

INTER

OFFICE

MEMO

To: HARRISBURG CITY COUNCIL
From: Kirk Petroski, City Clerk
LEGISLATIVE APPROVAL FORM

Date:

LEGISLATIVE APPROVAL FORM/CERTIFICATE OF ACCEPTANCE

BILL NO. -2021 RESOLUTION NO. -2021

THE ABOVE LISTED ITEM WAS WRITTEN AND PREPARED FOR FINAL INTRODUCTION AT THE HARRISBURG CITY SOLICITOR'S OFFICE ON:

Affanie E. Baldock
Sr. Deputy City Solicitor

3/8/2021
Date

Requested by Department/Bureau: Planning

Department/Bureau Contact Person: Geoff Knight

For Action on or before: PUBLIC HEARING REQUIRED W/ STENOGRAPHER

The attached was received in the Office of the City Clerk for introduction on

Received by: _____

Date: _____

BILL NO. _____ OF 2021

Moved by: _____

An Ordinance vacating and striking from the Official Map of the City of Harrisburg various unnamed paper streets, Kelker Alley, and Walker Alley within the block bounded by Boyd Street, North 5th Street, Reily Street and Fulton Street pursuant to Chapter 3-109 of the Codified Ordinances of the City of Harrisburg.

WHEREAS, Kevin Baird on behalf of 400 Reily Street Management and KevGar Holdco, LLC submitted a Petition to Vacate Street (“Petition”) and Information Sheet which are attached hereto as Exhibit “A” and Exhibit “B”; and

WHEREAS, the Petition is signed by a majority of the owners, in number and interest, of the abutting properties in accordance with the Third Class City Code, 11 Pa.C.S. § 12918; and

WHEREAS, the portion of Kelker Alley being vacated runs from Fulton Street in the west to North 5th Street in the east and includes a rectangular area approximately 11.7 feet wide by 222.4 feet long. The portion of Walker Alley being vacated runs from Boyd Street in the north to Kelker Alley in the south and includes a rectangular area approximately 11.7 feet wide by 222.4 feet long. Additionally there are small rights-of-way within the block also being vacated; and

WHEREAS, the Applicant is the designated developer or the contract purchaser for 100% of total linear feet of property fronting the right-of-way to be vacated and all 19 properties adjacent to the proposed vacated areas; and

WHEREAS the Applicant shall identify any utilities running through or along the rights-of-way and, if necessary, propose a plan for relocation or continued access. Any existing utility easements shall be maintained or resituated during the eventual development of the parcels through the placement of new utility infrastructure; and

29 **WHEREAS**, the vacation of these rights-of-way will enable consolidation of the various
30 lots which will support the future development of the site as a new, mixed-use building with a
31 parking garage; and

32
33 **WHEREAS**, the public will benefit from the aesthetic improvements that the
34 development will provide, including the new development of a grocery store, demolition of
35 dilapidated buildings, development of vacant lots, the development of a parking structure and
36 streetscape improvements; and

37
38 **WHEREAS**, the City Engineer and Fire Bureau have no issues; and

39
40 **WHEREAS**, Capital Region Water is currently reviewing the application; and

41
42 **WHEREAS**, the Dauphin County Planning Commission’s comments are attached hereto as
43 Exhibit “C”; and

44
45 **WHEREAS**, the Harrisburg Planning Commission reviewed the Petition at its regular
46 meeting on March 3, 2021 and heard testimony from the Applicant and the report of the Planning
47 Commission staff, which is attached hereto as Exhibit “D”; and

48 **WHEREAS**, the Harrisburg Planning Commission by a unanimous vote of (7-0)
49 recommends that Harrisburg City Council approve the request with the following conditions:

- 50 1. If required by CRW or other utility providers, the Applicant shall execute easement
51 agreements with those providers to allow access to and maintenance of existing
52 infrastructure running through or along the right-of-way, or will have such infrastructure
53 formally abandoned.
54
55 2. The Applicant shall either coordinate with the City Engineer’s office to preserve the
56 existing granite curbs on-site for use elsewhere in the City, or incorporate the existing
57 granite curbs into the development in a way that highlights the unique asset.
58

