

MINUTES

**HARRISBURG PLANNING COMMISSION
REGULAR MEETING**

June 3, 2009

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

MEMBERS PRESENT: Joseph Alsberry, Chair
Elaine R. Burns
Calobe Jackson, Jr.
Shaun E. O'Toole
Ronnie G. Shaeffer

MEMBERS ABSENT: Vern McKissick, III, Vice-Chair

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

OTHERS PRESENT: *For: 22 North Second Street*
Mr. Mark Stewart, Esq.
Mr. Ken Shutts, President for Penn National Insurance
Ms. Karen Yarrish
Mr. Brent Reifsnnyder
Mr. Joseph Link, City Engineer

For: 222 Briggs Street and 217 Forster Street
Mr. Andrew Giorgione, Esq.
Mr. Greg Rothman, owner

For: 1201 Cumberland Street
Ms. Catherine Hoover, Raudenbush Engineering
Mr. Doug Gamber, Raudenbush Engineering
Mr. Robert Grosko, Harrisburg Housing Authority

For: 110-22, 124, 140 South 17th Street; 47 South 14th Street
Mr. Mark Chrysler, Allison Hill Partners, LLC
Ms. Jeannine Peterson, CEO of Hamilton Health Center
Ms. Paige Matthew, Esq., 2050 Linglestown Road
Mr. Jim Snyder, 200 Linglestown Road
*Ms. Susan Mulford, Neighborhood Plan Coordinator, Community
Action Commission (CAC)*

For: South Allison Hill/Mt. Pleasant Neighborhood Plan
*Ms. Susan Mulford, Neighborhood Plan Coordinator, Community
Action Commission (CAC)*

*For: Discussion of proposed Municipal Historic Districts
Mr. Craig Peiffer, Planning Bureau*

CALL TO ORDER: 6:30 P.M.

MINUTES: Minutes of the regular meeting on May 6, 2009 were approved. The motion was made by Commissioner Shaeffer, seconded by Commissioner O'Toole, and approved unanimously (5-0).

OLD BUSINESS:

- 1. 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)).**

The applicant requested a one month continuance to present their case at the July 1, 2009 Planning Commission meeting.

Commissioner Burns moved and Commissioner Jackson seconded the motion to approve the request to continue the case until the July 1, 2009 meeting. The motion was adopted by unanimous vote (5-0).

- 2. Conditional Use for 22 North Second Street, located within the Planned Business 2 (PB-2) zoning district, 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.)**

Ms. Boyer gave a synopsis of the case report. The staff recommendation is to renew the Conditional Use only until December 31, 2009. One correction to the case report was that the Harrisburg Parking Authority has over \$100 million of debt, not \$1 million. Ms. Boyer also noted that the 175 spaces generate approximately \$273,000 a year, at a minimum of \$130.00 per parking space.. Mr. Mark Stewart, Esq., Mr. Ken Shutts, President of Penn National Insurance, Ms. Karen Yarrish, and Mr. Brent Reifsnyder represented the case. Mr. Stewart indicated that the applicant is not amenable to the conditions in the Planning Bureau staff report.

Mr. Stewart provided handouts to the Commissioners referencing several sections of the development agreement between Penn National Insurance (PNI) and the City of Harrisburg. In the early 1990s, PNI was seeking a larger facility outside of the City, when the City met with them to discuss alternative options. A development agreement was drafted and signed to allow PNI to build an office building and parking garage, with the garage located at 22 North Second Street. As part of the agreement, Mr. Stewart stated that Section 39.1 allowed PNI to determine if they had access parking capacity, and PNI could lease these spaces as a Conditional Use. PNI feels this contract binds the

City to a different standard than the Zoning Code. This agreement is still in place today and should be honored.

