

MINUTES

HARRISBURG PLANNING COMMISSION REGULAR MEETING

April 1, 2009

THE MARTIN LUTHER KING, JR. CITY GOVERNMENT CENTER
PUBLIC SAFETY AUDITORIUM, ROOM 213

MEMBERS PRESENT: Joseph Alsberry, Chair
Vern McKissick, III, Vice-Chair
Calobe Jackson, Jr.
Shaun E. O'Toole
Ronnie G. Shaeffer

MEMBERS ABSENT: Elaine R. Burns

STAFF PRESENT: Candace Stowell, Deputy Director for Planning
Jennifer Boyer, Current Planner

OTHERS PRESENT: *For: 1517 North Front Street, 1524-26 North Second Street*
Mr. Frank Grottola, Act One
Mr. Dan Deitchman, owner
Mr. Anthony Pascotti, partner
Mr. Jamie Pascotti, partner
Ms. Jennifer Pascotti, partner for Riverview Manor Associates
Ms. Alice McGrory, resident, 1522 North Second Street
Ms. Amy Sturges on behalf of Bill Sturges and Mary Gallagher,
1518 North Second Street
Mr. Pete Weigher, Remax Realtor

CALL TO ORDER: 6:37 P.M.

MINUTES: Minutes of the regular meeting on March 4, 2009 were approved. The motion was made by Commissioner O'Toole, seconded by Commissioner Jackson, and approved unanimously (5-0).

NEW BUSINESS:

- 1. Special Exception for 1517 North Front Street, located within the Special Planned Development (SPD) zoning district, filed by Riverview Manor Associates, LLP (to request relief of the rear yard setback line and screening line for the parking lot).**
- 2. Special Exception for 1524 and 1526 North Second Street, located within the Residential Planned Conversion (RPC) zoning district, filed by Riverview Manor Associates, LLP (to request relief of the front, side, and rear yard setbacks, travel**

aisle width, screening line, and to expand the parking lot for the Riverview Manor apartments onto Second Street).

The Commissioners agreed to hear the reports for both cases at once, since the projects relate to accessory off-street parking for Riverview Manor. Each case would be voted on separately.

Ms. Boyer gave a synopsis of the case reports. Mr. Frank Grottola from Act One, Mr. Dan Deitchman and Mr. Anthony Pascotti, both owners of Riverview Manor represented the cases. Mr. Grottola said the purpose of the requests is to secure safe and accessible parking for the residents of Riverview Manor. Currently, the building does not have adequate parking. The proposed parking lot design improves conformity with the Zoning Code, by providing as many off-street parking spaces as possible. Mr. Grottola said their major concern is the staff's recommendation to have the rear yard and screening line setback fifteen (15) from the property line. (The applicant has requested a three foot rear yard setback which would allow for the existing parking lot to increase from 16 to 67 parking spaces). This setback request will result in the loss of nine (9) proposed spaces, and the neighbors along Second Street will lose their spaces. He also noted that the applicant is willing to work with the Board, City staff, and residents to address any concerns. They are willing to add pavers to the parking lot, and will continue to talk with Joe Link, the City Engineer, to come up with the best possible solution. The applicant wants to add as many parking spaces as possible to make the project feasible, because most families today have more than one (1) vehicle.

Commissioner Alsberry said he is happy to see the creation of additional parking, but is concerned about the responses from the neighbors. He wants to take both sides into consideration.

Commissioner McKissick said he would like to see a more adequate landscaping plan. He noted that the building is grandfathered in, and there is no requirement to conform to current Code standards. The proposed landscaping does not provide enough compensation and relief to the neighbors on Second Street. A more adequate landscaping plan would allow for the Board to see what is being proposed, rather than visualizing it. Mr. Grottola said the screening will consist of three different species of plants, and that more thought was put into the parking lot than the screening around it.

Commissioner McKissick asked if the applicant could explain how they will account for the heat island effect from paving on what is now vacant land and open space. He also questioned the amount of screening on the side yards of the properties along North Second Street. Mr. Deitchman said the properties at 1524-1526 North Second Street have been vacant for many years, and have always been part of Riverview Manor. They have never served any purpose other than a place where trash collects.

