

Knightville Fore and Aft

Minutes
October 18, 2018

Comprehensive Plan Implementation Committee

Present

Peter Stanton, Chair	Phil Notis	Barbara Psichos
Councilor Sue Henderson	Susanne Conley	Mike Hale
Bob Foster	Camila Atkins	Buzzy Trusiani
Adele Edelman	Tex Haeuser	Kathleen Egan
Justin Barker	Rick Knowland	Bill Mann
Melanie Wiker	Tony Grande	Bland Banwell
Caroline Hendry	Barry Lucier	

1. Welcome

The following documents were provided: the agenda, notes from the previous meeting, a memo titled Cluster Development for Building Reuse dated 10/16/18, Provisional Village Commercial Zoning Amendments, a memo titled Summary of Proposed Village Commercial Zone Districts dated 10/16/18, and a Knightville Zoning Map

Chairperson Peter Stanton welcomed everyone to the meeting.

2. Adoption of Minutes

Kathleen noted that her name was missing from the attendee list from the last meeting.

Kathleen motioned to approve the September 20, 2018 minutes. Caroline seconded; unanimous approval.

3. Proposed VC Zoning District Text Changes

Tex introduced the topic and reviewed the Summary of Proposed Village Commercial Zone Amendments memo. He also showed the Provisional Village Commercial Zoning Amendments table.

Melanie asked if 50 or 40 is max or can they build a deck on top. **Tex** explained that they wouldn't allow a deck with something like a "doghouse" to accommodate stairs to let you exit onto the roof if that structure exceeded the 50'. If there is a way to get onto the roof without a building or fencing exceeding 50', it would be allowed as currently proposed.

Rick noted that it says "habitable floors." If first floor is parking, that doesn't count. **Tex** said that's correct.

Tex reviewed the Cape Vet lot example as written on the last page of the memo.

Kathleen asked what happens if they raised the roof. **Tex** said they could raise the roof to 50 feet and 40 feet in another area, but no matter what they could only get a maximum of 13 units.

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Kathleen asked for clarification where it states it's not including decks under minimum side and rear yards, principal buildings. **Tex** showed a building on the map and said it could come within 15 feet of the line but they could have a deck that could come closer.

Kathleen asked if that's true in VR as well. **Tex** said they didn't say. **Peter** said it could be used to create covered parking too. **Kathleen** said that's a parking structure. It seemed unclear in the language. **Tex** will clarify it.

Buzzy said they didn't get into fences or walls. Part of the concept was if there's a wall or fence, why not allow something on the other side, like a café? Why restrict commercial more than residential? Each SF in commercial is valuable property.

Tex said another way to look at it is coming back to the first example, if you wanted to do something in Lot 15-44, you would have to acquire it. Now, this building has to respect the rear yard setback. The building could come to 15 feet because it's abutting the VR zone and the deck could come to the line.

Buzzy said if he were to build a fence or stone wall, he would become restricted on the inside of his stone wall. **Tex** said at least you get the deck.

Susanne said when you put a fence up, you can put it on property line. **Tex** said maximum height is 6'. The current proposal doesn't have anything to do with walls.

Peter said you can have a 6-foot fence. Can you have an 8-foot tall fence? **Tex** said no.

Phil said Buzzy's property abuts theirs. He has a residential unit in the back. If they didn't get along, he would say it wouldn't work because he'll build the fence to the line.

Tex said it can be 7 feet if it's a foot back from the line. This isn't something the subcommittee has talked about. They can see how the group feels and can come back.

Kathleen asked about maximum building height in the Design District and how tall 72 Ocean is. **Tex** said it's less than 50 feet.

Kathleen asked if these current amendments would permit this type of building to be built again—the height and proximity to neighbors. **Tex** said that's the only lot in the neighborhood that had that land area. You'll never get another lot that size.

