

MINUTES

**HARRISBURG PLANNING COMMISSION
REGULAR MEETING
July 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
Elaine R. Burns
Calobe Jackson, Jr.
Shaun E. O'Toole
Ronnie G. Shaeffer

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

OTHERS PRESENT: *For: 2400-02 North Sixth Street*
Ms. Helen Evans, President and Founder of The Resting Place

For: 305 North Front Street
Mr. Tom Flynn, owner
Mr. James Pascotti, partner

CALL TO ORDER: 6:35 P.M.

MINUTES: Minutes of the regular meeting on June 3, 2009 were approved. The motion was made by Commissioner Shaeffer, seconded by Commissioner Burns, and approved unanimously (6-0).

OLD BUSINESS NOT BEING HEARD:

- 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 August 5, 2009 Planning Commission meeting.

NEW BUSINESS:

2. **Special Exception for 2400-02 North Sixth Street, located within the Residential Professional Office (RPO) zoning district, filed by Ms. Helen Evans (to establish a community center and request relief of the off-street parking requirements).**

Ms. Boyer gave a synopsis of the case report. Ms. Helen Evans, President and founder of The Resting Place represented the application. Ms. Evans indicated that she is amenable to the conditions listed in the staff report. Ms. Evans noted that the project is a goal of the Christ Community Church in Camp Hill, PA to bring a center such as this into the City of Harrisburg. The church has been planning this for nearly four years. Their goal is to provide school related services to areas of the City where there are low test scores and high crime and drug areas.

Commissioner Alsberry asked if the church was providing the finances to purchase the property. Ms. Evans said yes. Their plans are to only open up the first floor of the building, and expand into the second and third floors in a year or so. Right now they are focused on doing the necessary renovations to the building, including some new electrical work and installation of an ADA compliant bathroom.

Commissioner Alsberry asked if the volunteers would be driving to the site. Ms. Evans said that there is a possibility that some of the volunteers will walk to the center. She also said that while she plans to have eight volunteers, they may not all be there at the same time.

Commissioner Burns wanted to know what the target age range was for the children and how many would be at the center. Ms. Evans said the age range for children was 10-18 years old. She could not say how many children would be there, because they have the ability to come and go as they please. Ms. Evans did indicate that she will have the appropriate amount of volunteers at the center to watch over the children.

Commissioner Burns asked Ms. Evans if she or the church has been in contact with other centers in the area. Ms. Evans said they have been in contact with other centers. The church does have a relationship with the Center for Champions, and they look forward to partnering with them and others in the future.

Commissioner Alsberry asked Ms. Evans if she would be the Director of the facility. Ms. Evans said that she will oversee the program, but they do plan to hire a Director and an Assistant Director.

No public comments were issued.

Commissioner Alsberry mentioned that there were several petitions in the application packet showing support of the community center. Ms. Evans said that they did speak to members of the community, and many of the adults were in favor of having a center that would provide positive support for the children and give them an opportunity to get off the streets.

Commissioner Burns wanted to know who was funding the project. Ms. Evans said that the church is funding part of the project, and the rest of the money will come from smaller partners and donations. They are also looking into grants as a continuing funding source.

Commissioner Jackson asked if anyone had mentioned this project to the school district. Ms. Evans indicated that while they have not officially announced this to the school district, there is one teacher from Camp Curtin who has agreed to become a volunteer.

Commissioner McKissick asked staff about the condition in the staff report regarding clearances. Commissioner McKissick's concern was that the condition was not regulated by zoning. Commissioner Burns said that she was not willing to recommend approval without the condition. She asked who would require this condition if the Planning Commission did not require this. Staff thought it was an appropriate condition since the volunteers will be interacting with children, similar to regulations imposed on childcare centers. In addition, staff felt that the Planning Commission had the right to impose appropriate conditions with Special Exceptions.

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 a (4-1-1) vote. Commissioner McKissick voted against the motion, because of the condition of approval. Commissioner Shaeffer abstained.

