

Supplemental Staff Report – Ordinance O-2016-01 & O-2016-02

For Joint Committee Workshop July 11, 2016 – Neighborhood Preservation & Business Growth & Reuse Districts

Introduction

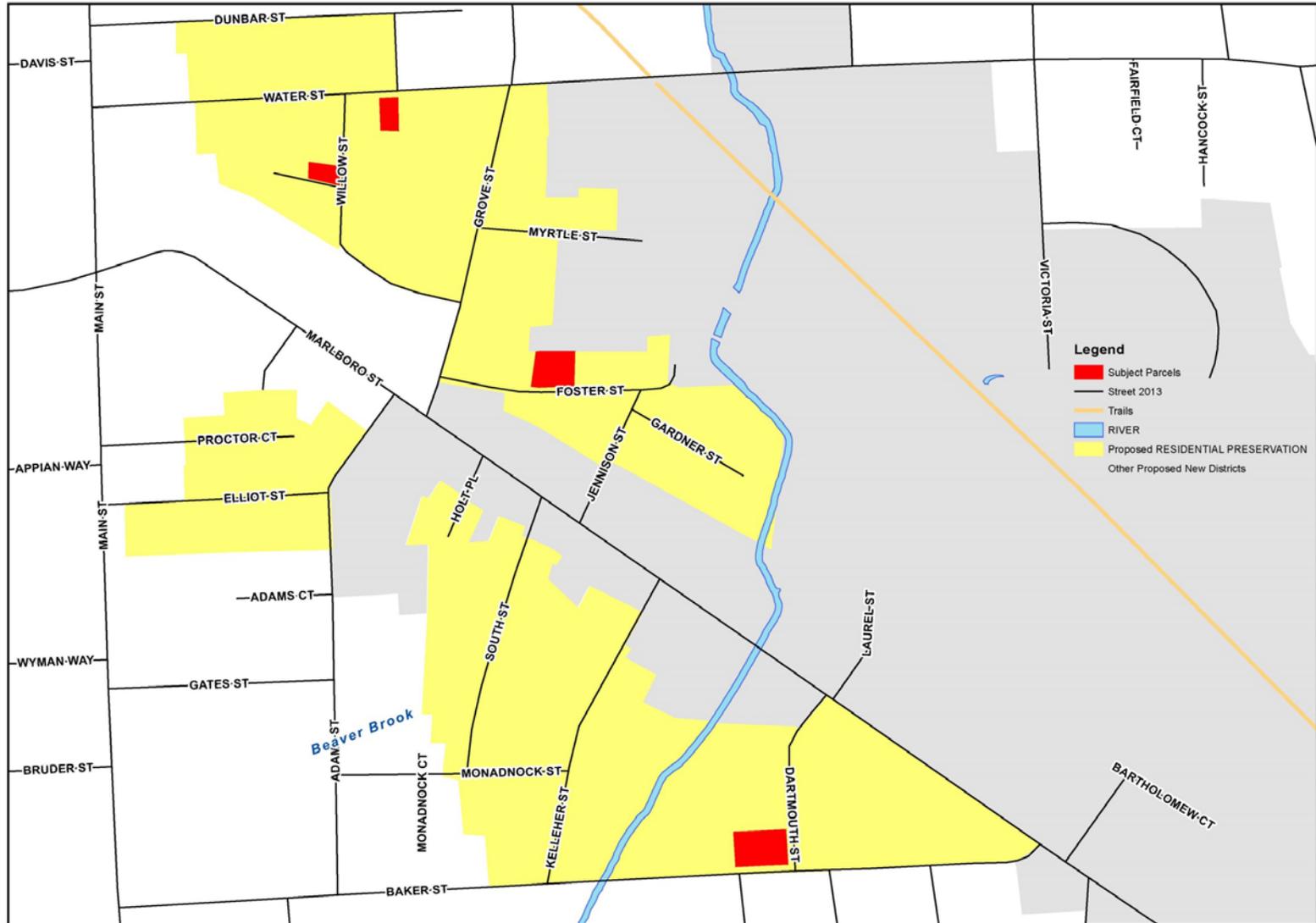
The Joint Planning, Licenses and Development Committee and Planning Board began its review of this proposed Zoning Amendment at their April 11, 2016 workshop. During this workshop it was clear that there were many questions regarding the Residential Preservation Zoning District (RP). Chair Richards requested that this district should be examined in detail at the next meeting. The May 2, 2016 Joint Workshop examined specifics of the RP. However questions remained regarding particular potential impacts. This staff report is intended to present an analysis that examines the potential impacts of the Dimensional Regulations within the proposed RP zoning district. This analysis will include a variety of different sized parcels with one, two and multiple units. The results show examples of how existing parcels will or will not conform to the proposed changes. This staff report will also provide an overview of the details of the next district, the Business Growth and Re-Use Zoning District (BGR). These details examine proposed, permitted uses, size restrictions, institutional uses, the new building incentive option; density/height and dimensional regulations (with incentives) as well as parking regulations (with incentives).

