

## **MINUTES**

**HARRISBURG PLANNING COMMISSION  
REGULAR MEETING  
November 1, 2023  
THE MARTIN LUTHER KING, JR. CITY GOVERNMENT CENTER  
BASEMENT, SUITE 1**

**MEMBERS PRESENT:** Shaun E. O'Toole  
Jamesetta Reed  
Anne Marek  
DeRon Jordan  
Joe Canamucio

**MEMBERS ABSENT:** Joseph Alsberry, Chair  
Vern McKissick, Vice Chair

**STAFF PRESENT:** Geoffrey Knight, Planning Director  
Emily Farren, Assistant City Solicitor

**CALL TO ORDER: 6:31 PM**

**APPROVAL OF MINUTES:** Commissioner Jordan moved, and Commissioner Marek seconded the motion, to approve the minutes from the July 5, 2023 meeting without corrections. The motion was adopted by a unanimous vote (4-0-1; Commissioner Reed abstained as she was not in attendance at the previous meeting).

**OLD BUSINESS: N/A**

**NEW BUSINESS:**

- 1. Zoning Map Amendment Application for 208 Hummel Street, zoned Residential Medium-Density (RM), filed by Kait Gillis-Hanna with the Brethren Housing Association, to change the parcel's zoning designation from the Residential Medium-Density (RM) zone to the Commercial Neighborhood (CN) zone.**

The case was represented by Kait Gillis-Hanna with the Brethren Housing Association (the property owner), 219 Hummel Street, Harrisburg, PA 17104; and Andrew Giorgione with One+ Strategies & Law (the legal counsel), 1426 North 3<sup>rd</sup> Street, Harrisburg, PA 17102 (aka "the Applicants").

Mr. Knight gave a synopsis of the report, recommending Approval.

Commissioner O'Toole asked the Planning Bureau staff why the Zoning Hearing Board had not approved the previously-filed zoning relief request. Mr. Knight stated that the Board had felt the conditions of the property did not justify the approval of a Variance, which was necessary to

allow the establishment of the “Office” use the Applicants were proposing, and noted that more complete reasons for the denial might have been outlined in the Board’s written decision.

Commissioner O’Toole asked the Applicant whether they had anything to add to the case report. They noted that they had appealed the Board’s decision, and that Variances required cases to provide a comprehensive record of documentation to justify such requests, which they felt they could meet in an appeal before the Court of Common Pleas. The Applicants noted Mr. Knight had advised them that a Zoning Map Amendment application was an alternative approach to establishing the proposed “Office” use. They stated that the building was much larger than many of the other residential properties in the surrounding neighborhood, and that they could provide testimony before the Court that such a requirement would be cost-prohibitive. They noted that they had stayed their appeal of the Board’s decision before the Court until such time as the current application could be reviewed and acted upon. Commissioner O’Toole concurred with the Applicant.

Commissioner O’Toole asked whether any of the commissioners had comments, questions, or concerns about the project.

Commissioner Marek noted that the information provided by the Applicants give her some background on why they were resubmitting the project to the Planning Commission. She stated that she felt the proposal made sense.

Commissioner Reed stated that she had no questions or comments.

Commissioner Jordan stated that he had no questions or comments.

Commissioner Canamucio stated that he had no questions or comments.

Commissioner O’Toole asked whether there was anyone from the public for or against the project; there were no comments.

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

**2. Variance & Special Exception Application for 1500 Paxton Street, zoned Industrial (IND), filed by Michael Adams with Lamar Advertising of Harrisburg, to increase the non-conforming height of the existing Off-Premise Sign (billboard) and to install an LED (internally-illuminated) sign face.**

The case was represented by Michael Adams & Andy Rebuck with Lamar Advertising of Harrisburg (the billboard owner), 308 South 10<sup>th</sup> Street, Lemoyne, PA 17043 (aka “the Applicants”).

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

1. If the Board approves the Applicant's request as submitted, the Applicant will be in conformance with rules and regulations set forth by the Pennsylvania Department of Transportation and receive approval from said entity subsequent to decision by the Zoning Hearing Board.
2. The Applicant will limit message transition to one (1) transition per minute, per recommendations from the billboard studies included by the Planning Bureau.

Mr. Knight noted that the second condition was a reference to the condition being included in the review of a similar project located along the same corridor (at 833 South 10<sup>th</sup> Street) in which an LED face was replacing a static billboard face; he noted that the Zoning Hearing Board had not discussed the condition or rendered a verdict as the application was withdrawn before the hearing.

