



Harrisburg Architectural Review Board
CERTIFICATE OF APPROPRIATENESS
RESOLUTION

PROPERTY ADDRESS: 2053 North Second Street
PID: 11001001

REQUEST:

Jeff Bauer, on behalf of Sunoco/A-Plus has submitted an application to demolish the existing structures and construct a new convenience store, canopy with four gasoline dispensers and site appurtenances.

HEARD BEFORE HARB MEMBERS:

William Fontana, Chair
Art Emerick

Michael Snyder, Vice Chair
Dudley Smith

FINDINGS OF FACT:

1. Jeff Bauer is the Owner's Representative for the subject site. The property is owned by Sunoco, Inc. An Historic District Building Permit application was filed for this case.
2. The site is comprised two structures, a Sunoco Gas Station with four dispensers and a 1,755 SF "A Plus" Convenience Store, constructed in 1956 and enlarged in 1996. The property is located at the corner of North Second Street, a major north-south corridor through the City and Maclay Street, a gateway connecting Uptown Neighborhoods to Cameron Street and Interstate 81; as such both are considered primary streets. The property extends the full depth of the block east to Penn Street, a tertiary street. The site has six access points: two on North Second Street, two on Maclay Street and two on Penn Street. The convenience store is set approximately on the center of the site and faces North Second Street, with the gasoline dispensers and canopy set in front of the store and extending toward North Second Street.

The convenience store is a one-story, masonry, detached structure possessing no features of any recognizable architectural style, save the vernacular cupola centered on the gabled

roof. The structure is defined by its painted brick masonry facade, and gable roof. Fenestration, limited to the west facade, includes aluminum frame storefront windows and aluminum-frame, full-lite, double doors. The canopy is defined by its aluminum cylindrical column covers and predominate fascia with Sunoco and NASCAR graphics. Set atop the canopy is a hipped roof, though barely noticeable from the public right-of-way.

Neither structure contributes to the character of the streetscape; however, due to the site location; there is an effect upon the district.

3. The Harrisburg Architectural Review Board reviewed the case at their February 23, 2011 and April 26, 2011 Meetings. The application was represented by Jeff Bauer and Clayton McCann both from Sunoco, Inc. and Tom Davis and Tom Daily both from Bergmann Associates.
4. Projects of this nature, selective demolition, shall be evaluated using the following factors outlined in the Harrisburg Architectural Review Board's Demolition Criteria: the architectural integrity and significance of the structure and the structure's contribution to the municipal district; whether the structure is either a design or an historic intrusion; the structure's contribution to the streetscape and street design; and the type and quality of development being proposed to take the place of the demolished structure.
5. Projects of this nature, introducing new construction into historic districts, shall be considered acceptable within the framework of the Secretary of the Interior's Rehabilitation Guidelines provided the new design is visually compatible and maintains historic relationships within the setting, as well as the Harrisburg Historic District Design and Preservation Guide, whereas the new design shall be contextual and include massing scale, materials and site design.
6. At the February 14, 2011, Zoning Hearing Board Meeting, the Applicant was granted a variance to construct below the regulatory flood protection elevation and a special exception to substantially improve an existing non-conforming use, with the following conditions: the entrance on Maclay Street adjacent to the intersection shall be limited to ingress only; the design shall be approved by FEMA; the design shall be approved by the HARB; and the Applicant shall provide a traffic study and photometric study as recommended by the Harrisburg Planning Commission.
7. The Applicant proposes to demolish the store, canopy, dispensaries and all site appurtenances, excluding the underground storage tanks (UST) and landscaping along North Second Street.
8. The Applicant proposes to reconstruct the site, maintaining the existing orientation toward North Second Street. The proposed site design would relocate the store from the center of the site to the rear, adjacent to Penn Street, and reconfigure the dispensary from two dispensers set linearly, adjacent to a second set of the same configuration and in line with the traffic aisle, to four dispensers set adjacent to one another and configured ninety-degrees from the traffic aisle.

