

MINUTES

**HARRISBURG PLANNING COMMISSION
REGULAR MEETING
March 1, 2023
THE MARTIN LUTHER KING, JR. CITY GOVERNMENT CENTER
CITY COUNCIL CHAMBERS**

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

MEMBERS ABSENT: Vern McKissick, Vice Chair
Anne Marek

STAFF PRESENT: Geoffrey Knight, Planning Director
Neil Grover, City Solicitor

CALL TO ORDER: 6:33 PM

APPROVAL OF MINUTES: Commissioner O'Toole moved, and Commissioner Green seconded the motion, to approve the minutes from the February 1, 2023 meeting without corrections. The motion was adopted by a unanimous (4-0) vote.

OLD BUSINESS:

- 1. Variance & Special Exception Application for Capitol Heights (Phase Two), located on 41 parcels across nine sites in the blocks generally bounded by Hamilton Street to north, North 5th 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, 76 "Multifamily Dwelling" units, 9,557 square feet of commercial space, and 95 off-street parking spaces.**

Commissioner Alsberry stated that the Planning Commission would be moving review of the case until the end of the meeting, and that they would start with cases under "New Business." After the New Business cases were address, Commissioner Alsberry re-introduced the application.

Mr. Knight noted that the application was the continuation of a case that had initially been submitted in September 2022, with a subsequent special meeting held by the Planning Commission in late September 2022 to discuss the current project and a related project proposed by the same Applicants (MarketPlace Midtown, which was formally introduced at the October 2022 Planning Commission meeting). He noted that the Planning Commission had taken action on some aspects of the project, but had continued their discussion on other aspects of the project.

Mr. Knight noted that the former Deputy Planning Director had attended the previous meetings during which the projects had been discussed, and noted that he had attempted to understand the former discussion of the project and how it related to revised documentation submitted by the Applicants.

Mr. Knight referenced the updated sketch plan sets and project summary submitted for the project in late January 2023. He outlined some of the changes in the document, which included a relabeling of the various buildings comprising the project and visual representations of how parking for each site was allocated within the overall project, although he noted that most individual sites included off-street parking. Mr. Knight that all aspects of Buildings A, B & C, and the four proposed townhomes, had previously been approved at the October 2022 Planning Commission meeting.

Mr. Knight noted that review of the zoning relief related to Buildings D, E, F & G, which were the standalone “Multifamily Dwellings,” had been continued to the current meeting. He stated that the Applicants had removed one floor, and thus four units, from each of the proposed building, which reduced both the density and the off-street parking requirements. Mr. Knight noted that the revisions resulted in Building D no longer requiring a Variance for the density of units on-site, and Buildings E, F & G having a lessened deviation from the Zoning Code. He stated that the narrative outlined in the updated brief that was drafted for the meeting primarily addressed those buildings.

Mr. Knight noted that the Planning Bureau had initially recommended that review of those buildings be continued to allow the Applicant to submit additional documentation, such as a pro forma, to justify the proposal to construct apartment buildings instead of single-family rowhomes, and to submit site plans that indicated the scope of zoning relief that was necessary with respect to aspects like setbacks and required landscape screening. He stated that updated documentation submitted by the Applicants essentially provided two justifications for their “Multifamily Dwelling” proposals, specifically that the lots had remained vacant for several decades and that there was a financial justification based on the utilities installed in past efforts to develop the sites no longer being sufficient to meet building code requirements due to their age, exposure to weather, and substandard design criteria. Mr. Knight noted that the Applicants had referenced a PA Supreme Court case from 2014 affirming that extreme financial hardship could be a justification to securing a Variance; he stated that the Applicants had indicated that rowhomes would cost approximately \$250,000 to construct and would have to be sold for approximately \$300,000.

Mr. Knight noted that while the Applicants had provided some documentation to establish a hardship, the information was general in nature and did not involve specific figures or calculations. He stated that it was likely the project could not be constructed at a comparative cost to the project as originally approved, as the cost of construction had likely outpaced inflation in the intervening decades, and thus it was relatively more expensive to construct now than in the past. Mr. Knight stated that he was not qualified to speak on the insufficiency of the existing utility connections as he did not have enough knowledge of building code requirements. He noted that it was likely that having infrastructure exposed to the elements would impact its

integrity, but that he was not sure whether it required wholesale replacement. He stated that the Applicants intended to provide more information regarding this approach in their testimony.

Mr. Knight noted that while the financial justification was technically applicable to the Variance criteria, and specifically the relief from the density regulations, it was actually more applicable to the Special Exception request for the construction of “Multifamily Dwellings” on sites that had been subdivided for rowhome construction.

