain all required licenses or certificates under any applicable Federal, State, or County regulations authorizing the use as supportive housing for individuals with disabilities. If at any point in time such licenses or certificates expire or are revoked the subject property shall cease to function as a “Supportive Housing – Family” use.
2. The Applicant shall maintain and effectively enforce program restriction prohibiting vehicle use for residents living at the property.
3. The Applicants will coordinate with the Department of Public Works to ensure that the account billing is updated to reflect the new use.

The case was represented by Fern Wilcox (1598 Reading Road, Mohnton PA, 15940) and Kate Tannenbaum (6110 Somerton Drive, Mechanicsburg PA, 17050) with Daystar Center for Spiritual Recovery (aka the Applicant).

Commissioner Alsberry asked the Applicant whether the conditions in the case report were acceptable. The Applicant stated that they were.

Commissioner Alsberry asked the Applicant to further explain what they do. The Applicant stated that their program is a three-to-six-month drug and alcohol treatment facility that is located at 125 North 18<sup>th</sup> Street. The Applicant stated that the property on Walnut Street will provide supportive housing after individuals complete treatment. She noted that residents will continue to receive help while living at Walnut Street and are typically employed.

Commissioner McKissick asked if this is a new use for the site. The Applicant stated that it was. They noted that after checking with the City it was confirmed that the maximum number of residents was two, so that has been the number of people living in the house. The Applicant also stated that they have one additional recovery house located within Penbrook. She stated that people tend to want to live at Walnut Street due to the proximity to the program office.

The Applicant stated that the state government recently started to require state licenses for recovery houses. Mr. Bowen noted that the license is required in the Zoning Code for the classification of a Supportive Housing – Family use. He stated that this differentiates Supportive Housing -Family from a rooming house. He noted that Supportive Housing – Family is allowed by right and that the requested relief only relates to the off-street parking requirements.

Commissioner O'Toole inquired about the maximum number of residents to live at the house. The Applicant stated five. The Commissioner asked about the average length of stay for residents. The Applicant stated one year with a cost of \$100 dollars a week. The Commissioner noted that the Applicant made a strong effort to contact the neighbors. The Applicant noted that they have a good relationship with the neighbors.

Commissioner Reed asked how the residents are identified to live at the property. The Applicant stated that residents come through the Daystar program which provides long term care which includes teaching or reteaching people how to live.

Commissioner Marek asked if five people is the maximum capacity that could be held at the facility and if there would be more growth. The Applicant stated that five is the maximum they intend to have at the facility. The Commissioner inquired if there was a limit under City regulations. Mr. Bowen noted that he believes the limit would be eight before triggering additional regulations under the Code.

Commissioner Alsberry asked if 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 a unanimous vote (5-0).

**2. Variance Application for 416 & 418 Forester Street**, zoned Commercial Neighborhood (CN), filed by LeslieAnn Musgrave with Zomelle Properties, LLC, to convert the existing

commercial building into an eight-unit “Multifamily Dwelling” use which requires a Variance to exceed the allowable density on-site.

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

1. The subject property could be reasonably reused within conformity of the Zoning Code without the granting of a Variance to exceed the allowable lot density per dwelling unit and is not the minimum variance to afford relief.
2. The Applicant has not provided sufficient justification, such as a pro forma, indicating that the requested relief is needed to reuse the property.
3. The proposed intensity related to the number of units within the subject structure is inconsistent with the context of the surrounding community. The Applicant should consider providing a configuration that includes a variety of units and layouts that offer some much multibedroom units.

The case was represented by Les Felix (3100 Derry Street, Harrisburg PA, 17111) with Zomelle Properties LLC.

Commissioner Alsberry asked the Applicant why the Planning Commission should not deny the project. The Applicant stated that the concept for the property is to have micro suite apartments which include studio apartments of around 350 square feet. The Applicant stated that the proposal would provide a more affordable option for housing.

Commissioner McKissick asked if there was a parking requirement for the site. Mr. Bowen stated that there was not a parking requirement in the CN district. Mr. Bowen noted that the site did have five spaces on site. The Commissioner noted that he had concerns regarding the proposed sizes. The Applicant stated that the units will be around 350 square feet and will be furnished with all bills included. The Commissioner inquired about the length of time for leases. The Applicant stated that there would be monthly leases. The Commissioner stated that the concept seemed similar to a hotel room. The Applicant stated that the concept would be micro apartments with more affordable rates.

Commissioner asked about the number of units permitted by right at the building. Mr. Bowen noted that if both buildings were consolidated together onto both parcels there could be three units by right, which could also include an additional commercial space. The Commissioner asked about the most recent use. Mr. Bowen stated that the most recent use was a coffee shop and offices. The Commissioner noted that there is limited hardship for the property and that the concept might make more sense in a different part of the City. The Commissioner stated that they could possibly have four units in the building.

Commissioner Marek stated that she is not opposed to the concept of the type of housing being proposed. She stated that the use would be more appropriate downtown. The Commissioner stated that it is difficult to find hardship, though the building does seem a bit challenging as configured. The Applicant stated that the current configuration could easily accomodate eight units.

Mr. Bowen stated that the Planning Bureau would be supportive of lesser relief for the property given there is some uniqueness at the property. He stated that the current request is excessive. Mr. Bowen also noted that if the Applicant goes over four dwelling units a Land Development Plan will be required.

Commissioner O'Toole noted that Covid should be considered as some form of hardship for a lesser proposal. Commissioner Marek asked if the Applicant was affiliated with the project in Lancaster that was included as a new article with the application. The Applicant stated that the article was only used as reference which is the same type of use. Commissioner Marek noted that the exact square footage for units was hard to determine from the application. The Applicant stated that the minimum square footage would be around 315 square feet. The Commissioner noted that the city could look into having minimum square footages in their code.

Mr. Bowen suggested that the Applicant consider having a diversity of units on site. Commissioner McKissick stated that the concept appears to be an Airbnb hotel given there is no long-term lease. Mr. Grover noted challenges for uses that are neither a hotel nor an apartment use. Mr. Bowen noted short-term and long-term rentals are not defined in the Zoning Code. He stated that staff interpretation would be a 30 day rental being short-term. Commissioner McKissick stated that the project would create issues with precedent for other developers in creating livable unit sizes.

Mr. Grover asked if the Applicant owned the buildings. The Applicant stated that they have an option to purchase. Commissioner Marek suggested the Applicant recognize the proposed site in relation to the layout and sizes of units. The Applicant asked what would be the minimum number of units recommended by the Planning Commission. Mr. Grover suggested the Planning Bureau would be able to provide guidance. Mr. Bowen stated that he could sit down with the Applicant to hash out ideas.

Commissioner Alsberry stated that he agreed with other comments made by the Commissioners and that the Applicant could work with staff to come to a compromise. He stated that he had issues related to parking.

Commissioner Alsberry asked if there was anybody for or against the project. There were no comments. The Applicant stated that they would be willing to work with staff to consider other options. Commissioner O'Toole suggested the application be continued. Mr. Grover said the case can be continued if acceptable to the Applicant. The Applicant stated that they would be acceptable of a continuance. Mr. Grover noted that there is 90 days to have the case before Zoning.