Peter said he's heard a discussion about height and he's not sure if that issue could happen again. They can't get deep enough with VC. **Kathleen** said they did before and that was the previous zoning and an exception was made. It was residentially zoned and the zoning was changed; they were able to spread the building down C. Her point is that they can make the amendments and they should look around and see what has been built. They should consider if they want something like that again.

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Peter said they're trying to prevent it. They looked at Martins Point as the outlier lot to see how to protect neighbors around it. He understands why everyone shows up to these meetings and that's why they're doing this.

Rick said the zone line is only 120' in depth. That lot would go outside the VC zone. These are only going to affect properties that have frontage on Ocean.

Tex said there is no possible way to prevent a future City Council from doing a zone change. The exercise here is to come back and lay down the rules they want. They can expect they should be honored for a number of years. The longer you go, there's always a chance they may let the zone creep out to another line. The only way to stop it is to eliminate VC entirely.

Caroline was on the Planning Board when the building was approved and it was controversial. The City's feeling was very excited because they thought it would be an important building for the renaissance of Knightsville. Everyone was very excited and said it's what Knightsville needs. In a way it did start a movement towards making Knightsville more aesthetically pleasing.

Kathleen said it's scale. **Caroline** had a friend in the condos and she had a deck with a view of Kathleen's backyard. There's no way she could have privacy from that building.

Peter asked the group what other questions they have.

Melanie thinks they should note all of this in the report. She's not sure what parking means for short term rentals. **Tex** said there are more parking requirements. It would be 1.5 per unit.

Melanie said they need to be prepared and mindful of parking.

Councilor Henderson asked for clarification about 24 units per acre in terms of density but then for a minimum of 8 per lot.

Buzzy proposed dropping lot area to 2500 SF in the commercial zone and frontage from 50' to 30' to support what Kathleen is talking about.

Rick said that minimum building height says 24' and maximum is in feet or habitable floors. Minimum building could say 24' or two habitable floors. You want people in the building not necessarily a tall building with no people. He noted under minimum utilization of primary frontage that this is a specialized district. They don't want a building oriented to a side street. You may as well say Ocean Street.

Caroline asked how many lots are on an acre. **Tex** said currently 12 based on a 3500 minimum lot size, assuming they have frontage and other requirements. There are no acre lots.

Peter said lot size, units per acre, and road frontage all tie together in terms of how the neighborhood develops. Maybe they should address these as the big picture.

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Tex said Councilor Henderson said that you could have up to 8 units on a lot or more if you go through net residential density calculation, you're allowed more, like Martin's Point. As for the 3500 to 2500 SF lot size and 50' to 30' feet frontage—he had question marks on the frontage and thinks those are reasonable proposals.

Buzzy said to address where sensible redevelopment alleviates fear is important. The more you have small scale development by current owners, the less likely anyone can buy property and build a large ugly building. **Tex** said allowing current lot owners to have standards that would let them improve their properties as opposed to selling to a lot aggregator makes sense.

Adele said they need to step back; she feels as though there's been an end run. There's been no discussion. She believes it's up to the subcommittee to go back if they're going to change from the original proposal and hash it out there. **Peter** doesn't feel there's been an end run.

Adele said it's not on the agenda to reconsider. If they're going to have a process, they have to do it right. **Tex** said the zoning subcommittee can only take it so far and they have to take recommendations to the larger group to work out. In VR, they changed the concept of frontage for combined lots to say any split is 50 feet. Otherwise, the group accepted the recommendations wholesale. Here, they could have several different points and argue and decide as a large group. It has to be hashed out here.

Councilor Henderson thought they were going through a process of asking questions of what was given. Buzzy gets to a dialog before everyone has a chance to get to their question. She thinks it's out of order. She asked about the Martin's Point lot—one part is in commercial and one in residential. It's all shaded as if it's in VC and she's not sure she agrees. **Peter** said the shaded portion is the Design District.

Councilor Henderson said because the Design District has different standards, she's not sure it's right to have the residential lot in the Design District. All of the other lots in the District are commercial. **Tex** said it means that the entire lot would be governed by the design standards relative to scale and appearance of building.