59 **WHEREAS**, the Harrisburg Planning Commission recommends that Harrisburg City
60 Council approve the request for the following reasons:

- 61 1. The existing rights-of-way are essentially paper streets running through a vacant block of
62 property and are impassable to general vehicular traffic; as such, the vacation will not
63 have any impact on traffic circulation.
64
- 65 2. The proposed street vacation will permit the subsequent lot consolidation of the
66 properties on the block, thereby allowing eventual development of a mixed-use building
67 that will provide a variety of benefits to the neighborhood and the City overall.
68

69
70 **WHEREAS**, the Resolution of the Harrisburg Planning Commission is attached hereto as
71 Exhibit "E "; and

72 **WHEREAS**, as a requirement for final passage, City Council shall hold a public hearing
73 to consider the requested street vacation and provide public notice of said public hearing
74 pursuant to the Third Class City Code, 11 Pa.C.S. § 12919 and § 402(b) of the Pennsylvania
75 Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended; and
76

77 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
78 **HARRISBURG, AND IT IS HEREBY ENACTED BY AUTHORITY OF THE SAME**, as
79 follows:
80

81 SECTION 1. KELKER ALLEY VACATION. **BEGINNING** at a point,
82 said point being the intersection of the eastern right-of-way line of Fulton
83 Street with the northern right-of-way line of Kelker Alley; thence, along
84 said northern right-of-way line of Kelker Alley and lands now or formerly
85 of the following Tax Parcels, 06-08-025 Harrisburg Area Community
86 College, 06-08-019 Redevelopment Authority, 06-08-018 Redevelopment
87 Authority, 06-08-017 Redevelopment Authority, 06-08-005
88 Redevelopment Authority, North 60 degrees, 26 minutes, 31 seconds East
89 for a distance of 210.00 feet to a point; said point being the intersection of
90 the northern right-of-way line of Kelker Alley with the western right-of-
91 way line of Fifth Street; thence, along said western right-of-way line of
92 Fifth Street, South 29 degrees, 33 minutes, 29 seconds East for a distance
93 of 10.00 feet to a point; said point being the intersection of the southern
94 right-of-way line of Kelker Alley with the western right-of-way line of
95 Fifth Street; thence, along said southern right-of-way line of Kelker Alley,
96 and lands now or formerly of the following Tax Parcels, 06-08-006

97 Redevelopment Authority, a 3 foot pedestrian alley, 06-08-026
98 Redevelopment Authority, 06-08-027 Redevelopment Authority, 06-08-
99 028 Redevelopment Authority, 06-08-035 Dobson Family Partnership, 06-
100 08-029 Redevelopment Authority, 06-08-30 Redevelopment Authority,
101 06-08-031 Redevelopment Authority, 06-08-033 Redevelopment
102 Authority, and 06-08-032 Harrisburg Area Community College, South 60
103 degrees, 26 minutes, 31 seconds West for a distance of 210.00 feet to a
104 point said point being the intersection of the southern right-of-way line of
105 Kelker Alley with the eastern right of way line of Fulton Street; thence,
106 along said right-of-way line North 60 degrees, 26 minutes, 31 seconds
107 East for a distance of 10.00 feet to a point; the POINT OF BEGINNING.
108

109 **CONTAINING** 2100 square feet of land being known as Kelker Alley.

110
111 is VACATED and STRICKEN from the Official Map of the City of Harrisburg, subject to the
112 conditions noted in Section 2 below.
113

114

115 **WALKER ALLEY VACATION. BEGINNING** at a point, said point
116 being the intersection of the southern right-of-way line of Boyd Street with
117 the eastern right-of-way line of Walker Alley; thence, along said eastern
118 right- of-way line of Walker Alley and lands now or formerly of the
119 following Tax Parcels, 06-08-001 Redevelopment Authority, 06-08-002
120 Redevelopment Authority, 06-08-003 Redevelopment Authority, 06-08-
121 016 Redevelopment Authority, 06-08-005 Redevelopment Authority,
122 South 29 degrees, 33 minutes, 29 seconds East for a distance of 80.00 feet
123 to a point; said point being the intersection of the eastern right-of-way line
124 of Walker Alley with the northern right-of-way line of Kelker Alley;
125 thence, along the northern right-of-way line of Kelker Alley, South 60
126 degrees, 26 minutes, 31 seconds West for a distance of 10.00 feet to a
127 point; said point being the intersection of the northern right-of-way line of
128 Kelker Alley with the western right-of-way line of Walker Alley; thence,
129 along said western right-of-way line of Walker Alley, and lands now or
130 formerly of Tax Parcel 06-08-017 Redevelopment Authority, North 29
131 degrees, 33 minutes, 29 seconds West for a distance of 80.00 feet to a
132 point; said point being the intersection of the western right-of-way line of
133 Walker Alley with the southern right of way line of Boyd Street; thence,