Commissioner O'Toole moved, and Commissioner Marek seconded the motion, to Table the request. The motion was adopted by a unanimous vote (5-0).

**3. Variance Application for 1510 Market Street**, zoned Residential Medium-Density (RM), filed by Shalom Properties, to convert and redevelop an existing "Place of Worship" into a 14 room "Supportive Housing-Facility" use with shared living facilities and accessory supportive services, which requires a Variance.

Mr. Bowen gave a synopsis of the report, recommending approval with the following conditions:

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 Applicant will provide a written lease agreement to Planning Bureau that dedicates at least six off-street parking spaces within 500 feet of the proposed use to meet the parking requirements outline in Section 7-327.6A of the Zoning Code.
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 is required to obtain or show any license or certification that may be required to operate the proposed facility.

The case was represented by Kyla Harvey (230 Farmridge Drive, Harrisburg PA) with Shalom Properties.

Commissioner Alsberry asked the Applicant whether the conditions in the case report were acceptable. The Applicant stated that they were.

The Applicant stated that they currently have an emergency shelter on 15<sup>th</sup> Street and that they need more sheltering space and transitional housing. Commissioner Alsberry asked if the housing will be specifically for women and children. The Applicant stated that it was.

Commissioner McKissick asked how many beds are being operated at the other location. The Applicant stated that they have 21 beds operating at the other location. The Commissioner asked the number of beds for the proposed facility. The Applicant stated 14 beds. The Commissioner noted that the Applicant is preserving many historic elements and inquired if the Applicant was applying for historic tax credits. The Applicant stated that they were not. The Commissioner stated that the project would likely meet the requirements for historic tax credits. He inquired about the number of bathrooms. The Applicant stated that there will be a gang shower and a smaller bathroom for mothers with young children.

Commissioner O'Toole inquired about when the facility was last used as a church. The Applicant stated that they were not sure, but they purchased the property in 2019.

Commissioner Marek stated that she is generally supportive of the work that Shalom House does. The Commissioner inquired about the proposed amount of time woman will be staying in the units. The Applicant stated that there will be a mix between emergency shelter and longer stays. The Applicant stated that stays will be longer than what is traditionally considered emergency housing and that some units will be used for transitional housing where residents will remain up to one year.

Commissioner Alsberry asked if there was anybody for or against the project. There were no comments. The Commissioner noted that with changing times churches have been getting converted to other activities.

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 (5-0).

- 4. Land Development Application for 1510 Market Street**, filed by Shalom Properties, to convert and redevelop an existing "Place of Worship" into a 14 room "Supportive Housing-Facility" use with shared living facilities and accessory supportive services.

Mr. Bowen gave a synopsis of the report, recommending approval with the following conditions:

1. The Applicant shall coordinate with Planning Bureau staff to bring the parking lot at 1513 Market Street into conformance with the design standards for off-street parking which will improve traffic circulation while discouraging vehicular egress and ingress over the public sidewalk area.
2. The Applicant shall coordinate with the city to remove the non-permitted gravel and bring the property into conformance with the Zoning Code.
3. The Applicant will coordinate with the Department of Public Works to ensure that the account billing reflects the establishment of active uses on-site.
4. The Applicant will provide the Planning Bureau with any documentation related to the lease of spaces in the surface parking lot at 1513 Market Street.

The case was represented by Kyla Harvey (230 Farmridge Drive, Harrisburg PA) with Shalom Properties.

Commissioner Alsberry asked the Applicant whether the conditions in the case report were acceptable. The Applicant stated that they were.

Commissioner Alsberry asked if there was anybody from the public 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 (5-0).

- 1. Variance & Special Exception Application for Capitol Heights (Phase Two)**, located on forty-one (41) parcels on nine proposed sites in the blocks generally bounded by Hamilton Street to North, North 5<sup>th</sup> Street to the east, Harris Street to the South, and Logan Street to the West, zoned Residential Medium-Density (RM), filed by Chris Bryce & David Long with Midtown Redevelopment, LLC, to request various zoning relief from use and development regulations required for the construction of four townhomes, seventy-six (76) multifamily dwelling units, 9,557 square feet of commercial space, and ninety-five (95) off-street parking

The case was represented by Matthew Long (126 Walnut Street, Harrisburg, PA 17101) with Midtown Redevelopment LLC, Richard Gribble (1704 Fox Hallow Lane Susquehanna Township) and Matt Krupp (258 North Street, Harrisburg, PA 17101). (aka the Applicant).

Mr. Bowen noted that he will provide a brief overview for each building within the Application prior to a discussion for each site.

### **Building Two**

Mr. Bowen gave a synopsis of the proposed project site, recommending approval with the following conditions:

1. If granted approval for the requested zoning relief, the Applicant will subsequently file a Preliminary Lot Consolidation & Land Development Plan, and a Street Vacation for the rights-of-way through the site and receive approval from the Planning Commission and City Council.
2. The Applicant shall construct the proposed parking lot with pervious materials to mitigate the effects of storm water runoff. If the site cannot accommodate pervious materials the Applicant must provide sufficient documentation to Planning Bureau staff indicating proof that the project site cannot use pervious materials.
3. The Applicant or future tenants shall file any necessary zoning relief for the proposed first floor commercial space for future uses that are not permitted by right within the RM district.
4. 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.

Mr. Bowen noted that conditions one and four are applied to all building sites recommended for approval and if agreeable by the Applicant he would not read those conditions on other project sites to reduce redundancy and save time.

Commissioner Alsberry asked the Applicant whether the conditions in the case report were acceptable. The Applicant stated that they were.

The Applicant noted that the project as a whole has involved several years of planning with various components and uses. The Applicant gave an overview of the specific project site, stating that the building will be mixed use.

Commissioner Marek noted that the previous meeting was helpful to understand the project and noted that she has not had time to review the revised site plans and thanked the Applicant for providing hard copies for the meeting. The Commissioner asked the Applicant to further explain the revisions made in the site plans. The Applicant stated that buildings two, three, and four had a change in parking lot orientation and a property line adjustment for building one (Applicant is likely referring to building two). The Applicant noted that the site plan for building three had several corrections. The Applicant noted that the parking spaces have been adjusted for building five and that the front setback has been reduced per the Planning Bureau's request. The Applicant noted that the front setbacks of building six and seven have been reduced. The Applicant stated that setbacks have been adjusted for building eight and the building size had been adjusted to not encroach into the adjacent alley way. The Applicant noted that the footprints of the proposed townhomes have been changed to include the proposed porches and the proposed setbacks are being proposed up to the prevailing front setbacks.

Commissioner Marek noted that she does not agree with the recommended continuance for buildings five through eight. Mr. Grover noted that through conversations with the ZHB solicitor it is believed that they are open to voting on the project building by building.

Commissioner McKissick asked if the proposed parking lot for building two will have access on both ends of the proposed site. The Applicant noted that a walking path between Logan and 4<sup>th</sup> Street will be provided as a connection between the building and proposed parking lot. He stated that there has been interest for a daycare at building three which would cause a reduction in size for the community garden to accommodate a playground.

