

Montpelier Planning Commission
August 22, 2005
Police Community Room, Pitkin Court

Subject to Review and Approval

Present: Marjorie Power, Chair; David Borgendale; Anne Campbell; Craig Graham;
Ken Jones; Richard Sedano
Staff: Valerie Capels, Planning & Community Development Director

Call to Order

The meeting was called to order by Ms. Power at 7:30 p.m.

Public Appearances

There were no public appearances.

Minutes of July 25, 2005 Meeting

Mr. Sedano made a motion that the minutes of the July 25, 2005 meeting be approved as submitted. Mr. Jones seconded the motion. The motion was approved by a vote of 6-0.

Continued Zoning Revisions Review - Planned Development Standards

Ms. Power said the Commission would essentially be continuing the discussions from the meeting on August 17.

Ms. Power referred to page 6 of the August 17, 2005 draft zoning and subdivision regulations. She said the meaning of paragraph #1 at the bottom of the page was unclear. Ms. Capels said the paragraph was intended to clarify that the issuance of a permit is an administrative mechanism to demonstrate that the applicant has met the procedures and conditions for review, but a separate permit is required for each additional step in the review process (Sketch Plat Review, Preliminary, and Final). Mr. Graham asked why a permit was required at each step in the process. Ms. Capels explained that each step requires a different approval and plans often change as the applicant goes through the process. She said that each review also requires staff time and different fees are associated with each type of review. Mr. Borgendale questioned the part of the paragraph that stated that the permit authorized installation of infrastructure. That did not seem appropriate for the early phases of the review. Ms. Power said the paragraph must be clarified because the term "permit" is used with several different meanings. She said that the difference between each step should be clarified and the difference between what is authorized in each step in the process should be clear. Mr. Jones noted that the actual permit would be issued at the end of the process. Ms. Campbell observed that anything that Commission does with this section could affect the goal of increasing density through the subdivision of existing lots.

Mr. Borgendale asked if there was any reason the zoning could not be written so that the PUD requirements were intact in one place rather than scattered throughout the document. Ms. Capels said that it can; decisions were made when the regulations were updated in 2002 to put separate the topics in this way, particularly to have all of the development standards aggregated in Article 8. Article 6 focuses on the procedures for subdivisions and for PUDs. Each of those types of development must meet all of the applicable criteria in Article 8. Mr. Borgendale said there is a substantive difference between a small two-lot subdivision and a larger scale subdivision. It seemed that someone dividing off one lot should not be subjected to the same level of review that a larger subdivision. Ms. Capels said that the staff and the DRB

would narrow down the issues and determine which parts of Article 8 did not apply when such an application went through sketch plat review. Ms. Power said that her initial reaction was also that the procedures were excessive for someone wanting to create one new lot, but she then realized that it depended upon the location and conditions of the lot (for example, the lot could be located in a critical wildlife corridor).

Mr. Graham asked what provisions of the rules might encourage a developer to go through the PUD review rather than the regular subdivision standards. Ms. Power said that density bonuses could be used under the PUD provisions. Mr. Jones added that a developer might be able to achieve more units by clustering the units on the more developable parts of the site. Ms. Campbell said she thought that projects that involved more than three single family houses or more than five multifamily units had to go through the PUD review. Ms. Capels said that is the intent of the regulations. Mr. Jones said that could be avoided by creating the subdivision first. Ms. Capels said that the Planning Commission could establish a threshold to require that subdivision of a certain number of lots would require PUD review. Ms. Power said that the result would be subdivisions done one lot at a time. Mr. Sedano said that a time frame for the number of subdivisions could be set. Ms. Power suggested that the Commission might want the PUD standards to apply to lots above a certain size. Mr. Sedano said the Commission needs to consider the balance between prescriptive rules and flexibility. Ms. Power said that incentives and disincentives could be used to encourage the type of development that the City would like to see. Mr. Jones said that approach made sense and was consistent with the traditional neighborhood development concepts. Ms. Power said the rules could say that an application for the creation of a lot larger than a threshold size had to meet the PUD criteria. Ms. Capels said that most regulations in other locations offer PUD procedures as an option. Mr. Borgendale noted that Montpelier's current rules do not do that. Ms. Capels agreed and noted that the State statute gives the municipalities broad discretion in the application of those standards.

