

Knightsville Fore and Aft

Minutes
November 7, 2018

Comprehensive Plan Implementation Committee

Present

Peter Stanton, Chair

Councilor Sue Henderson

Tex Haeuser

Justin Barker

Bill Mann

Bob Foster

Kathleen Egan

Melanie Wiker

Tony Grande

Tom Falby

Mitch Sturgeon

Mike Hale

Phil Notis

1. Welcome

The following documents were provided: the agenda, minutes from the last meeting, a Knightsville/Mill Creek Zoning map, and a memo dated 10/16/18 re: Cluster Development for Building Reuse

Chairperson Peter Stanton welcomed everyone to the meeting.

2. Adoption of Minutes

Councilor Henderson clarified her comment about the hashing where she raised the issue that the Design District has a greater height than VC, so by making the residential lot in the Design District she questioned whether it changes the residential rules for that lot. She wasn't sure if it was answered. **Tex** said the Design District is for properties that front on Ocean. The bisected issue is for lots that front on Ocean but extend into the residential district in the back. In those cases, in the residential portion of the lot, extending from Ocean, the rules for the residential district would apply.

Councilor Henderson wanted to be sure the motion makes that clear and it doesn't get lost. **Tex** assured her it would not get lost.

Kathleen Egan motioned to accept the October 18, 2018 minutes. Bob Foster seconded. Unanimous approval.

3. Discussion of the Zoning Map Changes

Tex explained that everything up to this point has been in the context of text amendments. There have not been any map changes up until now but there are a couple considerations. The subcommittee considered doing something with the Commercial C zone but decided not to at this time—the condos were developed based on the zone and its density, the marina relies on the zoning for its use, and the substation is something where the City is trying to work constructively with the utility company. This isn't something they want to touch at this time.

He explained that Mike Hale owns a building at the corner of E and D Streets in the VR zone that has been commercial for a long time. The subcommittee talked about rezoning and this is something to discuss tonight. Most people on the subcommittee feel there will be a lot of pushback from neighbors to rezone this to VC; it would reflect the use accurately but changing the zone means another use could come in in the future and could be problematic. The other option wouldn't have as much flexibility in the range of uses as if you were rezoning but is a cluster approach. He reviewed the memo and noted that he

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should have added wording such as, “except at such time as the building is torn down or reverted back” to the last bullet, or something similar.

4. Proposed Cluster Development for Building Reuse

Peter asked if Mike would like to talk about his property. **Mike** said the property was purchased as an investment and they do not want to be limited to what they can do in the future. He’s concerned about VR because it allows a home based business, but there are no homes here. He understands the concerns of replicating 100 Waterman in this location. The most profitable use at this time would be apartments. They are surrounded by a basketball court, skate park, McDonald’s, and other businesses. They aren’t planning to do anything tomorrow but this is a big part of their retirement and they don’t want their hands tied. He understands the apprehension of island zoning.

Kathleen asked if there’s interest or thought of what it would take to convert this to apartments. **Mike** said no. They are in the process of creating an apartment now. He can currently put in one apartment under 1000 SF. If they want more than one, they need to go through the planning process or wait every two years and just get a permit. The spaces now are leased commercially. They could comfortably put in eight apartments.

Kathleen said it seems like there’s a need for apartments. **Mike** said they are building an apartment for themselves—970 SF, two bedrooms. There’s a center hall and it’s basically just quartering the building. Over the years they’ve had offers to sell it and options bought on it from apartments to commercial to the Planning Department moving in. He’s not sure what he will do with it, and they’re not looking to do anything tomorrow but want to plan for the future.

Councilor Henderson asked for clarification and asked if he’s looking to put in eight apartments. **Mike** said he thinks that will be the best use in the end. **Councilor Henderson** asked why that can’t stay in residential. **Mike** said now he can’t put the apartments in.

Melanie said living across the street, eight apartments is okay but she is against changing to VC because it changes a lot of things. **Mike** said more immediate is four apartments above and four businesses downstairs. He explained that the residents and businesses shouldn’t step on each other because of the business hours.

Melanie said another neighbor is concerned about parking. She’s not sure how they can have apartments and people working there. **Mike** said they met with planning and that’s the first thing they said too. The highest number of spaces they would need is 13 and they have 21 spots. His lot is never full—people are in and out.