Mr. Knight recalled that another reason the Planning Bureau had initially recommended continuance of the case was to ensure that the various sites would conform to various applicable Development Standards for each site, including the provision of trees and landscape screening, and that the Applicants’ updated submissions confirmed that the sites would be in conformance with those aspects. Mr. Knight stated that the Planning Bureau was also recommending that the Buildings D, E, F & G have zero setback in the front yard. He noted that most of the older buildings in the neighborhood were constructed to the front yard property lines while newer construction featured small front yards, although he also noted that they were single-family units as opposed to the apartments proposed by the Applicants, and thus were more likely to be maintained. He also noted that this configuration would allow the consolidation of open space on the property and created more usable space that could accommodate amenities for residents or ensure the property could provide the required plan screenings and trees on-site.

Commissioner Reed asked whether the Planning Bureau had recommendations for the updated project proposals. Mr. Knight stated that while he hadn’t created formal recommendations, they would include a condition to have the buildings constructed along the front yard property line. He stated that the Applicants should provide more detailed and specific financial documentation regarding the need to construct “Multifamily Dwellings” as opposed to rowhomes, as he didn’t feel that the information currently submitted would satisfy the Zoning Hearing Board. Commissioner O’Toole asked whether the financial hardship argument applied to all the apartment buildings or just Building G; Mr. Knight stated that it would apply to Buildings D-G because the other sites had already been approved by the Planning Commission.

The case was represented by Matt Long with Harrisburg Commercial Interiors (the developer), 1644 North 3rd Street, Harrisburg, PA 17102; Andrew Giorgione with One+ Strategies & Law (the legal counsel), 1426 North 3rd Street, Harrisburg, PA 17102; and Ryan Schuster with K&W Engineers (the project engineer), 2201 North Front Street, Harrisburg, PA 17110 (aka “the Applicants”).

Commissioner Alsberry asked whether the Applicants wanted to provide any additional information. The Applicants stated that the Planning Bureau’s condition that Buildings D-G be constructed to the front property line was acceptable. They stated that the proposed use of the sites as “Multifamily Dwellings” only required a Special Exception, which they noted was a lower burden of proof than for a Variance, and acknowledged that some additional dimensional relief would be required for the configuration of the buildings on the site.

The Applicants stated that the history of the sites provided justification for their request, noting that if rowhome construction were viable, then those would have been developed at some point

in the past thirty years. They stated that the project would include six affordable townhomes [note: the project is only proposing four townhomes], and noted the proposed apartment building aspect of the project would essentially finance that aspect of the development. The Applicants stated that developers were generally reluctant to provide specific numbers on their development models, but reiterated that the current vacancy of the lots testified to the infeasibility of the previously-approved rowhome project.

The Applicants stated that they were willing to discuss the revisions made in the current submission, as well as the unsuitability of the utilities; they stated that Capital Region Water (CRW) preferred a single sewer hook-up for an apartment building over multiple hook-ups for rowhomes, and that they could provide documentation of that prior to the ZHB meeting. They reiterated that they were amendable to the Planning Bureau's conditions regarding the siting of the buildings and that the reduction in the density would ensure the project as designed could meet the parking demand. The Applicants noted that they were also requesting relief from the side and rear yard setbacks. They reiterated that they were willing to provide testimony regarding their justifications, and would do so before the Zoning Hearing Board as well; Commissioner Alsberry stated that he wanted to hear that testimony.

The Applicants noted that they had met with Planning Bureau staff several times over the prior few months to confirm zoning relief requests, clarify the off-street parking arrangement, and discuss addressing concerns of the public and Bureau staff. They stated that one of the expressed concerns of the neighbors had been the four-story height of the "Multifamily Dwellings," and that the revision to remove one of the floors of each building would address that issue. The Applicants stated that the revisions also mitigated the parking concerns, as the project now provided one off-street parking spaces for each residential unit. They stated that parking for employees of the future commercial tenants were the only off-street parking not located directly adjacent to the associated buildings, and referenced the revised site plans in describing which parking was allocated to which commercial space. They noted their proposal for rear-yard parking for the residential sites was similar to the parking configuration for newer townhomes in the surrounding neighborhood.

The Applicants also noted that some of the buildings in the surrounding neighborhood did not have prevailing setbacks, and reiterated they were amendable to adopting the Planning Bureau's condition that buildings be constructed to the front lot line if the Planning Commission and Zoning Hearing Board agreed as well.

The Applicants addressed the insufficiency of the existing utilities, noting that they were installed under the original land development plan approved thirty years ago, and stated that they were not up to code based on the condition and sizing of the conduit. They noted that the project would reduce the number of connections to the stormsewer network, reducing the impact on the system and making it easier for CRW to meter the usage.

Commissioner Alsberry asked whether any of the commissioners had comments or concerns about the project.

Commissioner O'Toole inquired about the suitability and conformance of the proposed parking configuration. Mr. Knight noted that although parking for the buildings were located in the rear yard setbacks, they were directly accessible from alleys constructed for the purpose of providing access, and reflected the rear-yard parking configuration of most of the townhomes that were constructed as part of the original development proposal.