134 along said southern right-of-way line of Boyd Street North 60 degrees, 26
135 minutes, 31 seconds East for a distance of 10.00 feet to a point; the POINT
136 OF BEGINNING.

137

138 **CONTAINING** 800 square feet of land being known as Walker Alley.

139

140

141 is VACATED and STRICKEN from the Official Map of the City of Harrisburg, subject to the
142 conditions noted in Section 2 below.

143

144 SECTION 2. RESERVATION OF EASEMENTS. The street vacation is granted with
145 easements under and upon the property reserved for the benefit of and conveyed to utilities, their
146 successors and assigns in which to access, construct, operate, maintain, repair, replace, improve,
147 remove and enlarge utility systems.

148

149 SECTION 3. RECORDATION. The City Engineer is hereby directed to make appropriate
150 changes to the Official Map of the City of Harrisburg.

151

152 SECTION 4. DELEGATION. Appropriate City officials are authorized and directed to take
153 such actions as are necessary to effectuate this ordinance.

154

155 SECTION 5. SEVERABILITY. If any provision, sentence, clause, section, or part of this
156 ordinance or the application thereof to any person or circumstance is for any reason found to be
157 unconstitutional, illegal, or invalid by a court of competent jurisdiction, such unconstitutionality,
158 illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences,
159 clauses, sections or parts of this ordinance. It is declared as the intent of the Council of the City
160 of Harrisburg that this ordinance would have been adopted had such unconstitutional, illegal, or
161 invalid provision, sentence, clause, section, or part not been included.

162

163 SECTION 6. REPEALER. All ordinances or parts of ordinances in conflict herewith be and the
164 same are hereby repealed.

165

166 SECTION 7. EFFECTIVE DATE. This ordinance shall take effect in accordance with the law.

167

168 Seconded by: _____

169

Exhibit A



PETITION TO VACATE A STREET

**The City Council
 The Rev. Dr. Martin Luther King, Jr. City Government Center
 10 North Second Street
 Harrisburg, PA 17101-1678**

To the Honorable Council Members:

We, the owners of properties abutting on the line of 1. Walker Alley 2. Kelker Alley
 (Street to be vacated)

between 1. Boyd Street
2. Fulton Street and 1. Kelker Street
2. Fifth Street
 (Nearest and Intersecting Streets)

in the City of Harrisburg, respectfully represent: That we are a majority in number of persons owning properties, or owners of a majority of the feet frontage abutting on the line of said highway between the points named, and that we desire the same to be vacated and stricken from the City Official Map.

And in consideration of the benefit and advantage which we believe will accrue to our properties by reason of said vacation and striking from the City Official Map, we do hereby covenant, promise, and agree that we and each of us will release and by these presents we do release the said City of Harrisburg of and from all damages or claims for damages by reason of the vacating and striking from the City Official Map of

1. Walker Alley
2. Kelker Alley between 1. Boyd Street
2. Fulton Street
 (Street to be vacated) (Nearest Intersecting Streets)

and 1. Kelker Street
2. Fifth Street
 (Nearest Intersecting Streets)

We, therefore, pray your Honorable Body to enact the necessary legislation to vacate and strike from the City Official Map, said Alleys between the points above named. And we will ever pray, etc.