Commissioner Alsberry asked if anyone from the public would like to speak about this project. Mr. Joseph Link, Executive Director of the Harrisburg Parking Authority (HPA), spoke in opposition to this request. Mr. Link stated that HPA is opposed to approving the Conditional Use permit for the reasons listed in the staff report. Currently, HPA has more than 700 spaces available for lease in its parking lots and garages. Mr. Link reminded the Commissioners of the Coordinated Parking Fund agreement from the 1970s between HPA and the City. It states that the revenue generated from the parking garages will be used to pay the expenses for HPA, with the remaining funds going to the City's General Fund. By the 1980s, HPA had become solvent, and has remained solvent ever since then. If the City continues to allow Conditional Use permits, HPA will not be able to support the City. This could ultimately result in the City raising taxes to make up the difference. Currently, HPA has over \$100 million in debt. With the economic downturn, HPA continues to lose spaces on a regular basis. Some reasons for the loss of customers include those who have lost their jobs, changed jobs to a company outside the City, carpooling to work, and the use of public transportation rather than one's own personal vehicle. Mr. Link continued on to say that each year HPA starts with a zero balance. There is a small amount of money reserved each year for maintenance expenses. Mr. Link's concern now is that with the loss of contracted customers, HPA may not be able to pay the City this year.

Commissioner O'Toole wanted to know who currently leases spaces from PNI and how many spaces are leased. Mr. Stewart said that there are historical users who have been leasing spaces with PNI since they first moved into the building. There are approximately 30 spaces used free of charge by the City of Harrisburg, 34 spaces are leased to the Rose Development Group, who are the owners of Keystone Plaza, 40 spaces are leased to PHFA, and several other spaces are leased to various customers. For historical users, there has not been much turnover. Only recently did Harristown Development terminate their lease, because they began leasing spaces in the Harrisburg University garage.

Commissioner Jackson stated that when he was on the School Board, the development agreement was presented to PNI to keep their business located in the City. The thought was that City Council would still have to review the Conditional Use permit and make a final determination. Mr. Stewart said that while PNI does not want to lease the spaces in perpetuity, he disagrees with the conditions in the staff report. They would like to have the option to renew the Conditional Use in the future.

Commissioner O'Toole stated that he would be inclined to vote against what PNI was asking for in their presentation. Commissioner O'Toole's interpretation of the development agreement was that if a customer terminated their lease agreement with PNI, then PNI could lease the spaces to someone else, just not existing contracted customers with HPA. Mr. Stewart noted that Ms. Judy Schimmel, the former Assistant City Solicitor, at one time monitored contracted customers. Commissioner O'Toole asked if PNI would be inclined to not lease spaces once existing customers left.

Mr. Joe Link explained that the City began parking in PNI's garage when PNI asked the City to remove 18 parking spaces from Walnut Street. At the time, several first response Fire and Police Officers parked on Walnut Street. Once PNI constructed their building, they found it difficult to exit the facility when cars were parked on Walnut Street. To alleviate this problem, PNI offered the City 18 parking spaces free of charge in their garage. HPA would be willing to provide free spaces to the City, instead of having the City use PNI's garage. Mr. Link and Mr. Stewart both indicated that there are several City vehicles who still park on Walnut Street. This is a separate matter that is actively being discussed between PNI and the City.

Commissioner Shaeffer wanted to know if PNI plans to build a second tower. Mr. Shutts said that it is a possibility in the future. The time in which this occurs depends on economic conditions and the rate in which the company expands its business.

Commissioner O'Toole originally stated that a continuance of five (5) years would be appropriate for the Conditional Use. One condition of this approval was that if PNI wanted to sign leases with new customers, they would have to receive written confirmation from HPA that the potential customer did not have a contract with HPA. He also suggested that someone should monitor this process.

Ms. Stowell expressed concern for allowing the Conditional Use permit to continue. Ms. Stowell said it is in the best interest of the City to end these permits. The Penn National agreement never mentioned a specific amount of spaces that could be designated for commercial leasing, and that the original Conditional Use request in 1998 was for 60 spaces. Their last request in 1999 was for 250 spaces, and their current request is for 175 spaces. Additionally, PNI must go through the same process as anyone else if they want a Conditional Use permit. Ms. Stowell stated that the City would like to see a much smaller amount of spaces being dedicated in the PNI garage to be leased commercially, even if this is on a permanent basis. This would eliminate the need to have PNI come through the Conditional Use process every couple of years. Ms. Stowell also stated that it would be in the best interest for the City to discontinue using spaces in the PNI parking garage.

