

City of Keene
New Hampshire

LAND USE CODE AD HOC COMMITTEE

Friday, May 3, 2019

2:00 PM 2nd Floor Conference Room, City Hall

Members Present:

Kendall Lane, Mayor
Margaret Rice, Councilor
Doug Barrett
Jim Phippard
Dave Richards, Councilor
Gary Spykman
Katie Cassidy Sutherland
George Hansel, Councilor

Staff Present:

Tara Kessler, Senior Planner
Med Kopczynski, Economic
Development, Initiatives, and Special
Projects Director
Mary Brunner, Planner
Rhett Lamb, ACM/Community Dev. Dir.

Members Not Present:

1) Introductions -

Mayor Lane opened the meeting by thanking everyone for their participation. He shared the intent to have the project finished by the end of the year. The Mayor's hope is that this smaller group will help facilitate the development of a successful product that Council can adopt.

2) Role of Ad Hoc Committee –

Mr. Kopczynski said that staff originally thought it would use the Joint Committee as a sounding board for the project. However, there has been a recent recognition of the need for a Steering Committee that can meet more frequently and directly with staff to finalize the drafts of the Land Development Code and the Form Based Zoning effort. He noted that there will be points in time when this information will be distributed to the general public to obtain feedback.

The role of the Steering Committee will be to review chapters and sections of the Land Development Code that are nearly finished drafts. Staff will provide a "Change Form" with each draft that explains, at a high level, what amendments have been made and where appropriate a description of why these changes are proposed. The expectation is for Committee members to review the drafts and change forms prior to the meeting and then be prepared to ask questions and engage in discussion on the drafts at the meeting. Staff will use the Change Form to guide discussion at each meeting.

3) Building Better Together Update -

Ms. Kessler referred to the handout "Schedule of Content to be Shared with Steering Committee" and verified members also had copies of the "Technical Review Summary Report" from Camiros. Ms. Kessler reiterated Mr. Kopczynski's comments regarding use of the Joint Committee noting they have been working on developing drafts for the past 12 months. The

handout lists the different content that is anticipated to be in the final Land Development Code, and in the order we anticipate drafts being shared with the Steering Committee for review. Ms. Kessler went on to explain the schedule.

1st column- Land Development Code (LDC) Chapter corresponds to each of the chapters.

2nd column – Status indicates where we are internally with working on drafts.

- Dark green- completed draft
- Light green- nearing completion of draft
- Light orange- draft has begun with more information needed
- Dark orange – draft not started yet

3rd column – Date Shared with Committee

Ms. Kessler explained this lets the Committee know where staff is at and that staff will be presenting these drafts starting at the next meeting.

Mr. Kopczynski gave a reminder that the majority of this project is a reorganization of what is already there. He continued stating that separate from this process is the work to develop an ordinance specific to Social Service and Continuing Care uses, which is on its own and will come to Council in two weeks. Mr. Lamb added the this ordinance will not come to this Committee; it will go straight to the Joint Committee. Mayor Lane asked about the definition of Social Services. Mr. Lamb explained it entails lodging houses, group homes, homeless shelter, and some of the more care oriented types of living uses. Mayor Lane verified questions remaining from previous Joint Committee meetings will be presented here. Mr. Kopczynski affirmed adding we will be looking for guidance from this Committee to make sure we have captured them all.

4) Downtown Form Based Zoning –

Ms. Kessler explained the process and what has been going on with respect to Form Based Zoning in the Downtown for those present not serving on the Joint Committee. Referring to the Technical Report, Page 31, Ms. Kessler said this is the meat of what is being proposed. She noted a map of the seven districts is also included as Page 33. Ms. Kessler said they have been working with Camiros to talk about the next steps. She also noted an interest from staff to get back into the community to review the proposed subdistricts and collect feedback. However, prior to doing so, staff feel it is important to ensure the Steering Committee is certain of the proposed districts and boundaries. Camiros is currently working on more visualizations of what the dimensional setbacks would look like, a better delineation of the uses allowed, and more concrete definitions of setbacks and form requirements. This next deliverable should come back to this Committee in early June.

