

Montpelier Planning Commission
January 3, 2005
City Council Chambers, City Hall

Subject to Review and Approval

Present: David Borgendale, Chair; Carolyn Grodinsky, Vice Chair; Anne Campbell; Marjorie Power, Richard Sedano, Irene Facciolo
Staff: Valerie Capels, Planning & Community Development Director

Call to Order

The meeting was called to order at 6:10 p.m. by Mr. Borgendale.

Comments from the Chair

The Chair had no comments

Review of Agenda

Mr. Borgendale explained that there would be a break for public comment on agenda items at 6:45. He said that the Commission would be continuing its review of the draft zoning.

General Appearances

Jim Libby said that he would like to discuss density with the Commission at some point in the meeting. Ms. Facciolo said that it would be helpful to hear from him now.

Draft Zoning Proposal

Jim Libby said that the Housing Task Force thought about having a reasonable amount of density on the 100 acre Sabin's Pasture parcel which could then be shifted to a smaller portion of the parcel. He said that they had conceptually calculated a maximum density of 300 units without density bonuses. He said that the principle for the rezoning should be that it should not reduce density. He said that the Housing Task Force then looked at how to maintain the high density designation for the Union Institute property. He said that there did not appear to be any reason to down zone the Union Institute property.

Mr. Libby showed photographs of other buildings in the city with density estimations. He said that none of the buildings seemed to be offensive. Mr. McCormack said that he would like to have information on how the densities were calculated so that the Commission could compare "apples to apples". Mr. Borgendale said that, as the specifications for the T4 zone exist now, there is a limit of 12 units per acer by right and 15 units per acre with bonuses. He said that elsewhere in the draft the minimum lot size is set at about one eighth of an acre and four units per lot which would be equal to 32 units per acre. He said that he was not sure that the Commission has resolved the issue of how the 12 units per acre density limit would relate to the densities allowed by the minimum lot size provision. Mr. Libby said that the Task Force likes the aspect of the proposed code that establishes a right to build a base number of units.

Ms. Facciolo said that a number of the properties on the list provided by Mr. Libby would not be located in the equivalent of a T4 zone. She said that they are in more dense areas. Mr. Borgendale said that, under the proposal, most of the area that might become T4 is presently a GB zone which allows a base density of 14 ½ units per acre he said that the rest of the area to be rezoned is mostly in the current MDR zone which has a density of 6 ½ units per acre. Mr. Borgendale said that his concern about the draft is that the spacial criteria permit one density and the density specifications allow a different density. Mr. Libby said that the City might want to discuss the concept that higher densities may be desirable to allow for growth while conserving other land.

Ms. Campbell said that the proposal would be increasing the zoning of the Sabin's Pasture lands. Mr. Borgendale disagreed, saying that there would not be an increase. Ms. Facciolo said that she understood that the Union Institute Master Plan would remain as the guiding document for development on those lands. Mr. Libby said that, based on the prior discussion regarding that situation, it did not seem definite.

Ms. Facciolo said that the Commission needs to decide what it wants the city to look like. She said that the question of whether the city should be made up of neighborhoods or more dense buildings presents a difficult choice. Mr. Libby said that density does not equal design. Ms. Facciolo agreed that it does not, but said that, if people do not want design control, then bad designs could be associated with high densities. Mr. Libby said that neighbors would object to ugly buildings and prevent the development from going forward. Ms. Facciolo said that the community would not have control over the design if a density of 29 units per acre were permitted. Mr. Sedano said that the river front development did not give him confidence that the current regulations can assure the City that it will get what is expected. He said that full reliance on the development process produces a lot of uncertainty. Ms. Facciolo added that creating designs that people like is one way to help to get things developed.

