

Montpelier Planning Commission
October 31, 2011
City Council

Subject to Review and Approval

Present: Jesse Moorman, Chair; Jon Anderson, Vice Chair; Kim Cheny, John Bloch, Tina Ruth and Alan Goldman.
Staff: Gwen Hallsmith, Director of Planning & Community Development
Clancy DeSmet, Planning & Zoning Administrator
Scott Humphrey, VISTA

Call to Order:

Jesse Moorman, Chair, called the meeting to order at 7:00 P.M.

Review and Approval of October 17th and 24th Minutes:

Upon a motion duly made by Mr. Anderson and Mr. Cheney the minutes of October 17 and 24, 2011 were approved unanimously.

Village Commercial Zoning District:

Mr. Anderson said the purpose and description needs to have added that it is a place for commercial and industrial growth, at least commercial growth. It seems to have housing development but this is our downtown.

Ms. Ruth inquired about adding economic vitality.

Mr. Anderson felt they should want to promote new commercial development that reflects smart growth principles. It could say promote housing and commercial development.

Ms. Ruth wondered whether infill and cluster is applicable to this section. The main thoroughfare seems fairly crowded.

Mr. Moorman said the village districts are the Civic District which is the State Complex. The historic downtown runs from Court Street out to the rotary over to Shaw's and the buildings along State and Main Street. Right across the river is Crossroads which goes up Northfield Street and the bulk of it goes down Barre Street and down the river toward the eastern gateway of the farm and factory area. There is a lot of housing both on Barre Street, Court Street, Elm Street and on River Street. Which are we promoting more in this district, housing or commercial development? To what extent do they even want to be a little clearer which trumps in the conflict of a house being converted to offices?

Ms. Ruth felt they should emphasize housing and want mixed uses downtown and close to downtown.

Mr. Cheney said the Smart Growth District is supposed to include mixed use, affordable housing, etc. and it has to consider transit, pedestrian, bicycling, etc. This is redundant in many places. He said the purpose of the Village Commercial District is to promote smart growth principles.

Ms. Ruth said a lot of people might not know what smart growth principles are.

Mr. Cheney replied it is in the Master Plan. Like other districts they have discussed they should flag it in the plan. He doesn't see why they need to repeat the principles every time and he doesn't like redundancy.

Mr. Anderson said he might be more explicit by saying it would be retail in this district and not just commercial because he is thinking about mixed use. You have the downtown which is mixed use with retail; the next group out is mixed use without retail. Then, the next group out would be housing but have talked about mixed use. The distinguishing feature for downtown is mixed use with retail. Housing goes everywhere. The very best thinking on downtowns is you want people in the downtown, and the more people that live downtown the better because you sell everything rather than if they drive there because you have to compete with other people.

Mr. Cheney inquired whether the definition of Growth Center included commercial.

Mr. DeSmet replied it does. One of the growth centers in Vermont was solely commercial.

Mr. Cheney asked if our smart growth area wasn't a growth center.

Mr. DeSmet replied it would include commercial and mixed income housing.

Mr. Cheney voiced concern about what smart growth means. On page 3 and 4 it would say traditional neighborhood development standards.

Ms. Ruth asked if an individual homeowner have to consult growth center regulations.

Mr. DeSmet replied no.

Ms. Hallsmith added everything that will apply to her property will be in the zoning code. They are trying to make it easy to understand by organizing it by the districts so as you look at your district you understand all the different things that apply to your home or business in Village Commercial.

Mr. Cheney said they got started on this because Jon suggested that commercial be explicit in the Village Commercial District in the purpose and description. Clancy said Smart Growth District includes commercial. Does the whole smart growth area include commercial development?

Ms. Hallsmith replied it is limited by what they allow in the districts. The smart growth region where we have some incentives that are the result of our Growth Center application. Some of the grants and programs that the state has for development we are prioritized for. Another is a raising of the threshold for Act 250 permits so that larger projects can go through in compliance with our local zoning and won't have to go to the Act 250 Commission, which if we want to encourage housing growth in Montpelier is a good thing. That is really all the Smart Growth District does. One of the things it enabled was the possibility of creating a Tax Increment Financing District which would enable us to make improvements to the infrastructure in an area that is either currently undeveloped or needs infrastructure improvements and charges it back to the district and collects the property taxes to pay off the cost of the infrastructure improvements. The state would essentially forego the property taxes they would collect in that area for 20 years to do those improvements. Although because we don't have an active development proposal they would use the TIF financing it's a hard thing to do in a speculative way so the City Council has decided not to pursue it at this time but if a proposal came forward that needed the TIF financing they could get it going with all due haste.

