



Special City Council Meeting regarding potential revisions to the City's Downtown Mixed Use Core Overlay - Thursday, August 18, 2016 - 5:00 pm - 8:00 pm, Contois Auditorium, City Hall 8/18/2016

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Generated by Ashley Bryce on Friday, August 19, 2016

Members present

Tom Ayres, Sharon Bushor, Jane Knodell, Max Tracy, Kurt Wright, Miro Weinberger, Adam Roof, Dave Hartnett, Joan Shannon

Meeting called to order at 5:15 PM

1. Agenda

Action, Procedural: 1.01 Motion to amend/adopt agenda

2. Public Forum - 20 minutes (second public forum to follow at end of meeting)

Information, Procedural: 2.01 Verbal Comments

Speakers:

Rich Christ

Alex Lavin

Genese Grill

Barbara McGrew

Lynn Martin

Charles Winkleman

Charlie Messing

Carolyn Bates

Charles Simpson

Margaret Wallace

Jay Voss

Amey Radcliffe (read by Genese Grill)



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Jackie Robertson
Caryn Long
Maxine Holmes

3. Discussion of DMUC Overlay District

Discussion, Information: 3.01 Discussion of DMUC Overlay District

3.01 Discussion of DMUC Overlay District: David White walked through the new version of the ordinance which incorporates primarily technical, non-controversial changes based on comments made by the Planning Commission and Ordinance Committee. The sections in yellow are in addition to or different from what was warned.

C. Bushor clarified that the changes in yellow from the Planning Commission were considered and supported by the Ordinance Committee. She also noted that in the green building section there is a bonus, so the "Purpose" paragraph may need revision. On p. 7, the setback of 12 feet should not be yellow because it is still to be discussed.

C. Shannon asked if the marquee sign section means one sign per street or per building? Mr. White responded that it had not been changed, so President Knodell asked that it wait until the discussion on signs.

David White requested that the Council pull out the issue of vertical structure v. horizontal expression be pulled out for further discussion. This is #9 of the Ordinance Committee communication.

Mr. White addressed C. Shannon's question about why #19 of that communication says parking would start at the second floor, instead of third. C. Shannon said Devonwood is not planning parking at the second floor. C. Roof noted that we are thinking broader than just this single project. Mr. White pointed out this will be part of the later discussion of parking. C. Tracy noted that the desire was to have all parking underground, but if it couldn't be, to have it wrapped by other uses, so the parking wouldn't be seen from the street.

Mr. White noted that #20 was a typo, so the Council agreed that should be corrected.

Uses—Pres. Knodell noted that the issue is whether post-secondary and community college uses should be allowed as a permitted or conditional use. The Planning Commission was uncomfortable that the entire district could become a college use, and the Ordinance Committee agreed. C. Roof asked where the 10,000 square foot option came from. Mr. White explained that 5000 sq. ft is often used for small retail, and this is double that, but there is no specific magic to the 10,000.

C. Bushor clarified that conditional use would be the status quo. Mr. White explained that there could be positive association for a lab or small classroom or some community activities to be associated with a residential use for students. C. Shannon recommended that leaving it conditional use seemed not controversial. Pres. Knodell asked if there were consensus on that issue, and the Council agreed there was. Pres. Knodell noted that they would not vote until they saw the actual language.

C. Tracy asked about the binding nature of the Predevelopment Agreement. Clarification by Pres. Knodell, City Attorney Blackwood, and C. Shannon included that if the council were to change the draft ordinance, the consequences depend on what the change is. Changes that aren't specifically described in the PDA may be fine, while changes to more specific issues may require re-negotiation or open the city to liability. These will be discussed as specific changes are discussed.



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Boundaries

They want to clarify who owns which parcels. Mr. White explained there are 4 parcels owned by Devonwood. Pres. Knodell asked how the boundaries were drawn. Mr. White explained this discussion began with the Form-Based Code (FBC) discussions about what our downtown should look like. There has been discussion of whether the 2 garages and the People's United building should be included. C. Shannon noted that removing the garage might make people more comfortable and adding the former-Vermont National building might make the lines clearer. She suggested going parcel by parcel.