Commissioner O'Toole asked the Applicants whether the conditions in the case report were acceptable or whether they had any additional comments. The Applicants stated that they appreciated the Planning Bureau's support of the project but had concerns about Condition #2, noting that past industry studies did not support such a timeframe and that no vehicular accident which occurred near the digital billboards in the region had been attributed to billboards which flashed messages. They also stated that they spoke to the Mayor and the Police Chief, and that neither had indicated that messages which changed as frequently as once every six seconds would cause issues.

The Applicants stated that they believed in safety and reiterated that their LED billboards were safe. They stated that PennDOT regulations allowed billboard faces to change up to every five seconds, and that most municipalities had similar regulations (approximately six to eight seconds) for billboards with changeable messages. They stated that the multitude of clients which advertised on their billboards wanted to see their messages displayed for as long as possible, and thus it was important to turn over the messaging as much as possible. The Applicant also stated that they allowed messaging by non-profit entities on their billboards.

The Applicants reiterated that they were losing a significant number of billboards to the highway widening project, all of which they were attempting to replace through the installation of the proposed digital billboard. They stated that they intended to submit additional zoning relief requests in the future for two other proposed LED billboards which would help them offset the loss of their static signage faces.

Commissioner O'Toole requested clarification on the number of signs that would be removed as part of the Interstate 83 highway widening project. The Applicants confirmed that the project would result in the loss of twenty of their company's billboards.

Commissioner O'Toole asked Planning Bureau staff about the nature of the studies referenced in their case report; Mr. Knight confirmed that they were academic studies and noted that they were from 2015 and 2018, respectively. He noted that the Planning Bureau had done significant research into the issue for the previous project review, but acknowledged that Bureau staff had not done research into more recent studies as part of the current application review. Mr. Knight noted that new academic research may produce different recommendations and stated that if

PennDOT had alternative regulations, he felt that their application in this context would be appropriate; he noted that the issue was most relevant to motorists on the highway and less so to those on local city streets, and thus if PennDOT felt their regulations were sufficient from a safety perspective, the Bureau would not object to revising Condition #2 in the case report. He stated that it would be preferable to have PennDOT's formal regulations on the subject submitted for the project files.

Commissioner O'Toole inquired about the general standards for changing messages on billboards. The Applicants stated that PennDOT's regulations allow changes as frequently as once every five seconds, but that they generally found once every eight seconds to be preferable; they stated that the neighboring municipalities of Swatara Township and Lemoyne allowed changing sign faces every six seconds. Commissioner O'Toole stated that the Planning Commission should amend Condition #2 in the case report.

Commissioner O'Toole asked whether any of the commissioners had comments, questions, or concerns about the project.

Commissioner Marek concurred with modifying Condition #2 so long as the Applicants were able to provide regulations from PennDOT regarding the allowable rate of change for billboards. She stated that she appreciated the site plans and renderings which confirmed that the new signage would generally have the same configuration as the existing billboard; she noted the Zoning Code's height limit of forty feet and asked the Applicants how that restriction would impact their proposal. They stated that a forty-foot-high billboard, as measured from the adjacent roadway surface, was generally sufficient to provide appropriate visibility but noted that the existing and proposed billboard sites were approximately thirty feet below the surface of the highway, which would likely be elevated as part of the project, so they needed to ensure their billboards were taller than permitted by the zoning regulations. Commissioner Marek stated that it was a sensible proposal and recommended to Planning Bureau staff that they consider amending the Zoning Code to clarify and modernize some of the signage regulations.

Commissioner Reed asked the Applicants to clarify exactly how long they were proposing between signage transitions; they confirmed they would likely use an eight-second standard.

Commissioner Jordan concurred with Commissioner Marek's statements and that he felt an LED sign face was a reasonable proposal given the loss of eighteen structures due to the highway widening project.

Commissioner Canamucio concurred with the other commissioners that Condition #2 should be modified to allow for the PennDOT standards in changing signage faces.

Commissioner O'Toole asked whether there was anyone from the public for or against the project; there were no comments.

Commissioner O'Toole suggested the commissioners discuss how they wanted to amend the condition in the Planning Bureau's case report. Commissioner Marek noted that the discussion involved amending the second condition to impose a specific amount of time, or deferring to

PennDOT's standards for changeable signage faces. Commissioner Jordan stated that the condition should be amended to read that the message will change no more frequently than permitted by PennDOT guidelines.