Commissioner O'Toole moved and Commissioner Burns seconded the motion to allow Penn National Insurance to continue the leasing of 175 commercial spaces as a Conditional Use for a period of two (2) years, ending on December 31, 2011, with the following conditions:

1. The 175 commercial parking spaces are permitted as a Conditional Use until December 31, 2011.
2. The rate structure shall not be less than the rate structure of the Harrisburg Parking Authority.
3. Penn National Insurance shall not be permitted to lease spaces to transient customers (i.e. on an hourly basis).

4. Penn National Insurance cannot enter into any new contracts or modify any existing contracts until written consent is given from the Harrisburg Parking Authority. The Harrisburg Parking Authority does have the right to object to the contract provided they can prove the proposed contract is with an existing contracted customer of Harrisburg Parking Authority.

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

3. **Conditional Use for 222 Briggs Street and 217 Forster Street, located within the RLB (Residential Limited Zone B) & SID-1 (Special Intensity District No. 1) zoning district, filed by Buchanan Ingersoll & Rooney, PC (to request an extension of a Conditional Use Permit for 38 commercial parking spaces).**

Ms. Boyer gave a synopsis of the case report. One correction to the case report was that the Harrisburg Parking Authority has over \$100 million of debt, not \$1 million. Ms. Boyer also noted that the 38 spaces generate approximately \$59,280 a year. Mr. Andrew Giorgione, Esq. from Buchannan Ingersoll & Rooney, PC and Mr. Greg Rothman from 22 Briggs Street Partners, LLC represented the case. Mr. Giorgione indicated that the applicant is not amenable to the conditions in the staff report. Mr. Giorgione stated that it was in their best interest to withdraw the application at this time. The applicant does not believe a Conditional Use permit is required for the commercial parking at this location.

NEW BUSINESS:

4. **Sketch Plan for 1201 Cumberland Street, located within the Residential Zone No. 4 (R-4) zoning district, filed by Harrisburg Housing Authority (to complete various site improvements and renovation to the William Howard Day homes).**

Mr. Doug Gamber and Ms. Catherine Hoover from Raudenbush Engineering and Mr. Robert Grosko from the Harrisburg Housing Authority (HHA) presented a Master Plan to the Commissioners for the renovations to the William Howard Day Homes. Mr. Gamber indicated that the William Howard Day Homes were constructed in the 1940s. There are 17 buildings with a total of 244 housing units on 15 acres of land. The Master plan will be completed in phases over the next 5-10 years, with each phase being completed as funding becomes available. The Master Plan includes positive renovations to increase mobility and circulation in the community, provide additional parking (only 92 spaces exist currently), increase marketability of the units, provide private roads for service vehicles, and various other improvements.

Mr. Gamber stated that renovation work is scheduled to begin this summer on Phase I of the project. Phase I will include four buildings -- C, D, H, and G. There will be recreation and parking improvements, organized trash collection using a tote system, and the creation of additional recreational amenities such as basketball courts, playgrounds, and pavilions. Phase I will also include additional lighting for added safety and security, construction of porches on the front of the homes to enhance the architectural features, and some units will become ADA compliant. Phase I has three, two-bedroom units and

one, three-bedroom unit that will become ADA compliant. The Harrisburg Housing Authority will renovate one bedroom units to be ADA compliant in later phases of the project.

Mr. Gamber also noted that they had spoken to the City about vacating a portion of Cumberland Street. At this time, they feel it is not necessary to request the street vacation, but they may look to do this in the future.

Commissioner Jackson asked if there was any stimulus money awarded to this project. Mr. Grosko said they received some money from the American Recovery and Reinvestment Act.

Commissioner Jackson said that in the past there has been identification of famous people who grew up in this complex. He said that the Housing Authority should look into having a plaque or marker to signify the historical significance for famous people who once lived in this community. This could also help increase the identity of the homes in the City.

Commissioner Shaeffer wanted to know more information about the lighting plan. Mr. Gamber said the additional lighting would most likely be placed on the structures. This will help prevent light spill into neighboring homes. There will be additional lighting provided in the public spaces to increase safety and security.