9. The Applicant proposes the new convenience store as a variation of the A-Plus prototype, with the exception of Quik-Brik, structural brick to be installed in lieu of exposed eight inch concrete masonry units and a mansard standing seam metal roof in lieu of a flat roof. The store will maintain the same orientation as the existing store, with the entrance toward North Second Street. The proposed signage for the building specifies an illuminated “A-Plus” arch facing North Second Street, and illuminated “A-Plus” Graphic along the building band facing Maclay Street, and a snap frame sign on the front of the building facing North Second Street.
10. The Applicant proposes the new gasoline dispensary canopy as a variation of the Sunoco prototype, with the exception of brick masonry in lieu of metal column cover. The canopy is comprised of a series of columns supporting a flat roof. The roof is concealed with a thirty-six inch high fascia. There is no illumination proposed for the fascia. The fascia is designed as an advertisement for the Sunoco Brand. The Applicant proposes the new canopy will maintain the same number of signs as the existing canopy, although will reduce the overall area by five square feet. The existing canopy has three “Official Fuel of NASCAR” Signs and one “Sunoco” Sign. The proposed canopy will have three “Sunoco” Signs and one “Official Fuel of NASCAR” Sign.
11. The Applicant proposes to enclose the refuse area, to be located north of the store, using six foot high concrete masonry (CMU) walls, with six foot high wood gates. The refuse area will also be screened by rhododendron bushes to the north and a six-foot high wooden fence to the east. The six-foot high wooden fence is also proposed to screen the east side and south sides of the building. The fence design is comprised of pressure-treated posts and stringers with untreated cedar plank siding. The planks are vertically oriented, with dog-ear tops. The fence siding will face the public right-of-way and extend above the posts.
12. The Applicant proposes to improve the freestanding price sign by removing the existing price panels and replacing them with LED panels.
13. The Applicant proposes new landscaping to include Emerald Arborvitae along the southern property line as a screen and rhododendron bushes along the refuse area to the north. Additional landscaping is proposed at the southwest corner of the building. The Applicant proposes to maintain the planter along North Second Street, including the three shade trees. The Applicant has estimated the new site design will increase previous coverage (landscaping) by eight to nine percent.
14. Prior to the February 23rd Meeting, Planning Staff provided two alternative site designs for the Applicant’s consideration. These plans are identified as Exhibit 2 and Exhibit 3; the Applicant’s original proposal is identified as Exhibit 1.
15. Prior to the April 26th Meeting, the Applicant provided an additional site plan, identified as Exhibit 4.

DISCUSSION AT THE MEETING ON FEBRUARY 23, 2011:

Mr. Peiffer gave a synopsis of the case report, recommending denial.

The case was represented by Jeff Bauer, 5733 Butler Street, Pittsburgh, PA; Tom Daily, 28 East Main Street, Rochester, NY; Tom Davis, 8 Van Dyke Street, Wilmington, DE; Helen Caravello, 3604 Golf View Drive, Mechanicsburg, PA; and Clayton McCann, 916 Dorset Street, Wilmington, DE

Mr. Smith stated the design appeared as a standard design to be site adapted. Mr. Daily stated the design has been used in other locations, although in this proposal the exterior had been changed to include brick masonry. He added the brick was structural brick and not veneer brick. Mr. Smith stated the site was unique and the design appeared out of context.

Mr. Snyder suggested the HARB remove the consideration of the Governor's residence, as it was not located within the historic district. He stated his concern was the effect upon the Old Uptown Historic District and the proposed design was no better than the existing structures.

Mr. Daily described some of the design parameters stating the existing structure was 55 years old, the site was approximately one half acre, government regulations required specific design criteria, and Penn Street was a one-way street. As such, he suggested the Planning Staff's alternative site designs were not feasible. Mr. Bauer added the existing building is too small, there was no adequate storage, no public restroom, and was not fully ADA-compliant. He stated they took their standard design for a smaller site and added two public restrooms, changed the exterior from block to brick, and could consider other finish options. He added that it was important to maintain vision in and out of the site. Ms. Caravello stated that by moving the gasoline dispensary adjacent to Penn Street would limit their visibility and hence profitability. She added that gasoline buying was an impulse buy.

Mr. Fontana asked for public comment.

Ted Hanson, 434 Boas Street, Harrisburg stated he felt this was an opportunity for Sunoco to be creative. He inquired of the age of the underground gasoline storage tanks, and if they could be relocated to facilitate an alternate site design. He suggested that perhaps a filling station was not the best use for the site. He noted that in the Federal Area in Washington DC there are no gasoline station standard designs due to the proximity to the government.

Branka Lukic, 1619 North Second Street, questioned why the HARB should consider an approval when Sunoco stated they were maintaining the same number of dispensaries and retail space, and the HARB's statement that the proposed design was no better than the existing structures.