Commissioner Marek moved, and Commissioner Canamucio seconded the motion, to Approve the request with Staff & Additional Conditions; the additional condition was that Condition #2 would be modified to state that the message transition would conform to general PennDOT standards. The motion was adopted by a unanimous vote (5-0).

**3. Special Exception Application for 415 Schuylkill Street, zoned Residential Medium-Density (RM), filed by Juan Carlos Javier Antigua with JHAN&D RS P2, LLC, to construct a two-story building featuring a first-floor "Coffee Shop/Café" and two units on the upper floor, and requiring relief from the Off-Street Parking requirements.**

The case was represented by Juan Carlos Javier Antigua with JHAN&D RS P2, LLC (the property owner), 920 Cypress Lane, Mechanicsburg, PA 17050; and John Holmes with Integrated Consulting, LLC+, 403 North Front Street, Wormleysburg, PA 17043 (aka "the Applicants").

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

1. If granted the requested zoning relief, the Applicant will submit the required Land Development Plan application and receive approval from City Council.
2. As the Applicant has not filed additional zoning relief requests related to aspects in the Development Standards – such as fences, landscape screening, and trees – they will ensure that all applicable considerations are reflected in the Land Development Plan. The Planning Bureau recommends that the Applicant retain the existing mature trees along the side and rear property lines if possible.

Commissioner O'Toole asked Planning Bureau staff how many parking spaces the Zoning Code required for the proposed development. Mr. Knight stated that the proposal would require at least ten (10) off-street parking spaces, specifically two for the residential component and at least eight for the commercial component, depending on the number of employees on-site at one time.

Commissioner O'Toole asked the Applicants whether they had any additional comments. The Applicants noted that they had been engaged with the Planning Bureau on the design of the project and further noted that they felt they met the Special Exception criteria and thus felt they should be granted relief. They stated that they intended to meet all other applicable criteria related to landscaping and setbacks. The Applicants noted that the property was a vacant corner lot and that while they felt they had sufficient parking between what was provided on-site and the available street frontage, they expected most of their customers to be residents or employees of nearby businesses who would walk to the property. They noted that the proposed on-site parking would likely be reserved for residents of the proposed apartment units.

The Applicants noted that they had not put a significant amount of work into developing documents such as renderings or floor plans reflecting the project massing or design, but were

waiting to see whether they received zoning relief approval and would be submitting those as part of a Land Development Plan.

Commissioner O'Toole asked the Applicants whether the conditions in the case report were acceptable; they confirmed that they were.

Commissioner O'Toole asked whether any of the commissioners had comments, questions, or concerns about the project.

Commissioner Marek stated that she felt the proposal would be a good project for the neighborhood, and inquired about the photos submitted with the application. The Applicants noted the Planning Bureau had suggested they provide some renderings with their submission and that the submitted photos showed a project in York of similar mixed-use design as the intended development. Commissioner Marek asked whether the Applicants would be providing more detailed information with the Land Development Plan; the Applicants confirmed that they would be providing that information.

Commissioner Marek asked the Applicants to discuss their public engagement efforts related to the proposal, and whether they had received any feedback or comments from the nearby community. Mr. Antigua stated that he was a long-time business owner, and that he was looking to bring something new into the community; he noted that there were no other coffee shops in Uptown Harrisburg. He stated that he had reviewed the census data and that there were 5,000 residents and approximately 600 employees in the neighborhood. Mr. Antigua stated that he established his first business at 6<sup>th</sup> Street and Division Street after immigrating from the Dominican Republic, and that he considered the neighborhood his American hometown. He stated that he felt he understood the neighborhood very well based on this experience.

The Applicants reiterated that they expected the customer base from the surrounding community, noting that a coffee shop was generally not a destination business, and thus that they did not feel the parking would be a concern.

Commissioner Marek asked whether the surrounding community were aware that the project would involve new construction. The Applicants stated that they had notified all the surrounding neighbors, noting that they worked in the neighborhood and thus had many informal discussions with residents of the community.

Commissioner Reed stated that she had no questions or comments.

Commissioner Jordan stated that he had no questions, and stated that he felt the proposal was a good use of vacation land since it would provide both housing and jobs.

Commissioner Canamucio noted that the location was two blocks from the library in Uptown Harrisburg and noted that the coffee shop may attract people from there as well.

Commissioner O'Toole asked whether there was anyone from the public for or against the project; there were no comments.

