

MEMORANDUM

Date: 4/14/2017

To: Montpelier City Council

From: Barbara Conrey, Architect, Planning Commission Member

At the City Council meeting last night we heard a lot of passion, and a lot of misinformation about the proposed zoning. Understandably, people fear what they perceive as change, particularly when it's unclear to them. Ironically, what many don't realize is that this proposed zoning protects our city as it exists today. Below is my attempt to clarify some of the issues raised on new zoning as I see them. Any errors are strictly my own.

The zoning is a complex document, with many interlocking parts. As an architect, I've applied zoning ordinances for clients in the past, so I know how difficult they can be to understand. I'm trained to see in 3 dimensions, while others struggle to understand how to translate a plan into physical sites and homes. As a college professor, I also know the value of clear explanations for those who don't understand. I believe that we have fallen short in that regard.

Yes, other architects spoke out last night. One architect protested that the new ordinance would permit 3 floors with 5 units to be built on her property, not recognizing that the current zoning would allow her to build 10 units, right now, on 4 stories. Another architect said that developers would tear down existing buildings; clearly that hasn't happened on the aforementioned property. A cost analysis (attached) rebuts that argument. The value of property in Montpelier is the building and the land, together. Sometimes, even architects can be mistaken.

A member of the Parks Commission criticized the zoning because we didn't designate areas of Sabin's pasture as Conservation lands, unavailable for development. That would constitute illegal 'taking'. In fact, requests from both the Parks and Conservation Commissions were included, as far as the law allowed. A new Natural Resources Inventory Map designates sensitive ecological areas that cannot be developed. The zoning cannot be a land-use plan; that must come from the City Plan. However, other parts of the proposed zoning are protecting Sabin's Pasture in a much more effective way (see below).

WHAT'S NEW IN THE PROPOSED ZONING?

Our descriptions of the zoning changes may have been confusing. "Lot Density" is not accurate; what we really have are residential Lot Sizes and Housing Densities:

So what's the difference?

Lot Sizes: designates the minimum size for a land parcel to hold a house.

Housing Density: tells us how much land is required for each family on a lot.

What's changed?

Lot Sizes: have been changed to match what exists on the ground. Currently, as many as 60% of our existing lots are too small for the current zoning requirements.

Why should that matter?

In many cases, when a lot is too small, any changes to the home can be limited, and the owner cannot 'duplex' to downsize their large home.

So what's all this talk about 'density'?

Density (lot area per family): there have been minimal changes, again to match existing conditions. See chart below:

<u>NEW</u> Number:	<u>NEW ZONING:</u> District & Requirements:	<u>EXISTING ZONING:</u> District & Requirements:
Density: Less & More Dense		
Height: Reduced		
12 --	RURAL: Min/Family: 2 acres Frontage: 120' min Height: 35' max	LDR: Low Density Res. Min/Family: 1 acre Frontage: 200'-250' Height: 3 stories/ 45'
11 --	Res 17000: Min/Family: 17,000 SF Frontage: 75' Footprint: 4,000 SF max Height: 35' max	
Density: Same & 30% More Dense		
Height: Reduced		
10 --	Res 9000: Min/Fam: 9,000 SF Frontage: 75' min Footprint: 4,000 SF max Height: 35' max.	MDR: Medium Density Res. Min/Fam: 8,000 - 10,000 SF Frontage: 75' Footprint: -- Height: 3 stories/ 45'
9 --	Res 6000: Min/Fam: 6,000 SF Frontage: 60' min Footprint: 4,000 SF max Height: 35' max	
Density: Same or Less Dense		
Height: Reduced		
8 --	Res 3000: Min/Fam: 3,000 SF Frontage: 45' min Footprint: 5,000 SF max Height: 35' max	HDR: High Density Res. Min/Fam: 1,500 SF Frontage: 40' Footprint: --- Height: 3 stories/ 45'
7 --	Res 1500: Min/Fam: 1,500 SF Frontage: 45' min Footprint: 5,000 SF max Height: 35' max	
6 --	Mixed Use Res: Min/Fam: 1,500 SF Frontage: 45' min. Footprint: 6,000 SF max Height: 24' min/ 40' max	

HOW DOES THE NEW ZONING PROTECT EXISTING NEIGHBORHOODS?

- a. Existing neighborhoods are described, and new development must "...preserve each neighborhood's distinct character and quality."
- b. Buildable 'footprint' is restricted.
- c. Steep slopes cannot be developed, and reduce a lot's buildable area.