Peter asked what would happen if they subdivide. **Tex** said if they split, it would still be in the Design District unless or until the City changes the boundaries.

Councilor Henderson said in the photo of placements of houses on divided lots from last time, she had more questions about the divided lots. She asked about permitted uses and special exception uses—what does this mean? **Tex** said instead of putting a lot fully into VC, it's taking some of VC and keeping other standards like setbacks for VR. He showed a building and parking lot. Part of the building is in VC and part isn't, it makes more sense to allow a unified lot but making sure if there's a building built in the back part, it stays far enough away from existing houses and at 40' height that the VR has. It makes it less complicated to figure out what can be built but still has protections they want for the abutting VR zone.

Melanie asked if Cape Vet doesn't work out and to lump it all in VC, she would hate to live there. She would rather a house on the VR side than another shop. She has concerns with this.

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Peter said they are constrained by parking and amount of lot coverage. **Melanie** asked if what happened to Kathleen could happen here.

Camila asked if 40 units was allowed prior. **Tex** said no, they were looking for rezoning. Now, they don't have a lot of excess parking. If it was to change to residential, he could see some extension of building but not much.

Susanne asked how he can guarantee not much. With Big Babe's, there will be a problem with parking.

Buzzy said a lot is worth about \$250,000 under this proposal. To adopt this and allow 8 units in VC, the development value of each lot next to Big Babe's would only be \$250,000 but each of the three buildings is worth more. It's not worth it; it's based upon condos that sold for \$400,000. A developer will only pay 8-10% to buy the land. This is what protects you from the big ugly building. Because the buildings are worth more money than the development value of land, this will protect them.

Melanie said Buzzy and Phil know development and she's just a homeowner. For her, she wants to know what they're really talking about—she needs more basic.

Bland lives on C and Big Babe's is coming. They have talked about need of parking. She's brought bump-outs and trees up before and wonders why they can't have them on their street. This would slow people down. **Peter** said this is a future agenda topic.

Phil said he and Buzzy are not partners; they have their own ideas and he doesn't like to be lumped in together. In regard to 8 units, the zoning subcommittee came up with ideas to present to the larger group for feedback. They looked at the Knightsville/Mill Creek Masterplan and it calls for increased building height and intensity and livened street life, and to develop more housing. These lots, particularly theirs—the Bridgeway building needs to be torn down. His question is—he thought 8 units would be a sufficient number but that takes into consideration the entire parcel. They have a back lot and two front lots. 15-47, 15-48, 15-49. They aren't proposing 50 units.

Peter asked if it's 8 per lot or for all three parcels combined. **Phil** said 16 and parking in back. They can't overdo it. The number could be lowered.

Susanne asked Phil if he could or would tear it down for condos. **Phil** said they're not doing condos. Their focus is the empty lot. His brother runs the restaurant. As far as creeping into creating a 72 Ocean Street scenario, he remembers when it went up. If they adopt zoning now, he doesn't see that a City Council will undo what they've done thoughtfully. There's a 150' setback and that's a line where VC cannot encroach into VR. He doesn't see an easy answer for parking, only compromise. If they want restaurants, after 5 p.m. there isn't much going on. They say they will have rigid restaurant standards but Portland has no parking for restaurants.

Peter said there's a sense that people want to pull up in front and don't want to walk. He hopes by the time they're done people will look forward to the walk. No one thinks twice about this in Portland.

Susanne said you have to take the people who live there into consideration. They want to park in front of their house. Maybe they need resident parking.

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Camila said that to her, given the discussion and mission, to make the area livelier with more people, 8 feels a little low.

Tex said with concerns about the potential size of a building and uses, he proposed some new concepts. One would be the size of the first floor as 10,200 SF. What if they said that the maximum building size is 10,000 SF? Second, they could eliminate the bit about allowing the VC uses in there. He thinks it was intended to un-complicate how lots get treated but maybe they don't need it. With Kathleen's concern about another 72 Ocean or Martins Point getting filled with more building—this goes against economic development principles but it's consistent with where they want large buildings to be.