Current Condition & Conformity Study for the Proposed Residential Preservation Zoning District

As discussed during last month's Joint Workshop, this district is proposed to "re-create a neighborhood of residential properties that prioritizes families", see Attachment #1 for a map and Attachment #2 for the comparison of the proposed regulations to the existing regulations. At the June 13, 2016 Joint Workshop, Councilor Weeks and others requested an analysis of the potential impacts from the proposed Dimensional Regulation to existing properties within the district. In particular, Mayor Lane requested a table showing the comparison; see the following page for a *Current Condition and Conformity Study* table. The following exhibits show how the proposed regulations compare to four existing lots located at various spots throughout the proposed district. The analysis looks at three different single-family lots of varying sizes north of Marlboro Street as well as a Baker Street lot currently holding an 8-unit apartment building. Additional analysis and an exhibit will be provided at the meeting looking at two-unit parcels.



Proposed Residential Preservation District - Subject Parcel Locations Marlboro Street Rezoning Project



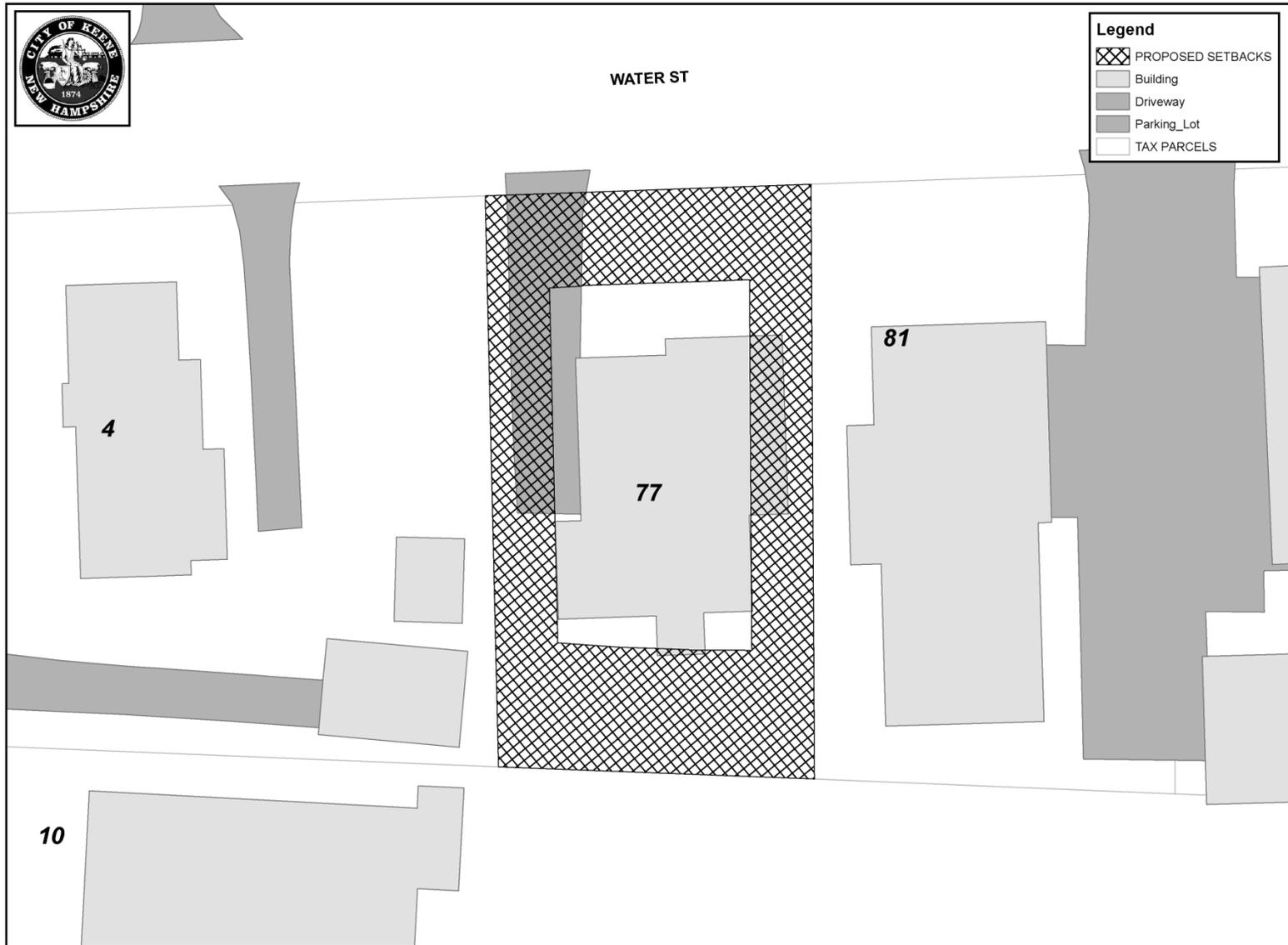
Proposed Residential Preservation District										
Current Condition and Conformity Study										
ZONING DISTRICTS	MAXIMUM BUILDING HEIGHT - STORIES	EXISTING DWELLING UNIT(S)	MINIMUM LOT SIZE	MINIMUM LOT SIZE PER DWELLING UNIT	ALLOWABLE DWELLING UNITS	MINIMUM LOT WIDTH AT BUILDING LINE	MINIMUM SETBACKS; BUILDINGS	MAXIMUM % OCCUPIED BY STRUCTURE	MAXIMUM % OF LOT IMPERMEABLE	MINIMUM % GREEN/OPEN SPACE