Mr. Libby said that he just wanted to see more of a conversation regarding densities. He said that the River Station development seemed to be generally accepted by the community. Mr. Borgendale said that the current zoning proposal would restrict the number of units per lot to four by right and five with an exception. He said that he was not sure that it was something that the Commission wants to do and noted that the provision would prohibit some forms of townhouse development. Ms. Facciolo said that she agreed with that. She said that a land use plan for the city is needed in order to determine how to apply the zones to the town, but that the plan is not needed to decide what the T4 zone will look like. Ms. Campbell said that the Commission needs to understand what the density will look like across the city since the intention is to eventually apply the zoning city wide. She said that the Commission cannot know what the total impact will be until it is looked at city wide. Ms. Grodinsky said that the Reserve designation says that the Commission is going to look at a number of issues before making a decision. She said that she did not think that the two time lines are going to coincide. She said that what the Commission would be saying is that T4 is definitely what it wants to see in Sabin's Pasture and other areas of the city and it could be extended to other parts of the city in the future. Ms. Campbell said that the Commission will have to draw lines for the T4 and T1 zones. Ms. Grodinsky said that the Commission may place open lands with certain characteristics in the Reserve zone. She said that she was looking at the T4 provisions as guiding how the Commission will make existing neighborhoods more dense and how new development will occur in those areas. Ms. Campbell said that what the Commission decides to allow in the T4 zone will depend on how extensively it is applied. Mr. McCormack said that he understood that Chris Smart thought that T4 was to be a large area, possibly 60% of the city. Ms. Campbell said that the land use planning had not been done to inform that idea.

Mr. McCormack said that the question of how big a district is and what the district will look like is really a "chicken and egg" situation. Ms. Facciolo said that it depended on the final goal. She said that it sounded like Mr. McCormack's goal is to figure out how many housing units get built and how much open space there will be. Ms. Facciolo said that her goal was a more aesthetic one. She said that she was thinking about the issue from the standpoint of what the town looks like and what people appreciate about the town. She said that land use planning would give the number of developable acres. Ms. Campbell said she thought that it would give more. She said that it would look at how extensive the downtown core and the T5 zone should be. Mr. Borgendale said that his understanding was that T5, the most permissive zone in terms of density and use, would replace most business and high density zones and the T4 zone would apply to all of the MDR zone, some of the LDR zone and possibly some of the HDR zone. Mr. Sedano said that he agreed with Ms.

Campbell in terms of the connectedness of the T4 and T5 zones. He said that if the Commission tries to make T4 do too many things, it will get into trouble. He said that the T5 zone might be applied to more areas instead of pushing the limits on the T4 zone. He said that is a decision to be made based on what the Commission wants each of the zones to do. Ms. Campbell said that it is conceivable that the T5 zone might be extended out along Barre Street once the Commission starts the land use planning. Mr. Sedano suggested that the Commission look at the T5 zone at the same time as the T4 zone because he thought that the Commission was hearing that people want to see more of the T5 zone rather than stretching the T4 zone. He said that the Commission will have to make decisions when it reaches distinct forks in the road, but it will also need the opportunity to take a look back to see if the overall product makes sense.

Mr. Borgendale asked the Commissioners whether they wished to deal with density as part of the T4 discussion or to take it on as a broader issue. Mr. McCormack suggested that they follow Ms. Facciolo's suggestion and address density as it comes up in the draft. Mr. Borgendale said that it did come up a few meetings ago, but the Commission did not deal with it then. Mr. Sedano said that he believed that the Commission needs to consider TDRs and bonuses also. He said that the Commission needs to decide whether it will rely on those tools to achieve density.

Mr. Borgendale asked if anyone else wished to speak. Fred Connor said that he understood that the January 19 hearing would be only on the Master Plan amendment. Mr. Borgendale confirmed that. Mr. Connor said that the amendment addresses only the Aja-Zorzi and College property. Ms. Power said that there are a few other tweaks and references, but that is the main thrust. Mr. Connor said that the draft that is before the Commission tonight addresses the whole city. Mr. Borgendale said that the draft is a template that the zoning committee filled in for the T4 and T1 zones. He said that the rest of the draft contains blanks that are to be filled in. Mr. Connor asked whether the Commission understood the counsel that they had received saying that they cannot adopt a city wide TND without a city wide Master Plan amendment. Ms. Capels said that the current Master Plan would not conflict with adopting TND principles. She said that there is, in fact, language in the current Master Plan that talks about neighborhood design and historic neighborhood patterns. She said that she thought that the issue is more around the map itself and updating that map to coincide with any zoning changes that effect this particular area. Mr. Borgendale added that the Master Plan amendment that is the subject of the hearing does not include language that specifically talks about adopting TND. Mr. Connor said that he did not think that, absent a city wide remapping, that the Planning Commission can adopt competing text and have two by laws with competing text. Ms. Power said that there is no intention of adopting competing text. She said that the new concepts will change the zoning for Sabin's Pasture. She said that the rest of the zoning will stay the same until it is changed. Mr. Connor said that you cannot adopt zones and the text for those zones with no home. Mr. Borgendale said that the Planning Commission has to develop language that fits the proposed zoning into the existing zoning. He said that more than 50% of the document will have to be deleted and will not be part of the Planning Commission's proposal. He said that the Planning Commission is really defining some new zones and will amend the zoning by laws for those new zones. He said that the point is that a lot of the text, like Articles 1 and 2, will not be included in this amendment. Mr. Connor said that he believed that the City Attorney advised the Commission that the zoning changes have to be applied to all similar lands. He said that the Planning Commission should not just cherry-pick this parcel.