Mr. Cheney said he is still concerned about the purpose and description of the Village Commercial District.

Mr. Moorman said Kim wants to put it in the present tense, and he agrees with that. He thinks that goes for all purpose and description sections in our districts. Instead of will be they should say are. Jon suggested we identify commercial use more specifically – mixed use with retail.

Mr. Anderson said the distinguishing feature in his mind between Village Commercial and Village Residential is whether or not they have retail. They don't have that in either name. In his mind the district they are talking about he thinks should be called Village and Retail and the other district should be called Village. The distinguishing feature is they are going to allow mixed use in both districts but predominantly if they are going to have a downtown they are going to try to get the retail downtown and keep it downtown but offices can spread out away from the downtown. Residential would be everywhere. He would like to talk about two districts they need to distinguish which are the two innermost districts. On this we are calling Residential Village District and the other is called Village Commercial District. We have said we want mixed use in both districts and we want residential in both districts. The distinguishing feature is they want the retail use downtown. The only exception to that is the Crossroads District and that is still mixed use retail but retail you predominantly drive to rather than also being able to walk to it.

Ms. Hallsmith replied she didn't know how the downtown would feel about the whole River Arts District because it is different than the downtown. She might suggest making that a separate district. The River Arts currently is part industrial, commercial and some retail. The River Arts District is the area that gave the hardest time when they moved forward with the Growth Center District because it was developed in the past as a commercial strip which is not something that the Downtown Committee wants to encourage. They were looking for regulations for that district that would assist with redevelopment and start to change the character away from a commercial strip area into one that was more pedestrian friendly and that complemented the downtown without competing with it too much. That is another reason why Barre Street and River Arts might be a different district than the retail district. The thing the district shares are that it is predominantly commercial and has the high density village character.

Mr. Moorman said if the Downtown District is susceptible of its own development standards that would promote mixed use retail.

Mr. Anderson added a way to accomplish that might be to have the list of uses we are going to allow anywhere and then to allow additional retail uses in the Downtown District.

Mr. Bloch said he is concerned they are building a traffic jam for themselves. It is emerging into a knot.

Ms. Hallsmith replied some cities create intentional traffic jams. They recognize in order to change peoples' habits and get them to use more forms of public transportation with pedestrian and bicycle they need to deprioritize parking.

Mr. Bloch said he can tell them where the shoppers are coming from for the Hunger Mt. Coop, and the majority is not in the city. They come from East Montpelier, Calais, Worcester, Middlesex and Berlin. They aren't going to ride a bicycle with a basket of groceries in the dead of winter. Therefore, he is concerned about an emerging knot on one of the entry ways. Barre Street, Granite Street and Stone Cutters Way at 2:30 P.M. are clogged getting over the Granite Street Bridge to get to Barre Street to get to the other outflow. This is something he has noticed over a period of time, and he is concerned they went ahead with this office building that is going to need 20 to 40 parking spaces and it was not up Stone Cutters Way which had a very effective outflow from downtown.

Mr. Cheney asked what his recommendation for a definition in this district is. He doesn't think they need another district if they can make this neighborhood specific. Smart growth principles include traffic flow. The job is to write definitional standards to try to combat that issue.

Phayvanh from Montpelier Alive said in her conversations downtown with merchants and shoppers they have consistently said they don't believe there is a parking problem and that parking is really a problem of perception. She would like to have a vote in favor of Gwen's statement that sometimes we need to plan to try to change behavior.