5. Special Exception for 110-22, 124, 140 South 17th Street; 47 South 14th Street, located within the Light Industrial (ML) zoning district, filed by Allison Hill Partners, LLC (to request approval of a health care institutional use for Hamilton Health Center).

Ms. Boyer gave a synopsis of the case report. Mr. Mark Chrysler from Allison Hill Partners LLC, Ms. Jeannine Peterson, CEO of Hamilton Health Center, Ms. Paige Matthes, Esq. and Mr. Jim Snyder represented the application. Mr. Chrysler indicated that they are amenable to the conditions in the Planning Bureau report.

Mr. Chrysler provided some additional information about the location of the properties. With the new healthcare facility, the renovations will include new window and fenestration improvements. The building and the entire property will be ADA compliant. Landscaping will be done around the entire property for aesthetic purposes, and to provide adequate screening of the surface parking lots. Some of the parking will be secure. Mr. Chrysler also noted that the existing properties will be combined into one lot; including the lot add-on for the portion of the property at 47 South 14th Street.

Ms. Peterson provided a brief background about Hamilton Health. Ms. Peterson said that Hamilton Health has been in existence for more than 40 years, and their focus is on the needs of the uninsured and the underinsured. Hamilton Health was one of the first federally insured health entities and there is no other facility like it within a 25 mile radius. Each year Hamilton Health is seeing approximately a 9% increase in patients. During these current economic conditions, they are experiencing a growth in persons who are still employed, but

have lost their health insurance through their employer. The patients who come here are multi-lingual (25%), and Hamilton Health does have translators and bi-lingual services available. Hamilton Health Center would like to relocate to this area of South Allison Hill for several reasons. First, the new facility would allow them to consolidate most of their services into one building. Second, this facility would be a state of the art facility, and no other of its kind would exist currently within the state. Third, the new facility would allow them to double their capacity, allowing them to serve 25,000 people a year. Finally, they would like to reuse the existing building, rather than building a new one. This facility is on one floor and one level, allowing ease of access.

Commission Alsberry asked if anyone from the public would like to speak about this project. Ms. Susan Mulford from the Community Action Commission (CAC) stated she is in favor of this project. The CAC is anticipating this use, knowing that it will bring many good things to this neighborhood. The relocation of Hamilton Health to this area will provide jobs and needed services to the South Allison Hill neighborhood.

Commission Alsberry noted his appreciation for Hamilton Health wanting to clean up this property. He also was in favor of the additional off-street parking spaces that are being provided. His only suggestion was that Hamilton Health must make sure that the lighting is adequate for the property. He wants to see them take a sensitive approach, making sure all lighting does not spill into public right-of-ways and neighboring properties.

Commission Alsberry wanted to know which offices would be closing. Ms. Peterson said that the office at 1821 Fulton Street will be closing. The dental services at 1624 Walnut Street will move into the new facility, but the building will still be used for other services. WIC will move out of the property at 500 Kelker Street. Pediatric medical and dental services will remain at the Downey School and services will open up next year in the Camp Curtin School. Ms. Peterson also noted that Hamilton Health completed a feasibility study and found that most of their patients live in the 17104 zip code.

Commissioner Burns stated that this is a wonderful project, and she believes it will improve the area and bring in more development opportunities.

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).

6. Discussion of the South Allison Hill/Mt. Pleasant Neighborhood Plan (2009-2015), presented by Ms. Susan Mulford, Neighborhood Plan Coordinator for the Community Action Commission (CAC), to discuss the Draft Neighborhood Plan.

Ms. Susan Mulford, the Neighborhood Plan Coordinator for the Community Action Commission (CAC) presented information to the Commissioners about the South Allison Hill/Mt. Pleasant Neighborhood Plan. Ms. Mulford noted that the South Allison Hill Planning Committee has been in place for more than ten years. During that time, they have worked on a revitalization plan for the South Allison Hill/Mt. Pleasant neighborhood. The CAC leads the plan. Now, they are continuing to work on the

neighborhood plan for the next six years. During this time, their goals will be to clean up the trash in the neighborhood and reduce the amount of criminal activities that occur in the neighborhood. Their city design goals include an initiative plan, which addresses the need for walking trails, bicycle routes, and improvements to vehicular circulation, including changing the directional flow of traffic on Swatara Street. Their target area is South 17th Street between Derry and Berryhill Streets. They would also like to enhance the Mt. Pleasant historical district, and identify other homes in the neighborhood that are of historical importance. The CAC would also like to have more bus route stops along this area of South 17th Street. They hope to see this goal achieved with the opening of the Hamilton Health Center at 110-22 South 17th Street.