Owner	Address	Frontage (in ft)	Date
By: The Redevelopment Authority of the City of Harrisburg	PO Box 2157 Harrisburg, PA 17105	-/+ 150' Kelker -/+ 80' Walker	2/19/21
By: Harrisburg Area Community College	1 Hacc Drive Harrisburg, PA 17110	-/+ 40' Kelker	2/19/21
By: Dobson Family Partnership	819 S. Cameron Street, Unit 2A Harrisburg, PA 17104	-/+ 10' Kelker	2/19/21
By: Charles M. Suhr, Esq. Attorney for Reily Street Management LLC & KevGar Holdco, LLC, as equitable owner of all properties			
By: <i>Charles M. Suhr, Esq.</i>			<i>2/19/21</i>



COMMONWEALTH OF PENNSYLVANIA :
 : SS:
 COUNTY OF DAUPHIN :

On this, the 19 day of February, 20²¹, before me, the undersigned officer a Notary Public in and for the Commonwealth of Pennsylvania, personally appeared Charles M. Suhr, who acknowledged him/herself to be the Attorney for 400 Reily Street Management, LLC and KevGar Holdco, LLC, as equitable owners of the properties herein and the he/she, of such office, being duly authorized to do so, executed the foregoing instrument for the purposes therein contained by signing for the equitable owners by him/herself as Attorney and deposes and says that the facts set forth in the foregoing petition are true and correct to the best of his knowledge and belief.

IN WITNESS WHEREOF, I hereto set my hand and official seal.

Melissa M Zeiders
 Notary Public

MY COMMISSION EXPIRES:

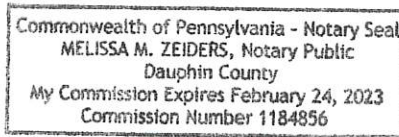


Exhibit B



CITY OF HARRISBURG STREET VACATION PETITION

Information Sheet

Note: The Planning Bureau must review all applications for completeness; incomplete applications may cause a delay in processing.

Contact Ben Schmidt at 717-255-6408 or brschmidt@harrisburgpa.gov to schedule a meeting.

Property Address of Owner See Attached Chart	Tax Parcel ID Number See Attached Chart
--	---

Street(s) or Portion Thereof to be Vacated 1. Walker Alley between Boyd Street and Kelker Alley 2. Kelker Alley between Fulton Street and Fifth Street

Criteria for Street Vacations: Provide as much information and be as specific as possible.
(Use Additional Sheets If Necessary)

1. Please explain the purpose of this request.
Redevelopment of entire city block per pending land development plans.

2. If the street vacation is approved, what benefit will it provide to the public?
See #1

3. If the street vacation is approved, how will it benefit the neighborhood and/or businesses?
See #1

4. Is the street vacation request consistent with the City's Comprehensive Plan, including the Transportation Element, and adopted regional transportation plans?
Yes



5. Has the traffic analysis report been performed no more than six (6) months prior to the application date? What are the average daily peak and nonpeak traffic trips?

Yes, as part of the pending land development plans. See TPD Report dated 2/17/2019.

See attached Report.

6. If the street vacation is approved, what is the transportation impact on the surrounding streets?

Very little impact anticipated with vacation of alleys and redevelopment of city block

7. If the street vacation is approved, will it impact future development of existing parcels adjacent to the portion of the street being vacated?

No negative impact. Redevelopment of city block will encourage redevelopment of neighborhood

8. What are the current maintenance costs to the City of Harrisburg (i.e. street cleaning, paving, maintenance of light fixtures, street repairs)? Will the applicant maintain or make improvements to the portion of the street being vacated?

current costs are unknown. Alleys will be eliminated so no future maintenance costs.

9. Does the applicant have the ability to undertake repair and maintenance of the street if the street vacation is approved?

N/A- alleys will be eliminated

10. If the street vacation is approved, what impact will it have on abutting property owners who did not sign the petition, if applicable?

N/A - all abutting property owners join herein

11. If the street vacation is approved, what impact will it have on emergency response providers?

None



Applicant

Name Kevin Baird

Company 400 Reily Street Management, LLC & KevGar Holdco, LLC

Address 8 Greenwood Circle, Wormleysburg, PA 17043

Phone 609-352-0149

Email KBaird@Houwzer.com

Main Contact for Project *(if different from the Applicant)*

Name same as above

Company _____

Address _____

Phone _____

Email _____

Property Owner *(if different from the Applicant)*

Name See attached Chart

Company _____

Address _____

Phone _____

Email _____

APPLICANT/OWNER CERTIFICATION

I hereby certify that the proposed request is authorized by the owner of record and that I agree to conform to all applicable laws of this jurisdiction. I understand that any falsification could lead to denial or criminal penalties, or revocation of any permit pursuant to this application. I agree that work will not commence prior to final approval.