Proposed Residential Preservation	2	1	8,000 SF	5,400 SF	1 or 2	60'	15' Front 10' Side 20' Rear	35%	45%	55%
19 Willow St	1.5	1	4,382.65 SF	< 5,400 SF	0	51.25'	29' Front 12' & 2' Side 11.75' Rear	(1107 SF) 25%	(1107 SF) 25%	(3275 SF) 75%
168 Baker St	2	8	14,984.64 SF	> 5,400 SF	2	147'	38' Front 5' Side 12' Rear	(5327.52 SF) 35.5%	(3110.21 SF DW) (8473.37 SF) 56%	(6511.27 SF) 44%
32 Foster St	1	1	11,752.49 SF	> 5,400 SF	2	116'	35' Front 16' & 53' Side 29' Rear	(1463.57 SF) 13%	(1257.21 SF DW) (2720.78 SF) 23%	(9031.71 SF) 77%
77 Water St	2	1	4,356 SF	< 5,400 SF	1	53'	24' Front 10' & 4' Side 19' Rear	(1462.8 SF) 33.5%	(617.76 SF DW) (2080.56 SF) 47.75%	(2275.44 SF) 52.25%
* Spatial Data Sources: 2015 Planimetric Layers - Captured April 2015 - City of Keene Planning Department 2015 Parcel Layer - CAMA Data - May 2015 - City of Keene Assessing Department The color red signifies a non-conforming figure.										



19 Willow Street - Proposed Neighborhood Preservation District
Marlboro Street Rezoning Project

1 inch = 20 feet





77 Water Street - Proposed Neighborhood Preservation District
Marlboro Street Rezoning Project

1 inch = 20 feet





32 Foster Street - Proposed Neighborhood Preservation District
Marlboro Street Rezoning Project

1 inch = 30 feet





168 Baker Street - Proposed Neighborhood Preservation District
Marlboro Street Rezoning Project

1 inch = 30 feet



The Board may wish to discuss the current analysis results – the two-unit results to follow at the meeting:

- Endeavored to “test” whether what we are creating allows for a reasonable use of a parcel of property.
- # of vacant lots
- For the proposed Minimum Lot Size of 8,000SF, 2,800 SF could be structures (i.e. house and/or garage), 3,600 can be paved and 4,400 SF needs to be open and green
-
- The two existing lots which do not meet the proposed Minimum Lot Size” (are small lots) still do not exceed the proposed “Maximum % Occupied by Structure” regulation.
- All of the parcels meet the proposed front setback regulation.
- Three of the parcels meet the proposed side setback on at least one side.
- Two of the lots could construct an attached deck without needing a “% Impermeable Coverage” variance from the Zoning Board of Adjustment.
- The lot with the eight unit building exceeds all of the proposed regulations. If approved, the owner would be able to continue to operate the 8-unit building as a non-conforming use. However, should the owner want to take down the existing building, they would not be able to subdivide the parcel due to the 8,000SF proposed minimum lot size. The owner could build a new single-unit dwelling or possibly a two-unit dwelling on the lot –depending on the final decision of the committee on the issue of allowing two-unit dwellings in the PR District.

Business Growth and Reuse Zoning District (BGR)

The recommendations for this district are the reason for the entire project. The proposed mixed use district will open the door for new economic opportunities for the area triggering positive, associated changes throughout the entire City. Some of the outdated, “smokestack industrial” uses that are currently allowed are removed, such as rendering, an asphalt plant or a tannery, and the list of allowable uses is expanded to accomplish more vibrant economic goals such as:

- The revitalization of the area to a unique identity that can meet current market demand for a mix of retail, manufacturing, restaurants, offices, wholesaling, etc.,
- Visual compatibility with the adjacent residential neighborhood which can provide a labor base,
- Opportunity for an improved tax base,
- Reduction in auto dependency and air-pollution for the City’s citizens by co-locations of employment and businesses for daily resident and employee needs,
- The efficient use of existing infrastructure within walking distance of downtown, and
- The increase of local revenues with a more diverse collection of industry and businesses.

Sec. 102-771.1 Permitted Principal Uses – Currently the proposed ordinance states the following. Proposed revisions are noted with strikeouts. Proposed additions are bolded:

Proposed Permitted Uses	Subject to:
Assembly	Any one use may occupy no more than 20,000 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Bulk Storage & Distribution of goods, accessory to main manufacturing use	Any one use may occupy no more than 20,000 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Clinic	Any one use may occupy no more than 20,000 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Dwelling, Multi-Family	Special condition mixed use only when connected to a particular commercial or specific industrial use. See criteria.
Greenhouse/Nursery	
Health & Fitness Center	Special exception required for all outdoor activities. Accessory use only.
Historic Site, Open to Public	
Home Office	
Institutional Use	Special exception. Subject to conditions and limitations as specified in Division 12 of Article V pertaining to institutional uses.
Live/Work Unit	
Manufacturing/Processing	Any one use may occupy no more than 20,000 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Neighborhood Grocery Store	< 1,500 SF 3,500 SF
Nursery/Child Care Facility	Special Exception
Office/Small Scale Corporate/ Business or Professional Purposes	Any one use may occupy no more than 10,000 20,000 gross SF of floor space. Special exception subject to criteria for > 20,000 square feet.
Research & Development	Any one use may occupy no more than 20,000 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Restaurant	As distinguished from a bar and less than 50 seats.
Warehousing	Any one use may occupy no more than 20,000 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Training Programs; Undergraduate & Graduate	Any one use may occupy no more than 20,000 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Wholesaling	Any one use may occupy no more than 20,000 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.

Table 1: Proposed Permitted Uses Business Growth and Reuse District

Proposed Size/Scale Restriction At the April 11, 2016 Joint Committee meeting, Councilor Hansel asked why staff is recommending a 20,000 SF size limit to particular uses. He expressed his concern of discouraging a business that could need a larger size building or space. To more fully explain staff's rationale, this size restriction is being recommended in an effort to encourage smaller manufacturing and/or industrial uses *more compatible with the neighborhood surroundings*. A recent conversation with our local expert on leasing manufacturing/industrial space in the region, Jack Dugan of the Monadnock Economic Development Corporation, revealed the following:

"We are buying a 104,000 square foot facility on Production Ave and leasing it to a single manufacturing company. I don't think that amount of square footage is typical however. I think, based on discussions with other manufacturers over the last couple of years that have expressed an interest in buildings in this area, that a more typical request is 20,000 to 30,000 square feet."