Ms. Capels said that she will be working with the staff GIS Specialist this week on maps and information that will illustrate different density concepts and existing densities in the city. She said that she expected to have that information for the January 10 Planning Commission meeting.

Mr. Borgendale asked the Commission members if they had suggestions about what numbers to put into section 6.11.2a-d. Mr. McCormack said that he would propose a principle that there will not be

a reduction in density for any zone. He said that he would change those numbers to reflect the currently allowed densities. He said that his concern was that the current high density zones not be down zoned. Mr. Borgendale asked how the principle would apply in situations where some zone densities are increased and some are decreased. He asked if the principle was saying that there can be no decrease in the number of units permitted on any individual parcel. Mr. McCormack said that would be the principle. Ms. Power asked whether Mr. McCormack was saying that he would not approve of the zoning reducing the theoretical number of units allowed on the parcel. Mr. McCormack said that was correct. He said that the zoning could allow the same total number of units on the parcel but might provide for higher density on one lower portion and lower density on the other portion.

Mr. Borgendale said that he understood the intent of SmartCode was to allow for the transfer and consolidation of whatever densities were allowed in order to preserve open space. He said that if you are just reducing the number of units, then it seems incumbent upon the City to purchase the property. Ms. Facciolo said that a lot of properties will also be up zoned and that some properties will increase in value and others will not. She said that the process is not random and that units are sometimes lost through rezoning. She said that the municipality cannot always compensate for a rezoning. She said that the town seems to have a strongly expressed goal of preserving some part of this property. Mr. McCormack added that government sometimes does things like improving a roadway that increases or decreases property values.

Ms. Power said that Montpelier has determined that the previous zoning for this property is inappropriate and needs to be changed. She said that the Commission is not here to say that the theoretical number of units is 800 or some other number. She said that the Commission should propose zoning for this parcel that makes sense for the parcel. Mr. McCormack said that he estimated that the achievable density on the parcel was about 400 units, but this proposal would yield about 190 units. Ms. Power said that the interim zoning was put in place because the City saw that the previous zoning yielded around 600 units and that was unacceptable. She said that the Commission's role is to decide what it wants to see for the parcel and zone it accordingly. Mr. Borgendale clarified that half of the theoretical number in his chart are on Union Institute's land.

Ms. Capels reminded the Commission that, back when it talked about reevaluating the land use component of the Master Plan, it was agreed that the Commission would start with a clean slate and look at the issue from the standpoint of what is desired. She said that the existing zoning is helpful to give a frame of reference, but those zones were created a long time ago. She recommended that the Commission not be restrained by the existing zoning and boundaries. Ms. Campbell said that the Commission should look at the parcel and the entire city in terms of what would make sense. Ms. Power said that the zoning needs to represent the vision of what the community wants to be. She said that a theoretical number should not play a significant role in the articulation of that vision. She made a motion that the Commission not look at the current maximum legally permitted density when considering rezoning, but zone it appropriately for the future of the city. Mr. Sedano seconded the motion. Mr. McCormack said that he would go along with that concept, but found it ironic that the rezoning would reduce the density of the parcel when most of the Commission members would like to increase zoning densities. He said that he hoped that densities will be increased as the Commission goes along with its work. Ms. Power said that she agreed that it was possible to have nice areas that are fairly dense, but said that the development has to be done in a way that makes for a good neighborhood. Mr. Borgendale said that he had problems with the wording of the motion. He expressed concern about applying the same standard to a quarter acre lot as to a 300-acre lot and he also had a problem with the "maximum legally permitted density" phrase since it has no relation to what is feasible when engineering and market considerations are addressed. Ms. Campbell suggested that the motion

say "zone according to what density is best rather than current maximum density". Ms. Power and Mr. Sedano agreed with the change.