Commissioner McKissick noted concerns regarding vehicular circulation of the proposed parking lot given the size of the lot. He asked for confirmation if vehicles could pull through the lot. The Applicant confirmed that vehicles cannot pull through the lot from both ends. Mr. Bowen noted that the lot is in compliance with the minimum requirements of the Zoning Code in terms of drive aisle width. The Applicant noted that the lot could be expanded up to six feet to allow for better vehicle circulation.

Commissioner Alsberry asked if there was anyone in the public for or against the project. Camille Hippensteel (1619 North 4<sup>th</sup> Street Harrisburg, PA 17102) asked for clarification on what will be decided at the current meeting. Mr. Bowen noted that the current meeting will likely result in a recommendation vote to move the project to the Zoning Hearing Board. He stated that all buildings within the packet will potentially be voted on for the current meeting. Ms. Hippensteel noted that she has spoken with approximate 27 different concerned Capital Heights residents. She noted concerns regarding building five and a hypothetical building nine between Clinton and Harris Street (building nine is not part of the current application) which has previously been proposed as a grocery store. She noted concerns of a grocery store due to traffic circulation in relation to the proposed project. Ms. Hippensteel noted concerns regarding the scale of having four story apartment buildings located next to two story townhomes and the current traffic pattern of small one-way streets. She noted expectations of having townhomes in the area. Ms. Hippensteel suggested that the Applicant provide more variety for the proposed buildings.

The Applicant noted that the project as a whole is not financially viable. He stated that three previous developers went bankrupt trying to develop the site. He noted that the average cost of building a townhome is \$208,000 excluding site acquisition, permitting and other costs, which would require a price point of \$330,000 per townhome. The Applicant stated that he has been in the city his whole life. He hopes that the project will be financially viable. The Applicant stated that he has engaged with a financial analyst to present to the Zoning Hearing Board. The Applicant stated that the goal is to make the project work as a whole. He noted that the proposed density is needed for the affordable housing component of the project.

Mr. Grover recommended that the board make a motion for each proposed building. Mr. Grover noted that the board is not required to follow Planning Bureau recommendations and that the board has the ability to provide their own recommendations for the project.

Commissioner McKissick inquired if a traffic impact study has been completed. The Applicant stated that a study has not been completed and he assumed that a study will be addressed as part of the Land Development Plan. Mr. Grover asked if the project will be constructed as part of one Land Development Plan or be broken out into smaller parts. The Applicant stated that the project will move forward as one Land Development Plan in order to construct the project with economies of scale. Mr. Bowen stated that the project will likely trigger a required traffic impact study.

Commissioner Alsberry asked if the project has addressed parking concerns. Mr. Bowen noted that for the Application being discussed the Applicant is proposing at least one parking space per unit with some guest parking. He stated that parking will likely be more of a concern related to the proposed commercial uses, which have not been defined. He stated that additional zoning relief for the commercial uses is likely given that the project is zoned RM. Commissioner McKissick noted that parking should be considered in relation to other proposed projects in the area. Mr. Bowen noted that overall parking should be viewed holistically for the area.

Commissioner Marek moved, and Commissioner McKissick seconded the motion, to Approve the request with Staff Conditions. The motion was adopted by a unanimous vote (5-0).

### **Building Three**

Mr. Bowen gave a synopsis of the proposed project site, recommending approval with the following conditions:

1. If granted approval for the requested zoning relief, the Applicant will subsequently file a Land Development Plan and receive approval from the Planning Commission and City Council.
2. The Applicant or future tenants shall file any necessary zoning relief for the proposed first floor commercial space for future uses that are not permitted by right within the RM district.
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.

Mr. Bowen noted that the Bureau recommends the building site be approved for the same reasons previously noted for building two.

There were not comments or questions from the Planning Commission.

Commissioner Alsberry asked if there was anybody from the public 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 (5-0).

### **Building Four**

Mr. Bowen gave a synopsis of the proposed project site, recommending approval with the following conditions:

1. If granted approval for the requested zoning relief, the Applicant will subsequently file a Land Development Plan and receive approval from the Planning Commission and City Council.
2. The Applicant or future tenants shall file any necessary zoning relief for the proposed first floor commercial space for future uses that are not permitted by right within the RM district.
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.

Mr. Bowen noted that the Bureau recommends the building site be approved for the same reasons previously noted for building three.

Commissioner McKissick inquired if the project is proposing to have parking back into a public street. The Applicant confirmed that it was and that the proposed configuration is the same as the surrounding townhomes being a continuation of the existing parking configuration. The Applicant stated that Hamilton Street has a right-of-way width of 65 feet. Mr. Bowen noted that the width of the right-of-way would likely help with visibility with vehicles entering Hamilton Street.

Commissioner Alsberry asked if there was anybody from the public 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 a unanimous vote (5-0).

### **Buildings Five Through Eight**

Mr. Bowen gave a synopsis of the proposed project sites, recommending a continuance for the following reasons:

1. The Applicant needs to submit more complete documentation (such as a pro forma or letter from a financial institution) regarding the justification for the Variance relief being requested, and to clarify what relief is being requested, i.e., Applicant has shown none of the required trees based on the paving area or the required plant screenings around buildings and parking lots, and thus Bureau staff is unsure whether those elements are being included or waivers from those aspects are being requested.
2. The Planning Bureau notes that the sites for Buildings Four through Eight were previously subdivided as lots for townhome development, with infrastructure and utility connections provided specifically for that configuration, as part of a previous Capital Heights development project that was partially completed (as evidenced by the construction in the blocks to the north, and the shared dimensions of the developed and currently-vacant parcels). As such, the burden of proof on the Applicant to explain why they cannot now be developed as townhomes (which would be in conformance with the Zoning Code) is greater than for other sites within the overall proposal.

Mr. Bowen stated that how the lots are configured, by right townhomes could be developed within the lot dimensions with rear parking access. He stated that as the Application was submitted, the Bureau was not provided with sufficient justification to recommend Approval before zoning as larger multi-family dwellings. Mr. Bowen stated that a continuance would allow the Applicant more time to provide further justification before going before the Zoning Hearing Board.

Commissioner McKissick asked what the maximum by right height for the sites are. Mr. Bowen stated that the maximum height is 45 feet, which is essentially four stories. The Commissioner noted that viewshed is an important consideration. Mr. Bowen noted that there are some concerns from a planning perspective regarding the proposed construction of larger multi-family buildings within the RM district.

Commissioner O'Toole asked for further elaboration regarding the condition of the existing utility hook ups. The Applicant stated that they are working with a civil engineer to document the condition of the utilities before zoning. The Applicant noted that they will have a professional document the poor condition of utility hook-ups which have been open for 18 years. He stated that the utilities will likely need to be replaced.

Commissioner Marek asked for clarification of the revisions made on the newly provided site plans. The Applicant stated that the setbacks have been adjusted per Planning Bureau recommendations. The Commissioner asked for clarification regarding the alley located along building eight. The Applicant stated that the alley is an existing throughway off North 5<sup>th</sup> Street. Mr. Bowen noted that the original plan sets showed the proposed structure over the throughway which has been revised on the new plan set.