Commissioner Jackson wanted to know what the boundary lines are for the South Allison Hill neighborhood. Ms. Mulford said the neighborhood is bound by Market Street to Paxton Street, and Cameron Street to 18th Street. The South Allison Hill neighborhood is Census Tract 213. It is the most densely populated census tract, with more than 6,500 residents in a 1/2 square mile.

Commissioner Shaeffer wanted to know if anything was being done to address the safety concerns in the neighborhood. Ms. Mulford said they are addressing this problem. They have installed security cameras on several buildings, with more cameras becoming available shortly through the Weed and Seed program. Additionally, the installation of lighting and other street initiatives, including the creation of safe walking areas, is part of the first phase of the plan.

7. Discussion of the proposed Municipal Historic District for Front Street and Academy Manor, presented by Craig Peiffer, Urban Planner II, from the City of Harrisburg's Planning Bureau.

Mr. Craig Peiffer, from the Planning Bureau, discussed the proposed creation of two more municipal historic districts. Mr. Peiffer said that neighbors have been increasingly asking questions about preserving these areas of the City. There is concern that some of the more historically significant buildings could be demolished or altered.

Mr. Peiffer spoke first about the proposed district for the Academy Manor neighborhood, which is bound by Front Street to the west (from 2905 North Front Street to 2949 North Front Street), Division Street to the south, and Parkside Lane to the east. The Academy Manor District was previously recommended for approval by the Planning Commission in June 2005, but did not receive action by the City Council. The Academy Manor Neighborhood, named for its proximity to the early 20th century site of the Harrisburg Academy, is significant as one of only several Harrisburg neighborhoods to include protective building restrictions in its deeds. Annexed into Harrisburg in 1917, the planned community stipulated building setbacks, lot sizes, and uses. More specifically, no mercantile establishments were permitted, nor hospitals, public garages, fences, billboards or objectionable obstructions. Apartment houses were not allowed on Riverside Drive (Front Street) or on Second Street. In addition, all house plans were subject to the criticism of two disinterested architects as to exterior design. The Academy Manor Historic District was determined eligible for listing on the National Register of Historic

Places by the Pennsylvania Historic and Museum Commission's (PHMC) Bureau for Historic Preservation on March 25, 2005.

The North Front Street District is proposed for parcels with frontage only on Front Street starting at 2147 N. Front and continuing until 3207 N. Front. The North Front Street District is significant for its relation to Riverfront Park and the Susquehanna River, as perhaps one of the most significant features of Pennsylvania's Capital City that evokes its trademark character. Front Street's legacy is further embodied by the mansions that evolved from south to north from the late 18th and early 19th centuries to the early 20th century at its northern end. The Planning Bureau will need to submit an application to PHMC in order to certify that the North Front Street District is historically significant.

The proposed schedule is as follows (*these dates are tentative and subject to change*):

Academy Manor

- Wednesday, July 15th, Public Meeting for Property Owners and Interested Citizens
Location TBD
- Wednesday, August 5th, Harrisburg Planning Commission
- Tuesday, September 8th, City Council, Introduction of Amendment to the Zoning Map

North Front Street

- Wednesday, September 16th, Pennsylvania Historic and Museum Commission, Bureau for Historic Preservation, Certification of Historical Significance
- Wednesday, September 30th, Public Meeting for Property Owners and Interested Citizens
Location TBD
- Wednesday, October 7th, Harrisburg Planning Commission
- Tuesday, October 27th, City Council, Introduction of Amendment to the Zoning Map

ADJOURNMENT:

Commissioner Shaeffer moved and Commissioner Jackson seconded the motion to adjourn. The meeting adjourned at 9:00 P.M.