Tex said if they went to the apartments above and offices below, they would have to show that the offices and apartments have the required number of spaces. **Mike** said cars are parked on D are from residents and not him.

Melanie thinks that changing to VC is spot zoning. She doesn’t want a large building in front of her. **Kathleen** said she is confused about the map. 100 Waterman is in VC and they are talking about a property in VR. Is the map what exists? **Tex** said that is correct.

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Mitch asked if they would be inventing a new exception or applying something Citywide. **Tex** said they would start with just VR. There is a clustering provision citywide but it has restriction and was meant as an environmental protection. This takes this idea and brings it to a smaller scale.

Mitch asked if this is the only VR in town and asked if it could cause problems elsewhere. **Tex** said it is the only VR. He would like to try it here.

Peter asked if there are other lots like this in VR. **Tex** said he thought about the Martins Point lot but decided it wasn't a good example.

Councilor Henderson said as a person and not Councilor, she thinks that eight apartments could look very nice in this building and she has no problem with it. For someone who lives in the area, she thinks D Street is one of the prettiest streets in the area. E Street isn't bad either. She didn't like that he called it an ugly area. **Mike** said he meant that the property is surrounded by businesses and that doesn't mean it's ugly. He has a commercial property next to other commercial properties that is now a residential building.

Councilor Henderson said that she doesn't understand why people buy investment properties for what they're not zoned for.

Peter said the businesses in there are conformable. **Tex** said they're grandfathered.

Mike asked if he could rent the units to Unum if they asked. **Tex** said he would be able to because of the history of an office use.

Peter asked if moving it to a residential uses means you're unable to back to commercial with grandfathering. **Justin** said yes.

Peter asked if two floors converted to apartments could go back to commercial. **Justin** said they would have to be residential from there forward as it's in VR. **Peter** asked if there could be a home office in each residence. **Justin** said yes but that's the standard.

Tony asked if Mike sold the property and someone buys it as-is, this means that person is able to still have businesses there? **Tex** said yes. It doesn't matter who owns it. **Justin** said the use is grandfathered as long as it's not discontinued for two years. There could be grandfathering of setbacks.

Tony confirmed that as long as use doesn't change, he has grandfathering protection. He asked if he were to put apartments in on the second floor, the building itself would convert to VR but the first floor could remain commercial. **Justin** said it could remain until it becomes residential, then they lose it from then on.

Kathleen asked are there other grandfathered properties they should know about. **Tex** said he's not sure. It's difficult to tell home occupation from business in some cases.

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Kathleen thinks this is something they would want to know. **Tex** said what they propose really only has any relevance to a large lot. **Kathleen** said she sees that and it's helpful to see. She likes the idea of converting, but there could be other properties scattered around that are grandfathered as commercial properties.

Tony said it's already in VR and the intent is to keep it there and hope over time any other grandfathered businesses will convert to residential. With the established rules, in the memo, it sounds like it may be the only lot that applies.

Tex said this is like a pilot for the rest of the City.

Kathleen said she likes the idea of apartments and keeping it VR. Is there any way the building could be torn down and rebuilt as an apartment building? **Mike** said it could. It could also be split into house lots if it's economically feasible. He's not interested in that. Turning it into eight apartments with reduced parking, gives more room for lawn and trees.

Justin said without the provision the only two options is keep operating as-is or tear it down.

Melanie asked if it could be fully short-term rentals. **Mike** said he believes if they reside in it, it's a home in a VR zone but he doesn't know for sure.

Councilor Henderson said no, the most you can rent is two. **Tex** said whatever the current rules are would apply and you couldn't go beyond them through grandfathering.

Peter said it's grandfathered for offices now but restaurants are a different kind of commercial. **Justin** said it's a gray area. **Phil** mentioned uses such as a butcher shop, marijuana dispensary, and redemption center.

Kathleen said whatever commercial use is permitted, they can't change that. **Peter** said it's an opportunity to encourage getting it into residential conformity which he thinks is an advantage. The bend on it is you don't have to subdivide and can have better landscaping.

Tex said you can go from four to eight or ten units. **Mike** said as long as they own it, it won't be more than eight. They aren't looking to scheme. It is an investment. **Peter** mentioned subdividing and selling as condos. **Mike** said he doesn't think it would matter; it's a different form of ownership. The Committee discussed this, including the concept of outdoor space.