Mr. Fontana stated the site was unique as a transitional corner, going from urban to suburban style development. He added that Second Street had maintained its historic character and the site was adjacent to the Governor's Residence. He clarified to the applicants the HARB's responsibility is to aesthetics and to protect the architectural integrity of the neighborhood and district. Mr. Smith added the site has been used inappropriately and therefore the HARB should address the aesthetics and the preservation of the character of the neighborhood.

Mr. Fontana suggested the applicant reconsider the alternate site designs. Mr. Bauer replied that Sunoco had internally studied various site designs addressing Maclay and Penn streets, but determined they needed to maintain the same configuration. He added they would not build an alternative layout, but would be flexible on design elements.

Mr. Davis stated they had considered moving the underground storage tanks, but determined their relocation did not provide a return on investment. He added the tanks were installed in the 1980s. Mr. Fontana inquired if there were plans to replace the tanks. Mr. Bauer replied there were not plans to replace the tanks, but to upgrade the tanks as part of the overall renovations.

Mr. Snyder posed a question to the HARB, asking as a replacement; does the proposed design fit any better than the existing design? He stated he felt the new design was more carnival-like, with the large brightly colored canopy, and the store design was more of a box than a building.

Mr. Fontana inquired if the roof could be peaked. Mr. Bauer stated yes. He added they could not change the size of window glass. He clarified the new lighting would be LED type fixtures, which would conceal the light source and the gasoline dispensary canopy fascia was not illuminated.

Mr. Fontana inquired when the applicant anticipated start of construction. Mr. Bauer replied the renovations were in the 2011 budget, and they hoped to start construction in April, May or June of this year.

Mr. Smith made a motion to deny the application. As there was no second to the motion, the HARB continued their discussion.

Mr. Fontana suggested the HARB table the application until the April 4th meeting to allow the applicant to provide alternate building design, to consider the context of the building within the neighborhood and to consider additional landscaping.

Mr. Fontana asked if the applicant would provide their in-house site designs and analysis for their review. Mr. Bauer stated they rule them out and therefore they would not consider building them. Mr. Fontana reiterated his request stating the HARB was looking for more information in order to make an informed decision. Mr. Bauer agreed to provide the other site studies.

Mr. Snyder moved and Mr. Smith seconded the motion to table the request until the April HARB Meeting. The Board approved the motion by a vote of 3-0.

DISCUSSION AT THE MEETING ON APRIL 26, 2011:

The case was represented by Jeff Bauer, 5733 Butler Street, Pittsburgh, PA; Tom Daily, 28 East Main Street, Rochester, NY; Tom Davis, 8 Van Dyke Street, Wilmington, DE; and Clayton McCann, 916 Dorset Street, Wilmington, DE.

Mr. Peiffer summarized the February 23rd Minutes by stating the applicant's proposal to reconstruct the site was to improve existing services. He referenced their evaluation of the existing site and a lack of adequate storage, no public restroom, and limited ADA-accessibility.

He acknowledged the applicant's statement the proposed design was a standard layout adapted to a smaller site. He also acknowledged the design parameters were to improve safety and security by maintaining vision in and out of both the store and site. Mr. Peiffer then quoted Mr. Bauer stating Sunoco had internally studied various site design addressing Maclay and Penn Streets, that the HARB had requested those designs be provided for their review, and that Mr. Bauer agreed to provide the studies provided they would not be considered for construction. Mr. Peiffer stated that said studies had not been provided to staff.

Mr. Peiffer noted that he had received a set of drawings including four site layouts identified as Exhibits 1-4, a rendered perspective of Exhibit 1 and rendered elevations of the proposed store, as well as a narrative dated March 15, 2011 providing an evaluation of Exhibits 1-4. More specifically he quoted the intent of this memo is to further document the advantages and disadvantages of the two alternative site layouts for the redevelopment of this site based on [Planning Staff's] recommendations. This analysis was done by generating plans based upon these sketches and redefining the advantages and disadvantages of these layouts. In addition, we looked at additional layouts and developed an additional layout showing the building facing Maclay Street.

Mr. Peiffer provided staff's analysis of Exhibits 1-4, including a review of the applicant's list of negatives and positives as listed on the drawings.