Kathleen likes the suggestion. Her other concern is that a commercial entrance may be created on a letter street. She would like to ensure that doesn't happen.

Peter said with that proposal, the owner of the former Martin's Point building isn't here. Is that a proposal they will be upset with? **Tex** said with the next forum and Council Workshop, there's plenty of time for property owners to express their views.

Phil said Cape Vet at 10,000 SF footprint does not prohibit a second or third floor, but no more than four stories. What they're doing is ganging development up on the street and not in the back and will not encroach on houses. He thinks that's a good idea.

Caroline lives on B. If you look at 100 Waterman and Martins Point, according to Planning Board standards they are not supposed to have parking in front of the building. 100 Waterman's front is on Waterman but the back is where parking is and they have managed to make the back of the building the front. They have done the same thing on Martins Point because the front is on Ocean and there's a sign to go around the corner. Another thing on B Street is that staff parks on the street so clients will park in the lot. They have to be careful. **Tex** said they can address the entrances part.

Susanne asked if the Martin's Point building is grandfathered. **Tex** they are grandfathered in certain senses but not others.

Councilor Henderson thought the previous maps of the Knightville Design District did not have this bump out. She likes keeping residential residential. She thinks the existing zoning rules they bought the property under would be okay.

Buzzy asked about his proposal of 2500 SF and 30' frontage. **Tex** supports it because it's consistent with the concept of allowing an existing property owner to have a reasonable shot at investment and preventing an out-of-state aggregator from doing a big project.

Peter said there is talk about tiny homes and small development, is it possible to do 8 small units? **Justin** said **not with parking**.

Phil said after a while it's practically impossible to put 8 units on a 2500 SF lot with parking.

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Peter talked about short-term rental parking. In his neighborhood, half the time there's a small house with five cars. If that's what will happen here, they should be able to provide parking so that doesn't become a stress on the neighborhood. **Melanie** said they only have 32 spaces on Waterman. If you have others without parking, what happens?

Peter asked when those spaces are full. **Susanne** said in the winter. It's not just about being able to pull up in front of your house—it's people at night and noise too.

Peter said they met numbers for Big Babe's. **Tex** said each new development is reducing the number of parking spaces the next development has available.

Kathleen said there's no reason to think 30' vs. 25' is a bad change but she's questioning why. With the 2500 SF reduction, she doesn't understand the rationale.

Tex said they could make a motion to adopt the changes as proposed by the subcommittee with some revisions. 1. A maximum of a 10,000 SF footprint for buildings and 2. Lots bisected by a lot line with frontage on Ocean would not allow VC uses in the VR area. Beyond that he would leave it to the motioner to include the reduction to 2500 SF and 25' street frontage.

Buzzy motioned to adopt the changes as proposed by the subcommittee with the following revisions: 1. A maximum of a 10,000 SF footprint for buildings, 2. Lots bisected by a lot line with frontage on Ocean would not allow VC uses in the VR area, and 3. To change the minimum lot area to 2500 SF and the minimum street frontage to 25'.

Peter talked about the discussion of roof decks. It's a small stairway to a valuable usage. If he were building, that's usable space for gardens. Maybe they need to allow more creative use of a roof. **Tex** sees it both ways.

Mike says buildings bisecting VR will have rooftop decks; they will be walkouts. **Tex** noted that mechanicals are not included in the height calculation.

Camila agrees with Peter. It would be nice to have a way to encourage it. **Rick** agrees; he had a rooftop deck in Ferry Village and it worked out well. It creates more open space and is a valuable resource.

Kathleen asked if the concern in permitting is that you're allowing an outside stairway that may be in the no build zone. **Tex** said no, it's an internal stairway permitted to have a shed-like structure.