Commissioner Marek asked if Rhoads Alley is consistent with other properties having parking at the back side of the properties. The Applicant confirmed that it was.

Commissioner Alsberry asked for further explanation regarding the continuance recommendation. Mr. Bowen stated that the continuance will give the Applicant further opportunity to address the overall lack of justification provided in their packets before going before zoning. He noted that the building sites for the subject structures are unique for the city given that homes can be built by right with rear access for parking. Mr. Bowen stated that it appears the Applicant is in the process of preparing to provide further justifications for the requested relief.

Commissioner Alsberry asked if there was anybody from the public for or against the project. Camille Hippensteel (1619 North 4<sup>th</sup> Street Harrisburg, PA 17102) stated the need for proper infill development which should have appropriate scale. She stated that other cities have invested to have proper development. Ms. Hippensteel stated that the proposed project does not match surrounding development. She stated that the project should be amended to conform more closely to the existing neighborhood.

Mr. Grover stated that there will likely be challenges with a recommendation of a continuance given no conditions have been provided. He stated that overall the project is complex and that there is some possibility that the application will come back before the Planning Commission.

Commissioner McKissick asked if the application has been before HARB. Mr. Bowen stated that the project is not located within a Historic District. The Commissioner stated that the Applicant should consider addressing issues relating to the massing of the structures as they appear to be more appropriate in a different location. He stated that design is not part of the purview of the Planning Commission. Mr. Bowen noted that the variance being requested to exceed 20% of the block width does relate to concerns regarding building massing.

Mr. Grover noted that it will be the Zoning Hearing Boards decision if any of the project is to come back before the Planning Commission. The Applicant requested if the buildings could be voted on individually (building five through eight).

Commissioner McKissick moved, and Commissioner O'Toole seconded the motion, to Continue the request for building five.

Mr. Bowen inquired if the continuance requires the Applicant's consent. Commissioner McKissick noted that it could be a denial. He stated that the motion is just for building five. The Applicant stated that he clearly sees two no votes and inquired if minds would change if the case were to come back from zoning. He stated the properties have been wasting away for fourteen years and the argument from the Planning Bureau is ridiculous. Mr. Grover noted that the Planning Bureau report makes the recommendation based on the lack of information.

The Applicant stated that he has worked with Planning Bureau for five months. He stated that there is a statutory deadline. Mr. Grover confirmed that the city will meet the statutory deadline. The Applicant expressed concerns that the Planning Bureau has not created conditions for the subject buildings. Mr. Bowen noted that the Application was received in August and the Bureau staff was unable to determine what zoning relief was needed based on what was submitted. He stated that based on the size of the Application each resubmission required a significant amount of time to review the project.

Commissioner McKissick stated that he is aware of challenges related to raising interest rates, but the project must be reviewed with due diligence. Mr. Grover noted that if additional information is provided the request will likely satisfy concerns. The Applicant stated that he believes that some of the conditions is not what some of the board members are waiting for in regards to a proforma and verification of challenges with the existing utilities. He asked if further information would alter board members consideration of the project.

Commissioner McKissick noted that he has general concerns regarding the scalability of the buildings within the community. He inquired if there was a way to alter the number of units on the sites. The Applicant stated that parking is a major issue. He stated that they have to build affordable housing to get the project through Council. The Applicant stated they have not come up with an alternative to remove parking.

Commissioner McKissick inquired about the mix of affordable units to total units. The Applicant stated that the project is proposing 20% affordable units for both applications. Commissioner McKissick asked if the affordable component was removed from the project would three story apartments be viable. The Applicant stated that they would be. The Applicant stated that their financial analyst is working on numbers that provide justification. He noted that 26 units is the minimum for PHFA credits.

The Applicant stated that everything in the area is three stories not two stories. The Applicant stated that burden has been created by Doug Neidich who placed the only two-story houses in the area which were built as cheap as possible.

Commissioner McKissick noted that a different presentation of the graphic may have helped with the review of the project. The Applicant stated that they wanted to move the buildings back 15 feet to not affect the street view, but Planning Bureau recommendations had them move the buildings up to the street.

Camille Hippensteel (1619 North 4<sup>th</sup> Street Harrisburg, PA 17102) noted concerns regarding the difference between having three to four floors with all proposed buildings being four floors. Commissioner McKissick noted that perspective studies may be helpful in understanding the project. The Applicant stated that the HACC Midtown building is a similar height which is within 150 feet of the proposed building. The Applicant noted that a proposed building by Doug Neidich, which received zoning board approval, was four stories and past the maximum height requirements. He noted the proposed building is approximately 400 feet from the proposed project sites.

Mr. Grover stated that the board will have to ask the Applicant if they agree to a continuance. He stated that if the Applicant does not agree to a continuance the motion will be to grant or deny the request. The Applicant asked if it would be for all four buildings. Mr. Grover stated that it would be for each building per the Applicant's request. The Applicant asked if there is an opportunity to discuss each building before a motion is made. Mr. Grover stated that each building can be further discussed if acceptable to the Chairman.

The Applicant stated that they would be more amendable to a continuance for parts of the application if given an opportunity to have discussions on each building in a similar fashion as discussed on previous parts of the application. He stated that the Planning Bureau did not present the Application in a fair manner because an opportunity for comment and feedback for each building was not possible. The Applicant stated that each building is different and should be considered differently. The Applicant stated that they have been working with the Planning Bureau to make changes which cost resources.

### **Building Five Vote**

Mr. Grover noted that there was a motion on the table. Commissioner McKissick confirmed that there was a motion to continue building five with Commissioner O'Toole seconding the motion. The motion was adopted by 3-1-1 vote with Commissioner Marek voting against the motion and Commissioner Alsberry abstaining.

### **Building Six**

Mr. Bowen noted that he previously provided an overview of the proposed building and the Applicant requested to have comment regarding the specific building before having a motion. He noted that the Planning Bureau is recommending a continuance for the proposed site. Commissioner McKissick inquired about key issues for the subject project site. Mr. Bowen noted that buildings five through eight were included as one discussion because there was a similar lack of justification for zoning relief at all project sites. He noted that the buildings and lots are similar. He stated that comments from the Planning Bureau are the same for all proposed buildings (five through eight).

The Applicant asked if the recommendation was to continue building six. Mr. Bowen confirmed that it was based on the current lot configurations being conforming lots. Commissioner Alsberry asked if the Applicant had any comment. They did not.

Commissioner McKissick stated he has general concerns regarding the massing on the block for the proposed structures. Mr. Bowen noted that the Planning Bureau is supportive of having the proposed parking areas in the rear of the buildings which conforms to the original Land Development. He noted that the Applicant's proposal to having parking in the rear is good urban design.

Commissioner Alsberry asked if there was anybody from the public for or against the project. There were no comments

Commissioner O'Toole moved, and Commissioner Reed seconded the motion, to continue the request for building six. The motion was adopted by 3-1-1 vote with Commissioner Marek voting against the motion and Commissioner Alsberry abstaining.