Ms. Hallsmith said what kind of parking standards we want throughout the Village Commercial District. We do need to look at parking. The Senior Center is another good example where it was redeveloped on site and their clientele come from a distance and in addition to that are seniors and often need to ride. Yet there is not enough parking around the Senior Center to accommodate all of their needs, and there won't be. What have we done? We have put a GMTA stop out front and made some more buses available. The Senior Center now has a van they can use to pick people up. It isn't supplemental to Green Mt. Transit but if the Senior Center is planning an activity they do have the capacity of giving people rides. There are ways around single automobile transportation and parking. In our Commercial Village District, if we want to encourage development we need to recognize that the market is actually going to drive the parking more than the zoning. People are not going to want to develop in places if they don't have a solution to the parking problem. We don't need to regulate it because it will regulate itself. We need to look carefully at our standards so we aren't inadvertently discourage things that could happen through over regulation because the other type of parking development will be done through the development process. On Stone Cutters Way it is fully developed now so a change of zoning on that particular stretch of land isn't going to do a thing. The thing that is missing on Stone Cutters Way is residential development which they had initially hoped for. Residential development would have even had a higher parking demand than what is there now. If you look at the district right now and the underlying zoning, in the historic downtown the parking requirements are waived. This makes it possible in many cases for new things to come in and go out because every time you get a new restaurant in the downtown they don't have to start counting their seats and counting the parking spaces so it's affordable and possible. By waiving the parking requirement in the downtown we have a bit of a success story. Waiving the parking requirement made a big difference in attracting and retaining businesses. She would suggest they might want to look at that as a possibility throughout the Village Commercial District. It would help with the development in that district.

Mr. Moorman said outside the Historic District and the Riverfront where it isn't waived somebody has to provide a minimum number of parking spots, correct?

Mr. DeSmet replied yes, based on use. It is obviously waived in Riverfront and CB-I, but if there is a lot across the street that has parking you can rent or lease you can solve the problem. They need to reduce the overall requirement and let the market or business that is looking for parking determines that. The current zoning just has a way for you to meet it.

Mr. Goldman said they need to relax parking but create more public parking; there needs to be an alternative. If you can mitigate it off site that is great.

Mr. Moorman asked if they went along with the waiver idea what are they giving up?

Mr. DeSmet explained the current waiver system is set up so if you use an existing amount of floor space they don't have to come up with a way to create the parking for it every time.

Mr. Bloch moved they waive the parking restrictions in the Village Commercial District. Let the market figure out how much parking they really need and get out of the regulatory function they now serve.

Mr. DeSmet replied they would still look at traffic patterns.

Mr. Cheney said he would like to know how they encourage people to live in the upper floors. Would the waiver help that?

Mr. Goldman said residential parking is different you have to have overnight parking so the 2nd and 3rd floors most became offices. Also you get a higher square foot rental value so it is easier to do offices and not worry about overnight parking.

Mr. Moorman said the motion is a complete waiver of parking requirements.

Mr. Anderson said let's talk about a house on Berlin Street on Route 2. He has a property on that stretch and wants to double the square footage for this property. That will enable him to have 2 more housing units, or 3. The Development Review Board asks where the parking for that is and they say they don't need any parking. The DRB says how many parking spaces are you going to need and they say they will work it out. He doesn't think you can look at traffic flow except insofar as you are showing the accoutrements on the property. If you aren't showing the parking on your property it's hard for the DRB to say the traffic flow is not going to work.

Ms. Hallsmith said one of those houses in that section of Berlin Street is in walking distance to most amenities. You would not be isolated from the general community if you lived in one of those houses without a car. People do actually live without cars.

Mr. Moorman said it would invite a developer to take a risk or not and not develop any parking there.

Ms. Ruth seconded Mr. Bloch's motion.

Mr. Moorman said the motion was a waiver of all parking requirements.

Mr. Cheney said he wants to discuss it more. He understands parking is an important consideration but the discussion kind of hijacked what the district is going to be defined as and whether it is going to be commercial or not. He would support the motion but he considers it somewhat of a distraction from trying to define what the district is going to do.

Mr. Bloch said they can say the market will define more than what they say the district is going to be if it is given enough room to blossom.

The motion passed with 2 voting no.