Charles M. Suhr, Attorney for Applicant as equitable owners		2/19/2021
Applicant's Signature	Property Owner's Signature	Date

The owner must sign this application. The applicant signature is required when different from owner

Exhibit C

DAUPHIN COUNTY PLANNING COMMISSION

DAUPHIN COUNTY COURTHOUSE – HARRISBURG, PENNSYLVANIA 17101

STAFF OFFICE
112 Market Street, 2nd Floor
Harrisburg, Pennsylvania 17101-2015
Telephone 717-234-2639
Fax 717-234-4058
e-mail: planning@tcrcp-pa.org

March 1, 2021

Geoffrey Knight
Planning Director, City of Harrisburg
Department of Community and Economic Development
10 North 2nd Street, Suite 206
Harrisburg, PA 17101

Re: Street Vacation – Block of 430 Reily Street - Streets and Various Right of Ways

Dear Mr. Knight:

The Dauphin County Planning Commission reviewed the above-noted street vacation at its meeting on March 1, 2021.

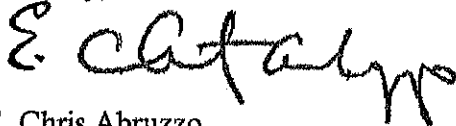
The application seeks to vacate various unopened alleys and other public right of ways within the block of Boyd Street, North 5th Street, Reily Street and Fulton Street. The named alleys include Walker Alley and Kelker Alley. The request is associated with a lot consolidation and land development plan for Harrisburg Towers. This proposed development will encompass the entire block. The unopened alleys will be assembled with other parcels into one lot for the purpose of the development.

Both Walker Alley and Kelker Alley are covered in vegetation and do not appear to have served as a public way or access to the neighboring properties for a considerable time.

The Dauphin County Planning Commission concurs with the proposed vacation, provided that existing and future access to utility service and maintenance are not adversely affected. Please direct any questions concerning this review to Gerard Duke, AICP at the above staff office.

Thank you for the opportunity to review this proposal.

Sincerely,



E. Chris Abruzzo
Chairman

Exhibit D



Eric Papenfuse, Mayor

PLANNING BUREAU CASE REPORT

Street Vacation Application

Street Vacation: Kelker Alley, Walker Alley, and Various Paper Streets

APPLICANT:

Kevin Baird w/ 400 Reily Street Management, LLC
& KevGar Holdco, LLC

APPLICANT STATUS:

Designated Developer/Contract Purchaser

ZONING:

N/A

HISTORIC DISTRICT:

N/A

APPLICATION DATE:

February 9, 2021

HPC DATE:

March 3, 2021

SITE VISIT/POSTING DATE(S):

February 28, 2021

FLOODPLAIN:

Zone X (No Floodplain)

REQUEST:

The Applicant is requesting to vacate Kelker Alley, Walker Alley, and rights-of-way (grocer's alleys) within the block bounded by Boyd Street, North 5th Street, Reily Street, and Fulton Street, to effectuate the consolidation and development of the site for mixed-use building featuring an approximately 500-space parking garage, commercial uses, and a "Multifamily Dwelling."

PROPERTY DESCRIPTION:

The Applicant is proposing to vacate: the stretch of Kelker Alley running from Fulton Street in the west to North 5th Street; the stretch of Walker Alley running from Boyd Street in the north to Kelker Alley in the south; and small rights-of-way (grocer's alleys) to the south of Kelker Alley. The overall project site is comprised of 41 separate parcels and rights-of-way totaling approximately 1.01 acres; there are four existing structures on-site, none of which are adjacent to the primary rights-of-way, and all are slated for demolition as part of the proposed development. The rights-of-way effectively have no purpose within the city's transportation infrastructure – while there are still curb cuts in the block, the rights-of-way are not navigable by vehicles – and all of the adjacent parcels are largely vacant and undeveloped. The project site is bounded by Boyd Street to the north, North 5th Street to the east, Reily Street to the south, and Fulton Street to the west.