### **Building Seven**

Mr. Bowen stated that he had no additional comments for building seven. Commissioner McKissick asked if building seven and eight are the same building. Mr. Bowen stated that building eight is a 12 units while building seven is proposing 16 units. Mr. Bowen noted that building eight has been reconfigured by the Applicant. Commissioner McKissick noted confusion regarding the proposed floor plan.

Commissioner Alsberry asked if there was anybody from the public for or against the project. There were no comments

Commissioner O'Toole moved, and Commissioner McKissick seconded the motion, to continue the request for building seven. The motion was adopted by a 3-1-1 vote with Commissioner Marek voting against the motion and Commissioner Alsberry abstaining.

### **Building Eight**

Mr. Bowen stated that the building was reconfigured from the original submission which removed the proposed building off the proposed vehicular accesses point. He stated that the Applicant intends to have the building as affordable housing for the project.

Commissioner O'Toole moved, and Commissioner McKissick seconded the motion, to continue the request for building eight. The motion was adopted by 3-1-1 vote with Commissioner Marek voting against the motion and Commissioner Alsberry abstaining.

### **Logan & Clinton Street Townhomes**

Mr. Bowen gave a synopsis of the proposed project sites, recommending approval with the following conditions:

1. If granted approval for the requested zoning relief, the Applicant will subsequently file a Lot Consolidation & Land Development Plan and receive approval from the Planning Commission and City Council.
2. The Applicant shall build the proposed structures up to a zero-foot setback fronting Marion Street to enable a more functional rear yard and to match the existing front setback of surrounding single family homes.
3. The Applicants will coordinate with the Department of Public Works to confirm the appropriate size and location of refuse collection on-site, and update the billing accounts to reflect the new use.

Mr. Bowen noted that the same conditions and recommendations of approval are the same for both townhome sites.

Commissioner O'Toole asked the Applicant if they were acceptable to the conditions. The Applicant stated that they were.

Commissioner Marek asked for confirmation if the townhomes are semidetached. The Applicant stated that they were.

Commissioner Alsberry asked if there were any comments from the public. 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 a unanimous vote (5-0). Mr. Grover asked for clarification if the vote was to approve both townhome sites. The Board confirmed that it was.

- 1. Variance & Special Exception Application for Marketplace Midtown**, located on fifty-one (51) parcels on 11 proposed sites in the blocks generally bounded by Reily Street to the north, Fulton Street to the east, Sayford Street to the south, and James Street to the west, zoned Residential Medium-Density (RM), filed by Chris Bryce & David Long with Midtown Redevelopment, LLC, to request various zoning relief from use and development regulations required for the construction of eighteen (18) townhomes, forty-four (44) multifamily dwelling units, a "Food Hall" use, 2,875 square feet of commercial space, and eighty-four (84) off-street parking spaces. The zoning relief requests precede the submittal of an eventual Lot Consolidation & Land Development Plan application for consideration by the Harrisburg Planning Commission and City Council.

The case was represented by Matthew Long (126 Walnut Street, Harrisburg, PA 17101) with Midtown Redevelopment LLC, and Matt Krupp (258 North Street, Harrisburg, PA 17101). (aka the Applicant).

### **Building One**

Mr. Bowen gave a synopsis of the proposed project site, recommending a continuance for the following reasons:

1. The Planning Bureau does not support the proposed parking configuration within the front yard and the public right-of-way due to various concerns stated within the above report. The Bureau recommends the Applicant submit a reconfigured site plan that places the proposed parking both out of the public right-of-way and the front yard area of the proposed structure.
2. The Planning Bureau believes the request relief for the use and variances to the Development Standards have sufficient justification which should allow for the Applicant to resubmit a reconfigured site plan for further review and consideration by both the Planning Boards and City staff. The Applicant has not provided sufficient justification to the variances related to the proposed parking lot design as the site could be reconfigured.

Mr. Bowen noted that the Applicant has provided a revised site plan which potentially bring the proposed parking area out of the public right-of-way. He noted that there has not been sufficient time to review the revised plan sets confirming if the parking area is out of the public right-of-way.

Commissioner Alsberry asked if the Applicant was acceptable of a continuance. The Applicant stated that per the last meeting there are Board Members that support the proposed parking configuration. He also stated that the proposed parking is not in the public right-of-way. He stated that a rear construction easement will allow the building to be moved four or five feet back, removing the parking out of the public right-of-way. The Applicant noted that the parking will be back-in parking which is common in other cities and not out of the ordinary within Harrisburg. He stated that a new right-of-way would be dedicated within the property line for the sidewalk.

Mr. Grover asked for clarification if parking would be removed out of the public right-of-way. The Applicant stated that it has. Mr. Bowen stated that he has not had a chance to thoroughly review the revised site plan.

The Applicant noted that at the previous meeting they provided other examples within the city were vehicles pull directly into the street. The Applicant noted that the proposed design was acceptable to the HOA citing that they want additional parking. The Applicant stated that the two major concerns for the proposed parking situation related to right-of-way and safety. The Applicant stated that they have addressed both concerns.

Commissioner McKissick inquired when the first submission was made to the city. Mr. Bowen noted the primary submissions were provided in July but was not a full submission of the Application. Mr. Bowen noted that because of the number of revised site plans he can not recall the exact date of receiving a full submission.

Commissioner McKissick inquired when the most recent site plans were submitted. Mr. Bowen stated that he believes the plans were received Monday afternoon. He stated that the plans were provided the next day digitally to board members. The Applicant inquired which documents are being referenced. Commissioner Marek stated that there had been multiple revisions provided. The Applicant stated that the most recent revisions were provided four days after the last hearing (Special HPC meeting on 09/28/2022). Mr. Bowen noted that day would be on Monday.

The Applicant noted that the revisions were a result of last weeks meeting. Mr. Bowen noted that due to the length of the review for both projects the Marketplace Midtown application had to be pushed off to the October Agenda.

Commissioner Marek noted that the application was continued at the September Planning Commission meeting because staff were unable to review both applications. Mr. Bowen noted that Capitol Heights is under Old Business.

Mr. Grover stated that the Applicant's council is representing that they addressed the issues stated last week for the specific building. He stated if they have not addressed the issues, it would become apparent during a review and be discussed with the Zoning Board.

Commissioner McKissick asked if the proposed building is different with three story massing. The Applicant confirmed that it was. The Commissioner noted that the height would be similar to the surrounding buildings. Mr. Bowen stated that all buildings in the current application (Markplace Midtown) are three stories. He stated that the proposed building design with different vertical cladding materials help address the variance request for the buildings exceeding 20% of the prevailing block. Commissioner McKissick noted that the design may change as it is early in the process.

Commissioner McKissick asked for confirmation that 14 parking spaces and 12 units are proposed. Mr. Bowen confirmed that was correct. The Commissioner asked if the spaces will be back in. The Applicant stated that they were. The Commissioner noted that there is no indication that the spaces are back-in only. The Applicant stated that they will work with engineering to put up signage. He stated that the 2005 study showed the parking design is one of the safest implementations possible.