Mr. Graham referred to the policy under 601.B. on page 6 that states subdivisions should "result in an appropriate development pattern or form." He asked what that meant. Ms. Capels said that it was a general reference to traditional patterns of neighborhood development. Mr. Graham asked why that should not be clearly stated. Ms. Capels said the appropriate form might be different for different zones or area. Mr. Sedano said he agreed with Ms. Capels. Ms. Power said that the SmartCode specified the appropriate form of development for each planning area. She suggested that the paragraph could include a cross reference to a portion of the rules where the appropriate form is described. Ms. Capels said the description of the appropriate form of development might already exist in the purpose statement for each of the zones. Ms. Campbell asked whether the fact that an area that is currently developed in single family homes meant that was the type of development that was favored for that area. Ms. Power said that might be clear if the purpose statement for the LDR zone was considered. She read that purpose statement aloud. Mr. Borgendale said the problem is that the current zoning does not meet the purpose statement and never has. Mr. Jones suggested that this discussion was really the significant discussion for the Master Plan review. He thought the Planning Commission's current assignment is to focus on a few intermediate things for Sabin's Pasture. The risk would be that a lot is split off of Sabin's Pasture in the interim, but that would not happen repeatedly since the issue will be addressed in the Master Plan review. Ms. Campbell said that could be a big risk if the lot split off was a 10-acre lot at the top of the ridge.

Ms. Campbell said the conservation overlays were the only tool the Commission has discussed that would address the Conservation Zone. Mr. Graham said if the overlay was applied to that zone, it might be necessary to apply it to other similar areas. Ms. Power said the definition of the Land Conservation zone is much more strict than the Commission's prior definition of the Reserve. That definition was drafted by the City Council for these land conservation areas and if it must be applied to other parts of the city, that situation would have to be addressed in future revisions. Mr. Jones said he would be interested to know whether the Council intended the line to prohibit all development within the conservation area. A conservation overlay could result in some development of the area under certain conditions. He would like to get copies of some strong conservation overlays. Ms. Power agreed and said that the Commission needs to go through all of the tools that are available for use. Ms. Capels said that this discussion was intended to give the Commission members a good understanding of the current rules, as well as how they might be adapted to achieve these goals. Ms. Power said it would also be necessary to address the relationships between the various tools.

Mr. Borgendale said he would like the Commission to consider what the purpose of underlying zoning would be when a conservation overlay is used. Ms. Power said the underlying zoning gives an entitlement to a certain number of units. Mr. Borgendale gave the example of a 100-acre parcel where 75 acres are to be preserved and 100 houses are desired. He asked why the 25 acres of the parcel were not simply zoned for 100 houses rather than setting underlying zoning and a conservation overlay. Ms. Power said that the conservation overlay approach leaves a residual value with the land that allows for tax benefits. Mr. Borgendale said the approach also creates confusion. Ms. Campbell said the Commission needs to focus on the PUD rules at this meeting.

Ms. Capels gave an overview of Articles 5, 6, and 8 of the draft. She tried to capture the essence of the SmartCode concepts in this draft. Mr. Graham said that the Public Works Department should be included in the review process related to impacts on roads at 802.C.1. Ms. Power agreed. Mr. Sedano noted that these were general standards and asked whether Public Works should really be asked to review proposals that would have no impacts on public streets. Mr. Jones suggested the provision be revised so that the review of the Public Works Department is needed whenever a traffic study is needed. Mr. Borgendale said he thought that one set of specifications for the construction of all streets would be overkill. Mr. Graham suggested that Public Works be asked to give an opinion on that issue. Mr. Jones said the question can be asked, but he believed that the specifications were probably the minimum for any road. Ms. Capels said the intent of the provision was to ensure that all roads, including private roads, are built to City standards in anticipation of future requests that the roads be taken over by the City.

Ms. Capels noted that the street standards already included a lot of the traditional neighborhood design concepts. Ms. Campbell asked whether the Commission really wanted to say that sidewalks are always required on at least one side of each road. There might be situations where pedestrian or bike paths are provided at locations that do not necessarily follow the edge of the road. Mr. Sedano said the Commission would not want to see situations where the people are walking in the streets. Mr. Jones said a development could have paths that connect to other pedestrian paths, but are located at more suitable locations. He would not want the rule to preclude that. Ms. Power said that people parking cars along the streets need to have a safe place to walk when they get out of the cars. She noted that 803.C.1 gives the DRB the ability to require pedestrian walkways instead of sidewalks. Ms. Campbell asked that bicycle

paths be added to that provision. Mr. Graham said the provision should also allow the DRB to require the pedestrian paths in addition to sidewalks.