Adele seconded the motion. She thinks these are great ideas. They want to make it business-friendly and to get somewhere in the middle with people with cars and livability. They have to connect all of the ideas together.

Susanne thinks it's a great idea to have rooftop decks.

Buzzy amended the motion to change 10,000 SF to 10,500 SF. He noted that his motion included his proposed changes.

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Adele withdrew her second.

Mike seconded the amended motion.

Kathleen asked what the reason is for changing. **Buzzy** said smaller lots will have no interest for any real developer. He has two lots next to each other with a gap. There are a lot of concerns about parking and cars crossing sidewalks, and it makes no sense to merge lots. Frontage is 50' each and the lots are just shy of 5000 SF. The property line is in the middle of the buildings and cars cross the sidewalk. By building a small retail box with a cute store and apartment above, this will fill it in but it only makes sense if it's three separate properties. **Peter** explained that Buzzy is able to create an extra lot in the gap.

Adele is concerned when they start adjusting a vision or expectation or standard. If people went through the process, came up with a number with reasoning, and then they're presented with someone who doesn't quite fit, is there a way in his case for a process he can come into for an exception? **Tex** said he sees what she's saying. This is getting really detailed about one situation and for the 3500 feet—there's no magic in the number. It's an existing number and he doesn't know why it exists as that number. It's no less arbitrary than 2500 SF. It means you may have a few more lots that could have 8 units. They agreed it's unlikely to get that number. Other than potentially allowing few more lots, it won't change anything.

Peter said he was pushing for not having any number and letting developers figure it out. They're constrained by the building envelope, economics of what they can put in there, and parking.

Adele said when they talk about units, what is the definition? Could it be a rooming house? **Tex** said a unit has kitchen, bedroom, and bathroom. You could do a studio. **Peter** said for a neighborhood thinking about attracting young people—it could be an asset to bring in vibrancy. **Barbara** said older people would be interested in something small as well. There's a similarity between the young and old.

Adele asked if 2500 or 3500 SF is more desirable to a developer coming in. Her concern is they want a lot of people with small spaces and they also want businesses. **Mike** said they went through VR recommendations quickly because everyone can relate. The commercial zone is driven by the buck. In Buzzy's case he has two units. The smaller developments are, the more you keep people away. The equation to the developer doesn't make sense. For apartments or to sell goods, it's just a money producer. The mathematics have to work.

Phil said 3500 is just a number chosen that was sufficient to apply to all the lots. Two people have lots that are big enough to work within the current zoning standards; everyone else is in a boat. They chose a number to put everyone in it together. For Buzzy's lot—he's talking about putting a building in to prevent a future developer from buying it, tearing it down, and putting up another building. Part of the mission statement of zoning for Knightville is that they avoid gaps between buildings. Buzzy's lot has been a turnaround.

Peter asked if there should be a fresh proposal where a rooftop deck is included. He doesn't want people to feel it came together in a way they're not comfortable with.

Barry called the question; Buzzy restated the motion to adopt the Zoning Subcommittee's recommendations and to include modifications of a maximum footprint of 10,500 SF, to include the

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bisected lot provisions as put together by staff, and to reduce minimum lot area to 2500 SF and minimum street frontage to 25’.

Vote 17-1 (Adele opposed). Motion passes.

Tex reminded the group that said there’s another zoning issue, which is how 85 E gets handled. There’s also another forum that he suggests they have at the next meeting date, November 15th, and then to proceed to Council Workshop for December 11th.

The Committee decided on an additional meeting to discuss the rest of the zoning on November 7th at 6 p.m. **Tex** will confirm the meeting date, time, and location, works with the City since other meetings have been moved that week due to the election.

~~4. Proposed Cluster Development for Building Reuse~~

~~5. Next Public Forum~~

~~6. Comments from the Public~~

~~7. Round Robin~~

~~8. 4. Adjournment~~

Respectfully submitted,
Dana Bettez 10/22/18