STREET VACATION ANALYSIS:

1. The stretch of Kelker Alley being vacated runs from Fulton Street in the west to North 5th Street in the east and includes a rectangular area approximately 11.7 feet wide by 222.4 feet

STAFF REPORT – Kelker Alley, Walker Alley & Various Paper Streets, Street Vacation Application
March 3, 2021 HPC Meeting
Page 2

long. The stretch of Walker Alley being vacated runs from Boyd Street in the north to Kelker Alley in the south and includes a rectangular area approximately 11.7 feet wide by 222.4 feet long. The County's Tax Parcel Map indicates that there are smaller rights-of-way

2. The Applicant is the designated developer (for those properties currently owned by the Harrisburg Redevelopment Authority) or the contractor purchaser for 100% of total linear feet of property fronting the right-of-way to be vacated and all nineteen properties (100% of the abutting properties) adjacent to the rights-of-way to be vacated.
3. The Planning Bureau is unsure of whether the rights-of-way accommodate utility infrastructure such as CRW sewer or water lines; if that is the case, the Applicant shall maintain any existing utility easements or coordinate with the necessary utility to ensure that these easements and infrastructure are formally abandoned.
4. Vacating these rights-of-way would allow the owner to remove the sole barrier to the eventual consolidation of all the parcels within the project area. It will support the future development of the site as a new, mixed-use building intended to accommodate a parking garage, a "Multifamily Dwelling," and several commercial uses.
5. The Planning Bureau notes that the City generally supports the vacation of streets with limited utility, particularly those which have not been maintained in a navigable manner, or those running across privately-utilized property with no public access (aka, "paper streets") as they provide negligible benefit to traffic circulation and may incur costs to the City such as maintenance and liability.
6. The Applicant has noted that the proposed vacation will allow the consolidation of parcels on the project site which will lead to the development of a mixed-use building, which will bring off-street parking, residential units, job opportunities, and economic activity to a full city block that has been largely vacant and featured deteriorating buildings for a long time. The Planning Bureau further notes that the public will also benefit from the aesthetic improvements that the development will provide, including: replacement of deteriorating buildings with a new development; development of vacant lots illegally used for parking; the provision of a long-sought grocery store; the development of a significant amount of off-street parking to meet the current demand from neighborhood businesses and residents, as well as the expected demand from the Federal Courthouse; and streetscape improvements that include street trees, bike racks, improved sidewalks, and activated building frontage.

CITY STAFF COMMENTS:

- City Engineer – No issues
- Codes Bureau – Currently under review
- Fire Bureau – No issues
- Police Bureau – Currently under review
- Law Bureau – Currently under review
- Capital Region Water – Currently under review

DAUPHIN COUNTY PLANNING COMMISSION RECOMMENDATION:

The Dauphin County Planning Commission review is currently reviewing the application, and the final review will be forwarded to the Planning Commission digitally upon receipt.

PLANNING BUREAU RECOMMENDATION:

Approval with Conditions

The Planning Bureau staff recommends the request be Approved with the following condition(s):

1. If required by Capital Region Water or other utility providers, the Applicant will execute easement agreements with those providers to allow access to and maintenance of existing infrastructure running through or along the right-of-way, or will have such infrastructure formally abandoned.
2. The Planning Bureau would recommend that the Applicant either coordinate with the City Engineer's Office to preserve the existing granite curbs on-site for use elsewhere in the city, or incorporate the existing granite curbs into the development in a way that highlights the unique asset.

The Planning Bureau staff recommends that the request be Approved for the following reason(s):

1. Although there are extant curb cuts, the existing rights-of-way are essentially paper streets running through a vacant block of property and are impassable to general vehicular traffic; as such, the vacation will not have any impact on traffic circulation.
2. The proposed street vacation will permit the subsequent lot consolidation of the properties on the site, thereby allowing eventual development of a mixed-use building that will provide a variety of benefits to the neighborhood and the city overall.