Institutional Uses

At the April 11, 2016 Joint Workshop, Councilor Jones asked about the need to require a Special Exception for the inclusion of Institutional Uses in both this and the proposed Neighborhood Business Zoning District. To date, it has been the practice of the committee to choose Institutional Use locations on an ad hoc basis examining the proposed street capacity to assure that it is adequate for the intended Institutional Use. The Board may want to discuss further their thoughts on this issue. To assist, here is the current definition of Institutional Use per Sec. 102:

"... includes health care facility, hospital, accessory (temporary) housing for families of patients admitted to a hospital, clinic, nursing home, sanitarium, convalescent home, home for the aged, private school, child care facility, place of worship, senior center, and museum. It may be public or private, for profit or not for profit, and deals with a service rather than a product. In order to qualify as an institutional use, the property must be owned or leased by and used directly by the institution for institutional purposes. The property cannot be leased or subleased in whole or in part by the institutional use to a noninstitutional use."

Proposed Size Restriction of a Neighborhood Grocery

New England is noted for its neighborhood markets. The public repeatedly expressed a belief that the lower area of Marlboro Street would benefit from a market that can provide prepared foods as well as basic household items. Chair Richards and a member of the public expressed his request for staff to do more thorough research regarding the store and storage space requirement of local markets. In response to this, a re-examination of the average size of Keene's existing neighborhood markets show the average square footage to be closer to 3,500 SF. Note the proposed and now revised

definition for Neighborhood Grocery Store in the DEFINITIONS section of the Ordinance, page 10:

Neighborhood Grocery Store – Establishments primarily engaged in the provision of frequently or recurrently needed food for household consumption, such as prepared food, beverages, limited household supplies and hardware, less than or equal to ~~1,500~~ 3,500 square feet.

Sec. 102-771.3 – New Building Incentive Option

The proposed recommendations are meant to utilize the Sustainable Energy Efficient Development (SEED) District incentives. The City has seen its first and successful project from the district created in 2010, with *The Mills* adjacent to Keene State College, a 9,000 SF student housing development. This project utilized the incentives offered by the SEED District to “trade” a Silver LEED certification for the ability to place a new residential use in a Commerce Zoning District, reduced parking requirements (1 ½ parking spaces per unit verses 2) and an additional two stories of building height.

Staff recommends providing this option of potential incentives at the new BGR to further Keene’s goals of increased energy efficiency.

Sec. 102-771.4 – Density, Height, Dimensional Incentives

Further discussion, analysis and research by staff has revised the previously proposed table of density, height and dimensional incentives. Below is the Table I that currently exists and following (on the next page) is the proposed, revised Table I. An explanation of each particular regulation category follows:

Table I: Dimensional Regulations for Eligible BGR Projects						
Maximum Building Height	Minimum Lot Size	Minimum Building Setbacks	Minimum Setback Between Structure & New Parking Lots	Minimum Open Space Setbacks; New Structure further from 100-year Floodway	Minimum Landscape Buffer from Structure:	Sidewalk Widths
4	10,000SF	20' Front	20'	20' Front	10' Front	10/20'
		20' Side		20' Side	10' Side	
		20' Rear		20' Rear	10' Rear	

Figure 1: Existing Table I - Dimensional Regulations for Eligible BGR Projects Table

Table I: Dimensional Regulations for Eligible BGR Projects												
Maximum Building Height		Maximum Building Height for Incentive Eligible Projects		Minimum Lot Size	Minimum Lot Size for Incentive Eligible Projects	Minimum Building Setbacks	Minimum Building Setbacks for Incentive Eligible Projects	Minimum Setback Between Structure & New Parking Lots	Minimum Open Space Setbacks; New Structure further from 100-year Floodway	Minimum Landscape Buffer from Structure	Sidewalk Widths	Minimum % of Lot Impermeable (Includes Structures & Paving)
Permitted	Permitted w/ First Floor Parking	Permitted	Permitted w/ First Floor Parking									
42	3	3	4	10,000 SF	None	20' Front	0' Front	20'	20' Front	10' Front	10/20'	65
						20' Side	0' Side		20' Side	10' Side		
						20' Rear	0' Rear		20' Rear	10' Rear		

Figure 2: Proposed, Revised Table I - Dimensional Regulations for Eligible BGR Projects

- Maximum Building Height/1st Floor Parking – A revision changes the proposed 4-floor standard to 2-floor with the possibility of an additional floor if a developer would create a first floor of parking. One of the “perks” being offered to a developer as a result of their adherence to one of the four energy efficiency standards is that of additional building story, allowing for more square footage within the same footprint.