Ms. Capels said the section on Planned Development begins on page 47. She added some of the SmartCode concepts to the section and introduced the concept that a Natural Resource Inventory will be required for lots of three acres or more. Ms. Power said that some thought should be given to that section because the need for the inventory could depend on the location and the conditions on the lot rather than the size. Mr. Jones said he would prefer to say that an inventory is required for all lots and have the City do some of the inventory work. Ms. Capels said that one of the concerns raised in previous discussions about the City providing funding for the inventories was that the natural conditions are not static and an inventory that is 10 years old may no longer be valid for a site. Ms. Campbell said a time frame may be needed to address that issue. Ms. Capels said that she would look to the Open Space Advisory Committee for input on this section.

Ms. Capels discussed the SmartCode's potential conflicts between design for pedestrian comfort and ease of vehicular movement. Ms. Campbell said she thought that the Commission had agreed to strike "a" from that section and have "b" state the "pedestrian comfort and safety shall be a primary consideration of the street scape network". Mr. Sedano said he did not think it was decided that the section should apply in the LDR or Industrial zones. He asked how it made sense in an industrial zone. Ms. Power said that Montpelier's industrial zones include residences, schools, and other uses that pedestrians may be associated with. Mr. Borgendale said he was bothered by the concept of changing the requirements for the Industrial zone based on the fact that there are some other preexisting uses in them.

Ms. Capels said that other additions of SmartCode concepts are in the lot and yard requirements. Ms. Campbell questioned the use of building envelopes. She posed the hypothetical situation where two buildings are to be built close to a common property line. Ms. Capels said that the setbacks could be varied as a result of the review of the application. The Commission discussed the provision for mid-block pedestrian paths. Ms. Capels noted that the provision is not mandatory. The Commission discussed whether there is a need to limit the length of the blocks. Ms. Capels said that the limit of 1,800 ft. for dead end roads would tend to limit the length of blocks. Commissioners acknowledged that 1,800 ft. is a very long block. Mr. Jones added that the design of roads for pedestrian comfort will help to ensure that the block sizes are suitable.

Ms. Capels said that the SmartCode also had provisions for a park within a certain distance of residential development. Ms. Power said that requirement might be based upon the number of units proposed. Mr. Jones said it was an important issue, but noted that the City might take the responsibility for open space for high density infill development. Ms. Capels said 813.D. was a first attempt to address the Commission's discussions regarding mixed use. Ms. Power said item 1 should say "residentially related commercial uses". Ms. Capels said that is addressed in item b. Mr. Jones asked whether the reference to open space was intended to mean publicly accessible open space. Ms. Power said that, for planning purposes, it must be open space that will remain open. She said recreational uses should be included in item b. Ms. Campbell proposed adding "publicly accessible open space" to item a. Mr. Jones and Mr. Graham expressed concern that the provision would be difficult to meet in many locations. Ms. Campbell said that developers could meet the provision by providing open space within their developments. Mr. Sedano said the Commission should be sure that it wants to include all of

the “or” statements in item a. He said that, as written, the development would only have to be within a five minute walk of “commercial, civic, or open space”. Ms. Campbell said she thought that access to open space should be required even for a small apartment building. The requirement could be met with a small pocket park. She would accept open space that is only available to the residents of the development as meeting the requirement. Mr. Sedano said if the Commission is willing to be flexible on the types of open space, he would be willing to include an “and” in front of open space in the requirement. Mr. Jones said that he was persuaded that the requirement is appropriate for most development, but still had concerns about small infill development.

Ms. Power noted that it was getting late. She suggested that the Commissioners might want to review the draft with the SmartCode in mind for the next meeting.

Other

Ms. Capels said the next meeting would be September 12. The Commission may want to wrap up this discussion at that meeting. She suggested that the Commission could then take up conservation overlays or building forms.

Adjournment

Mr. Borgendale made a motion to adjourn the meeting at 10:10. Mr. Graham 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.