



CITY OF PORTSMOUTH
PLANNING DEPARTMENT

MEMORANDUM

TO: JOHN P. BOHENKO, CITY MANAGER
FROM: JULIET T.H. WALKER, PLANNING DIRECTOR *JTW*
SUBJECT: CLIPPER TRADERS, LLC PETITION FOR RE-ZONING OF 105
BARTLETT ST
DATE: 06/12/2018

At the June 4, 2018 meeting, City Council voted to schedule first reading of these zoning amendments. The Council also requested that the presentation of the proposed amendments be simplified as much as possible. As a result of that input, the Planning Department has separated the amendments into two ordinances. The first includes the amendments most applicable to the 105 Bartlett Street property and the second includes proposed "housekeeping" amendments.

Proposed Zoning Ordinance Amendment Part 1

Amendments to Table of Uses (Section 10.440)

- 1) Change Indoor Performance Facility with occupancy of less than 500 to be allowed by Special Exception in the CD4-W District. A Special Exception is granted by the Zoning Board of Adjustment. This use is currently permitted by right (no additional land use board approvals required).
- 2) Add a new use category for an outdoor café to be allowed as an accessory to an existing eating or drinking establishment in certain districts. This use is currently not listed separately on the table of uses and therefore is allowed wherever a restaurant type use is allowed. The outdoor café accessory use would now be permitted in the CD4, CD5, GB, G1 and G2 Districts but would be allowed only after receiving a conditional use permit from the Planning Board in the CD4-L2, B, and CD4-W Districts.

Amendments to the Character Districts Regulation Plan maps (Maps 10.5A21A & B)

- 1) Amend the zoning map to re-zone a portion of the 105 Bartlett St property to CD-4W extending from the existing CD-4W boundary to approximately Cabot Street and the portion between Cabot Street and Langdon Street to CD-4L2. All of this area would also be included in the West End Overlay District as originally proposed by the petitioner.
- 2) Amend the height requirement areas to provide a transition in height that is more appropriate for the abutting residential neighborhoods. As revised, the portion of the property in the existing CD-4W district would be in the 2-3 Stories (45') height requirement area, the portion extending between the existing CD-4W boundary to a line approximately parallel with Salem St would be in the 2-3 Stories (40') height area, the portion between Salem St and Cabot St would be in the 2 Stories (35')

height area, and the remaining portion to Langdon St would be in the 1-Story (20') height area.

Amendments to Development Standards for Character Districts

- 1) Add a requirement to preserve public view corridors along the North Mill Pond at the intersecting streets of Dover, Cabot, and Langdon.

Amendments to Incentive Overlay District Standards

- 1) Amend the incentive standards in the North End and West End Incentive Overlay Districts to allow a maximum building footprint of 3,500 in the CD4-L2 (increased from 2,500), allow a maximum building block length of 100 ft in the CD4-L2.
- 2) Amend the minimum off-street parking standards to be consistent with the city-wide off-street parking standards adopted at the end of 2017.
- 3) Amend the requirements for community space in the Incentive Overlay District for lots adjacent to the North Mill Pond by clarifying that a minimum of 20% of land area is required to be community space and to specify the location of the required multi-use path.

The standards above would only apply in the West End Overlay District and only if the development is eligible to receive these incentives by providing community space or workforce housing. The effect of the West End Incentive Overlay District standards on the underlying zoning requirements for height and building footprint is illustrated on the map attachment. See documents labeled "Proposed Zoning Map (10.5A21B) Amendment for 105 Bartlett Street" (Sheets 1 and 2 revised 05-29-18). The increased height, footprint, and building block length allowed with the Incentives are labeled "density bonus height", "density bonus footprint", and "density bonus block length".

Amendment to Article 15 Definitions

- 1) Amend the definition of building block length to also be applicable when the building fronts on a public greenway.

Proposed Zoning Ordinance Amendment Part 2

Amendments to Development Standards for Character Districts

- 1) Add additional permitted building, façade, and community space types to the Character Districts and refine definitions. These are primarily housekeeping revisions to allow some of the new building and façade types added to the zoning for the Gateway Neighborhood Mixed Use amendments at the end of 2017 in the Character Districts.

Background

On February 13, 2018, Attorney Phoenix submitted a letter to the City Council on behalf of his clients, Clipper Traders, LLC requesting lots at 105 Bartlett St be re-zoned to Character District 4 West End (CD4-W), included in the West End Overlay District, and added to the Height Requirement Area which allows up to 2-3 stories (with a short 4th) or 45'.

City Council Referral

At the February 20, 2018 City Council meeting, the Council voted to refer this request to the Planning Board for a recommendation. One of the principle legislative functions of

the Planning Board is to make recommendations related to amendments of the zoning ordinance. Whether the zoning amendment is generated by a citizen petition or a referral by the City Council, the Board has the responsibility to review and make a recommendation and to take the proposal through a public hearing process. All zoning amendments also require three readings in front of City Council including a public hearing. These occur after the Planning Board has completed its process and made a recommendation to the City Council.

Planning Board Review

The Planning Board initially considered this zoning amendment petition at its March 15th meeting at which time a public hearing was conducted. At that time, the Planning Board voted to postpone a recommendation and continue the public hearing until April pending a report back from Planning Department staff.

The Board continued the public hearing at the April 26th meeting and reviewed proposed revisions presented by Planning Department staff with the support of the petitioner. The Planning Department's revisions included changing a portion of the property from Office Research (OR) to Character District-4 Limited (CD4-L2) as opposed to Character District-4 West End (CD-4W) as originally proposed by the petitioner and reducing the proposed height area requirements. In addition, staff recommended some revisions to the Incentive Overlay District Standards and other housekeeping amendments to the building, façade and community space types.

The Planning Board voted to postpone a recommendation and continue the public hearing to May to allow Planning staff to make additional revisions based on public and Board member input received at the April meeting.

The Board continued the public hearing at the May 17th meeting and reviewed additional revisions presented by Planning Department staff with the support of the petitioner. The additional revisions included limiting outdoor and non-residential uses, reducing height and mass of buildings that abut the residential neighborhood, and preserving views of the waterfront.

Reference Documents

Five documents are attached to this memo that illustrate the proposed zoning amendments in more detail.

- 1) Draft dated June 18, 2018 listing the Proposed Ordinance #1 in the format this will be adopted and recorded with the City Clerk if it passes third and final reading.
- 2) Marked-up copy of the Zoning Ordinance with red-lined changes for the sections in Chapters 4, 5A, and 15 for amendments proposed in Ordinance #1.
- 3) Proposed Zoning Map (10.5A21B) Amendment for 105 Bartlett Street and the North Mill Pond revised 5-29-18, sheets 1 and 2.
- 4) Draft dated June 18, 2018 listing the Proposed Ordinance #2 in the format this will be adopted and recorded with the City Clerk if it passes third and final reading.
- 5) Marked-up copy of the Zoning Ordinance with red-lined changes for the sections in Chapters 5A for amendments proposed in Ordinance #2.