Ms. Capels said that the motion now was that "The Planning Commission zone according to what is best for the city and not look at current maximum permitted density as the basis for deciding." Ms. Grodinsky suggested adding the phrase "within legal parameters." Ms. Campbell agreed. The motion was approved unanimously.

Ms. Power said that she agreed with Mr. McCormack's goal of getting higher densities where appropriate. She said that she would like to throw out two ways of going about the Commission's task. She said that one is to incorporate a higher density zone like T5 where appropriate. She said that another way would be to have default densities in the T4 or another zone and then have a greater density that would be permitted through a mechanism like conditional use. She said that design standards might apply to achieve the greater density. Mr. Borgendale said that Montpelier has experienced an increase in housing and a decline in population. He said that the Commission has not gotten to the part of the Master Plan that addresses population. Mr. McCormack said that he would think that the Commission would find that the amount of design control in the draft to be adequate, even for higher density projects. Ms. Power said that the Commission needs to think about how the standards apply to multi unit apartment houses. She said that she wanted to promote good design, but did not want to price the housing out of the market.

Mr. McCormack said that density was a big issue and suggested that a subcommittee might look at the issue. Ms. Grodinsky suggested waiting on that question until the Commission sees the information that Ms. Capels is preparing. Mr. Borgendale said that it will be on the agenda for the next meeting.

Mr. Borgendale said that the Commission would break for public comment.

Public Comment

Fred Connor said that most towns that use SmartCode use it as an optional overlay and they do not do mapping. He said that the code has never been adopted in New England and that the consultant has not yet answered his question regarding which towns have adopted the code.

Alan Goodman said that the housing type will dictate the population that will live in the city. He said that one bedroom apartments will not attract families. Ms. Power said that builders will build the housing that they think will sell based on the market. Mr. Goodman said that the city needs to decide what it wants to be and how big it wants to be. He said that the Planning Commission should address this question. Ms. Capels said that Mike Crane, the consultant on the Fiscal Impact of Development study would be available to present his findings to the Commission at its meeting on January 24, 2005. She said that the information will help the Planning Commission articulate what it wants for the city's future and which types of development are appropriate. Ms. Power said that a question that the Regional Planning Commission should address is the relationship of Montpelier to the region. She said that she fears that the city's attempts to cure the housing problems in Central Vermont will actually draw people from Chittenden County who cannot afford housing there. She said that it is troubling to consider how to balance these things.

Mr. Connor said that he understood that the T1 designation is being shelved and the Reserve designation used instead. Mr. Borgendale said that the reserve concept in the Master Plan has nothing to do with T1. Ms. Power said that the reserve is a planning district which leaves open the question of how the parcel will be zoned. Mr. Connor said that the City Attorney advised that there was substantial exposure on the taking issue with the T1 zoning. Mr. Connor asked whether that

issue had been addressed. Mr. Borgendale said that it had not and noted that the Planning Commission has not gotten to T1 yet.

Alan Goodman said that even when his development went through the permitting process in 1991, it was clear that the Act 250 requirements and other requirements would not allow 600 units on the Aja-Zorzi property.

Other

Mr. Borgendale suggested discussing the agenda for the upcoming January 10 meeting. Ms. Capels said she will present the maps and information on density. She asked if the members would like Mike Crane to attend the January 24 meeting. The Commissioners said that they would. Ms. Capels said that she thought that the presentation and discussion would take up most of that meeting. Mr. Borgendale said that the draft has a specific way of measuring density. Ms. Capels said that she had serious reservation about the circle method required in the draft. Mr. McCormack asked whether the staff could bring the Planning Commission a recommendation on a method of calculating density. Ms. Capels agreed to do so.

Adjournment

Mr. Sedano made a motion to adjourn the meeting. Ms. Grodinsky seconded the motion. The motion was approved unanimously.

Respectfully submitted,

Valerie Capels

These minutes are subject to approval by the Planning Commission. Changes, if any, will be recorded in the minutes of the meeting at which they were acted upon.

Transcribed by Kathleen Swigon