3. Conditional Use for 305 North Front Street, located within the Special Planned Development (SPD) zoning district, filed by Harrisburg Riverfront Development (to request a Conditional Use Permit for 35 commercial parking spaces in an existing accessory parking facility).

Ms. Boyer gave a synopsis of the case report. Mr. Tom Flynn, owner of Harrisburg Riverfront Development represented the case. Mr. Flynn said he is not amenable to the conditions of approval listed in the report. Mr. Flynn informed the Commissioners that his development project began in 1988, with completion in 1989. Afterwards, the Flynn Group turned the parking garage and the building into a condominium, the first and only of its kind in the City of Harrisburg. The parking lots were individually sold to the tenants. Mr. Flynn noted that because of this project, he now receives 312 separate tax statements (one for each parking space), and pays 400% more in taxes than he would for one building. Mr. Flynn also noted that if the Conditional Use permit was not granted, he would just have the tenants sign a sales agreement, which would charge them a monthly fee. This fee would be the same amount as if he was leasing them out as commercial parking spaces. However, Mr. Flynn would like to avoid doing business this way. Mr. Flynn also noted that because he needs more parking spaces than what exists in his building, he leases out more than 100 spaces in the River Street garage. He noted that this is three times more than what he is asking for in his Conditional Use application.

Commissioner McKissick asked Mr. Flynn if he would be amenable to being required to lease a certain amount of spaces from HPA in exchange for the Conditional Use. Mr. Flynn indicated he would be amenable to this condition. He said that he is in favor of setting a ratio of 2:1.

Commissioner McKissick noted that there have been conflicts in the past with the Harrisburg Parking Authority and commercial parking lots. The first conflict started with a surface parking lot in the downtown area. The second instance was when the State built a new parking lot for its workers, resulting in a huge loss of leased spaces in the public parking system. Since then, the Harrisburg Parking Authority has not been able to recover its losses. Mr. McKissick noted that while he does believe this application will result in a minimal intrusion of the public parking system, he also knows that the Board must set precedence for these applications.

Commissioner O'Toole asked Mr. Flynn if all his leased spaces are in the River Street garage. Mr. Flynn said yes they are. Mr. Flynn indicated that PHFA leases 52 spaces from him, and McNees, Wallace and Nurick leases about 1/3 of the total spaces. The law firm allows all of their secretarial staff to park in the River Street garage, rather in Mr. Flynn's building. By doing so, this keeps staff from fighting for the "best" parking spot.

Commissioner Alsberry asked if anyone from the public would like to speak about this case. Mr. James Pascotti spoke in favor of this project. Mr. Pascotti indicated that this parking lot does not compete with the Harrisburg Parking Authority. Mr. Pascotti believes someone coming into the City would park in the River Street garage or other nearby garages, not Mr. Flynn's garage.

Commissioner McKissick asked if there is a secure entrance from the garage to the other buildings. Mr. Flynn said that the entryway to McNees, Wallace and Nurick's law firm is a covered walkway with lighting. It is not completely enclosed. Mr. Flynn also noted that the garage is closed at night, and there is a card access system for the garage.

Mr. McKissick indicated that the City should revisit the Conditional Use permit requirements when it revises its current Zoning Code.

Commissioner McKissick made a motion to amend the conditions listed in the staff report, as the applicant leases more spaces from the Harrisburg Parking Authority than they are requesting for the Conditional Use permit. The amended conditions are:

1. The applicant must lease a minimum of seventy (70) parking spaces from the Harrisburg Parking Authority at all times or the permit will be considered null and void.
2. The rate structure shall not be less than the rate structure of the Harrisburg Parking Authority.
3. The Conditional Use permit shall be valid for five (5) years from the date of City Council's approval.

Commissioner McKissick moved and Commissioner Shaeffer seconded the motion to approve the request with the amended conditions and reasons. The motion was adopted by unanimous vote (6-0).

ADJOURNMENT:

Commissioner Shaeffer moved and Commissioner Jackson seconded the motion to adjourn. The meeting adjourned at 7:45 P.M.