Commissioner O'Toole noted that the remaining issue related to the request was whether the Applicant's testimony regarding the inadequacy of the existing infrastructure was accurate and provided sufficient justification. Mr. Knight agreed, noting that the Zoning Hearing Board would have to decide whether they would accept verbal testimony or require written documentation. Commissioner O'Toole asked how old the existing infrastructure was; Mr. Knight noted that the project had originally been proposed in the 1990s and thus might be thirty years old. He stated that while he didn't have the expertise to confirm the suitability of the infrastructure, it was reasonable to presume that thirty years of weathering would adversely impact the condition.

Mr. Knight stated that another zoning consideration of the project was the Variance for relief from the density regulations, and noted that the removal of a floor and four units from each building reduced the intensity of zoning relief necessary and appeared to address concerns expressed by neighbors.

Commissioner O'Toole stated that due to the revisions proposed by the Applicants, and their agreement with the Planning Bureau regarding siting the buildings along the front property lines, he didn't have any opposition to the proposal.

The Applicants stated that they had held preliminary conversations with CRW, who did not have records regarding the original installation of the stormsewer and water lines, although they believed the majority were installed between 1991 and 2001; they stated CRW had confirmed that the installed pipes would need to be inspected given the length of time they had been exposed to the elements. Mr. Knight noted that the City would have been responsible for the installation and management of water and sewer infrastructure at that time, and thus CRW would not have records if they hadn't been maintained by the City or transmitted to CRW by the City.

Commissioner Reed requested clarification on how many units were in each of the four "Multifamily Dwellings" after the revisions; the Applicants confirmed that Buildings D, E & F would have twelve units each, and that Building G would have eight units. They stated that the overall project would have 64 units between Buildings A-G and that there would be four additional townhomes constructed as part of the project.

Commissioner Alsberry asked whether the current project and the MarketPlace Midtown project also submitted by the Applicant should be voted on together; Mr. Knight recommended that the Planning Commission take separate votes.

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

Commissioner O'Toole noted the disjointed nature of the project review, with the commissioners having already voted on a portion of the project and advanced it to the Zoning Hearing Board, and asked Planning Bureau staff how the cases would proceed. Mr. Knight noted that both of the cases continued from previous meetings would be introduced to the Zoning Hearing Board at their March 20th meeting. He stated that after the zoning relief reviews, both projects would require the submittal of Lot Consolidation & Land Development Plan applications; he noted that the Applicants were likely awaiting a determination on the zoning relief before moving forward with the submittal of that documentation. Mr. Knight noted that the Lot Consolidation & Land Development Plan applications would be heard by both the Planning Commission and City Council, where it would be introduced at a legislative session, heard at a workshop session, and then finally voted on at a following legislative session. Commissioner O'Toole asked whether all of those meetings would be open to the public; Mr. Knight confirmed that was correct.

Commissioner Alsberry stated that he was satisfied with the proposed revisions to the project, and felt that the change to move the buildings to the front yard property line would result in a better designed and more useful site.

Commissioner O'Toole asked what resolution specifically the commissioners would be voting on; Mr. Knight stated that they would be voting for Approval with Conditions on the revised proposal covering Buildings D-G with the conditions that the buildings would be located along the front yard property lines, and that the Applicant would submit additional documentation regarding their financial hardship justification prior to the Zoning Hearing Board meeting.

Commissioner O'Toole asked whether testimony at the Zoning Hearing Board would be acceptable evidence to prove their hardship. Mr. Knight noted that the Zoning Hearing Board had voted to consider testimony heard in a recent case as expert testimony sufficient to provide evidence in support of a zoning relief request; he noted that the Board would have to certify that any testimony provided by the current Applicants met the threshold to be considered as "expert testimony."

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).

Mr. Grover stated that it should be on the record that the Planning Commission had previously voted on a different aspect of the same application, which would be combined with the current vote by the Planning Commission, and that he wasn't sure how such an approach would be presented to the Zoning Hearing Board.

2. Special Exception Application for MarketPlace Midtown, located on 51 parcels across eleven 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, 44 multifamily dwelling units, a food hall, 2,875 square feet of commercial space, and 84 off-street parking spaces.

Commissioner Alsberry stated that the Planning Commission would be moving review of the case until the end of the meeting, and that they would start with cases under “New Business.”

The case was represented by Matt Long with Harrisburg Commercial Interiors (the developer), 1644 North 3rd Street, Harrisburg, PA 17102; Andrew Giorgione with One+ Strategies & Law (the legal counsel), 1426 North 3rd Street, Harrisburg, PA 17102; and Ryan Schuster with K&W Engineers (the project engineer), 2201 North Front Street, Harrisburg, PA 17110 (aka “the Applicants”).

Mr. Knight noted that he was not able to finalize an updated case summary as he had with the Capital Heights project, but noted that there were two outstanding issues remaining from the Planning Commission’s initial review of the proposal in October 2022. He noted that the Applicants had submitted a revised narrative and site plans, which reflected issues discussed at a previous meeting.