Mr. Kopczynski asked Ms. Kessler to speak about the methodologies that might be used to reach out to the public. Ms. Kessler replied staff feels it is important to reach out directly to the property owners and tenants of the buildings that would be impacted by these changes, holding two or three meetings specific to sub-districts. Ms. Kessler also noted opinions might vary depending on how people are impacted. Staff would also like to hold the meetings in the same time period as a larger community forum where everyone can come to learn about the proposal and ask questions.

Addressing the where and when, Ms. Kessler said staff would like to hold the meetings around the same time frame in a place close to the geographic areas to be impacted. Mr. Kopczynski suggested this Committee would be present at those meetings to hear firsthand the community concerns.

Mr. Barrett asked about the timing of the outreach sessions. Ms. Kessler replied staff is looking at mid to late summer. Addressing the organization of the events Ms. Kessler noted the challenge is contact information of tenants occupying spaces that are not the property owners. A list was started at the fall workshop.

Mr. Lamb reiterated the Mayor's comments noting the map and boundaries were the subject of much discussion. Part of what Camiros is doing in this next round is helping us understand uses and dimensions through the use of renderings of what these future scenarios will look like. Mr. Lamb also noted this subject is scheduled for discussion during the next couple of meetings to answer any questions this Committee may have.

Mr. Kopczynski said he had a subject that goes along with this he would like the Committee to start thinking about; downtown parking. He referred to the report done last year noting there is no parking standard requirement in the Central Business District. Mr. Kopczynski said there have been discussions as to whether this is a good or bad thing. If you look at the Expanded Downtown, there might be shades of that requirement. He noted the current limitation with the suggestion that parking lots only be in the rear of the buildings. In relationship to downtown parking Mr. Kopczynski commented:

1. How much of it is going to be a requirement for the private properties versus the City providing the parking?
2. If the City provides parking, we need to be thinking about how/where we would be providing it.
3. The downtown aesthetic standard will also have to be drawn in somewhere along the line.
4. The City will also have to make sure that its part of this matches whatever downtown is.

Mr. Lamb added some of the practices such as parking and snow removal relate to Zoning Districts, and maintenance practices are different outside of downtown. He continued if this area is getting bigger there are questions to our other operations about how we will or will not maintain it in the future. Councilor Hansel asked if only the Downtown Growth area was being discussed. Both Mr. Kopczynski and Mr. Lamb replied they did not know. Mr. Kopczynski commented we want to make sure the Joint Committee, Council, and this group fully understand the implications; if there are any.

Mr. Phippard said he is already getting questions about this proposed zoning change from his clients and looking at the map he has clients in every one of the sub-districts. He noted the first questions he has received include:

1. Why did they draw the line down my side line?
2. Will I become non-conforming and have to go before the ZBA?

Mr. Phippard continued noting his concern that this causes conflicts between the two adjacent properties. Mr. Phippard said he does not know how to answer the questions even after listening to all the discussions. He referred to Page 33, specifically the dark green Residential Transition zone which is made more at the side lines than the others. Mayor Lane commented that is

primarily the old Office Zone; this was not an attempt to create something new. Mr. Lamb clarified we are just changing the name of it and putting it into a sub-district that will have slightly different treatment than the Office District today. Mr. Lamb did agree this will likely change some of the parameters and uses. Ms. Kessler pointed out today at Roxbury Court and Spring Street there is no buffer between the current Central Business District and adjacent residential districts.

Mr. Phippard continued noting he also gets questions about parking. One question is if the City can really make someone park on the rear of their property. Mr. Phippard explained how he replies to this question. Mayor Lane added it is probably a question we will have to wrestle with as the project unfolds. The Mayor continued, stating that when the City removed the requirement for off-street parking in the Central Business District, it was under the assumption that the City provided adequate parking; this is not always the case. There are areas where the City has not been able to provide adequate parking for whatever reasons and this will be a challenge going forward the Mayor noted.