- d. Architectural Standards define building elements that are consistent with the neighborhood.
- e. New buildings must 'meet the street', matching the existing building fronts, as well as required setbacks.

Potential 'Infill' Example Property: 36 Liberty Street

New zone: Res-6000 (was MDR)
 Min/family: 6000 SF
 Existing Lot area: 33,000 SF w/ ~100' frontage
 Restrictions: Approximately 15,000 SF of site is too steep (slope ~ 30%)
 Unbuildable area discounted from site area (Section 3002.C(2))
 Avail. Area: 18,000 SF/ 6000 SF = 3 units possible
 Existing: Permitted for 2 families
 Subdivide? No. Required frontage would be 2 lots x 60' = 120'
 Add Unit? Unlikely on the long, narrow site. Must match existing front setback.
 Side setbacks, existing building width, topography, and area between buildings wouldn't leave enough room for new building width to match 'mass & scale' of the neighbors.

Potential 'Tear-Down' Example Property: Loomis Street (from City Council Meeting):

"Tear downs" are not economical given Montpelier property values:

New zone: Res-1500 (was HDR)
 Min/family: 1500 SF
 Max Footprint: 5000 SF x 3 stories high
 Existing Lot Size: 15,246 SF
 Appraised Value: \$345,000
 Demolish/dispose: \$ 50,000 (estimate)
 New construction: 15,000 SF x \$150/SF = \$2.25 million (estimate)
 Total Cost: \$2.65 mil (estimate)
 Cost/ Unit: \$265,000 (w/out profit or OH) for each 1500 SF condo unit.

A FEW WORDS ABOUT SABIN'S PASTURE:

The Recommended Conservation and Development Plan with Slopes for Sabin's Pasture map (Trust for Public Land, 6/9/2008) identifies 2 Areas for possible development:

- Area A: Listed at 15 Acres, but contains undevelopable areas: stream & wetland buffer and slopes greater than 20%. Therefore, estimate that 10 Acres is available.
- Area B: Listed as 5 Acres, (also contains some steep slopes)
- Total: Approximately 15 Acres.
- New Zone: Res-6000 with 6000 SF land/ dwelling unit required: ~ 110 new homes allowed.

Steep Slopes:

The Map also indicates areas of steep slopes. The new zoning calls for reducing the size of the site to those areas outside of 30% slopes. This provision could keep a large part of the site from development, without 'taking' it from the landowner.

Below are my responses to citizen comments made last night and in The Bridge:

Michael Read's comment about Greenock Avenue: "19 homes could be built where there are now seven" and concerns about potential uses in the district:

The lots on Greenock are larger than neighboring streets Westwood, Woodcrest, Dover, or Grandview Terrace; however, they are still part of the same neighborhood. Should a separate zoning district be created for just for Greenock Avenue? Or should the residents on Greenock deny 64% of their neighbors' lots from conforming to the neighborhood, as theirs do?

Regarding Permitted Uses in the zone:

Permitted Uses in the proposed Res 17000 district include 1 & 2 family homes, religious facilities (all zones), parks, cemeteries, grade schools, daycare homes, and agriculture. Other types of uses would be Conditional. However, in today's Low Density Residential zone (where Greenock is located) there are 21 Permitted uses: those listed above, plus mobile manufactured homes, Group Homes, Residential Care Homes, Academic Institutions, Agricultural Sales, and Stables. Conditional uses in both districts include Bed & Breakfasts. Which group of Uses is more consistent with the character of the existing residential neighborhood?

Carol Doerflein's comment regarding proposed density along Towne Hill Road: "Towne Hill, where I live, would see a 61 percent increase in density..."

Actually, Towne Hill Road would be part of two different zoning districts: Residential 17000 and Rural. The current more thickly settled areas west of Murray Road would be zoned Res 17000 so that **90% of the existing lots** will comply with zoning. Yes, some lots are larger, but most residents' lots are not. Beyond Murray Road, Towne Hill Road would be part of the Rural district, requiring a 2 acre lot size, actually decreasing the current 1 acre density.

I will also refer you to the most recent edition of The Bridge, where a balanced article on the zoning was included, along with a longer version of the residential comparison chart above. In the future, I would personally welcome (and Mike Miller could verify) any informal inquiries from concerned members of the public as to how the proposed zoning might affect them, if that could help to avoid the distribution of inaccurate information, and allow everyone to see how this proposed zoning does, in fact, promote the adopted goals of the 2010 Master Plan.

Thank you for all of the work that you do for our wonderful city.

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