

Montpelier Planning Commission
November 7, 2005
Memorial Room, City Hall

Subject to Review and Approval

Present: Marjorie Power, Chair; David Borgendale; Anne Campbell; Ken Jones; Richard Sedano

Staff: Valerie Capels, Planning & Community Development Director

Call to Order

The meeting was called to order at 6:00 by Ms. Power. She noted that the meeting had been rescheduled from November 14.

Minutes of October 17, 2005

Mr. Sedano made a motion that the Planning Commission approve the minutes of the October 17, 2005 meeting. Ms. Campbell seconded the motion. The motion was approved 4-0 with Mr. Borgendale abstaining.

Comments from the Chair

Ms. Power asked Ms. Capels to discuss her meeting with a subcommittee of the Central Vermont Regional Planning Commission. Ms. Capels said she discussed the Master Plan amendments with the CVRPC members and understood there were two issues that might prevent them from recommending approval of the Master Plan: a lack of childcare content and a lack of updated data. Ms. Capels said she brought information to the meeting to show that Montpelier had updated data and intended to make progress on child care. There was a great deal of discussion about the amendments and whether Montpelier was meeting its fair share of housing. She said she explained that the amendments would not have a negative impact on housing; in fact the language encouraged mixed residential uses and traditional patterns of neighborhood development would encourage higher residential densities.

Ms. Power asked whether the Regional Planning Commission was suggesting that Montpelier could never designate and park land in the City because that might eliminate opportunities for housing development. Ms. Capels said one commissioner did say that it was reasonable for the City to plan for open space and parks. That commissioner also suggested there might be a possibility of approving the Master Plan for a two-year period with the expectation that any deficiencies be addressed. Another Commissioner said it would be better if the City made the request that the approval be for the interim period. Ms. Campbell asked whether the Regional Planning Commission could supercede the City's right to determine how much housing to plan for. Ms. Capels said it could not, but it can look for consistency with the regional plan. She said that some commissioners concurred that the regional plan is vague on this topic and, therefore, Montpelier's plan cannot be criticized.

Mr. Sedano made a motion to have Ms. Capels ask the Regional Planning Commission to table the request for approval of Montpelier's Master Plan to its next meeting for the purpose of allowing the Planning Commission to consult with the City Council, and to ask the City Council at its next meeting to request the Regional Planning Commission to approve the amended Master Plan for a period of two years on the condition that the City will cure the deficiencies in the Master Plan related to child care and data in a more complete revision to the Master Plan that is expected to be completed in the two-year period. Mr. Borgendale seconded the motion.

Mr. Jones asked when the two-year period would begin. Mr. Sedano said that it would begin with the Regional Planning Commission's action.

Ms. Capels said it might be helpful to let some of the discussion at the public hearing play out before making the request. The Planning Commission discussed strategies related to this question. Mr. Jones said he would like to convey the message that, if the Master Plan is rejected, the Planning Commission will have to focus its energies to the Master Plan rather than the zoning amendments that would provide for more affordable housing. A rejection of the Master Plan would derail the Commission's efforts toward that goal. Ms. Campbell said the motion seemed to be the most expedient way to address the issue.

MOTION: Mr. Sedano proposed modifying the motion to substitute the word "authorize" for "have" so that the motion would be to "Authorize Ms. Capels to ask the Regional Planning Commission to table the request for approval of Montpelier's Master Plan to its next meeting for the purpose of allowing the Planning Commission to consult with the City Council, and to ask the City Council at its next meeting to request the Regional Planning Commission to approve the amended Master Plan for a period of two years on the condition that the City will cure the deficiencies in the Master Plan related to child care and deficiencies related to data requirements in a more complete revision to the Master Plan that is expected to be completed in the two-year period." Mr. Borgendale agreed to the change in the motion. The motion was approved unanimously.