Exhibit 1: The applicant notes the proposed layout is similar to the existing layout; however, staff notes the store is nearly twice as large (1,755 SF to 3,044 SF) and the canopy is nearly three times as large (33 LF feet to 99 LF feet) as viewed along North Second Street. The applicant notes a safe traffic flow into and out of the site; however, staff notes the design has two ingress/egress points from North Second Street and two ingress/egress points from Maclay Street, though the Zoning Hearing Board did eliminate an egress to Maclay Street adjacent to the intersection, all for a half-acre site. Furthermore, the City Engineer has stated access points should be located away from a signalized intersection. Staff also noted there was no pedestrian access to the store except through the drive, i.e. comingled with vehicular traffic. The applicant notes additional landscaping from existing; however, staff notes this is primarily located to the rear and side of the store and concealed behind a six-foot high privacy fence. The applicant notes a reduced impact to the Governor's Mansion via improved lighting, less glare and further from the street; however staff notes lighting is one variable to evaluate impact. Staff concurs that it is desirable to eliminate visibility of a light source; however, lighting is based upon footcandles as measured at grade, and with the store located to the rear of the site and the predominance of paved surfaces, there will be an increase of illuminated surface as viewed from North Second Street / Governor's Mansion. Staff summarized Exhibit 1 as a prescribed building and layout site adapted to this site and not addressing the Planning Bureau's concerns, specifically that of improving the residential nature of North Second Street.

Exhibit 2: Staff notes the applicant has taken a literal interpretation of the alternative site design, and acknowledged the design is schematic in its development and may be modified to address other design parameters or site constraints. The applicant notes the cashier can not see the dispensers; however, staff notes if the floor plan were mirrored the

issue would be resolved. The applicant notes there is no room for a dumpster without reducing parking; however, staff notes zoning requires eight spaces and nine are shown. Furthermore, staff notes the dumpster would fit at the southeast corner of the store without encroaching upon the drive. The applicant notes truck maneuvering may require backing up; however, staff notes the entry can be adjusted to eliminate this potential concern. The applicant notes a required ingress/egress point at Penn Street; however, staff notes residents live on, park on and traverse Penn Street daily and the one way traffic flow provides direct access to downtown. The applicant notes the bus stop would require relocation; it was later stated that the bus no longer stops at this location. Staff notes the plan provides increased landscaping along North Second Street and an opportunity to create public spaces. The applicant notes difficult vehicular circulation; however, staff, referencing comments from the city engineer, notes the plan eliminates both ingress/egress points adjacent to the signalized intersection, and provides one ingress/egress point from North Second, Maclay and Penn Streets. Staff also recognized pedestrian access to the store was adjacent to and directly from North Second Street. Staff acknowledged that the store, and subsequent site, would have greater visibility for vehicular traffic traveling on North Second Street, whereby the store would be five feet from the public right-of-way (ROW), and in Exhibit 1, the canopy would be thirty feet from the ROW. The applicant notes parking in front of the store has potential to back into truck traffic; however, staff inquired on the frequency of fuel delivery questioning the actual amount of time the conflict may occur. Staff also questioned the methodology for evaluating the visual impact to the Governor's Mansion, citing the applicant indicates a reduced impact with both Exhibits 1 and 2.

Exhibit 3: Staff notes the applicant has taken a literal interpretation of the alternative site design, and acknowledged the design is schematic in its development and may be modified to address other design parameters or site constraints. The applicant notes the conflict between the store and existing tanks; however, staff reiterates the plan is schematic and the building could be shifted to the south and/or west, to avoid the tanks and permit fuel truck delivery. The applicant notes the rear wall of the store is a service area with no aesthetic value and not for customer entrance; however, staff notes Exhibit 3 assumes revisions to a prescribed architectural floor plan and stated this was a unique site deserving of a unique design solution. Staff added the landscaping at the corner of North Second and Maclay Streets creates the most meaningful of public spaces, which could be landscaped to create a plaza for outdoor seating. Staff also references comments from the city engineer, and notes the plan eliminates both ingress/egress points adjacent to the signalized intersection, and provides one ingress/egress point from North Second, Maclay and Penn Streets.