REVIEW PROCESS:

1. Dauphin County Planning Commission review of application
2. Planning Bureau review of application and development of case report with recommendation to Harrisburg Planning Commission (HPC).
3. Harrisburg Planning Commission review of application and recommendation to Harrisburg City Council.
4. Harrisburg City Council review of application and final decision (public hearing is required per MPC Section 402).
5. Filing of a Quitclaim Deed with the Dauphin County Recorder of Deeds.

ATTACHMENTS:

1. Zoning & Location Map
2. Street Vacation Application
3. Street Vacation Petition
4. Right-of-Way Adjacent Parcels List
5. Quitclaim Deed draft document



**Zoning & Location Map
430 Reily Street**

Exhibit E



Eric Papenfuse, Mayor

**RESOLUTION
OF
HARRISBURG PLANNING COMMISSION**

STREET VACATION REQUEST FOR:

Kelker Alley; Walker Alley; and Various Paper Streets

WHEREAS, Kevin Baird w/ 400 Reily Street Management, LLC & KevGar Holdco, LLC, is requesting to vacate Kelker Alley, Walker Alley, and rights-of-way (grocer's alleys) within the block bounded by Boyd Street, North 5th Street, Reily Street, and Fulton Street, to effectuate the consolidation and development of the site for mixed-use building featuring an approximately 500-space parking garage, commercial uses, and a "Multifamily Dwelling."

WHEREAS, the Applicant is proposing to vacate: the stretch of Kelker Alley running from Fulton Street in the west to North 5th Street; the stretch of Walker Alley running from Boyd Street in the north to Kelker Alley in the south; and small rights-of-way (grocer's alleys) to the south of Kelker Alley. The overall project site is comprised of 41 separate parcels and rights-of-way totaling approximately 1.01 acres; there are four existing structures on-site, none of which are adjacent to the primary rights-of-way, and all are slated for demolition as part of the proposed development. The rights-of-way effectively have no purpose within the city's transportation infrastructure -- while there are still curb cuts in the block, the rights-of-way are not navigable by vehicles -- and all of the adjacent parcels are largely vacant and undeveloped. The project site is bounded by Boyd Street to the north, North 5th Street to the east, Reily Street to the south, and Fulton Street to the west.

WHEREAS, the stretch of Kelker Alley being vacated runs from Fulton Street in the west to North 5th Street in the east and includes a rectangular area approximately 11.7 feet wide by 222.4 feet long. The stretch of Walker Alley being vacated runs from Boyd Street in the north to Kelker Alley in the south and includes a rectangular area approximately 11.7 feet wide by 222.4 feet long. The County's Tax Parcel Map indicates that there are smaller rights-of-way south of Kelker Alley, although this condition cannot be confirmed.

WHEREAS, the Applicant is the designated developer (for those properties currently owned by the Harrisburg Redevelopment Authority) or the contractor purchaser for 100% of total linear feet of property fronting the right-of-way to be vacated and all nineteen properties (100% of the abutting properties) adjacent to the rights-of-way to be vacated.

WHEREAS, the Planning Bureau is unsure of whether the rights-of-way accommodate utility infrastructure such as CRW sewer or water lines; if that is the case, the Applicant shall maintain any existing utility easements or coordinate with the necessary utility to ensure that these easements and infrastructure are formally abandoned.

WHEREAS, vacating these rights-of-way would allow the owner to remove the sole barrier to the eventual consolidation of all the parcels within the project area. It will support the future development of the site as a new, mixed-use building intended to accommodate a parking garage, a "Multifamily Dwelling," and several commercial uses.

WHEREAS, the Planning Bureau notes that the City generally supports the vacation of streets with limited utility, particularly those which have not been maintained in a navigable manner, or those running across privately-utilized property with no public access (aka, "paper streets") as they provide negligible benefit to traffic circulation and may incur costs to the City such as maintenance and liability.

WHEREAS, the Applicant has noted that the proposed vacation will allow the consolidation of parcels on the project site which will lead to the development of a mixed-use building, which will bring off-street parking, residential units, job opportunities, and economic activity to a full city block that has been largely vacant and featured deteriorating buildings for a long time. The Planning Bureau further notes that the public will also benefit from the aesthetic improvements that the development will provide, including: replacement of deteriorating buildings with a new development; development of vacant lots illegally used for parking; the provision of a long-sought grocery store; the development of a significant amount of off-street parking to meet the current demand from neighborhood businesses and residents, as well as the expected demand from the Federal Courthouse; and streetscape improvements that include street trees, bike racks, improved sidewalks, and activated building frontage.