The idea of encouraging first floor parking can accomplish several of the City’s development goals. First, less surface parking is an aesthetic advantage to the City; citizens see less parking lots. Also, less surface parking equals less impervious area. Meaning that this provision will likely increase the % of permeable area on the developed lot where stormwater can infiltrate. And lastly, parking on the first floor creates an area that is less vulnerable to periodic flooding damage verses an occupied or finished first floor. We are seeing this approach being installed right now at the new Westmill Senior Housing Complex on Railroad Street. This would mean that a building here could be five stories tall.

- Minimum Lot Size – The proposed 10,000 SF could be reduced as an additional incentive option. A smaller lot size reduces not only the initial land cost but also a reduced ongoing property tax commitment/ liability. An advantage to the City is that it can benefit from more parcels and the distributed risk of multiple businesses’ survival verses being vulnerable as a community to the risks of a reduced number or single business/employer in the district.
- Minimum Building Setbacks – The original 20’ is standard for industrial uses. The incentive option would also allow for a greater density of structures immediately adjacent to one another. In combination with the “Minimum Landscape Buffer from Structure” regulation, the City could benefit from the increased likelihood for parcels’ open spaces to be adjacent to one another, creating contiguous, open and still privately-owned, green areas within the district.
- Minimum Setback Between Structure & New Parking Lots - This standard would prevent the ability of a project to have a proposed building meet the ground with solid paving from sidewalk and parking lot to the property line such as the Planning Board has recently previewed.
- Minimum Landscape Buffer from Structure - This proposed standard acknowledges the area’s propensity for flooding events and the need to have permeable areas surrounding each structure both for the area’s improved environmental aesthetics and to create space for the Low Impact Development measures the City encourages.

- Minimum Open Space Setbacks; New Structure Further from the 100-year Floodway - Recent history has shown that the flood-prone areas here greatly exceed the 100-year floodplain, see attached Beaver Brook Recent Flooding History exhibit. See Figure 3 for the 2005 and 2012 flood extents. This setback would decrease the area available to new buildings but would lessen the impacts of periodic flooding events to private properties along the floodplain. If, in the future, the City was inclined to offer to purchase an easement from the applicable private property owners for this setback, for pedestrian and bicycle use, a suitable area would be available to function as a de facto greenway, potentially connecting Marlboro Street up to Water Street. This could, in the future, create an addition to the City’s trail and alternative transportation network.