Commissioner McKissick wanted to know if Mr. Deitchman could build residential properties on the two lots and complete the residential streetscape along this 1500 block

of North Second Street. Mr. Deitchman said they would still be unable to meet the off-street parking requirements.

Mr. Grottola noted that Riverview Manor is unique, and the goal of the renovation is to keep the existing architecture of the building; therefore, the 76 units will remain. They want to do the needed improvement to the building so that it has a lasting effect on the City and the neighborhood. At the same time, they do want to make the neighbors happy, and are willing to work with the neighbors as much as possible.

Commissioner McKissick asked what the proposed change was in impervious coverage. Mr. Grottola said he did not have the exact percentage, but it was significant.

Commissioner McKissick wanted to know where the setback line was for the front yard of 1517 North Front Street, and does the parking lot line up with the building (Riverview Manor). City Staff noted that the setback line for any property located in the Special Planned Development (SPD) district is fifty (50) feet for any property located along Front Street north of Reily Street. The parking lot is an existing lot, and it begins after the hedge line. It does not line up with the building.

Commissioner Jackson said he knew people who lived at Riverview Manor, and they always had a problem with the parking. Since there were only 16 spaces for 76 units, most people parked on the street along Second Street and Harris Street. Commissioner Jackson said he would like to see this situation come to a resolution that is positive for both the owner and the neighbors.

Commissioner Alsberry asked if anyone from the public would like to speak. Ms. Alice McGrory expressed concerns about the screening along the private alley on North Second Street. She wanted to know how much of the alley would be taken up, because she needs the alley to access her back yard. Another concern was the heat and noise from the parking lots. By allowing the parking lot to be expanded on the lot at 1517 North Front Street, this will take up the last of the green space left in Midtown. Ms. McGrory was also upset that the owner cut down all the trees without any warning. She is also concerned about the newly proposed screening, and what it would look like. Finally, there was concern about odors coming from the new dumpster location at 1526 North Second Street. Although the dumpsters were moved from 1524 to 1526 North Second Street, there are still safety issues for the apartments at 1528 North Second Street. She felt it was still not far enough away. Another problem with the dumpster location is that there is no air flow on these properties, and the stench will be a problem. The dumpsters will also attract rodents. Ms. McGrory also asked if there had always been 76 units, as she thought there were only 62 apartments. Mr. Pascotti noted that there have been 76 units since the building was built in 1927.

Ms. Amy Sturges spoke on behalf of her father William Sturges, who was unable to attend the meeting. Ms. Sturges was concerned with the proposed three (3) foot rear yard setback for the parking lot at 1517 North Front Street. Her father's backyard abuts this property. They would like to see a minimum of fifteen (15) feet or the full twenty-two

(22) feet for the setback. Ms. Sturges also expressed concern about the location of the dumpsters, as they will attract rodents and will smell.

Mr. Anthony Pascotti spoke in favor of the project. He said that he was formerly a partner in the project, and the purpose of renovating Riverview Manor is to bring new residents into the City. He applauds the projects that Mr. Deitchman has done, and the City should show support for someone who lives outside the City and has stepped up to the table to make the City better.

Mr. Jamie Pascotti spoke in favor of the project. Mr. Pascotti has been involved with the project. He has spoken to Mr. Deitchman, and they want to take the dumpsters off of Harris Street. They have also looked to consolidate the trash for the neighborhood. Mr. Pascotti also noted that Riverview Manor has always been 76 units. The apartments range from one to three bedroom units. Riverview Manor has not been at full capacity for many years, and once the apartments are rented there will be more than 76 vehicles in the neighborhood. This will be a substantial impact. Commissioner McKissick noted that while there have been 76 units in the past, it does not mean that this amount is appropriate for today's standards. Commissioner McKissick's opinion is that the applicant has shown no hardship as to why the Board should be forced to create this impact onto the neighborhood.