Mr. Knight noted that the one of the primary changes involved a redesign of the surface parking lot in the southwestern corner of the project area along the 1300 block of William Street; he noted that the aspect had been approved at the meeting in October 2022. He confirmed that they had combined the smaller parking lot with the larger lot, and removed a curb cut onto Calder Street; he noted that this might have been required regardless because the previous design required drivers to back out of the lot onto Calder Street. He noted that the revised design would preserve at least two on-street spaces and would be in conformance with the City’s Vision Zero policy, while still being able to provide parking for the proposed developments included in the project.

Mr. Knight noted that the other primary change in the revised documentation was the inclusion of two alternatives for Building A and its associated parking on-site and to the north. He noted that the Planning Bureau had opposed the initial design which included fourteen, angled parking spaces in front of the building with an eight-space lot featuring a new curb cut to the north. He noted that discussion at the October 2022 meeting regarded whether Marion Street was wide enough to accommodate both a vehicular travel lane and an on-street parking lane.

Mr. Knight noted that the originally-proposed fourteen angled spaces in the front yard of Building A would result in the loss of approximately six on-street spaces. He stated that the Planning Bureau had confirmed with the City Engineer’s Office that general travel lanes were eleven feet wide and parking lanes were eight feet wide. He stated that he had conducted a site visit and measured the width of the street at approximately 19.5 feet, and thus the street did have legal on-street parking which would be lost under the initial design.

Mr. Knight noted that the Applicants had submitted an alternative for this site which removed the front yard parking and moved the building to the front yard property line, but retained an eight-space parking lot with a new curb cut across Calder Street to the north. He noted that the Planning Bureau had opposed this configuration as well, since access to a parking lot at this location could be provided via an existing driveway through the block, but noted that such a

configuration could only provide four spaces on-site. Mr. Knight stated that he felt retaining the eight-space parking lot was an appropriate compromise to have the front yard parking removed.

Commissioner O'Toole asked about how many spaces would be provided under each configuration. Mr. Knight noted that the initial design provided a total of twelve spaces between new parking and lost on-street spaces, while the revised design would have fourteen spaces overall.

Mr. Knight noted that the Planning Bureau appreciated the Applicant's willingness to consider an alternative development approach. He noted that aside from the outlined parking design issues, the other aspects of the project had received approval at the October 2022 meeting, and thus the Planning Commission would only be acting on those two aspects of the project. Mr. Knight noted that the current project would follow the same path as the previously-discussed project, including a subsequent review of the zoning relief requests by the Zoning Hearing Board, and then submission of a Lot Consolidation & Land Development Plan which would be reviewed by both the Planning Commission and City Council.

Commissioner O'Toole asked whether the Applicants had anything to add to the case report; they stated that they did not. Commissioner O'Toole stated that he was pleased to see the Applicants and Planning Bureau had reached a compromise regarding the parking issue for Building A, and that he otherwise had nothing else to add.

Commissioner Reed stated that she had no questions.

Commissioner Green asked Planning Bureau staff whether Marion Street was wide enough for trash trucks and emergency vehicles to navigate if there were on-street parking. Mr. Knight confirmed that would be the case, noting that traffic lanes were generally ten feet wide, but that the City Engineer's Office had stated a required width of eleven feet to allow for larger vehicles. Commissioner Green stated that she wanted to ensure that the on-street parking configuration wouldn't create obstructions to trucks operating on them, which she stated was an issue elsewhere in the city. Mr. Knight noted that there was currently on-street parking along this block and that, to his knowledge, it hadn't created issues for City vehicles.

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 Green seconded the motion, to Approve the request with Staff Conditions. Mr. Knight clarified that the Planning Bureau's condition would be to utilize the project alternative without front yard parking at Building A, and the eight-space lot across Calder Street. The motion was adopted by a unanimous vote (4-0).

NEW BUSINESS:

- 3. Variance & Special Exception Applications for 1644 North 3rd Street, zoned Residential Medium-Density (RM), filed by Tarita Tennant, to establish a "Retail Store" as an accessory use on-site, and to request relief from the three required off-street parking spaces.**

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

1. The “Retail Store” use will only occupy the 310 square feet of the front portion of the first floor as indicated in the floor plan submitted by the Applicant; and the use will not be permitted to expand beyond this footprint without receiving zoning approval.
2. Any new signage advertising the business will submit a Certificate of Appropriateness application, and receive approval from HARB, and will submit zoning relief requests and receive approval from the Zoning Hearing Board if not in conformance with the signage regulations.
3. No outdoor or “sidewalk “sales of merchandise shall be permitted without the submittal of a Sidewalk Use Permit and approval from the Planning Bureau.
4. The Applicant will coordinate with the City’s Department of Public Works to ascertain whether additional refuse containers will be needed beyond those already provided for the existing residential units on-site, and to update the billing account for the property.