Exhibit 4: The applicant notes the location of the store is close to the existing adjoining building; however, staff notes this is typical of the historic development patterns for this neighborhood, that being a common streetwall with minimal side yards. The applicant notes parking is not in front of the building, which is not a preferred Sunoco option; however, staff notes parking is adjacent to the entry and the dumpster site may be relocated for additional parking adjacent to the entry. Staff also notes parking in front of the building is a new design parameter, citing no previous mention of this requirement in the narrative provided by Bergmann Associates that accompanied the initial Planning

Commission, Zoning Hearing Board and HARB Submission and dated January 5, 2011, and minutes from each land use board meeting. The applicant notes the dumpster is located away from the building; however staff notes the dumpster maybe relocated to the lawn area to the east of the store thereby being adjacent to the store. Furthermore, the dumpster could be accessed by a refuse truck from Penn Street thereby separating this function from on-site pick-up. The applicant notes the building elevation will be less than 320.00; however, staff notes that as the entire site will be disturbed, grading may be adjusted to allow for proper stormwater management. Staff notes this plans reduces ingress/egress points from Exhibit 1, whereas there is one ingress/egress point at North Second Street and one at Maclay Street and one ingress point at North Second Street and one at Maclay Street. Staff also notes per the applicant's own analysis, Exhibit 4 has eight positive bullet points compared to five for Exhibit 1.

Mr. Davis provided a summary of their analysis dated March 15, 2011. He clarified that of the four Exhibits none were right or wrong, but that Exhibit 1 was the most ideal, primarily because of vehicular circulation. He acknowledged that Exhibit 2 would require variance from the Commonwealth of PA for sightlines and a variance for the change in grade from the Zoning Hearing Board. He added that the dumpster location impedes traffic flow. He stated Exhibit 3 would be the most difficult to construct, adding that if the store location was shifted to accommodate the truck delivery, that would affect the corner landscaping area. He offered Exhibit 4 would be a probable option if parking could be accommodated in front of the store. He summarized the analysis by stating from Sunoco's standpoint, Exhibit 1 was the ideal configuration. Tom Daily stated there were many (architectural) program issues as well. He noted utility services occupied approximately fifty percent of the rear of the store, and therefore it was desirable to have this facade face toward Penn Street. He added that the front of the store, with its large expanse of glass was more inviting, and therefore more desirable to face North Second Street. Mr. Bauer stated that Sunoco prepared two internal designs, Exhibit 1 and 4. He reiterated the importance of parking in front of the building as their business was automobile driven. He stated Sunoco studied various building footprints and quantity of dispensers and opted for the 3,000 SF store and four dispensers to alleviate congestion. He added that the store design was modified from the original proposal to include a brick masonry facade and mansard roof, as well as the addition of brick masonry canopy piers.

Mr. Fontana inquired what was the ideal square footage for the store. Mr. Bauer replied 3,400 SF is optimum.

Mr. Fontana stated there was no parking in front of the existing store. He added that as an urban site there was less flexibility than a greenfield site. He suggested that as the applicant proposed Exhibit 4 then perhaps they might be able to accept this configuration. Mr. McCann stated Exhibit 4 is conceptual and they want to provide storefront parking. He added the parking to the west of the store would create an unsafe condition with cars backing into the travel lane.

Mr. Fontana inquired how satisfied was Sunoco with the current customer activity? Mr. McCann replied it is chaotic with flow. He added they want to open access to the front of the store to alleviate congestion.

Mr. Fontana inquired if there was any public comment.

Mr. Wilson, 118 Calder Street, Harrisburg, asked if the underground storage tanks could be relocated, and if the applicant had received all environmental clearances. Mr. Bauer replied the tanks would remain in place, but all appurtenances would be replaced. He added that the tanks were tested regularly. Mr. Wilson indicated the bus shelter was obsolete as the bus no longer stopped at this location.

Ms. Lukic, 1619 North Second Street, Harrisburg, inquired if the building could be two stories with the equipment accommodated on the second floor thereby increasing square footage on the first floor. Mr. Bauer replied it would be possible; Mr. McCann clarified the proposed store design includes rooftop equipment. He added the controls must be accessible from the ground floor. Mr. Wilson inquired if Sunoco had any two-story stores. Mr. McCann replied he was unaware of any such building type.

Mr. Wilson inquired why the proposed plans did not include diesel fuel. Mr. Bauer explained they would like to offer this product, but that it would entail the installation of a fourth underground storage tank and increased need for tanker delivery.