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

**4. Variance & Special Exception Application for 1001 North 18<sup>th</sup> Street, zoned Residential Medium-Density (RM), filed by Fernandez Realty Affordable Homes, LLC, to construct a 48-unit “Multifamily Dwelling” with a “Community Center” component, along with various site and access improvements.**

The case was represented by Esch McCombie and Martina Hedetniemi with McNees, Wallace & Nurick (the legal counsel), 100 Pine Street, Harrisburg, PA 17101; and Matthew Witters with Eustace Engineering, Inc. (the project engineer), 161 South 32<sup>nd</sup> Street, Camp Hill, PA 17011 (aka “the Applicants”). They also noted that other members of the project team were in attendance including Amber Borelli with the Latino Connection (the project developer).

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

1. If granted the requested zoning relief, the Applicant will submit the required Land Development Plan application and receive approval from City Council.
2. The Applicant is required to receive a Certificate of Qualification pursuant to Chapter 12-101 of Title 12, Affordable Housing Certification prior to recording the Lot Consolidation & Land Development Plan with the Dauphin County Recorder of Deeds.
3. The Planning Bureau recommends minor changes to the project site, including the relocation of the bike parking shelter to the northeastern corner of the building near the parking lot building access, and the expansion of the dog park/community garden space to include more of the eastern frontage of the property (for example, a community garden could be planted between the parking area and Long Street, with the remainder be reserved for a dog park).
4. The Planning Bureau recommends that the Applicant continue engaging with the public prior to the submission of a Land Development Plan on potential site or building improvements that might enhance the value of the project to the surrounding neighborhood.
5. The Planning Bureau recommends that the Applicant coordinate with the City Engineer on the prohibition of on-street parking along the Boas Street side of the project site, to allow for easier access to the accessory parking.

Commissioner O’Toole asked Planning Bureau staff the name of the school building that used to occupy the site; Mr. Knight confirmed that it was the Woodward School. Commissioner O’Toole stated that he thought the commissioners had reviewed a proposal for the site more recently than 2020, as noted in the Planning Bureau’s case report. Mr. Knight stated that he wasn’t aware of such a proposal, noting that two similar projects were proposed for the site in both 2017 and 2020.

Commissioner O’Toole asked for the full width of the building and wanted to know the exact relief being requested; Mr. Knight stated that he was unsure of the exact building width and directed the inquiry to the Applicants. They noted that the maximum allowable building width was 24 feet and stated that the proposed structure was approximately 58 feet. The Applicants stated that the allowable size was based on the width of other buildings on the same block. They

noted that most of these buildings were narrow rowhomes, whereas the subject property was much larger than all of the surrounding properties and noted that a large building was required to enable the provision of affordable units; the Applicants also noted that the proposed building would be significantly smaller than the .

Commissioner O'Toole asked the Applicants whether the conditions in the case report were acceptable or whether they had any additional comments or questions. The Applicants stated that they felt the conditions were acceptable.

Commissioner O'Toole asked whether any of the commissioners had comments, questions, or concerns about the project.

Commissioner Marek stated that she had no questions or comments.

Commissioner Reed stated that she had no questions or comments.

Commissioner Jordan noted that the proposal ensured the affordability of the senior housing units for "not less than ten years," and asked whether either the affordability or the tenant demographic would change after that time. The Applicants stated that the ten-year time period was based on the grants and funding sources that were being compiled for the project, and stated that their intention was to retain the affordability of the housing after that period.

Commissioner Canamucio stated that he had no questions and agreed that the provision of affordable senior housing was a pressing issue for the city.

Commissioner Reed noted that the Planning Bureau's case report indicated that the public was opposed to the concept of a community space on the first floor that was open to the general public and requested additional information regarding that aspect. The Applicants noted that they had undertaken a significant amount of community engagement including meetings with the surrounding community in early July 2023 and the end of August 2023 and a meeting with City officials in late July 2023. They also noted that they developer had done door-to-door canvassing on October 10<sup>th</sup> to inform the neighborhood about the meeting. They noted that the design had been modified to address concerns and ideas expressed during those meetings, including limiting the building to four stories in height and removing a proposed, first-floor retail component. Commissioner Reed requested clarification on whether the neighbors had wanted a community room that was open to the general public; they Applicants stated that the primary concern was an increase in traffic and parking which might occur with any outward facing use, so they designed the first-floor space to only be accessible to residents.

