

MINUTES

**HARRISBURG PLANNING COMMISSION
REGULAR MEETING**

May 6, 2009

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

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

MEMBERS ABSENT: Joseph Alsberry, Chair

STAFF PRESENT: Candace H. Stowell, AICP, Deputy Director for Planning

OTHERS PRESENT: *For: 1517 North Front Street, 1524-26 North Second Street
(Riverview Manor)*

Dan Deitchman, owner

Jamie Pascotti, partner

Tim Wakefield, Flynn Group

Frank Grottola, Act One Consultants

William Sturges, resident 1518 N. 2nd Street,

Tom and Alice McGrory, resident, 1522 N. 2nd Street

For: 909 Green Street

Mayur Patel, Owner

For: 1215 Walnut Street

Nicol and Larry Brown, 4108 Hillsdale Rd, Owner

*David Wise, Summit Terrace Neighborhood Association, 1201
Summit Terrace*

Stan Potts, resident, 118 N. Summit Street

Leland Fels., 2014 Berryhill Street

Gary D. Forz, resident, 1200 S. 18th St.

Patrick McLamb, previous owner, 1815 Forster St.

Henry Hill, 1915 Brookwood

For: 1737-39 North Third St. (UMC Neighborhood Center)

Vivian Thompson, Executive Director, Neighborhood Center

Don Shover, Neighborhood Center Board of Directors

For: 3003 N. Front Street

Michael Frye, Murray Associates
Benedict Dubbs, Murray Associates
Tony Pascotti, Owner

For: 212, 214, 216 Chestnut, and 217 Blackberry
Charlie Courtney, McNeese Wallace and Nurick
Fred Krajacic, M & T Bank
Joseph Link, City Engineer and Exec. Director, Harrisburg Parking
Authority
Richard Kotz, CFO, Harrisburg Parking Authority

For: 212, 214, 216 Chestnut, and 217 Blackberry Street
Mark Stewart, on behalf of Penn National Insurance
Karen Yarrish, Penn National Insurance

CALL TO ORDER: 6:37 P.M.

MINUTES:

Minutes of the regular meeting on April 1 were approved. The motion was made by Commissioner Shaeffer, seconded by Commissioner Jackson, and approved unanimously (5-0).

ANNOUNCEMENT OF CONTINUANCES:

Commissioner McKissick announced that two cases had requested continuances until the June 3, 2009 meeting of the Harrisburg Planning Commission and if anyone from the public was in attendance, they should return in June to hear the Zoning Map Amendment for the Heim properties as well as the Conditional Use request for the 222 Briggs and 217 Forster Street. Mark Stewart, representing the Conditional Use request for 22 N. Second Street, requested a continuance until the June meeting as well. The Planning Commission agreed to continue all three cases until their June meeting. It was moved and seconded to continue all three cases until the June 3rd meeting of the Planning Commission. The motion was approved unanimously (5-0).

- Conditional Use for 22 North Second Street, zoned Planned Business 2 (PB-2), filed by ESL, Inc. As Trustee for Penn National Realty Trust (to request an extension of a Conditional Use permit for commercial parking spaces located within the Penn National garage). The applicant is now requesting approval of 175 commercial spaces instead of 250 spaces.
- Zoning Map Amendment for 1915, 1917, 1919, 1921, 1927 Brookwood Street; 625, 630, 631, 633, 635, 637, 639, 641 Dunkle Street, zoned Residential Zone No. 5 (R-5) and Business General (BG), filed by Edwin L. Heim Company (to rezone the properties from Business General (BG) and Residential Zone No. 5 (R-5) to Light Industry (ML)).
- Conditional Use for 222 Briggs Street and 217 Forster Street, zoned RLB (Residential Limited Zone B) & SID-1 (Special Intensity District No. 1), filed by 222 Briggs Street Partners LLC (to request an extension of a Conditional Use permit for 38 commercial parking spaces).