Commissioner McKissick asked about the requested relief that was for the specific building. Mr. Bowen stated all required relief stated within the case report. He stated that justifications for the variances related to the parking lot design were challenging. The Commissioner inquired about the percentages of the exact relief being requested. Mr. Bowen noted that he does not have the exact calculations but was only able to determine if variances were required. Commissioner McKissick stated it would be helpful to know the exact parameters to know how much relief is being granted. The Applicant provided calculations. Mr. Bowen asked if the stated calculations include the rear decks and fire escape stairs, sidewalk, and balcony as it appears they were not part of the building footprint. He stated that exclusion of those items is the reason exact numbers could not be provided. The Applicant stated that the building will have a 6,200 square feet footprint and a 12,000 project site. He stated that the request for a variance to impermeable

surface area was in case the parking area could not accommodate pervious paving material. He noted the requested relief is on other sites in case permeable material cannot be use.

Commissioner O'Toole stated that an individual spoke at the last meeting who stated that the street becomes busy on days the market is open. The Commissioner stated that the other areas with a similar parking configuration were not approved by the Planning Commission and would set a new precedent.

The Applicant stated the LDP on Fulton Street for Marketplace had a similar configuration approved in 1991. Mr. Bowen stated that the parking was for the overall project and not for a specific building.

Commissioner O'Toole noted that the staff report recommended the site be reconfigured to bring the parking out of the public right-of-way. Mr. Bowen noted that generally parking should not be placed in the front of buildings as it removes buildings away from the street and represents a more suburban design. Commissioner O'Toole noted the Applicant did not address Planning Bureau concerns.

Commissioner McKissick asked if Marion Street is considered a street or an alley. Mr. Grover stated that the street has been reconstructed. The Applicant approached the board to show pictures of the street. Mr. Bowen stated that parking is encouraged along alleys, but Marion Street is not considered an alley because buildings front the street using it as a primary function.

Commissioner Marek asked if on-street parking is permitted on the street. Mr. Bowen stated that there is on-street parking along Marion Street. Commissioner Marek stated that she does not agree with a continuance as the Applicant has made adjustments to the parking configuration to bring the parking out of the right-of-way. She noted there is no other alternative to fit the parking on the site. The Applicant stated that they tried to reconfigure the site, but it was not possible without making micro apartments. He stated that the HOA and residents want parking. Mr. Bowen stated that the number of units could be reduced, or unit sizes could be made smaller to reconfigure the site.

Commissioner McKissick stated in looking at the street from Google Maps, there appears to be approximately 11 cars parked in front of the site. The Applicant stated that they could work with engineering to move parking to the other side of the street. The Applicant stated the parking is likely used for the Broad Street Market and on-street parking would not be taken from residents. He stated that there are only three houses on the street. Commissioner McKissick noted concerns of the loss of eight on-street parking spaces. The Applicant stated that they would loss HOA approval if they do not add parking.

Commissioner Marek noted it's the burden of the city to determine if parking is legal on Marion Street and there is limited signage along the street and surrounding streets. The Applicant stated that by legal definition on-street parking is not permitted. Commissioner Marek stated that the Planning Commission could make recommendations that would be consistent throughout the application.

Commissioner McKissick suggested a condition would be to have city engineering confirm if on-street parking would be affected. Commissioner Marek suggested that the conditions on other buildings within the application that required a Lot Consolidation and Land Development Plan, and having public works (requirement to have public works updated the new use) be added to the project site. She also noted that back in parking should be required. The Applicant stated that 19 feet is not wide enough for off-street parking.

Commissioner McKissick stated that there may be a document that shows where on-street parking exists. Mr. Grover stated that the city could determine if parking is allowed on the street. Mr. Bowen noted that due to the City Engineer and another long-time staff member from the Engineer's office departing, research can be challenging due to loss of institutional knowledge. Commissioner McKissick stated that a civil engineer hired by the Applicant may be able to make a determination.

Commissioner Alsberry asked if there were any comments from the public. There were no comments.

Mr. Bowen inquired if the parking is considered legal, would that add concerns or a condition from the Planning Commission. Commissioner McKissick stated that if there is legal parking along the street the proposed parking would have issues. Mr. Bowen stated that if parking was not legal would a condition need to be added for determining legal parking. Commissioner Marek noted the conditions of approval she would like to add (stated below):

1. If granted approval for the requested zoning relief, the Applicant will subsequently file a Lot Consolidation & Land Development Plan and receive approval from the Planning Commission and City Council.
2. The Applicants will coordinate with the Department of Public Works to confirm the appropriate size and location of refuse collection on-site, and update the billing accounts to reflect the new use.
3. The Applicant shall construct the proposed accessory parking lot with pervious materials to mitigate the effects of storm water runoff. If the site cannot accommodate pervious materials the Applicant must receive additional zoning relief from the Zoning Hearing Board for exceeding the maximum impervious surface area.
4. The Applicant shall coordinate with the City Engineers Office to provide signage that indicates back in only parking for the proposed parking area.
5. The City Engineer's Office shall verify if the on-street parking along Marion Street fronting the project site is legal on-street parking. If the parking is confirmed to be legal the Applicant shall consider an alternate design that preserves on-street parking spaces along Marion Street.

Commissioner Marek moved, and Commissioner McKissick seconded the motion, to approve the request for building one with conditions. The motion was adopted by 3-1-1 vote with Commissioner McKissick voting against the motion and Commissioner Alsberry abstaining.

## **Building Two**

Mr. Bowen gave a synopsis of the proposed project site, recommending approval with the following conditions:

1. If granted approval for the requested zoning relief, the Applicant will subsequently file a Lot Consolidation & Land Development Plan and receive approval from the Planning Commission and City Council.
2. The Applicant shall build the proposed structure up to a zero-foot setback fronting Calder Street to enable sufficient space to provide the required plant screening along the rear property line of the proposed parking area and to better manage stormwater runoff to adjacent properties.
3. The Applicant shall construct the proposed accessory parking lot with pervious materials to mitigate the effects of storm water runoff. If the site cannot accommodate pervious materials the Applicant must receive additional zoning relief from the Zoning Hearing Board for exceeding the maximum impervious surface area.
4. The Applicants will coordinate with the Department of Public Works to confirm the appropriate size and location of refuse collection on-site, and update the billing accounts to reflect the new use.
5. The City Engineer's Office shall verify if the on-street parking along Marion Street fronting the project site is legal on-street parking. If the parking is confirmed to be legal the Applicant shall consider an alternate design that preserves on-street parking spaces along Marion Street.

Commissioner Alsberry asked the Applicant if they were acceptable to the conditions. The Applicant stated that they were.

Commissioner McKissick inquired about the specific zoning relief needed. Mr. Bowen gave an overview of the required relief needed for the site. Mr. Bowen noted that the revised site plan indicates that the building will be moved up which will allow for physical space to provide a plant screening along the rear parking area with the exception of the sides of the property.