WHEREAS, the City Engineer and Fire Bureau do not have any issues.

WHEREAS, the Codes Bureau, Police Bureau, Law Bureau, and Capital Region Water are currently reviewing the application.

WHEREAS, the Dauphin County Planning Commission's comments are attached.

DISCUSSION:

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

1. If required by Capital Region Water or other utility providers, the Applicant will execute easement agreements with those providers to allow access to and maintenance of existing

infrastructure running through or along the right-of-way, or will have such infrastructure formally abandoned.

2. The Planning Bureau would recommend that the Applicant either coordinate with the City Engineer's Office to preserve the existing granite curbs on-site for use elsewhere in the city, or incorporate the existing granite curbs into the development in a way that highlights the unique asset.

The case was represented by Kevin Baird (the developer), 1435 Walnut Street, Philadelphia, PA 19102; and Charles Suhr with Stevens & Lee (the legal counsel), 17 North 2nd Street, Harrisburg, PA 17101 (aka "the Applicants").

Commissioner Alsberry asked the Applicants whether the conditions in the case report were acceptable; they stated that they were. He asked whether the Applicants had any additional information to add to the case report; they responded that they did not, but would be discussing the relevance of the street vacation request in their testimony on the accompanying Land Development Plan application. The Applicants noted that the current applications were following up on the zoning relief requests reviewed at the previous months' Planning Commission meeting, and that while the current version had minor modifications to the previous submission, it was similar overall to the proposal.

Commissioner Alsberry asked whether any of the commissioners had comments or concerns about the project; Commissioner Marek noted that the Planning Bureau's case report had required coordination with other utilities, which was her main comment.

Commissioner Alsberry asked whether there was anyone else from the public that was for or against the project; Tiffanie Baldock gave instruction to the public in attendance on how to request to be unmuted so they could provide comment. There were no other comments.

Commissioner Marek moved, and Commissioner McKissick seconded the motion, to Approve the request with Staff Conditions. The motion was adopted by a unanimous vote (7-0).

RESOLUTION:

WHEREAS, the Harrisburg Planning Commission reviewed said request at its regular meeting on March 3, 2021, pursuant to the provisions of Chapter 7-503 of the Planning and Zoning Code, and heard testimony from the Applicants and the report of the Planning Bureau staff, which is attached hereto and made a part hereof.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Harrisburg Planning Commission, by a unanimous vote (7-0), recommends that the Harrisburg City Council **Approve** the request with the following condition(s):

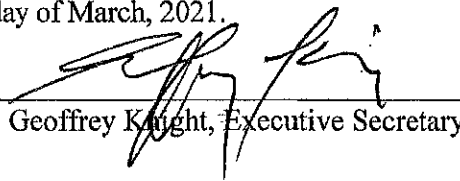
1. If required by Capital Region Water or other utility providers, the Applicant will execute easement agreements with those providers to allow access to and maintenance of existing infrastructure running through or along the right-of-way, or will have such infrastructure formally abandoned.

2. The Planning Bureau would recommend that the Applicant either coordinate with the City Engineer's Office to preserve the existing granite curbs on-site for use elsewhere in the city, or incorporate the existing granite curbs into the development in a way that highlights the unique asset.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Harrisburg Planning Commission, by a unanimous vote (7-0), recommends that the Harrisburg City Council **Approve** the request for the following reason(s):

1. Although there are extant curb cuts, the existing rights-of-way are essentially paper streets running through a vacant block of property and are impassable to general vehicular traffic; as such, the vacation will not have any impact on traffic circulation.
2. The proposed street vacation will permit the subsequent lot consolidation of the properties on the site, thereby allowing eventual development of a mixed-use building that will provide a variety of benefits to the neighborhood and the city overall.

This is to certify that the foregoing Resolution is a true and correct copy of the Resolution adopted by the Harrisburg Planning Commission on the 3rd day of March, 2021.



Geoffrey Knight, Executive Secretary