OLD BUSINESS:

1. **Special Exception for 1517 North Front Street, 1524 and 1526 North Second Street, zoned Special Planned Development (SPD) and Residential Planned Conversion (RPC), filed by Riverview Manor Associates, LLP (to review final landscaping plan).**

Candace H. Stowell stated that the Planning Bureau had provided a copy of the landscaping plan to the Parks and Recreation Department and there were no concerns about the plan. Tim Wakefield represented the owner and provided an update on the landscaping plan for the Riverview Manor parking lots on North Front Street and North Second Street for Riverview Manor. Mr. Wakefield explained that the owner would install Cleveland Pear Trees for screening and shading. The parking lot on North Second Street would have a curvilinear pattern along the south side now that the parking spaces had been eliminated on the southern side of the parking lot.

Commissioner McKissick inquired about the status of the trash dumpster. Mr. Deitchman stated that the trash dumpster was removed from the North Second Street parking lot and will stay on Harris Street for the time being. In the future, he might propose a new trash enclosure for the dumpster. Ms. Stowell stated that the Public Works Department had indicated that Public Works had no concerns with the current location of the dumpster on Harris Street. When the dumpster had been moved back into the garage, it was sometimes difficult for Public Works to access the dumpster due to cars blocking the dumpster on Harris Street. There were no other questions from the Planning Commissioners.

Commissioner McKissick asked for comments from the public. Mr. Sturges and the McGrorys reviewed the landscaping plan. Mr. McGrory indicated concern about the views of the Riverfront and drainage from the N. Second Street Parking Lot. Joe Link, City Engineer, was in attendance, and stated that he had reviewed the plans and approved the infiltration trenches.

Commissioner O'Toole moved and Commissioner Jackson seconded the motion to approve the landscaping plan associated with the request with the conditions and for the reasons listed in the staff report. The motion was adopted by unanimous vote (5-0).

NEW BUSINESS:

2. **Variance for 909 Green Street, located within the Residential Limited Zone B (RLB) zoning district, filed by TKP Schoolhouse Associates, LLC (to request a new use variance to convert a former school into a mixed-use building with 22 residential apartments and 6,000 square feet of commercial office space).**

Candace H. Stowell gave a synopsis of the case report. Mr. Mayur Patel, owner, represented the case. Commissioner Shaeffer asked what types of businesses would be located in the building. Mr. Patel stated that he had been approached by nonprofit organizations as well as attorneys.

Commissioner Jackson asked if the units in the building would all be the same size. Mr. Patel stated that the units would have different sizes and that some of the units had more square footage than the previous plan. The units would range in size from 500 to approximately 750 square feet. Mr. Patel stated that these units would be fully furnished apartments and not extended stay hotel rooms.

Commissioner O'Toole moved and Commissioner Jackson seconded the motion to approve the request with the conditions and for the reasons listed in the staff report. The motion was adopted by unanimous vote (5-0).

3. **Special Exception for 1737-39 North Third Street, located within the Residential Planned Conversion (RPC) zoning district, filed by Neighborhood Center of the United Methodist Church (to request relief of the height requirements for fences in the front yard of a property zoned residential and replace the existing four (4) foot high fence with a five (5) foot high fence).**

Candace H. Stowell gave a synopsis of the case report. Ms. Vivian Thompson, Executive Director of the Neighborhood Center, represented the case.

No public comment was given.

Commissioner Burns moved and Commissioner O'Toole seconded the motion to approve the request with the conditions and for the reasons listed in the staff report. The motion was adopted by unanimous vote (5-0).

4. **Special Exception for 1215 Walnut Street, located within the Residential Single-Family Zone D (R1D) zoning district, filed by Mr. Larry Brown and Ms. Nicol Brown (to convert one non-conforming use (a barbershop) to another non-conforming use (a neighborhood grocery store), and request 100% relief of the off-street parking requirements).**

Candace H. Stowell gave a synopsis of the case report. Nicol Brown and Larry Brown, Sr., owners, represented the case. Ms. Brown stated that the property had become an eyesore and the goal was to create a safe place. Ms. Brown stated that she and her husband own several other properties in Harrisburg and care about the community and will join the Summit Terrace Neighborhood Association. The Browns submitted a petition signed by over 70 neighbors in support of the proposed grocery store. There will be two part-time employees at the store and surveillance cameras will be installed on the inside and outside of the store.