Melanie said it's not in the design district. Could it be a box? **Tex** said up to now they've resisted getting into design standards for the VR zone. It would have to apply to other lots in the VR zone also if you do it here.

Peter asked Melanie about other issues in the letter her neighbor wrote.

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Melanie said it was a letter from Marty Macisso. He asked about a traffic study and parking, noting there is no space on D Street. He asked about the sewer impact and stormwater issues. **Peter** said it doesn't seem like anything will change; you're tinkering internally and landscaping just improves things.

Melanie said he also asked if it's affordable housing or Section 8. **Phil** said legally you can't discriminate. **Justin** said he thought you can refuse to accept Section 8 but would have to verify it.

Melanie said as long as there's enough parking.

Tony said he thinks based on what zoning allows, he can do what they're talking about now. They are just trying to formalize it so it fits with everything else they've done. They're not giving special privileges. **Tex** said he can't do it as quickly. **Mike** said he also can't do eight units in VR.

Tony said he's just trying to provide for the same opportunity without splitting up the building. **Tex** said you would think people would like it better—it's less change.

Melanie asked if it's spot zoning. **Tex** said no, the provision would apply across VR but this is just the only one that can take advantage.

Kathleen asked if a residential owner has limitation on how wide a driveway can be. They have an entrance on both sides and cars go through there. She wonders how it impacts the amount of parking and if he would think of altering it. **Mike** said he thinks planning would want two entrances.

Kathleen asked if they would expand them. **Mike** said no. If parking is an issue and they need to create more, they could close one. He would like to close off E Street. **Kathleen** noted they could gain spaces on the street that way.

Tex said he would prefer closing D Street. **Mike** said it doesn't matter to him, it seems safer to close off E. They've thought about closing it off on the weekends and have even purchased large planters to block it. If it went to apartments, he would think one of the two would go if the City allows it. He thinks D would be a safer entrance/exit.

Melanie talked about shifting the entrance/exit location.

Mike asked Tex about the third bullet. **Tex** said they don't want him to add onto the building; it's about reusing the building as-is footprint-wise.

Peter asked about a covered entrance way. **Tex** said that would be okay.

Mike said he would like "accommodate the residential units" defined. Is putting garage up accommodating the residential units? It seems like it could be detached but not attached because that's enlarging the building. He also asked about adding a deck.

Tex said in those situations you're going through Planning Board and in that case they don't care so much. **Mike** said he's putting a deck on now without a site plan review. The point is putting outside things on the building can be read as accommodating the residential units. This wording limits it.

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Mitch suggested “cannot increase the living space” as language. **Phil** said “residential units confined within the existing structure.”

Bill said it would have to meet setbacks as well. **Mike** said the in the back facing D, it would make sense to put a shed roof with a four or five bay garage. With this, he’s enlarging the building to accommodate. A freestanding garage in the middle of the parking isn’t enlarging the building.

Peter said he would encourage opening up for green space and staying close the building. A garage or carport makes sense as long as you have the space to do it and meets setbacks.

Bill said he’s looking at the screen and wants to ensure if you put a garage it would meet setback requirements. **Tex** said no matter what you need to meet setbacks.

Melanie said as a homeowner she doesn’t want to see a carport. **Tony** doesn’t know if there’s anything they can do to stop someone from building a garage on their property.

Phil asked if all units will be on the top floor. **Mike** said no, four on each floor.

Kathleen Egan motioned to accept the clustering provision with the following language added:

Bullet #3: The existing building is not enlarged to increase the living space. Decks and accessory structures are exempt from this requirement.

Bullet #4: A deed restriction is recorded for the property to prevent any splitting or subdividing of the parcel in the future unless or until the building is demolished or the number of residential units is reduced to meet the zoning density limit without need for the clustering provision.

Tony Grande seconded.

Vote 8-0 (Melanie Wiker abstained, Tom Falby absent).