Ms. Power asked whether it would be helpful if she were to attend the Regional Planning Commission's hearing on the Master Plan. Ms. Campbell asked whether as many commission members as are able should attend. Ms. Capels said that it would be good for commissioners to be there.

Sabin's Pasture Zoning

Mr. Borgendale said that he had done a lot of thinking since the Commission met with the City Council and the concerns about deadlines and what would happen if the work does not get done in time. He said that he would propose a motion in order to get it on the table for discussion.

MOTION: Mr. Borgendale moved that the Planning Commission revise the zoning map for the Aja-Zorzi property and lands adjacent as follows: So that all of the lands north of the line following from west to east, the upper MR Con line in the revised Master Plan to the boundary of the Aja-Zorzi property, then following the boundary to the lower MR Con line and finally following that line to the eastern edge of the Aja-Zorzi property be reclassified as Low Density Residential as currently defined in Montpelier's zoning laws. All land south of that line and bounded on the South by Barre Street will be reclassified as High Density Residential. The Planning Commission directs the Department of Planning and Development to prepare the revised map.

Ms. Campbell seconded the motion for discussion purposes. Mr. Borgendale showed the line on a map and the Commission discussed the rationale for the location of the line on and near the Union Institute lands. Mr. Borgendale said he had considered wetlands, steep slopes and the Union Institute's plans for additional housing. Mr. Jones said he would like to get a better

indication of Union Institute's plans. He would like to adjust the line to place the sensitive resources in the LDR zone.

Mr. Borgendale said he proposed the motion so that the Commission could discuss it and see the consequences if its other work is not accepted. He thought the Commission might want to put this proposal out for public comment while continuing work on the alternative. That way the public could see what the fall back would be if the amendments that the Commission has been working on are not accepted. Ms. Power said she did not want to manipulate the public process. It is the Planning Commission's job to bring forth the best plan that it can even if it does not get public support. Ms. Campbell said the Commission could use this concept for the underlying zoning as a start. Ms. Power suggested looking at the "dot" maps that Ms. Capels brought to the meeting. Ms. Capels described the maps which established a range of numbers of structures for a baseline density without consideration of building constraints. The commissioners discussed the idea that the map might be more useful if it showed the number of allowable units based on the required minimum area per family.

Mr. Jones said that, if it would not take up a great deal of the Commission's time to describe the implications, he would favor Mr. Borgendale's motion in order to promote some public discussion of the implications of the LDR zoning. Mr. Borgendale said his intent was for the public to be aware of the options and the fact that the Planning Commission is on a tight timetable. The proposal the Commission has been developing might face a lot of criticism. It is easy to shoot down a specific proposal if you do not have the other alternatives to compare it to. Ms. Power said there will have to be underlying zoning and Mr. Borgendale's proposal may be what is used. She expressed her concern that, if sent alone, the proposal might be accepted by City Council without the overlay provisions that the Planning Commission desires to put in place. It is not good government to present a zoning proposal that the majority of the Planning Commission does not really support. Ms. Campbell said the reality is that, if the Commission does not do something within the time frame, the zoning will revert. Ms. Power said the Commission can do the proper zoning if it does not waste time. Ms. Capels said the proposal would not necessarily be a waste of time if it is part of the direction that the Commission wants to work toward. She suggested it might be valuable to get feedback through the public hearing process to help inform the components of the community resource overlay.

Mr. Sedano said that if the southern section of the property was designated as MDR, he would feel that there would be a strong demand for the completion of inducements to achieve higher densities. Mr. Borgendale said that he was willing to change the motion to replace HDR with MDR if the seconder agreed. Mr. Sedano said he would be better able to support the motion if there was that inducement to complete the work. He agreed with Ms. Power that the Commission should not be in the position of sending up a trial balloon that it does not believe in. Mr. Borgendale said he offered the motion with the feeling that the Commission has to do something. He would like to get rid of the LDR zoning, but it is what is available to work with at this time. Ms. Campbell said the HDR zoning would yield 224 units and that is close to the number that the Planning Commission has been discussing. She asked what the MDR designation would achieve. Mr. Sedano said the smaller number of allowable units (about 188 units) would provide more incentive to move units down from the upper portions of the site. Mr. Jones said he would like to designate the Union Institute land as HDR because they would have little opportunity to move units. Ms. Power said that Union Institute owns land abutting the land involved in the zoning proposal and might have flexibility to move units to those lands.