Commissioner Shaeffer expressed concern about trash and litter as people leave the store and asked how this would be addressed. Ms. Brown stated that they would have trash receptacles outside the store.

Mr. Jackson asked what the owners would name the store. Mr. Brown stated that a name had not been selected yet. Mr. Jackson stated that it would be good to have a name that

reflected the history of the neighborhood and he would like to see the property put to good use. Commissioner McKissick expressed concern about signage. Commissioner Burns encouraged the Browns to work with Mr. Wise and the Summit Terrace Neighborhood Association.

There were several comments from the public. David Wise of the Summit Terrace Neighborhood Association stated that the Association was opposed to this application. The neighborhood has tried to attract new residents, particularly homeowners, to Summit Terrace and it has been difficult to deal with non-conforming uses. Mr. Wise stated that the Association did not want any signs advertising products and did not want any bars on the windows and there should not be any outside cooking.

Mr. Stanley Potts stated that he is a resident of the neighborhood and is in support of the proposed store. Another resident expressed support and noted that there have always been corner stores.

Commissioner O'Toole moved and Commissioner Jackson seconded the motion to approve the request with the conditions and for the reasons listed in the staff report. The motion was adopted by unanimous vote (5-0).

5. **Special Exception for 3003 North Front Street, located within the Special Planned Development (SPD) zoning district, filed by 3003 North Front Street Associates (to request relief of the signage requirements to allow one self-illuminating wall sign that is 3'8" x 16'4" in size, and one freestanding sign that is 5'6" x 7'6" in size.).**

Candace H. Stowell gave a synopsis of the case. Michael Frye of Murray Associates and Tony Pascotti, owner, represented the case. Mr. Frye stated that the special exception request for the wall sign was due to the tenant and the developer is willing to withdraw the special exception request for the wall sign at 3003 N. Front Street. Mr. Frye stated that the developer is only interested in installing the freestanding (monument) sign and Mr. Frye presented visual aids showing the location, design, and landscaping associated with the proposed freestanding sign.

Commissioner McKissick noted that the Planning Commission often tries to recognize the need for signs to be sized with some relationship to the size of the building. There were no questions from the Planning Commission.

No public comments were given.

Commissioner Burns moved and Commissioner O'Toole seconded the motion to approve the request for the freestanding sign with the conditions and for the reasons listed in the staff report. The motion was adopted by unanimous vote (5-0).

6. **Conditional Use for 212, 214, and 216 Chestnut and 217 Blackberry Street, located within the Planned Business Zone 2 (PB-2) zoning district, filed by M&T Bank (to request an extension of a Conditional Use permit for sixty (60) commercial parking spaces).**

Candace H. Stowell provided a synopsis of the case. Charlie Courtney of McNees Wallace and Nurick represented the case and was joined by Fred Karajac of M & T Bank. Mr. Courtney stated that the garage is primarily used for M & T and M & T was not aware of the conditional use permit due to the change in owners over the years. M & T is a bank and does not want to compete with the Harrisburg Parking Authority. M & T is amenable with the conditions in the case report and believes continuing the commercial parking spaces until December 2009 will provide sufficient time for the tenants to find new parking spaces.

Joe Link, City Engineer and Executive Director for the Harrisburg Parking Authority, explained HPA's opposition to the continuation of conditional use permits for commercial parking. All of the existing conditional use permits drain revenue from HPA and HPA's debt is actually over \$100 million. Although HPA concurred with the approval of conditional use permits in the past, HPA can no longer approve these permits due to the need to provide revenues for the City's General Fund. Mr. Richard Kotz, Chief Financial Officer for HPA, stated that there are now 7,000 parking spaces in the HPA garages. The case report documented almost 700 empty parking spaces which is the equivalent of one parking garage.

No public comments were provided.

Commissioner Shaeffer moved and Commissioner Burns seconded the motion to approve the request with the conditions and for the reasons listed in the staff report. The motion was adopted by unanimous vote (5-0).

ADJOURNMENT:

Commissioner Shaeffer moved and Commissioner O'Toole seconded the motion to adjourn. The meeting adjourned at 8:08 p.m.