The case was represented by Tarita Tennant (the business owner), 1644 North 3rd Street, Harrisburg, PA 17102 (aka “the Applicant”).

Commissioner Alsberry asked the Applicants whether the conditions in the case report were acceptable; she confirmed that they were. He asked whether the Applicant wanted to provide any additional information; she stated that she did not.

Commissioner Alsberry noted that he always encouraged Applicants to engage the surrounding community before coming before the Planning Commission, and thanked the Applicant for doing that proactively.

Commissioner Alsberry asked whether any of the commissioners had comments or concerns about the project.

Commissioner O’Toole asked whether the Applicant owned the property; she confirmed that she did not, and noted that the property had been owned by the same family for decades. She stated that the subject property had previously been a jewelry store run by the father of the current owner and the adjacent property had been a haberdasher; she noted that the properties had previously been connected internally, but that a wall was installed at some point to separate the properties.

Commissioner O’Toole asked whether she lived on the upper floors; the Applicant confirmed that she lived on the first floor.

Commissioner O’Toole asked Planning Bureau staff whether he felt it was necessary to add a condition that the property remain a boutique retail store, so that it could not be converted to another use, such as a convenience store, in the future. Mr. Knight noted that a “Convenience Store” was defined separately from a “Retail Store,” and thus if any future applicant wanted to establish such a use, they would still require to submit a zoning relief application and receive approval from the Zoning Hearing Board. The Applicant stated that she had initially considered

establishing a convenience store, but that the former Deputy Planning Director (Jacob Bowen) had discouraged her from doing so and that she understood why.

Commissioner Reed stated that she had no questions.

Commissioner Green inquired as to the proposed operating hours; the Applicant stated that she was planning to operate from 10:30 AM to 4 PM.

Commissioner Alsberry asked whether the Applicant anticipated having customers loading and unloading on the street in front of the property; she replied that she did not.

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 (4-0).

4. Special Exception Applications for 1223 North 2nd Street, zoned Residential Medium-Density (RM), filed by the Gran Elledge, to establish a short-term rental on-site and to request relief from the requirement for an off-street parking space.

Mr. Knight gave a synopsis of the report, recommending Approval with Conditions, and noted that because there was no separate classification for a short-term rental use, it was being submitted as a "Use not Specifically Prohibited in the Zoning Code;" the conditions were that:

1. The Applicant will receive approval from HARB for the proposed stairwell in the rear, as this aspect is integral to the establishment of the proposed use.
2. The Applicant will not create physical division between the principal unit and the short-term rental unit, to ensure the property can be readily converted back into single family use should the Applicant or a future owner wish to do so.
3. Operation of the proposed short-term rental unit will only occur if the property is owner-occupied; the property cannot be purchased as an "investment property" with the principal use being as a short-term rental.
4. Guest stays will be limited to five days, or a length of time determined by the Zoning Hearing Board to be sufficient to allow reasonable operation of the use and to ensure that the property does not function as a "Multifamily Dwelling" or an extended-stay hotel.
5. If granted approval, the Applicant must file a Mercantile Permit application for the proposed use, and provide proof of insurance to operate the business within their residence.

The case was represented by Grant Elledge (the property owner), 1223 North 2nd Street, Harrisburg, PA 17102 (aka "the Applicant").

Commissioner Alsberry asked the Applicant whether the conditions in the case report were acceptable; he confirmed that they were, but requested clarification on some of the conditions, specifically with respect to the five-day limit on length of stays and the permitting and insurance requirements.

Mr. Knight noted that the current proposal was the first one that had been formally submitted through the zoning review process, and that the Planning Bureau wanted to ensure that the use was operated in a manner that did not create loopholes for property owners to circumvent the zoning regulations and establish “Rooming Houses” or “Multifamily Dwelling” uses without the appropriate reviews. He noted that the five-day length-of-stay condition was set below the seven-day, week-to-week leases that were common amongst “Rooming Houses.” Mr. Knight noted that the insurance requirement was intended to ensure that the residence was allowed to operate in a semi-commercial manner. He also noted that the permitting requirement was intended to ensure that the proposed use was appropriately registered with the City. Commissioner Reed noted that their case reports indicated that the condition in their cases reports indicated that the time limit was seven days; Mr. Knight stated that it was an error and noted that he might have updated the case report after distributing the packets.

Commissioner Alsberry asked the Applicant if he had anything to add to the case report; he stated that he did not, but was happy to answer any questions that the commissioners may have. He stated that he understood that conditions needed to be imposed on a new type of use to differentiate it from similar uses, and that he was happy to have a follow-up discussion with the Planning Commission or City staff on the operations of the business.

Mr. Grover asked Planning Bureau staff whether there were two points of ingress/egress to the proposed unit, noting that it would be a consideration under the fire code; Mr. Knight noted that there were two points of access to the principal structure, but that there was only one point of access to the proposed short-term rental area on the third floor, and noted that the Applicant was proposing to add a fire escape in the rear of the building. Mr. Grover asked whether the fire escape would create the second point of ingress/egress. Mr. Knight confirmed that was accurate.