Mr. Pete Weigher spoke in favor of the project. He said that as a Realtor, he can see the benefit to the City to get as many vehicles off of the street as possible. Not only will the neighborhood benefit from this, but the value of the property will increase. Mr. Weigher said that if the dumpsters are properly screened this is less of a concern than not having off-street parking spaces.

Mr. Deitchman said that another parking concern is when visitors come to the area. He has seen people circle the block several times to look for a parking space. At this time the Board is hearing complaints from two neighbors, not the hundreds of people that will be affected by the impact of this property. He said the reason they are keeping the 76 apartment units is because he wanted to preserve the architecture of the building. In doing so, he wants to provide at least one off-street parking space for each unit. Mr. Deitchman also noted that River Plaza has more than 200 apartment units and less than 100 off-street parking spaces. His proposal for parking for Riverview Manor will help alleviate some of the parking issues that River Plaza has, with minimal intrusion onto the neighbors. Mr. Deitchman also pointed out that neighboring commercial properties have their parking lots paved right up to the property line with no screening, and no one complains about it. He also spoke to the neighbors about installing a fence around the properties, or putting up a parking garage on 1517 North Front Street. The comments from the neighbors were that they did not want a fence or a parking garage on 1517 North Front Street, because it will block their views of the river and the park.

Commissioner Alsberry again stated that he is not against the project, but would like to see everyone come to an agreement. He asked if the owner needed all 76 parking spaces, or is there an opportunity to lose some spaces to allow for increased setbacks. Mr.

Deitchman said that he has met with the neighbors and showed them the plans for the parking lots. He then had them sign a letter stating they were in agreement with the plans. The plans showed the proposed parking lots and the setback lines, and also addressed the dumpster location (which was moved from 1524 to 1526 North Second Street), and the fact that the restaurant (Bayou 15) will not use their dumpsters. It was only a few days ago that he discovered the neighbors did indeed have concerns, and he did not have adequate time to address them. Ms. McGrory did say that the dumpsters are still too close to her property. She confirmed that Mr. Deitchman did hold a meeting with the neighbors, but he only provided them with a 24 hour notification. Furthermore, he did not provide them with enough time to adequately review the plans and absorb the effects on the neighborhood. Mr. Deitchman said that he can keep the dumpsters on Harris Street, if that is the best solution.

Commissioner Shaeffer then asked if keeping the dumpsters on Harris Street was the best solution. Mr. Deitchman said that his options are either to keep the dumpsters where they are now (Harris Street) or move them onto his property. Commissioner Alsberry asked staff if the dumpsters were permitted to be on Harris Street. Staff said the dumpsters have always been at this location. They did not know if this was approved or not, but they would speak to Public Works.

Commissioner McKissick asked if there were other properties nearby that could be used to provide off-street parking. This is done in other areas, where someone can have off-street parking, but it may be a block away. Mr. Deitchman was not aware of any properties at this time, and reminded the Board that his plan is to bring the off-street parking requirements into conformance with the current Zoning Code. Mr. Anthony Pascotti asked the Commissioners if the concern is about the parking lot or just the setbacks. Commissioner McKissick said they are trying to determine the right level of setback relief, and one solution may be to use another property down the street to make up for the loss of spaces along Front Street and Second Street.

Commissioner Shaeffer asked what the timeline was for this project and the rental of the units. Mr. Deitchman said the renovations are more than 50% complete, and he would like to move forward in the next 60-90 days. Commissioner McKissick asked if Mr. Deitchman had considered the issue of parking before the renovations started. Mr. Deitchman said that he thought the additional parking would not be a problem, because he was expanding the parking for a non-conforming use to bring it up to current standards.

Commissioner Alsberry asked if the loss in parking spaces will have a financial burden on the property. Mr. Deitchman said that a fifteen (15) foot setback will result in the loss of nine (9) parking spaces.