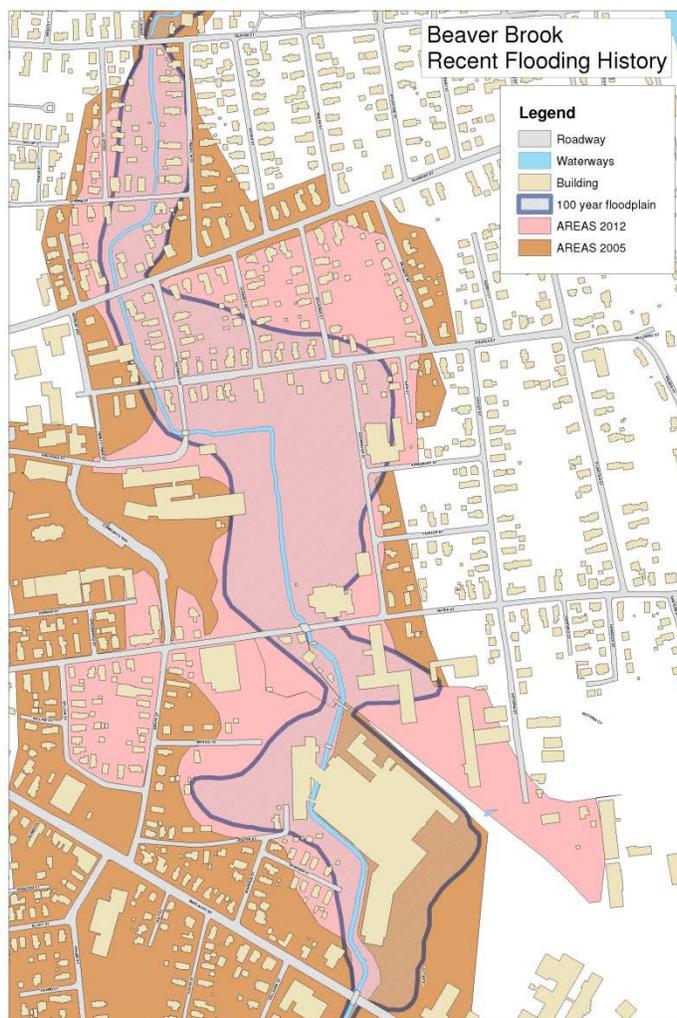


Figure 3: Extent of Recent Beaver Brook Flooding Events

District. Minor deviations equal to a maximum of 33 percent of building frontage are permitted for parks, open space, patio space or such architectural features as recesses, niches, ornamental projections, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code.

(3) First floors are to be used only for vehicular or bicycle parking

a suitable area would be available to function as a de facto greenway, potentially connecting Marlboro Street up to Water Street. This could, in the future, create an addition to the City’s trail and alternative transportation network.

- Minimum % of Lot Covered by Impermeable Materials (includes structures) – this standard acknowledges the area’s location within the lowest portion of the Beaver Brook Watershed. The standard would decrease the impacts of future, periodic flooding events to private property. The standard could also create space to install a variety of low impact development measures. Lastly, for eligible projects, while buildings could be quite close to one another, see the 0’ setback between buildings, this required green space could be contiguous with other parcel’s green space requirement.

The following are the Ordinance O-2016-01’s notes for this section.

Notes:

- (1) A new structure constructed within the BGR District shall have no fewer than two stories.*
- (2) There shall be a maximum structure setback of ten feet from any street frontage property line in the BGR*

With regard to the notes, Number One - is encouraging higher building heights to implement Smart Growth principles of increased development density within walking distance of residential neighborhoods. Number Two - is to encourage an “activated streetscape”, the area immediately adjacent to the sidewalk and street. As is quoted in a recent article: “Creating an engaging first 30 (vertical) feet makes the street interesting and appealing to people who live, visit and work there.” *Standards for Creating Vibrant, Inspiring and Sustainable Places, see Attachment #4*. Our own former Master Millwork building at 354 Marlboro Street is an excellent example of a building at the property line encouraging interaction and activity with pedestrians. Adjacent to our existing building photo is an additional image of what an “Activated Streetscape” can look like mixing retail, office and other uses:



Figure 4: 354 Marlboro Street, Keene NH

Note Number Three shows a strikeout of a regulatory provision that is now not necessary after being incorporated into the proposed incentives.

Sec. 102-771.6 Parking Regulations and Incentives - Existing parking regulations would apply *Section 102-793 Minimum Parking Requirements* which specify parking requirements by use, with the exception of “eligible projects” which would be the following as shown in Table II and as shown in Article XIV. Shared Parking within the SEED:

Table II: Parking Calculations for Eligible Projects within the BGR District	
USE CATEGORY	MINIMUM
<i>Dwellings & Apartments</i>	1-25 Dwelling Units: 2.0 spaces per unit
	26-50 Dwelling Units: 1.75 spaces per unit
	51-100 Dwelling Units: 1.5 spaces per unit
	100-150 Dwelling Units: 1.25 Spaces per unit
	> 150 Dwelling Units: 1.0 spaces per unit
<i>Restaurant, Theatre, Auditorium, Church, Places of Indoor Assembly</i>	One (1) per every four (4) seats
<i>Retail</i>	General Retail: one (1) per 275 s.f. of floor area
<i>Offices</i>	One (1) per 300 s.f. of gross floor area
<i>Wholesale & Storage</i>	One per 3,000 s.f. of gross floor area
<i>Live/Work Space</i>	One per 2,500 s.f. of gross floor area

