

**PLANNING COMMISSION
MEETING
OCTOBER 25, 2021**

MEMBERS PRESENT: Harvey Goldberg, Chairman
Keith Frohlich, Bradford Gamblin,
Sherman Johnson, Lisa Kellythorne,
Donna Peterman, Paul Sacilotto

MEMBERS ABSENT: Joseph Comeaux

OTHERS PRESENT: Joan LeBeau, Urban Design Director
Mitchell Austin, Chief Planner
Lisa Hannon, Zoning Official
Julie Ryan, Senior Project Manager
Bob Fritz

CALL TO ORDER

- Mr. Goldberg called the meeting to order at 2:00 p.m.
- A. Roll Call
- B. Next Scheduled Meeting
- 1. November 22, 2021

PUBLIC COMMENTS

- Mr. Bob Fritz expressed concern regarding height, density, parking and building uses in the Form Based Code (FBC), urging members to carefully consider any recommendations they made regarding same.

APPROVAL OF MINUTES

- A. September 27, 2021
- Ms. Peterman MOVED, Mr. Gamblin SECONDED approval of the September 27, 2021, minutes. MOTION CARRIED UNANIMOUSLY.

LEGISLATIVE PUBLIC HEARINGS

- No items.

QUASI-JUDICIAL PUBLIC HEARINGS

- No items

GENERAL BUSINESS

- A. Land Development Regulation – Form Based Code: Project Update and Discussion
- Ms. Joan LeBeau, Urban Design Director, drew members’ attention to the presentation for the Land Development Regulation (LDR) update for the FBC, denoted in the agenda material, summarizing the actions taken by the project team (slide 2) and the three phases of the project (slides 3-6). She stated the purpose of the meeting was to address

four major community concerns regarding building height, the community benefits program, architecture and implementation of the project.

- Mr. Mitchell Austin, Principal Planner, drew members' attention to the building height portion of the presentation, reviewing how same was measured, current and proposed maximum building heights and examples of the two tallest buildings in the City (slides 2-7).
- Mr. Sacilotto inquired whether the proposed maximum building height of 80 feet for the downtown core would affect the smaller downtown as well.
- Mr. Austin responded the proposed 80-foot height limit was comparable to existing buildings such as SpringHill Suites and Four Points by Sheraton, noting it would be difficult to tell the difference between 65 and 80 feet at ground level.
- Mr. Frohlich questioned if there were exclusion options for the proposed community benefit height to extend beyond the maximum building heights of 80 or 100 feet.
- Mr. Austin replied staff desired feedback regarding acceptable building heights as same had not been established yet, explaining the proposed heights were a starting point and were estimated based on legislative requirements. He indicated the community had expressed a desire to achieve outcomes such as additional public space, boating amenities and infrastructure funding, noting additional height or space was needed as compensation for a developer to provide such accommodations. He verified the proposed community benefit building heights represented habitable space of the building; however, there might be circumstances where architectural elements such as the tower of the Justice Center were desirable, explaining there needed to be a way to permit such elements while not allowing the entire height to be constructed as habitable space.
- Discussion ensued regarding the details and specifications of current and proposed building heights in accordance with lot sizes and locations within the districts.
- Mr. Sacilotto indicated the core concern of the community was to avoid the appearance of a larger city.
- Ms. Peterman stated there was a desire for development at the vacant lot in the City Marketplace rather than only using same for weekend events.
- Mr. Frohlich verified the community benefit height would not be guaranteed for a developer if there was a decision the development did not provide a community benefit.
- Ms. LeBeau then drew members' attention to the community benefits program portion of the presentation, reviewing the purposes and basis of the proposed program along with the current requirements for same (slides 2-7). She summarized the intent of the community benefits program included limitations for and streamlining of the

development process, highlighting the allowances and potential benefit categories for the program (slides 8-10).

- Mr. Sacilotto suggested an economic benefit analysis include any benefit provided should represent a substantial percentage of the total cost of a development, expressing concern the regulations might be circumvented.
- Ms. LeBeau indicated Mr. Austin would provide information on how staff would review the community benefits.
- Ms. Kellythorne questioned whether there was opportunity to replicate other communities' successful community benefits programs.
- Mr. Austin responded the FBC, including the community benefits program, was being calibrated to the desired context of the community.
- Ms. Peterman inquired as to parking, expressing concern regarding locations where parking was not available.
- Mr. Austin replied same was part of the parking provisions in Chapter 26, Article 10, of the LDRs, stating deviations from the current standards were not proposed. He noted the proposed Historic District Parking Program specified parking requirements per residential unit, adding revisions to the Code for same were in progress and had been discussed by the Historic Preservation Advisory Board and City Council. He then continued reviewing operation of the community benefit program according to a points-based system, pointing out an example of same for a public open space (slides 11-12).
- Ms. Kellythorne opined requiring a certain payment for each point would be simpler to manage, noting areas could be created that did not serve general public well.
- Mr. Austin indicated items such as setbacks for pedestrian space would be considered, explaining the design criteria would address concerns pertaining to open space.
- Mr. Goldberg questioned whether a wish list could be created of potential benefit categories.
- Mr. Austin replied affirmatively, adding staff was at a point in the process where firm direction was needed as to what City Council and the community desired.
- Mr. Goldberg noted the value of the contribution from the developer had to equal the benefit to the community.
- Mr. Sacilotto recommended the City incorporate performance of a cost/benefit analysis, adding community support was necessary.
- Ms. Peterman inquired as to why there were no attempts to develop the City Marketplace property.
- Mr. Austin replied two main reasons were the lack of residential density and building height.