Mr. Campbell, 253 Boas Street, Harrisburg introduced himself as Executive Director for Historic Harrisburg Association (HHA). He stated HHA was opposed to Exhibit 1 and in support of staff's recommendations. He stated the organization did not feel Exhibit 1 provided a benefit to the historic district or neighborhood, and he urged HARB to deny Exhibit 1 and consider Exhibits 2, 3 or 4.

Ms. Lukic stated she had not heard justification for why the applicant felt Exhibits 2-4 weren't safe enough. She added it was such a small site, why the requirement for parking in front, adding it was a matter of convenience. She stated Exhibit 1 does not comply with the historic district guidelines nor complement the neighborhood character. She referenced the duration the site has been a gasoline station, and stated with 53 years of profit, the applicant should give something back to the City.

Mr. Fontana asked if the applicant could increase the store footprint by 400 SF would they prefer the optimum store size over storefront parking? Ms. Lukic inquired of the market research that indicated a necessity for parking in front of the store. Mr. Bauer replied of their 400 stores, approximately 100 have parking in front and these stores do significantly more business than those without parking in front. Mr. Campbell inquired if 75 to 80 percent of patrons utilized the gas pumps, was the goal of storefront parking to increase store revenue or comfort to gasoline buyers? Mr. Bauer replied both adding that Sunoco needed to justify their investment.

Mr. Wilson inquired of the hours of operation. Mr. McCann stated the existing store was a 24-hour operation, and there were no changes proposed for these hours.

Ms. O'Reily, 2003 Daybreak Circle, Harrisburg, introduced herself as representing the Commonwealth of Pennsylvania and part of the Governor's Residence Staff. She referenced Exhibit 1 and inquired what percent of patrons accessed the site from North Second Street and from Maclay Street. Mr. Bauer indicated approximately two-thirds to three-quarters of patrons accessed the site from North Second Street. Ms. O'Reily then inquired of the two curb cuts, what

was the percentage use. Mr. Bauer replied approximately ninety percent used the southern curb cut. Ms. O'Reily then stated if 90% of 75% of all patrons use one entrance, locating the dispensary along this location would inherently cause a back up. Mr. Bauer replied there was adequate circulation to fueling positions. Ms. O'Reily inquired if the circulation to the fueling positions would be limited to an approach from one or both sides. Mr. Bauer stated they would prefer to have vehicles access to fueling positions from both directions. Ms. O'Reily stated that from the Governor's Residence perspective, they would prefer not to have the potential for eight sets of headlights beaming onto the Residence.

Mr. Woods, 4209 Cumberland Avenue, Harrisburg, stated he uses the current Sunoco location and noted that most traffic came in and out from North Second Street. He added that a lack of parking in front of the store has not been an issue. He acknowledged there was no other gasoline dispensary with convenience store of this scale in this part of town and no other available location to accommodate such a use. He stated as the only location to offer these amenities in this part of town for the foreseeable future, a lack of storefront parking would not discourage him from using the store and he suggested this would not deter others as well.

Mr. Snyder inquired if other residents of the Governor's Mansion had commented on the existing store. Mr. Campbell stated that Ginny Thornburgh had encouraged painting and landscaping around the site to improve the view to/from the Residence.

Mr. Fontana stated he approved of the revised architectural designs. He added that he concurred with Mr. Woods that parking in front of the store would not affect business and therefore was not critical to the design. He suggested that Exhibit 1 was appropriate for a suburban development. He referenced Exhibit 4 and suggested that by moving the storage shed the store could increase by 400 SF to the optimum size. He added that the parking layout could be revamped and more spaces could be adjacent to the entry. He suggested that downtown people expect to walk more and surmised that Exhibit 4 would increase patronage to the store over that of Exhibit 1.

Mr. Fontana expressed his concern with the prospect of increased headlights shinning onto the Governor's Residence. He inquired if the applicant would consider constructing a brick masonry wall along North Second Street to shield the lights. Mr. Bauer replied he felt that as most cars would enter from Second Street, most would face toward the store.

Mr. Fontana inquired if the three mature trees identified in the rendering were to remain in place. Mr. Bauer confirmed they did not intend to remove those trees.

Mr. Fontana inquired if staff was amenable to Exhibit 4. Mr. Peiffer replied staff was amenable to Exhibit 4, as well as Exhibit 3 and 2.