Commissioner McKissick moved, and Commissioner Reed seconded the motion, to Approve the request with Staff Conditions. The motion was adopted by a unanimous vote (5-0).

### **Building Three**

Mr. Bowen gave a synopsis of the proposed project site, recommending approval with the following conditions:

1. If granted approval for the requested zoning relief, the Applicant will subsequently file a Lot Consolidation & Land Development Plan and receive approval from the Planning Commission and City Council.
2. The Applicant shall build the proposed structure up to a zero-foot setback fronting Calder Street to enable sufficient space to provide the required plant screening along the rear property line of the proposed parking area and to better manage stormwater runoff to adjacent properties.
3. The Applicants will coordinate with the Department of Public Works to confirm the appropriate size and location of refuse collection on-site, and update the billing accounts to reflect the new use.

Commissioner McKissick inquired what site plan represents the proposed building. The Applicant stated that the proposed building is shown on LD 118-120. The Applicant noted that he believes the site plan may be out of order.

Commissioner Alsberry asked the Applicant if they were acceptable to the conditions. The Applicant stated that they were.

Commissioner Marek moved, and Commissioner Reed seconded the motion, to Approve the request with Staff Conditions. The motion was adopted by a unanimous vote (5-0).

#### **Building Four**

Mr. Bowen gave a synopsis of the proposed project site, recommending approval with the following conditions:

1. If granted approval for the requested zoning relief, the Applicant will subsequently file a Lot Consolidation & Land Development Plan and receive approval from the Planning Commission and City Council.
2. The Applicants will coordinate with the Department of Public Works to confirm the appropriate size and location of refuse collection on-site, and update the billing accounts to reflect the new use.

Commissioner Alsberry asked the Applicant if they were acceptable to the conditions. The Applicant stated that they were.

Commissioner McKissick noted that there is limited context for surrounding buildings in relation to the proposed structure.

Commissioner Marek noted that she agrees with the use and that the property works well with the Millworks space.

Commissioner Marek moved, and Commissioner McKissick seconded the motion, to Approve the request with Staff Conditions. The motion was adopted by a unanimous vote (5-0).

#### **Building Five**

Mr. Bowen gave a synopsis of the proposed project site, recommending approval with the following conditions:

1. If granted approval for the requested zoning relief, the Applicant will subsequently file a Lot Consolidation & Land Development Plan and receive approval from the Planning Commission and City Council.
2. The Applicant or future tenants shall file any necessary zoning relief for the proposed first floor commercial space for future uses that are not permitted by right within the RM district.

3. The Applicants will coordinate with the Department of Public Works to confirm the appropriate size and location of refuse collection on-site, and update the billing accounts to reflect the new use.

Commissioner Alsberry asked the Applicant if they were acceptable to the conditions. The Applicant stated that they were.

Commissioner McKissick asked for confirmation that the proposed building is three stories. The Applicant confirmed that it was.

Commissioner Marek inquired if work force housing is being proposed at the site. The Applicant stated that it was. The Commissioner recommended that a floor plan and rendering be provided for the proposed building.

Commissioner Marek moved, and Commissioner Reed seconded the motion, to Approve the request with Staff Conditions. The motion was adopted by a unanimous vote (5-0).

### **Marion Street, North 4<sup>th</sup> Street North & South End Townhomes**

Mr. Bowen gave a synopsis of the proposed project site, recommending approval with the following conditions:

1. If granted approval for the requested zoning relief, the Applicant will subsequently file a Lot Consolidation & Land Development Plan and receive approval from the Planning Commission and City Council.
2. The Applicant shall build the proposed structures up to a zero-foot setback fronting North 4th Street to enable a more functional rear yard and to match the existing front setback of surrounding single family homes.
3. The Applicants will coordinate with the Department of Public Works to confirm the appropriate size and location of refuse collection on-site, and update the billing accounts to reflect the new use.

Mr. Bowen noted that the Marion Street Townhomes currently have a rear easement that is paved within the rear of the parcels. The Applicant noted that currently people are parking within the easement. He stated that the easement will not interfere with building construction. Mr. Bowen stated that Applicant will have to address occupying an easement in the rear of the property.

Commissioner McKissick inquired if the easement is documented. Mr. Bowen confirmed that it was noting that the easement is 12 feet wide, which is part of a paved 24 feet wide road used for access to the adjacent homes.

Mr. Bowen noted that the Applicant's revised site plans do not have the proposed structure being built up to a zero-foot front setback as stated in the conditions. The Applicant stated that they are not agreeable to a zero-foot setback given other structures have an approximately four foot front setback with the expectation of houses on Fulton Street.

Mr. Bowen clarified that the Applicant is not acceptable of condition two on all townhome sites. He stated that the traditional development pattern of the city has homes built up to the front setback.

Commissioner McKissick asked if there is documentation proving that homes on Marion Street are built up to the lot line. Mr. Bowen stated that the best source would be property deeds, which are not clear for the subject parcels. The Applicant stated they do not want to come back (to the Planning Commission) stating that they are agreeable to build the structures up to a zero foot setback.

Mr. Grover asked if there should be a motion on all three townhome sites together. Mr. Bowen noted that would make sense.

Commissioner Marek moved, and Commissioner McKissick seconded the motion, to Approve the request with Staff Conditions. The motion was adopted by a unanimous vote (5-0).

### **Six-Space Marion Street Parking Lot**

Mr. Bowen gave a synopsis of the proposed project site, recommending approval with the following conditions:

1. If granted approval for the requested zoning relief, the Applicant will subsequently file a Lot Consolidation & Land Development Plan and receive approval from the Planning Commission and City Council.
2. The Applicant shall coordinate with the City's Engineers Office to determine appropriate sight distances and other safety precautions considering visibility may be limited due the lot's access being between two existing structures that are built up to the property line.
3. The Applicant shall construct the proposed parking lot with pervious materials to mitigate the effects of storm water runoff. If the site cannot accommodate pervious materials the Applicant must provide sufficient documentation to Planning Bureau staff indicating proof that the project site cannot use pervious materials.
4. The Applicants shall reconfigure the site to provide space for the required plant screening given the project site has sufficient space for the screening along three of the four lot lines.

Mr. Bowen noted that all parking lots within the proposed project required a variance for the use given that there is no other principle use on the lots and that they are located within the RM district. He stated that the Planning Bureau is supportive of the use variance because it will enable other properties to be developed which cannot provide the required parking.

Commissioner McKissick noted that the only way out of the use variance would be to consolidate the lots with parcels with a different use. Mr. Bowen noted that was done on the previous application, but it is not practical to consolidate a townhome with a parking lot.

Commissioner Alsberry asked the Applicant if they were acceptable to the conditions. The Applicant stated that they were.

Commissioner Marek moved, and Commissioner McKissick seconded the motion, to Approve the request with Staff Conditions. The motion was adopted by a unanimous vote (5-0).