Commissioner O'Toole asked whether there was anyone from the public for or against the project; there were no comments.

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



**5. Special Exception Application for 174 North 15<sup>th</sup> Street, zoned Residential Medium-Density (RM), filed by Reverend Queen Dickey with St. John CME Church, to construct a new “Place of Worship” use on-site and to request relief from the Off-Street Parking requirements.**

The case was represented by John Melham with Melham Associates, PC (the project engineer), 2247 North Front Street, Harrisburg, PA 17110 (aka “the Applicant”).

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

1. If granted the requested zoning relief, the Applicant will submit the required Land Development Plan application and receive approval from City Council.
2. As the Applicant has not filed additional zoning relief requests related to aspects in the Development Standards – such as fences, landscape screening, and trees – they will ensure that all applicable considerations are reflected in the Land Development Plan.
3. The Applicant will ensure that bicycle parking is provided, as required per Section 7-327.3(e) of the Zoning Code; the Planning Bureau would recommend that such parking be located near the main entrance and, if possible sheltered.
4. The Applicant should redesign the project site to have one-way traffic flow from Bombaugh Street to Shoop Street with parking provided only on the western half of the site, allow the eastern portion of the property and primary frontage to be engaged with buildings and active uses.
5. The Planning Bureau recommends that the Applicant consider the incorporation and reuse of building components left on-site after demolition, such as the cornerstone of the building previously on-site.

Commissioner O’Toole asked Planning Bureau staff to confirm that the property had previously accommodated a church; Mr. Knight confirmed that was the case. Commissioner O’Toole inquired about the history of the property. Mr. Knight stated that he was unsure of when the congregation abandoned the former building, but noted that it had been vacant for several years and had begun collapsing and was finally demolished at some point around 2020 as it had become a public safety issue.

Commissioner O’Toole noted that there was a lot of construction fencing around the adjacent properties and inquired about the project being undertaken. Mr. Knight confirmed that the work was related to a Land Development Plan application approved in 2021 for fifty units spread across five blocks; he noted that the subject property had originally been included in that project. Commissioner O’Toole asked if that project had commenced; Mr. Knight confirmed that it had.

Commissioner O’Toole asked the Applicant whether the conditions in the case report were acceptable; he confirmed that they were and expressed his appreciation for the Planning Bureau staff’s help in getting the final three projects onto the night’s meeting agenda.

Commissioner O’Toole asked whether any of the commissioners had comments, questions, or concerns about the project.

Commissioner Marek stated that she was generally in favor of the proposed use, especially considering that there was previously a church on-site, and that she was looking forward to the pending Land Development Plan. She noted that the project did not require any sort of Variances for relief from the Development Standards or other required aspects of the Zoning Code related to site design. The Applicants stated that they were also intending on submitting a Variance request for relief from the off-street parking requirements; they noted that while the parking currently proposed for the project was in conformance with the Zoning Code, the church was hoping to grow in the future and they might need relief from the applicable zoning regulations. The Applicant noted that the Zoning Code required one off-street parking space for every four congregants, and that they felt their congregation wouldn't need that much parking.

Commissioner Marek noted that two separate site plans had been included in their packets, and asked the Applicant to clarify why two distinct designs were submitted. The Applicant noted that they had modified the design a couple times per coordination with the Planning Bureau, and apologized if conflicting documentation had been submitted. He noted the final design showed a one-way configuration from Bombaugh Street to Shoop Street, and Commissioner Marek noted that the commissioners didn't have that design in their packets. Mr. Knight noted that he had not included the most recent design in the packets as it had been submitted after their distribution, but stated that he had neglected to provide the final site plan designs to the commissioners at the current meeting. Commissioner Marek stated that it would become more of an issue for the Land Development Plan submission. The Applicant produced an oversized exhibit of the final site plan for the Planning Commission's review and consideration. Mr. Knight noted that the final design reflected the recommendation outlined in Condition #4 of the case report; he apologized for the confusion caused by the inclusion of the various plans.

Commissioner Marek noted that Condition #4 referenced a change to one-way traffic flow, which was illustrated in the exhibit that the Applicant brought to meeting, but not in the documentation provided in their packets; she asked whether the Planning Commission should retain that condition in the case report or require the Applicant to provide the updated site plans. Mr. Knight confirmed that the Applicant had submitted the final site plans to the Planning Bureau prior to the meeting and that its exclusion from their packets was his error. The commissioners discussed how to phrase the condition amongst themselves. Mr. Knight recommended they modify the condition to state that the Applicant would utilize the site plan presented at the Planning Commission meeting, which would retain the condition but recognized that the Applicant had satisfactorily addressed the condition.