Mr. Grover noted that there was no existing code regulating the length of stay, and that ultimately setting a standard for that aspect would be a legislative function. He noted that City Council may look to the Planning Commission for guidance on the issue, but that it would ultimately have to be codified through formal legislation.

Mr. Alsberry asked what differentiated short-term rentals from other types of rental arrangements. Mr. Grover noted that other similar uses like “Bed & Breakfast” businesses were defined in the Zoning Code, but that this particular type of use was not, and noted that the definition of “short-term rental” was constantly evolving. Mr. Grover stated that he had been tasked with the development of legislation regulating “short-term rentals,” noting that there were a number of perspectives on the issue which required input from various City departments. He also noted that the legislation may have to address whether unpermitted operations would be “grandfathered in.” He confirmed that there was currently no legislation clarity on the issue.

Commissioner Reed asked whether the uses were similar to Airbnb units; Mr. Grover confirmed that they were the same thing, but that Airbnb was just one of the platforms through which short-term rentals were advertised and managed.

Commissioner Alsberry asked whether any of the commissioners had comments or concerns about the project.

Commissioner O'Toole asked the Law Bureau whether the proposed legislation would involve amendments to the Zoning Code. Mr. Grover confirmed that Zoning Code updates would likely be accompanied by legislation addressing other City Codes as well.

Commissioner O'Toole requested confirmation that this was the first short-term rental proposal that had been presented to the commissioners. Mr. Knight confirmed that was that case, although he noted that he fielded questions regarding these uses on a weekly basis. He stated that he generally discouraged applicants from buying "investment properties" to use as short-term rentals because it removed units from the city's housing inventory and owners could be notoriously difficult to reach to address adverse impacts; he noted that when the public could not reach an owner, they directed the complaint to the City with the expectation that they would be able to correct the issue.

Mr. Knight stated that his general response to inquirers was usually enough to discourage people from pursuing such uses. He noted, however, that the current Applicant lived on-site and was agreeable to submitting a request to the Zoning Hearing Board, and letting them give a formal determination. Mr. Grover noted that most short-term rental operators felt no obligation to follow the appropriate process, even after having been advised of the requirement.

Commissioner O'Toole asked about the configuration of the unit; the Applicant noted that it was a one-bedroom with an attached bathroom.

Commissioner O'Toole noted that the Planning Commission's decision would set a precedent, but stated that he felt the Planning Bureau staff had done a good job of putting conditions on the proposed use, and thus he felt comfortable supporting the request.

Commissioner Reed stated that she had no questions.

Commissioner Green asked whether the Applicant would continue occupying the primary residence during the operation of the use; he confirmed that his family would be living there. She asked whether the Applicant intended on dividing up the rest of the building into additional units; he stated that the first two floors would remain as a residence for his family and that he had no intention to move anytime in the near future. Commissioner Green asked whether the Applicant was operating any other short-term rental units; he confirmed that he was not.

Commissioner Green asked whether the Applicant has spoken with the neighbors about his proposal; he stated that he had and had also reached out to the landlord of an adjacent building, and that he had received positive feedback from them. The Applicant stated that one of them had intended to

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

Commissioner Alsberry agreed with Commissioner O'Toole that the conditions in the case report provided good restrictions on the use and that he felt it would provide guidance for future

proposals for short-term rentals. Mr. Knight stated that it would be helpful to have a formal zoning determination on the record that he could reference in the future.

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

5. Variance Application for 202 State Street, zoned Riverfront (RF), filed by Dave Butcher with WCI Partners, LP, to convert the existing office building into a four-unit, "Multifamily Dwelling;" the proposal requires relief from the density regulations in Section 7-307.3 of the Zoning Code.

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

1. The Applicant will receive approval of the associated Land Development Plan application filed concurrently with the zoning relief application.
2. If the Applicant intends on making any exterior alterations to the property, they must be reviewed for conformance with the Historic District Design Guidelines and, if necessary, will file a Certificate of Appropriateness and receive approval from HARB.

The case was represented by David Butcher and Lori Fortini with WCI Partners, LP (the property owner & developer), 1900 North 2nd Street, Harrisburg, PA 17102 (aka "the Applicants").

Commissioner Alsberry asked the Applicants whether the conditions in the case report were acceptable; they confirmed that they were. He asked the Applicants whether they had anything to add to the Planning Bureau's case report, and they stated that they did not.

Commissioner Alsberry asked Planning Bureau staff to describe the hardship that justified the variance request. Mr. Knight noted that the internal configuration of the building had not changed even during a prior conversion of the property from residential units to commercial use. He stated that he had spoken with the Codes Administrator to confirm that the property had previously functioned as four separate units, and had been apprised that the Codes Bureau's records indicated that the property had previously functioned as first-floor office space with three separate units on the upper floors. Mr. Knight also noted the presence of three full bathrooms and three kitchens within the property as evidence of prior separated, residential units on-site. He noted that the project would thus be returning the property to its original apartment use. The Applicants clarified that there were four full bathrooms in the building.