Ms. Campbell said she would support the extension of the line across the map because it feels more fair and appropriate. Mr. Sedano said the Commission needs to separate these issues because he is an abutter to some of the property and cannot vote on those aspects of the proposal.

Ms. Power asked Mr. Borgendale if his proposal intended that the Commission send up the map alone. Mr. Borgendale said he would like to have the map and any reports that are needed ready to go to the City Council so that the package can be sent if the Commission comes up against the deadline. Mr. Sedano asked why a motion is needed now. The Commission could agree to work on this without the motion. He felt a motion would imply the start of a public process. Mr. Jones asked what reports would be needed. Ms. Capels said there would have to be a report addressing the bylaws. Ms. Power said she did not have a problem with changing the underlying zoning map, but did not want to send it out because the finished product will have the community resource overlay on the zoning map. It seemed that Eric could clean up the map very quickly.

Mr. Jones asked how many development plans had been proposed in the past in an area that was designated as a conservation area. Ms. Capels said there was one proposal for 28 units on Elm Street that did not go entirely through the process. Mr. Jones said he was asking about areas that are not just designated as LDR, but as LDR within a conservation area. Ms. Power pointed out that a definition of a Conservation Area has now been adopted.

Mr. Jones asked whether there was a strategy to get the information that is needed to move forward with the bare bones zoning. Ms. Capels said that, if a hearing was to be scheduled for January 23, the public notice, PC report, and proposal would have to be available to the public by January 5.

Mr. Jones said he thought the Commission needed to communicate with Union Institute and get their reaction to the proposal. Ms. Campbell said she and Geoff needed to get together with them. She added that the Commission needs to be clear on whether the zoning would be MDR or HDR based on the number of units that it believes to be appropriate. Mr. Sedano said the Commission should do what it can to ensure that it does not create a situation where the lower part could be built at HDR densities while leaving the upper part as LDR with nowhere to transfer the density. Ms. Power said there would have to be some type of protective covenant. Mr. Jones said the Commission must be prepared to accept the underlying zoning in situations where transferring density does not work. That means it must be satisfied with the underlying zoning.

Mr. Sedano said it sounded like there was interest in building on the concept that Mr. Borgendale proposed, but some questions needed to be addressed. He would be interested in having the staff characterize the surrounding neighborhood in the area bounded by Barre Street, Kemp Street, College Street and the Kemp-Sidley addition. Ms. Power said that the analysis should be done by structures rather than units.

Ms. Power passed out a document demonstrating the interplay between the PUD and community resource overlay districts in an area like Sabin's Pasture. She explained that the inducement to the developer would be that the developer could build as he wished on the part of the property where development is encouraged as long as it looks good and does not gum

up the works (as related to infrastructure and public services). Ms. Campbell asked if this had been discussed with the subcommittee and whether it represented a consensus of that subcommittee. Ms. Power said the concepts had been discussed, but she had made some changes. It did not represent the subcommittee's consensus as there is a lot more work to do. Ms. Power said the part below the line represents the disincentives. Mr. Jones said the part below the line is not consistent with the subcommittee's discussion of the community resource overlays. The only way to allow development should be if it balances the community resource values. Ms. Power said that the problem will be in situations where there are no areas on the property outside of the community resource overlay.

Ms. Power said there was a motion on the table and the options were to vote, move to table, or withdraw the motion.