Councilor Hansel said it will be difficult in some of these areas that are sparsely developed to determine what the parking demand will be. Mayor Lane suggested we say onsite parking is required and that becomes part of the development requirement. The Mayor continued, stating that we did not do this on Railroad Street and now we have a parking problem there.

Continuing Councilor Hansel said the original work around messaging for this project is going to be important and it might be a good idea to send it out again to the Steering Committee. Mr. Lamb commented staff was just talking about that the other day along with how to structure our public outreach. Mr. Phippard suggested that parking under the first floor of a building should not be precluded and hopes the City will consider this option. He raised the point because it is starting to become more affordable/feasible to do this and provided some background information. He also noted recent discussions with a developer regarding the Kingsbury property. Mr. Kopczynski discussed the two techniques he is familiar with for underground parking. The Mayor noted we are limited by the water table and also noted we may need more education as we move along.

5) Schedule of topics for upcoming meetings – Discussed in agenda item #3.

Ms. Kessler asked how many on the Committee understand the concepts of form based zoning and how much education would be needed to supplement upcoming discussions. Councilor Hansel said he just has to see how it is applied. Mayor Lane suggested everyone understands the basic concept and that more education may be needed as we move along. Mr. Spykman commented the product would be the education; and it will be easily understood by non-professionals.

Ms. Cassidy Sutherland raised the subject of Special Exception/Variance and asked what the process would be. Ms. Kessler commented we would need to determine the path for relief from the code. Mr. Kopczynski noted that the form based district also substitutes in part for the Historic District Commission (HDC). Ms. Brunner reported this has also been discussed with the HDC a couple of times and they are supportive of this. Their standards are geared more towards existing buildings and preserving architectural features of existing buildings. Ms. Brunner continued they do want to stay in touch to ensure new construction follows the historic

pattern. Mr. Kopczynski also noted this could supplant Development Standard 19 of the Planning Board.

Ms. Kessler noted there have been no discussions on architectural guidelines. The discussions have been just about the placement of the building on the lot not what the façade should look like. Councilor Hansel commented on how important Ms. Cassidy Sutherland's comment is to allow for new ideas. He asked if the new districts would provide for more creative design than others or would this be uniformly applied across the whole form based code area. Mr. Lamb indicated some of this is still to be determined and agreed with Ms. Kessler the standards will be relatively general talking about building placement, height, size, orientation on the lot, and a body to authorize approval when needed. Mr. Lamb continued hopefully this Committee will test us on this when the regulations come in because you are the sounding board. Councilor Hansel noted his fears getting into designing district by district. Mr. Lamb reiterated these sub-districts were created with intention of representing what is there today. Ms. Cassidy Sutherland referred to the Downtown Growth district noting there is a lot of opportunity for different forms of development; something may come up that does not meet the established form and we need to determine who will be the authority for its approval. Mr. Kopczynski suggested the relief valve should promote good architecture. Mr. Spykman recommended not making it so easy that people could opt out. Mayor Lane said he is hoping we do not create so many non-conforming uses that every time someone wants to do something they have to go to the ZBA.

Ms. Kessler addressed what is proposed for discussion at the next meeting and asked if the Committee needed one or two weeks to digest it; Hillside, Surface Water Protection, Telecommunication, and Subdivision Regulations. Ms. Brunner noted there are examples of the Change Form on the Building Better Together website (keenebuildingbetter.com).

6) Next meeting – Ms. Kessler suggested the Committee would need to meet twice per month for next few months. Committee members discussed their availability and it was determined the next meeting would be held on Friday, May 17th at 4:00 PM.

7) Adjournment - There being no further business before the Committee Mayor Lane adjourned the meeting at 3:03 PM.

Respectfully submitted by,
Mary Lou Sheats-Hall, Minute-taker
May 7, 2019

Reviewed and edited by Tara Kessler, Senior Planner