C. Bushor requested that the map be delineated by street or actual boundary. She then suggested shrinking overlay district and leaving the garages subject to existing zoning. Pres. Knodell asked about the numbers that the Council received that the BTC is being downzoned, but the rest is being upzoned, so we stand to benefit from upzoning. Why then would we want to shrink the district? C. Roof is also not there. He asked about spot zoning. CA Blackwood said that the smaller the district, the more the public perception of spot zoning, but the Court has said a single property may not be spot zoning, as long as the other factors are met. But there is risk of litigation to invalidate the zoning. C. Wright asked if there could be tiering of the buildings? Mr. White said yes, there could be step backs where there is transition to neighboring lower buildings. C. Wright said he's not there yet either. Pres. Knodell asked if same height had to be throughout district, and Mr. White said no, but it probably would not be wise to assign height by parcel. C. Hartnett asked about the ownership of the two bank parcels. He thinks decreasing the size is not good, and he is in favor of expanding the area. C. Ayers agreed that he is against decreasing the size of the overlay district, but he asked what is the rationale for removing Macy's? C. Bushor explained that she has looked at the height of lots of buildings around town and view corridors, and she feels strongly that there are 5 parcels still in the district, and that it still works for the community. C. Tracy explained that FBC includes the idea of transitions and stepped effect, and he thinks leaving the two garages out of the overlay district would better support that idea. He also thinks allowing larger buildings on the garage properties exacerbates the height differentials between the proposed overlay and the existing zoning. C. Shannon feels it is not spot zoning, but she is not in favor of removing the Lakeview Garage and Macy's properties. She is in favor of removing the College St. garage, and it would be better to include Vermont National. There's a sense of a ghost corridor on Bank St. She doesn't think we should add to the error of urban renewal. C. Roof is willing to consider removing the College St. garage, but if it is included, we should consider including the People's property. Pres. Knodell noted that the City could still maintain the garages and have valuable development rights. Pres. Knodell would like to have all possible amendments out there now, and then to have staff write them up, so the Council can vote on each one.

Potential amendments

- Remove College St garage (Shannon)
- Add People's and Vermont National (Hartnett)
- Remove Macy's, Lakeview garage, College St garage (Bushor)
- Remove 2 garages (Bushor)

C. Ayers asked if VT National is historic building. Mr. White confirmed and recommended against including it in the overlay district, as that might drive value that would encourage tearing it down. C. Shannon asked if we could also include clear delineation of streets? Mr. White indicated there are two different purposes and thus two different maps. C. Hartnett asked how high Key Bank building is? Mr. White pointed to chart in materials of some of city's highest buildings. He then explained what different types of historic buildings exist, and how the International style building was so unique. Pres. Knodell asked staff to work up language.

Marquee signs, awnings, and canopies

C. Shannon asked what the one sign means—limited to one on a lot or one on a street. Mr. White explained it is one per building per street. Also, the marquee sign is associated for specific uses, and in FBC the sign type is confined to those uses. C. Shannon asked about line 395 and why we want that limit? Mr. White explained awnings are typically over an



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opening and a use and thus are between the first and second floor. She plans to offer an amendment to remove item c.

C. Bushor is concerned that there be too many marquee signs. C. Tracy agrees that it should not be overcommercialized, and that the license committee would have to approve marquees. C. Roof asked where could we limit the type of signage if across the street is a very different use? Mr. White explained how the signage could be limited. C. Bushor believes that the addition of uses—limiting to FBC language for cinemas, performing, arts, etc.—would satisfy her concerns. Mr. White will make that change.

3.01 closed and public forum resumed at 7:08 pm.

4. Public Forum

Information, Procedural: 4.01 Verbal Comments

5. Adjournment

Action, Procedural: 5.01 Motion to adjourn at 7:08 PM