Commissioner Alsberry asked whether any of the commissioners had comments or concerns about the project.

Commissioner O'Toole noted that the commissioners had reviewed a significant number of proposals to convert unused office space back into housing units, returning the properties to their original residential use, and that he felt it was a good trend. He noted that a general trend towards higher office vacancy downtown had been accelerated by the COVID pandemic.

Commissioner O'Toole asked whether the Applicants were intending on installing an elevator on-site; the Applicants confirmed that was the case.

Commissioner O'Toole stated that he supported the project.

Commissioner Reed stated that she had no questions.

Commissioner Green inquired as to the potential monthly rent for the units. The Applicants stated that they were still working on the numbers, and that they were considering a starting rent of \$895 for one of the second-floor units.

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 (4-0).

6. Land Development Plan for 202 State Street, zoned Riverfront (RF), filed by Dave Butcher with WCI Partners, LP, to convert the existing office building into a four-unit, "Multifamily Dwelling."

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

1. The Applicant will receive approval of the associated Variance application filed concurrently with the Land Development Plan application.
2. The Applicant will coordinate with the Department of Public Works to ensure that the account billing is updated to reflect the proposed change in use.

The case was represented by David Butcher and Lori Fortini with WCI Partners, LP (the property owner & developer), 1900 North 2nd Street, Harrisburg, PA 17102 (aka "the Applicants").

[Note: the discussion for the zoning relief application was also applicable to the Land Development Plan application, but Commissioner Alsberry resolicited comments from the public.]

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

7. Lot Consolidation & Land Development Plan Application for 2709 & 2717 North Front Street, zoned Riverfront (RF), filed by Adam Kerr with E.I. 2709 North Front Street, LLC., to demolish the existing office buildings on the subject properties, combine the lots into a single parcel, and construct a 21-unit "Multifamily Dwelling" with associated site and access improvements, including a 44-space accessory parking lot and plant screening.

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

1. The Applicant will receive approval from the Zoning Hearing Board for the associated Special Exception application.
2. The Applicant will coordinate with the Floodplain Administrator on the necessary documentation to be filed prior to, and after, construction of the building and all other obstructions on-site, including the trash enclosure and the free-standing sign.
3. The Applicants will coordinate with the Department of Public Works to confirm the design of the refuse collection area on-site will allow appropriate access, and update the billing accounts to reflect the new use.

The case was represented by Ambrose Heinz with Stevens & Lee (the legal counsel), 17 North 2nd Street, 16th Floor, Harrisburg, PA 17101; Adam Kerr with E.I. Associates (the project architect), 2001 North Front Street, Harrisburg, PA 17102; and Betsy Davidson with H. Edward Black & Associates, Ltd. (the project site designer), 2403 North Front Street, Harrisburg, PA 17110 (aka, the "Applicants").

Commissioner Alsberry asked the Applicants whether the conditions in the case report were acceptable; they confirmed that they were. Commissioner Alsberry asked whether the Applicants had anything to add to the case report. The Applicants stated that they had requested a continuance of the Zoning Hearing Board's review of the Special Exception request associated with the project that the commissioners had heard at the February meeting, due to necessary project representatives not being able to attend the meeting. They noted that the current application was the Land Development Plan component of the project and that they were happy to discuss project updates.

Commissioner Alsberry noted that the commissioners had previously asked the Applicants to meet with the neighbors to discuss the project, and asked whether they had done that; they confirmed that they had. They stated that they held a community meeting on February 23rd at which approximately a dozen residents were in attendance; they stated that the meeting lasted for approximately an hour and a half. The Applicants noted that the discussion primarily covered the issues raised at the previous Planning Commission meeting, specifically involving site lighting and traffic access along River Street, and that they felt it was a productive meeting that addressed the neighbors' concerns.

Commissioner Alsberry inquired about any proposed light spillover into the rear yards of the properties to the east. The Applicants noted that the project proposed six light poles around the site, with two adjacent to River Street, two along the rear of the proposed structure, and two along the driveway at the northern end of the property; they noted that the poles would be sixteen feet high. The Applicants referenced the photometric plan that was submitted in the plan set, which showed lighting levels across the site and around the perimeter of the property; they noted that that light spillover would be below the 0.5 foot-candle threshold outlined in the Environmental Performance Standards in the Zoning Code. They also noted that the lights would be shielded to limit light spillover onto adjacent properties. The Applicants also noted that there were existing public utility poles along River Street which had lights installed higher than the proposed on-site lighting would be, and noted that this existing lighting caused more spillover

than the proposed lighting on-site would create. Commissioner Alsberry asked whether the Applicants in attendance at the meeting were satisfied by the discussion of the lighting and the explanations from the project team, and the Applicants confirmed that they neighbors' concerns had been addressed.