- Ms. Peterman suggested focus should be on encouraging development rather than on what benefits a developer could provide for the privilege of building in the City.
- Discussion ensued regarding the circumstances as well as the requirements for potential development of the City Marketplace.
- Mr. Austin drew members' attention to examples of development denoted in the Community Benefits Program presentation, providing a detailed explanation of the points the developer would receive based on the benefits provided to the community.
- Ms. Kellythorne pointed out a 60 foot building would appear 65 foot tall compared to the other buildings due to changes to base flood elevation, noting same had to be considered when looking at the proposed elevations.
- Mr. Austin agreed, adding there were dry flood proof options which could be used as well. He then drew attention to the architecture element (slide 1), recalling councilmember comments regarding building architecture and concern with how the City could regulate same effectively. He reviewed current architectural expectations and regulations (slide 2-3) by presenting two buildings which met the regulations requirements, but only one better met the community's vision.
- Ms. Peterman inquired as to the Harbor Social.
- Mr. Austin replied same was another example of development which met an architectural style permitted by the Code, adding same met the intent of commercial streets. He indicated if the community desired to prohibit such architecture in the future, regulations would be necessary.
- Mr. Frohlich inquired whether Mr. Austin was aware of what other small towns had done to create a consistent aesthetic appealing to residents and whether same could be adapted to the City.
- Mr. Austin replied most communities that relied on architectural provisions to do so had a theme, noting the City's context was an eclectic set of architectural styles and the intent for the FBC was to prohibit certain architectural styles. He then continued reviewing the current architectural styles according to the regulations (slide 4), explaining the architectural guidelines were written to protect historical structures rather than to provide architectural guidance for new construction. He noted regulation was difficult as the guidelines document was not codified. He presented an example of current and proposed regulations for built form (slides 5-6), noting the proposed regulations included clear illustrations and text, focused solely on architecture and provided standards less open to interpretation.
- Mr. Goldberg suggested providing an example of development at the City Marketplace property or in that particular neighborhood.

- Mr. Austin noted there were standards in the code related to built form, particularly the way the building addressed the street in terms of façade types and treatments.
- Mr. Gamblin inquired as to the requirements for economic viability at the City marketplace property.
- Mr. Austin replied the information provided in terms of the proposed building height and residential densities was based on previous proposals for the site.
- Ms. Kellythorne stated there were recent examples to pull from such as the Wyvern, SpringHill Suites and Sheraton.
- Mr. Austin noted same were commercial examples and not residential examples.
- Mr. Goldberg summarized the goal was to provide flexibility for developers and to benefit the community's vision.
- Ms. Lisa Hannon, Zoning Official, drew members' attention to the implementation portion of the presentation (slide 1). She briefly reviewed the current and proposed regulating districts (slide 3). She stated while the current development standards were in text form, the proposed regulations would include text, tables and graphics to clearly define the intent of each zoning district (slide 4). She indicated there would be changes throughout the Code, noting parking and landscaping were limited to minor administrative revisions at this time (slide 5). She stated the development standards would clarify the architectural standards (slide 6), explaining same would help simplify and clarify development regulations for staff when reviewing any type of proposed development. She then drew members' attention to the current and proposed sample text for general building principals (slide 7).
- Mr. Frohlich inquired if there was oversight of staff and whether it was possible to step outside the guidelines.
- Ms. Hannon responded a developer could appeal staff's administrative decisions to City Council. She then reviewed the current and proposed processes for the community benefits program (slide 8).
- Ms. Peterman inquired whether the Planning Commission would continue to hear public hearings for planned developments.
- Ms. Hannon replied the community benefits program was limited to key areas.

NOTE: Mr. Sacilotto left the meeting at 3:46 p.m.

- Mr. Austin clarified the community benefits program would be essentially a two tier process wherein staff approval would be necessary in some cases and the Planning Commission providing a recommendation to City Council in other cases.
- Ms. Julie Ryan, Senior Project Manager, summarized the LDR update process (slide 2), which included public hearings; however, those would not be held until staff was

comfortable both the Commission and City Council were in a position to finalize and adopt the FBC. She explained revisions would continue to be made until then, anticipating two revisions would be necessary before adoption would occur. She stated major changes were made to the regulating districts and architectural provisions (slide 3), noting minor changes were made to other articles (slide 4). She concluded with the project timeline (slide 5), noting the next step was to hold a public workshop for City Council on November 19, 2021. She stated there were ways for the public to obtain information on the Comprehensive Plan and LDRs, noting the first draft of Article 3 would likely be presented to the Commission at the December 2021 meeting. She explained staff was trying to build a foundation for members to use when considering Article 3.

- Ms. Peterman noted most of the changes only affected District 1.
- Mr. Goldberg opined staff was on the right track and the changes would make a significant difference to the community.
- Ms. Peterman noted individuals had frequently expressed desire for visualizations, opining it was unfair to expect staff to determine what development at the City Marketplace would look like.

STAFF COMMENTS

- None.

MEMBER COMMENTS

- None.

ADJOURNMENT

- Meeting Adjourned: 4:00 p.m.

Harvey Goldberg, Chairman

Leah Pues, Recording Secretary