Commissioner Marek asked whether the Applicant had discussed the project with surrounding residents and property owners. The Applicant stated that he was not sure whether the property owner or congregants had held any community engagement sessions or received any comments from neighbors. The Applicant stated that he had been to the site several times with the property owners and that none of the neighbors had approached them during that time.

Commissioner Reed stated that she had no questions or comments.

Commissioner Jordan noted that the Planning Bureau had included a recommendation within the case report that the sidewalks around the property be constructed to the full width of the previous sidewalks, and asked if they knew the difference between the previous and proposed sidewalks.

Mr. Knight stated that when the former building was still standing on-site, a brick sidewalk stretched from the base of the building to the curb; he noted that this was a general condition that the Planning Bureau included in their case reports, particularly when a full-width sidewalk previously existed. Mr. Knight stated that this was intended to ensure that pedestrian infrastructure was given the same consideration as vehicular traffic, and also noted that as part of the development project in the surrounding blocks, they were proposing expanded pedestrian infrastructure, such as curb bump-outs, and wanted to ensure that the sidewalks were consistent along the corridor.

Commissioner Canamucio noted that the proposed site design presented by the Applicant at the meeting appeared to have more off-street parking than was required; the Applicant confirmed there were additional spaces beyond the required amount, and thus that a Variance would not be necessary for that aspect. Mr. Knight clarified that a request for relief from off-street parking would require a Special Exception approval, but noted that it would not be necessary because the project was in conformance with that aspect of the Zoning Code.

Commissioner Marek moved, and Commissioner Reed seconded the motion, to Approve the request with Staff & Amended Conditions; the amendment was that Condition #4 would be revised to state that the project would utilize the site plan shown at the current meeting. Commissioner Marek asked whether Condition #3 had been addressed. Mr. Knight asked the Applicant whether bicycle parking would be provided; he stated that it would not be a problem to include that in the final design. The motion was adopted by a unanimous vote (5-0).

**6. Variance Application for 1719 Market Street, zoned Residential Medium-Density (RM), filed by Reverend Tim Halbfoerster with the Capitol City Church of the Assemblies of God, Inc. to establish an accessory parking lot for the church located at 1710 Chestnut Street.**

The case was represented by John Melham with Melham Associates, PC (the project engineer), 2247 North Front Street, Harrisburg, PA 17110 (aka “the Applicant”).

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

1. The Applicant will remove the barbed wire from the existing fence or, if the project proposes new fencing, the Applicant will ensure that no barbed, razor, or other security-type fencing is installed.
2. The Applicant will coordinate with the City Engineer’s Office on removal of the curb cut and driveway onto Market Street and reconstruction of the sidewalk along the Market Street frontage in accordance with the City’s sidewalk ordinance and ADA regulations.
3. The Applicant will install the required landscape screening and on-site trees, shown in the site plan for the previously-approved design from 2020, and will coordinate with the City Arborist on the appropriate native vegetation to use for the proposed landscaping. Landscape screening will be permitted on the interior of existing or replacement fences.
4. The Applicant will coordinate with CRW on the installation of new stormwater management facilities, and potentially green stormwater infrastructure, on-site; approval of a Building Permit for the work will not be granted until formal approval from CRW has been received.

5. The Applicant will be permitted to lease spaces to surrounding residents and/or businesses during times in which it is not normally used for church congregants.

Commissioner O'Toole asked the Planning Bureau staff to explain the automatic revocation of the previously-granted zoning relief. Mr. Knight noted that a section in the Zoning Code [note: this is Section 7-323.5(h) of the Zoning Code] stated that if neither a Land Development Plan nor a Building Permit application was filed within one year of approval being received from the Zoning Hearing Board, that approval would be automatically revoked. He noted that this was likely include to ensure that actions approved by the Zoning Hearing Board were implemented in a timely manner.

Commissioner O'Toole asked the Applicant whether the conditions in the case report were acceptable; he asked Planning Bureau staff to elaborate on the condition related to use of the parking lot by entities other than the church. Mr. Knight re-read the condition and stated that it was included because, during the previous meetings reviewing the request, the church had mentioned that they allowed Recycle Bicycle to use the lot for teaching people to ride bikes in a safe location. He also noted that allowing use of the parking lot by the surrounding community would enable the reuse and redevelopment of properties and buildings that might otherwise remain vacant due to not being able to provide sufficient off-street parking; he noted that the location of the property in the middle of the block would also make it more accessible to surrounding uses.