Commissioner Alsberry asked whether there were any other issues that the Applicants wanted to address in their presentation. They stated that they felt the project design and the discussion with the neighbors addressed the concerns of the community.

Commissioner Alsberry asked Planning Bureau staff whether they had concerns about the proposed traffic pattern and whether a traffic study was required. Mr. Knight noted the threshold for requiring a traffic impact study was whether the use would generate forty trips per peak hour, and that with 21 units on-site, it was likely that the project would not require such a study. He noted that the current configuration of the sites allowed unrestricted vehicular access to and from River Street, and that the project would restrict access to a single point of ingress and egress at the northern end of the site; he stated that this would make traffic circulation more predictable and thus safer for all users.

Commissioner Alsberry asked whether any of the commissioners had comments or concerns about the project.

Commissioner O'Toole asked whether any of the members of the public were in attendance to discuss the proposed project; no one from the public responded. He stated that because the Applicant had met with the neighbors, and that no one from the community had attended the meeting to oppose the project, he felt the Applicants had addressed the Planning Commission's previous concerns.

Commissioner Reed stated that she had no questions.

Commissioner Green stated that she had no questions.

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 (4-0).

OTHER BUSINESS:

Commissioner Alsberry noted that there were several members of the public in attendance to discuss a project in their neighborhood that they had read about in the newspaper; he noted that the Planning Commission didn't usually address projects which were not on an agenda, but that he felt that he should give them the opportunity to voice their concerns.

Karen Palmer (1700 block of Boas Street) stated that she and her neighbors had attended a City Council meeting a couple of weeks prior to express their concerns about a proposed housing development at 1001 North 18th Street; they stated that they were opposed to the project. She

stated that the city councilmembers had encouraged her to attend the Planning Bureau meeting, but that she noted the project was not on the agenda. She stated that she wanted to be on record in opposition to the project. Mr. Grover noted that a plan hadn't been submitted for City review.

Ms. Palmer asked what kind of zoning relief the project would require; Mr. Grover noted that the City could not know what zoning relief was being requested or required until an application was submitted. He noted that the submittal deadline for monthly meetings was at the beginning of the previous month, and that he wasn't aware of an application having been filed for the upcoming April meetings. Mr. Knight confirmed that an application had not been received by the Planning Bureau, and noted that the project would at least require a Land Development Plan, which would be reviewed by the Planning Commission and City Council. Mr. Knight reiterated that no application had been submitted.

Mr. Knight stated that he was frustrated when developers went to the media with projects that had not been discussed with the Planning Bureau or submitted for review. He stated that just because a developer put an article in the local media about a project they were considering, it did not mean that a zoning relief or land development application was imminent. Mr. Knight stated that if and when the developer contacted the Planning Bureau, he would ensure that the individual contacted the neighbors.

Commissioner Alsberry noted that if an application was put on the Planning Commission agenda, the neighbors would be notified. Ms. Palmer asked whether the Applicant would notify residents directly. Mr. Knight stated that the public would be notified via multiple methods; he noted that a zoning relief application would require a notification letter to all property owners within 100 feet of the project site, that a legal ad would be published in the Patriot-News and on PennLive, and that he would post conspicuous notices on the property. Mr. Knight stated that he was aware of how important community outreach in this neighborhood was, recalling the substantial attendance of residents at meetings for two previous projects proposed for the site. He reiterated that he would ensure the Applicant reached out to coordinate with the neighbors.

Commissioner O'Toole noted that meeting agendas with case documentation were also available and inquired as to how soon the Planning Bureau could get case information posted; Mr. Knight noted that he tried to get case reports finalized and posted to the City website as soon as possible. He confirmed that the required notification letters from the Applicant should be mailed out weeks prior to the Planning Commission meeting.

Ms. Palmer stated that she wanted to make sure she was aware of the project and the timeline on which it would be reviewed by the Planning Commission and Zoning Hearing Board, so that she could attend the meetings to speak out against it. She stated that there had been an issue with notification for a previous project. Mr. Knight reiterated that he would ensure the Applicant had the contact information of the individuals in attendance at the current meeting. Ms. Palmer also noted that they had a neighborhood association which wanted to review any development proposal as well.

Ms. Palmer asked whether it was necessary to speak with the developer, and stated that she wasn't interested in communicating with him. Mr. Knight stated that it was the developer's

obligation to reach out to the neighborhood ahead of any review meetings to discuss their proposal with the surrounding community. Commissioner O'Toole noted that one of the projects that was heard at the current meeting had engaged the community in the middle of their process. Mr. Knight noted that the Planning Commission would usually require an applicant to meet with residents of the surrounding neighborhood.

Mr. Grover stated that he believed the proposed developer had solicited contractor bids for the project, and that as part of that bid package, the contractor may be the individual responsible for reaching out to the community.

ADJOURNMENT: 8:16 PM

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