Ms. Hallsmith said when they were first looking at this district she believes they agreed that Toy Town belongs in the Gateway District. It used to be in the Village Commercial but they moved it to the Gateway District. In the River Arts District the growth center designation had us move away from commercial strip development and toward more pedestrian friendly development compatible with the downtown. If there were a place in the city where some type of form based code might be most useful this district would be it. What she knows about form based code and what she knows about the rest of the city, Newport has passed form based codes for a lot of their downtown area partially because of the interest in redeveloping it and making it easier for people to develop in the district without a sense of their being either subjectivity or

regulation in the process. There was an intern who worked around some very rudimentary ideas around form based codes and the kinds of things that form based code will speak to. When you are thinking about this type of zoning you get out of the idea of use as the driving force in the zoning and move into form being the driving force. The zoning code looks a lot more like an architectural standard than it looks like a use table. A Wal-Mart could go in under the form based code as long as the doorways were to make it look more downtown like and that you have a certain fenestration or windows in the building that would make it look like it was part of the downtown and the roof had a particular design. The form is the driving force more than the use. What they talked about design review form based code codifies a lot of that and takes the guessing game out of it. It is very detailed.

Mr. Anderson said he would expand the form based code idea to infill everywhere in the Village Commercial District except Crossroads.

Ms. Hallsmith explained she thought it was better to focus on River Arts as a starting point and if it worked there move on. It seems like a good redevelopment tool. River Arts has a certain character to it because it has been the river corridor where industry and arts have come together. It lends itself to some creativity.

Mr. Anderson asked about the transportation center on the Carr Lot property. Another would be the property behind the Methodist Church and the Guare Funeral Home that has a huge parking lot that could be infill development one day. Is there a vision that the building that would go on those sites would be something historic that looked like something that could be built in the 1880's, or is our vision that it could be something that the architect would have more freedom to design as long as it was architecturally consistent and compatible with the historic design. He is willing to go with architecturally consistent and compatible with the downtown at those two locations, both of which are outside the River Arts District.

Ms. Hallsmith agreed and not suggesting that the redevelopment and infill in the historic downtown would have to look like the picture on the front with all of the 1880's. She would feel more comfortable trying form based zoning in the River Arts District where we are not as constrained by the historic standards.

Planning Commission Members discussed how form based zoning was used in Newport, Vermont. It was to take the original use of the buildings and morph it into modern buildings. Compatibility tied the whole thing together.

Mr. Cheney said he would like to see some examples of form based zoning before he decides where to put it.

Ms. Hallsmith explained their main goal was they wanted to redevelop the area. They wanted people to know they had some certainty going through the planning process. Form based codes achieves that and still helps to integrate the downtown with the area. The way we are currently handling the downtown is quite different than form based code. She would feel more comfortable trying it in a place where it isn't our core downtown.

Mr. Bloch asked what Montpelier Alive thought about form based zoning.

Phayvanh said they haven't discussed it because there is a city structure set up. One of their board priorities is for recruiting businesses and to promote the downtown.

Mr. Moorman asked if they wanted to confine form based zoning just to River Arts right now or to the whole district. Let's give the staff some guidance and move on. He doesn't have an opinion because he is still struggling to understand form based codes.

Mr. Bloch moved they confine form based zoning to the River Arts District. Mr. Goldman seconded the motion.

Mr. Cheney said he is opposed. He wants to see a presentation of what form based zoning looks like. There has been a lot of talk about Newport. He isn't ready to vote on this. He doesn't think there is any necessity that they approve one district every meeting. He isn't ready to vote on this without a little more education.

Mr. Moorman said the motion is to draft a proposed form based code for River Arts.

Ms. Hallsmith said staff wouldn't be able to do that without architectural assistance. They are working on the neighborhoods meeting on November 19th where they will receive feedback from people. When they present it on the 19th they will talk about form based codes.

Mr. Moorman asked what areas of our city, if any, are they thinking about form based codes.

Mr. Bloch said the intention of his motion is to say we are going to attempt to do form based code for the River Arts District to see how it works. The motion passed unanimously on a vote of 6 to 0.

On November 14th they will meet and talk about the Gateway District.

Adjournment:

Upon a motion duly made by Mr. Cheney and Mr. Bloch the Planning Commission adjourned.

Respectfully submitted,

Gwen Hallsmith, Director
Planning and Community Development

Transcribed by: Joan Clack