City staff asked if the applicant was still considering the option to convert the apartments into condos. If so, a Subdivision Plan would be required, and must be approved by City Council. Mr. Deitchman said he was still considering this option. They would not be

subdivided into condo units, because the financing is too difficult to secure. However, there is an option to convert the property into a Planned Community. He will make that final determination in the near future, and will submit the Subdivision application to City staff by the next deadline (April 9th) if he moves forward with this option. Regardless of whether they are turned into units for rent or for sale, it still does not change the parking issue. The size of the building and the number of units will not change. His thought was to keep the Subdivision plan and the parking as separate issues. Another option he can consider is adding a parking garage. With the proposed parking lot, it would only provide one space per unit, the bare minimum.

Commissioner Shaeffer asked if the dumpster along Harris Street could be screened in. City staff said no, because the dumpster sits in the public right-of-way. Commissioner Shaeffer said the Commissioners support growth and benefits to the City, but they are just trying to be cognizant of everyone and everything. He said that the applicant should look at things from the neighbor's perspective.

Commissioner Jackson asked how often the City would collect the trash. Mr. Deitchman said in the past, the maintenance personnel would notify the City when the dumpster was full. The City would then put it on their schedule to collect the trash the next business day.

Commissioner Jackson asked how the recycling would be handled, and would that require more dumpsters. Ms. Jennifer Deitchman said that she has spoken to the Director of Public Works to discuss recycling options. First, they want to establish the location of the dumpsters, before they can finalize their options. Ms. Deitchman also stated that they are trying to maintain an environmentally friendly building. They have recycled all their discarded drywall to date. The renovated building will provide recycling for the residents, and will include indoor bike storage to try to reduce the need for a vehicle. They do realize that people will have vehicles, based on their needs, and they are trying to prepare for that reality.

Commissioner Alsberry said that his concern is the location of the dumpster. He asked if the dumpster could be moved, even if it meant losing more parking. Mr. Deitchman said that he originally had the dumpster on the other side of the parking lot (1524 North Second Street), but moved it to 1526 North Second Street based on conversations with the neighbors. He could consider moving it to the parking lot on North Front Street, but then the residents of Riverview Manor would have to carry their trash across the parking lot and the rear of the property, nearly 200-300 feet away from the building. Mr. Deitchman said that he would consider some alternative if he could compromise by adding additional spaces onto the Front Street parking lot.

City staff asked if the four parcels were still going through the process of being consolidated. Ms. Deitchman said the lots are not going to be consolidated. City staff said the application indicated that the lots were being consolidated, since the properties were owned by the same person, and the parking would be solely for the residents of Riverview Manor and the neighbors on this block. If this is not the case, then the lots

will have to be considered separately, and that would change the special exception reliefs.

Special Exception for 1517 North Front Street

Commissioner McKissick moved and Commissioner O'Toole seconded the motion to approve the Special Exception requests with the following conditions and for the reasons listed in the staff report for the case regarding 1517 North Front Street.

1. Rear Yard Setbacks: The screening line and rear parking lot setback line shall be setback a minimum of fifteen (15) feet from the property line, abutting 1516, 1518, 1520, and 1522 North Second Street. This will result in a minimal loss of proposed parking spaces (approximately nine spaces), while maintaining an appropriate amount of open space between the parking lot and neighboring residential properties.
2. Side Yard Setback, Northern Side: If the properties are not consolidated, the applicant must apply for special exception approval for the northern side yard setback and screening line.
3. Screening, Northwest Corner: The northwest corner of the parking lot must be screened, as it does not have an approved ingress or egress, nor does it abut the building. The final landscaping plan shall be reviewed by the Harrisburg Planning Commission.

The motion was adopted by unanimous vote (5-0).

Special Exception for 1524 and 1526 North Second Street

Commissioner McKissick moved and Commissioner Shaeffer seconded the motion to deny the Special Exception requests for 1524 and 1526 North Second Street, for the following reasons:

1. The requested relief was based on a lot consolidation, and as separate lots it does not meet the requirements for what was advertised.
2. Final determination must be made on the location of the trash and recycling receptacles.
3. The plans must be resubmitted to show the lots as one parcel, not two parcels.

The motion was adopted by unanimous vote (5-0).

ADJOURNMENT:

Commissioner O'Toole moved and Commissioner McKissick seconded the motion to adjourn. The meeting adjourned at 8:20 P.M.