MOTION: Mr. Jones made a motion to table action on the motion. Mr. Borgendale seconded the motion. The motion to table was approved unanimously.

Public Appearances

There were no public appearances.

Review of Second Draft of PUD Process and Standards

Ms. Power said that she thought parking was going to be the next topic to take up. Ms. Capels said there was a question about the number of spaces that would be required per unit. She was conflicted on how to recommend that the issue be dealt with. In some cases, smart growth concepts point toward allowing the market to drive the number of spaces or for the community to provide for the parking as part of the public infrastructure. In Montpelier that might not work because the land to use for parking is not readily available. Ms. Power added that the City's current winter parking regulations limit the use of on-street parking, which is a significant issue for Montpelier. However, the SmartCode Mr. Jones said that parking requirements can be used to promote mixed uses. Ms. Capels asked whether the Commission really wanted to take on the issue of parking for commercial uses at this time. Mr. Jones said he was willing to hold the review of the commercial aspects of parking until the major Master Plan revision. Ms. Power said the Commission needs to decide on a number of spaces for residential units. Mr. Borgendale said the requirements would be driven by the question of whether on-street parking could be used. Mr. Sedano said the Commission could ask the City to address that question in the future, but not right now. Mr. Borgendale said that Ms. Capels' comment of allowing the market to drive the parking is not a bad way to go. Mr. Jones said the challenge would be how to deal with situations where the residential uses start to use up off-site parking intended for other uses in the city. Ms. Campbell said she did not think the Commission needed to decide on this issue in order to rezone Sabin's Pasture. She suggested moving onto the next topic.

Ms. Capels said the Commission should review the draft definition of density at 813.A.2.d. It defined density in terms of a dwelling unit. Mr. Sedano said that will allow the Commission to better deal with mixed uses. Mr. Borgendale asked why 813.A.2.C set a limit of 25% on density bonuses. Ms. Capels said that was a statutory provision, but it might have changed with the Chapter 117 revisions. Ms. Power said that provision would limit how much density could be moved town from the top of Sabin's Pasture. Mr. Borgendale suggested putting this provision on the list of things to revisit. Mr. Jones suggested striking it unless Ms. Capels saw a reason that it could not be stricken. Ms. Power suggested leaving the provision and allowing it to be

waived for lands with community resource overlays. She said that would be an opportunity to add an incentive. Ms. Capels said that the 25% density bonus in the prior statute was an incentive for people to do planned developments. Ms. Power said that the language should be left in for the time being.

Ms. Capels referred to 813.A.3.a and said that section would be where the attributes for the natural/community resource inventories could be added. Mr. Borgendale said he recalled the Commission wanted to incorporate the idea of waiving setbacks for things like decks and porches. Ms. Capels said that was on page 56. Mr. Borgendale said that 2.a should include a limit on the size of the porch or deck that extends into the setback. Commissioners discussed this concept. Mr. Borgendale suggested the depth be limited to 10' or 50%, whichever is less. Ms. Campbell asked whether the Commission really cared about the depth of the porch. Ms. Power suggesting taking out the phrase "encouraging gathering and discourse" and simply saying that porches are encouraged. She added that 2.b should be revised because the commercial aspects of mixed uses have to be ADA compliant. Ms. Capels expressed concern that the City not be in a position to enforce federal ADA requirements. She suggested saying that commercial properties are expected to be ADA compliant.

Mr. Jones referred to 813.D.3. He did not want to require new playgrounds where existing playgrounds are available nearby. Ms. Campbell suggested the issue be addressed by adding ". . . if none is available within 1/4 mile."

Other

Mr. Jones passed out the beginning of an article that he drafted. He asked the other commissioners to let him know of any comments.

Adjournment

Ms. Campbell made a motion to adjourn the meeting at 9:30 p.m. Mr. Jones seconded the motion. The motion was approved unanimously.

Respectfully submitted,

Valerie Capels

Transcribed by Kathleen Swigon

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.