The Applicant stated that he had no other questions, but stated that any other users would have to be organized and coordinate with the church; Mr. Knight stated that that was his expectation.

Commissioner O'Toole asked whether any of the commissioners had comments, questions, or concerns about the project.

Commissioner Marek expressed some confusion about the relationship of parcels comprising the project site, noting that the parking area was proposed for one lot and the stormwater management was proposed for an adjacent parcel. The Applicant confirmed that was the case and, referencing the submitted site plans, stated the intention to vacate a small grocer's alley between the parcels. Commissioner Marek asked whether that required a separate application and review.

Mr. Knight stated that he was unsure as to whether that was a public alley or private alley, explaining that while both appeared as public rights-of-way in the County's tax parcel map, deed research for previous projects had determined that some alleys illustrated in this manner were actually private alleys which would not require approval of a Street Vacation application. He reiterated that he was unsure as to whether the alley in the current application was public or private; the Applicant stated that his firm's survey department felt it was a private alley. Commissioner Marek asked who was responsible for making that determination; Mr. Knight stated that it was the Applicant's responsibility to research that and provide proof to the City.

Mr. Knight noted a wrinkle to the project, in that a lot consolidation had previously been approved for the site, which resulted in the combination of two parcels comprising the primary

project into a single lot, but that the smaller parcel fronting South 17<sup>th</sup> Street had not been joined to the larger parcel. He acknowledged that it was a bit of a confusing element of the project, but stated that he wanted to ensure it was recognized in the case report so that all parties were aware of this aspect of the site.

Commissioner Marek noted that DEP would not approve a stormwater management plan if the infrastructure was not on the same lot as the development. Mr. Knight confirmed that it would be the Applicant's responsibility to ensure that the lots were appropriately consolidated. Commissioner Marek asked whether the commissioners wanted to add any sort of condition to address the issue, or if it was simply up to the Applicant to ensure it was done.

The Applicant stated that the previous zoning relief request was managed by a different firm, and that he was informed that the reason the project did not proceed at that time was because it was too expensive; specifically, the previously-proposed project proposed underground stormwater management, which was more expensive than the surface basin that the current iteration proposed. Commissioner Marek stated that the revised approach made sense.

Commissioner Reed stated that she had no questions or comments.

Commissioner Jordan asked whether the trees on-site along Market Street would be affected by the construction of the parking lot; the Applicant noted that there were no trees within the fence, so they should not be affected by the project but that they might be impacted by the sidewalk reconstruction work that was noted as a condition of approval in the case report. Mr. Knight confirmed that the City would likely not remove them unless the City Arborist determined them to be an invasive species or in poor health. He stated that the bigger issue was whether the Applicants intended on replacing the fence, in which case the trees would be removed and could be replaced by new plantings in tree wells along the sidewalk.

Commissioner Canamucio requested confirmation that that the additional access points proposed by the new design would result in one ingress point and one egress point; the Applicant confirmed that was the case.

Commissioner O'Toole asked whether there was anyone from the public for or against the project; there were no comments.

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

**7. Variance & Application for 2701 Industrial Road, zoned Commercial General (CG), filed by Navnitlal (Brian) Zaver, to request relief from the landscape screening requirements outlined in Section 7-307.11 & 7-307.12 in the construction of a 143-space commercial parking lot.**

The case was represented by John Melham with Melham Associates, PC (the project engineer), 2247 North Front Street, Harrisburg, PA 17110 (aka "the Applicant").

Mr. Knight gave a synopsis of the report, recommending Denial.

Commissioner O'Toole asked the Applicant whether he had any additional comments; he stated that they were requesting relief from the required landscape screening along the western boundary fronting property owned by the railroad. The Applicant stated that a previous version of the project had been reviewed by the City in the past, noting that he was not a part of that project team, and that relief had previously been granted. He stated he felt the cost of the landscaping did not justify its inclusion in the project, and that the screening wasn't necessary due to "substantial" trees on the adjacent property.