Mr. Fontana suggested there was no difference with visibility of the site as approached from North Second Street between Exhibit 1 and 4. He added that his preference was for Exhibit 4 with an adjustment to the parking

Mr. Fontana suggested eliminating Exhibit 3. He noted staff recommended denial of Exhibit 1. He suggested that the HARB was amenable to Exhibit 4. Mr. Bauer stated Sunoco was only interested in developing Exhibit 1.

Mr. Fontana referencing Exhibit 1 inquired if the applicant would consider a decorative brick masonry wall along North Second Street. Ms. O'Reily added that additional landscaping could also be installed. Mr. Bauer replied they could plant evergreens between the three trees. Mr. Fontana stated that would at best buffer two to three stalls.

Mr. Emerick made a motion to deny the application. Mr. Fontana seconded the motion, the vote was 2-2-0 and therefore the motion neither passed nor failed.

Mr. Smith made a motion to approve Exhibit 4 with revisions to correct the parking difficulties.

Ms. Lukic, referencing Exhibit 4 suggested the store could be shifted to the west with all parking then located to the eastern half of the site. Mr. Peiffer added this was a compelling solution, as it would also align the west facade of the store with the existing streetwall along North Second Street; would allow for pedestrian access directly from North Second Street; and if the floor plan was mirrored, the glass storefront would allow the building to engage the sidewalk while also maintaining sightlines from the store to the dispensary.

Mr. Smith amended his motion to approve Exhibit 4 with the store shifted to the west and the parking moved to the east. Mr. Fontana seconded the motion with the condition the HARB was not approving Exhibit 4, but stating that from a conceptual design perspective Exhibit 4 was the HARB's preferred configuration. He added that without a developed site design, the HARB could not approve Exhibit 4. He elaborated by saying if City Council denies Exhibit 1, and the applicant opts to submit an alternate site plan, the alternate site plan should derive from Exhibit 4. The motion, as amended by Mr. Smith and with the condition from Mr. Fontana was adopted by a vote of 3-0-1, with Mr. Snyder abstaining from the vote.

[The HARB did not vote to either approve or deny the request; therefore, the application is recommended for denial. Per Section 7-331.13(c), Council shall follow the procedure set forth in Section 7-331.13(b)(2) for full council review. Council shall render its decision no later than forty-five (45) days following the Board's meeting date. The Board met on April 26, 2011; therefore, a decision shall be rendered by June 10, 2011, unless by resolution, Council specifically defers such action for a period not to exceed thirty (30) days from the date of the resolution deferring such action].

RESOLUTION:

WHEREAS, the Harrisburg Architectural Review Board reviewed said request at its rescheduled meeting on April 26, 2011 pursuant to the provisions of Section 7-331 of the Planning and Zoning Code, and heard the testimony of the applicant, and the report of the Planning Bureau staff, which is attached hereto and made a part hereof; and

WHEREAS, the Board reviewed said application based upon the criteria of Section 7-331 of the Planning and Zoning Code, taking into consideration the following factors:

- (a). The effect of the proposed change upon the general historic and architectural character of the district; and

- (b). The appropriateness of exterior architectural features which can be seen from a public right -of-way only; and
- (c). The general design, arrangement, texture, material, and color of the building or structure, and the relation of such features to similar features of buildings or structures in the District.

NOW, THEREFORE, BE IT RESOLVED that the Harrisburg Architectural Review Board by vote (2-2-0) recommends that the Harrisburg City Council **deny** the issuance of a Certificate of Appropriateness for the request for the following reasons:

1. The site is located in an urban neighborhood, a national and municipal historic register district and adjacent to the Governor's Residence of the Commonwealth of Pennsylvania and Exhibit 1 improves neither the character of the historic district nor the residential nature of North Second Street.
2. Furthermore, by locating pedestrian services, primarily that of the convenience store, to the rear of the site; locating vehicular services between the store and North Second Street; significantly increasing the canopy along North Second Street; and providing no new landscaping along North Second Street, Exhibit 1 will have an adverse effect upon the general historic and architectural nature of the district.
3. A site plan shall provide for a configuration that is consistent with the context of North Second Street, whereby the convenience store shall be oriented toward Maclay Street and the dispensary shall be located parallel to Maclay Street, as configured in Exhibit 4.

This is to certify that the foregoing Resolution is a true and correct copy of the resolution adopted by the Harrisburg Architectural Review Board on the Twenty Sixth Day of April 2011.

Jack A. Robinson, Executive Secretary