### **Eight-Space Calder Street Parking Lot**

Mr. Bowen gave a synopsis of the proposed project site, recommending approval with the following conditions:

1. If granted approval for the requested zoning relief, the Applicant will subsequently file a Lot Consolidation & Land Development Plan and receive approval from the Planning Commission and City Council.
2. The Applicant shall relocate the access point to the proposed parking lot to the existing private easement to prevent a continuous row of curb-cuts onto Calder Street, reduce vehicular and pedestrian conflict points, and to preserve the existing streetscape along Calder Street.
3. The Applicant shall coordinate with the relevant parties regarding the placement of parking spaces into the 12-foot private easement located on the proposed project site.
4. The Applicant shall construct the proposed parking lot with pervious materials to mitigate the effects of storm water runoff. If the site cannot accommodate pervious materials the Applicant must provide sufficient documentation to Planning Bureau staff indicating proof that the project site cannot use pervious materials.

Mr. Bowen noted that there is a 12-foot easement located on the proposed project site which will be blocked by the proposed parking spaces. He stated that Applicant will need to address the blocking of an easement.

Mr. Bowen noted that having the ingress and egress from the access easement instead of Calder Street would reduce the number of curb cuts onto Calder Street which would prevent having three curb cuts in a row which would create possible engineering concerns.

Commissioner Alsberry asked the Applicant if they were acceptable to the conditions. The Applicant stated that they were not. The Applicant stated that they would loss parking and they are working with the HOA to create eight spaces for the townhomes. They noted the parking lot would be brought down to five spaces while still requesting use of the easement. He stated that they want to use the easement for the parking spaces. The Applicant noted that the project will not interfere with the driveline and that the Planning Bureau recommendation would interfere with the driveline.

Mr. Bowen noted that there would be a net loss of three off-street spaces in the proposed parking lot with the preservation of at lease one on-street parking space along Calder Street.

The Applicant stated that 24-foot space is required and that Planning Bureau recommendations would not provide sufficient turnaround for one of the spaces. He stated that engineering standards would not permit the lot as proposed by the Planning Bureau.

Commissioner McKissick noted that the plan set does not enough provide information. The Applicant stated that they have all of their information. The Applicant approached the

Commissioner to explain Planning Bureau recommendations on their mobile phone. Mr. Bowen stated that the lot will have circulation challenges regardless of how designed.

Commissioner McKissick asked for clarification regarding blank spaces on the proposed site plan. Applicant stated that the site plan had an error and revised plans have been provided for current meeting that are corrected. Commissioner McKissick noted it is challenging to understand the request due to lack of details.

Mr. Bowen noted that the staff review of the proposed parking lot was based on the previously submitted plan sets given the revised plan sets were received on Monday. He noted that the extent of relief will change but the relief being requested will not change.

Commissioner Reed asked inquired about the location of the lot and the curb-cut. The Applicant approached the Commissioner and provided clarification from their mobile phone.

Commissioner Marek noted the challenge for the Board because the Applicant is not acceptable of the Bureaus design and the Bureau is not acceptable of the Applicant's design. The Commissioner sees the concerns from both sides. Commissioner McKissick suggested the request be continued. Mr. Bowen noted that the parking is being used for the proposed townhomes. Commissioner McKissick suggested that there should be a different idea.

The Applicant stated spaces would be lost to avoid a curb-cut. Mr. Bowen noted that there are challenges from both sides because the project site is challenging to accommodate a parking lot.

Commissioner McKissick asked if there was a 33' 6" curb cut. Commissioner Marek noted that the curb-cut is just short of 24 feet. Commissioner McKissick noted that the old drawing is showing a 33' 6" curb cut. The Applicant stated that measurement was not correct. Mr. Bowen stated that the proposed curb cut on the revised site plan is one inch short of the required 24 feet. The Applicant stated that the parcel is 60 feet and can accommodate a 24 feet drive line. Mr. Bowen recommended that the site plan be revised to show the correct drive line.

The Applicant stated that if the parking lot is continued, a continuation will need to be added to the townhomes as well because the parking requirements will change.

Commissioner O'Toole moved, and Commissioner McKissick seconded the motion, to Continue the request. The motion was adopted by a unanimous vote (5-0).

The Applicant expressed concerns towards the Planning Director and recommended that the Board go out and talk to neighbors (Applicant spoke over the Board while they were proceeding with the vote).

Commissioner McKissick noted that the documents were not complete (with expletive). The Applicant inquired why the Commissioner did not attend the Special Meeting. The Commissioner stated that the board had been present for hours trying to put the application together. The Applicant stated that they made revisions from the last meeting which the Commissioner did not attend. The Commissioner stated that the documents in front of the board

are not complete or adequate. The Applicant inquired what was not adequate in the plan sets. The Commissioner stated that they cannot guess what was in the Applicant's mind and that is what has been expected. The Commissioner stated that they stayed for hours for the Application and that it could have been denied or continued. The Applicant expressed an expletive regarding the Commissioner's residency in the city.

#### **44 Space Parking Lot**

Mr. Bowen gave a synopsis of the proposed project site, recommending approval with the following conditions:

1. If granted approval for the requested zoning relief, the Applicant will subsequently file a Lot Consolidation & Land Development Plan and receive approval from the Planning Commission and City Council.
2. The Applicant shall reconfigure the site to accommodate an internal traffic flow between the 10 space and 34 space portions of the proposed parking lot, which would reduce the number curb cuts along Calder Street preserving both the on-street parking supply and existing streetscape of the subject street.
3. The Applicant shall construct the proposed parking lot with pervious materials to mitigate the effects of storm water runoff. If the site cannot accommodate pervious materials the Applicant must provide sufficient documentation to Planning Bureau staff indicating proof that the project site cannot use pervious materials.

Commissioner Alsberry asked the Applicant if they were acceptable to the conditions. The Applicant stated that they were not. The Applicant stated that they would loss more parking.

Mr. Bowen noted that the proposed lot will require a tree planting for every 3,000 square feet of parking area which was not shown on the proposed site plan.

Commissioner Marek inquired about how the loss of parking related to reconfiguring the parking lot will affect the requested relief for the other project sites. Mr. Bowen noted that additional relief would be required from another project site within the Application. The Commissioner asked if the Applicant has to choose which building sites would have to request additional relief. Mr. Bowen stated that the Applicant could determine which sites would need additional relief. He noted that if approved as proposed the angled parking in the ten-space portion of the parking lot would have to be revised. Commissioner Marek stated the angled spaces would be problematic.

Mr. Bowen asked the Applicant to clarify the ingress and egress locations on the proposed parking lot. The Applicant did not respond. Mr. Bowen noted that ingress and egress needs to be clarified.

Commissioner Alsberry apologized for the previous dialog between the Applicant and Planning Commission that occurred out of order. He stated that he does not want to see such dialog occur again.

Commissioner Marek moved, and Commissioner Reed seconded the motion, to continue the request. The motion was adopted by a vote (3-1-1). With Commissioner McKissick voting against the motion and Commissioner Alsberry abstaining.

**Other Business**

Mr. Bowen noted that this would be his last meeting because as he will no longer be working with the city.

**ADJOURNMENT: 10:40 PM**

Commissioner Marek moved, and Commissioner O'Toole seconded the motion, to adjourn. The motion was adopted by a unanimous vote (5-0).