Commissioner O'Toole asked Planning Bureau staff whether the parking lot had already been constructed. Mr. Knight confirmed that it had not and noted that the previous proposal was different in that it proposed a gravel parking lot surface and requested to not have the required on-site lighting; he noted that the Planning Bureau previously opposed that design because gravel is not a City Engineer-approved surface and cannot be lined. He concurred that the previous proposal was approved because it was only intended to be used a couple times a year, but the current proposal was more robust and proposed more consistent and regular use, and would actually be combined with the accessory parking lot for the adjacent Staybridge Suites hotel.

Mr. Knight noted that one of the reasons the Planning Bureau recommended denial was that, as a Variance request, the Applicant was required to demonstrate a reason why the property could not be developed in conformance with the Zoning Code and that the stated financial justification was not sufficient to meet that requirement. He stated that landscape screening had purposes beyond reducing headlight glare such as defining the boundaries of the property and providing aesthetic improvements to what is otherwise an unsightly use. Mr. Knight noted that the request would likely be denied by the Zoning Hearing Board for lack of justification, similar to a recent project approved by the Planning Commission at 208 Hummel Street.

Commissioner Marek stated that she vaguely recalled the previous proposal for the site and asked whether it was for a temporary use. The Applicant stated that the Planning Commission had granted approval of the gravel parking surface and lack of lighting because it was only expected to be used a few times a year, but noted that the City Council had indicated to the developer that they would not support a gravel parking lot. He stated that the developer now intended to install a paved and lined parking lot. The Applicant stated that he concurred with the Planning Bureau that they were not claiming any hardship in their request for relief from the landscaping requirement as it was not an extraordinary cost.

Commissioner O'Toole noted that if the Applicant was not claiming a hardship, they'd have a difficult time justifying approval of the request. Commissioner Marek asked whether the commissioners could consider this as the expansion of the existing accessory parking lot for the adjacent hotel. The Applicant confirmed that the proposed parking lot would only be used for events at the Farm Show Complex; he stated that the hotel would not be expanded and that there was not a need for more parking for the existing hotel. He stated that the owner had an existing agreement with the Farm Show to provide parking at this vacant lot and a nearby lot.

Commissioner Reed stated that she had no questions or comments.

Commissioner Jordan asked Planning Bureau staff whether they were recommending denial of the project or just the request for relief from the screening requirements; Mr. Knight confirmed that they were only recommend denial of the request and noted that the proposed commercial parking lot was permitted by right in the CG district.

Commissioner Canamucio asked Planning Bureau staff whether the request just applied to the western lot line; Mr. Knight confirmed that was the case.

The Applicant stated that the railroad was the only entity that used the stretch of the Industrial Road right-of-way that ran along the western boundary, and inquired as to what the future of that property was; he suggested that it might be acquired in the future by his client and that the parking lot could be expanded onto that property in the future.

Commissioner O'Toole noted that there was no one else from the public in attendance, and asked whether any of the commissioners wanted to advance a motion. Commissioner Marek stated that she was not sure the Zoning Hearing Board would approve the request because there was no justification. The Applicant stated that he was aware of the criteria that the Zoning Hearing Board would utilize in reviewing the request, and that they were not trying to use cost as a justification, and that he felt the project met the other criteria inherent in Variance requests. He stated that they might choose to go to the Zoning Hearing Board regardless and take their chances.

Commissioner O'Toole against asked for a motion from the Board. There was some general discussion amongst the commissioners.

The Applicant stated that they would be providing landscaping within the interior of the site.

Commissioner O'Toole stated that if there was no motion, the request would fail. Ms. Farren stated that the Planning Commission had to take some action on the request. Mr. Knight stated that Commissioner O'Toole could forward a motion himself. Commissioner O'Toole stated that he was trying to determine whether there was a middle road to be taken.

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

#### **OTHER BUSINESS:**

Commissioner O'Toole asked Planning Bureau staff whether there was any other business to discuss, such as Comprehensive Plan updates.

Mr. Knight stated that the biggest issue regarding ongoing development of Comprehensive Plan updates, such as chapter maps, was a lack of capacity within the department, but that the addition of the new Deputy Planning Director, Mack Breech, would allow the Bureau to begin work towards those projects. Mr. Knight stated that the Planning Bureau would likely begin adding a new section to their case reports which confirm the conformance of any particular request to the

Comprehensive Plan; he noted that this would ensure it remained a living document which was included in all project reviews, although he noted that the department always considered the Comprehensive Plan in their project reviews.

Commissioner Jordan asked whether Mr. Knight was referring to GIS story maps; he confirmed that was the case.

**ADJOURNMENT: 8:10 PM**

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