5. Upcoming Public Forum

Tex reminded the Committee that the Public Forum is next Thursday, November 15th at 6 PM. It is intended to inform people about the suggestions the Committee has come up with for VR and VC. However, they have spoken with GWI representatives and they have laid a fiber system for the City that connects City buildings and is the backbone of the citywide network. They would like to expand throughout the City. It seemed to him that a planning module is infrastructure and Knightsville being an urban village, the City should promote and incentivize getting the cable not just down E but all the streets. If it’s okay, they would like to speak at the forum for about 15 minutes. He noted that GWI has a website and people interested in the service can mark their property. When GWI sees a cluster, they get interested in investing. On their side they should have recommendation to the City to use downtown TIF funds to help a public/private partnership.

Peter met with them today and the Economic Development Committee is interested in seeing it throughout the City. This would allow small businesses to be in touch with state-of-the-art services such as full on video conferencing and massive amounts of data. It entices people to live here and work from

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home and telecommute for companies all over. This is something Knightville and Mill Creek can have easily. This is something they don't have in Portland.

Mike said there are two sides to everything—there's produce and management of the company. He said to be careful of what you get into; he's currently in litigation with them because the speed was much lower and they couldn't get out of the contract.

Councilor Henderson said if the cable is laid and the City gets dependent, they have monopoly power. **Bill** said the City enters into GWI to lay fiber optic cable; they are endeavoring to see if there's interest. Any provider will have the ability to utilize the network once it's built.

Peter said it's similar to power companies. It creates an alternative. **Bill** said if you have a computer with high speed capacity, you can work anywhere. They don't need office buildings as large because you work from home. This gives flexibility.

The Committee discussed GWI.

Melanie asked if they will talk about having gas options for everyone. Some houses have it and others don't. **Tex** said it should be on the list, if not at the forum.

Peter said an issue may be historic gas and the lines are at an age that they need to be redone. **Tex** said they can help.

It was noted that on December 13th they will go to City Council for a workshop on zoning.

6. Comments from the Public

Kathleen they brainstormed about public things they want in the neighborhood and she's thought about a wading pool and how great it is for families. She keeps thinking about how they talk about parking and are concerned about not having enough—they have free parking and compared to Portland that's a huge draw. They should promote this when they promote Knightville.

Melanie spoke about the skate park and suggested they add it into the Comprehensive Plan that they do not want it here so others don't have to go through this again. Now they're discussing a spot across the way by the water treatment plant. There hasn't been a feasibility study.

Tony showed a document created by the Skate Park Committee. It's available on the City's website.

Tex said if the group agrees that they want this Committee to weigh in, they need to devote time to learn about it and interface with those working on it. They can get through zoning and get it adopted and it would become the infrastructure portion.

Phil asked if Legere Park is removed. **Tony** doesn't believe so.

The Committee discussed the other locations; many thought the park across from Police is perfect. They also noted that Councilor Lewis expressed interest in hearing from them.

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Mike said the O'Neil Street project was slated to add a skate park and **Tex** said that was dropped at the residents' request. **Melanie** said the TIF funds are driving it.

Mike said he would like trash cans. **Kathleen** has noticed this too. People say you need recycling next to trash cans because people will throw everything in there and the City pays to have it removed. **Tex** said cleanliness is an important part and they can have trash cans, they just need attractive disposal.

Councilor Henderson said there is now a trash can next to the bus stop at McDonald's and it's great. She spoke about a funny video on Channel 2 about not feeding the geese; it was effective and as a City they could do more with this. She said it's making her sad that she walks with her dog and the homeless people are getting more ensconced in their neighborhood. Tonight she saw someone moving into the gazebo for the night and she sees them sleeping in the neighborhood. It's important to remember there are homeless living among them and it makes her sad. They need to find a place for them; she doesn't want to drive them out. It affects the use of the park; they want open space but it's populated.

The Committee discussed this issue and different ways to address it.

Tony said he cannot make the forum. Last time not many people came.

Councilor Henderson asked if it's clear to the Committee that it's a meeting.

Tex said they should let other people talk. He confirmed that he will present things and GWI will be at the forum. As for the next direction of the Committee, it's up to them but he heard a lot about infrastructure tonight. Parking will be a big issue as well.

Tony said previously they discussed tools to have for the forum. **Tex** said they've thought about it and assigned it. Justin will help with this.

7. Adjournment

Bob Foster motioned to adjourn. Mitch Sturgeon seconded. Unanimous approval.

Respectfully submitted,
Dana Bettez 11/8/18