

Montpelier Planning Commission
February 13, 2006
City Council Chambers, City Hall

Subject to Review and Approval

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

Call to Order

The meeting was called to order by Ms. Power.

Minutes

Mr. Borgendale made a motion to approve the minutes of the January 30, 2006 Planning Commission meeting. Mr. Graham seconded the motion. The motion was approved unanimously.

Review of Agenda

There were no changes to the agenda.

Continued Discussion of Zoning and Subdivision

Ms. Power confirmed that the Planning Commission was working with the January 3, 2006 draft of the zoning and subdivision proposal. Ms. Capels said the Commission had finished section 204 on page 2-19. She said that 205.C.2 was changed to four units based on a prior discussion. The Commissioners agreed.

Ms. Power asked Jack McCullough, of the Housing Task Force, for input regarding the limitation that the size of an accessory apartment not exceed 30% of the principal dwelling. Mr. McCullough said there was some concern about how large the accessory apartments could be and still remain palatable to the residents of the area. There was also some concern about parking impacts. He said he would bring the question up at the Housing Task Force meeting that week. Mr. Borgendale said he did not understand why there would be parking concerns since the accessory apartment would just divide up an existing building or create new space in an addition. Ms. Capels said the accessory apartment provision allows the creation of an efficiency apartment without regard to lot size. She believed the 30% limitation was established by the State statute to protect the single family quality of neighborhoods. Ms. Power said the parking requirements would still apply, so the only issue would be whether there should be a limit on the size of the apartment inside the house. It did not seem to make sense to limit the size of the accessory apartment based on the size of the existing house. That would allow a large apartment in a larger house, but only a small apartment in a smaller house. Mr. Sedano noted that the accessory apartment would still have to be an efficiency or one bedroom apartment. Ms. Capels said the apartment was intended to be a minority component of the primary dwelling. Ms. Power suggested that the Commission revisit the question when it had the input from the Housing Task Force.

205.I: Ms. Capels said that most of 205.I was in response to changes related to the Chapter 117 amendments. Ms. Power said she would like the draft to distinguish the changes that are in response to the statute from the changes that the City has control over. Mr. Sedano said that could be done in the cover memo. Ms. Power asked Ms. Capels to do whatever she had time to do.

206: Ms. Capels recommended a footnote be placed in the table to cross reference section 205.D for accessory apartments. The Commission agreed.

207.H: Ms. Capels said that she wondered if the LDR minimum side yard of 40 feet that was previously agreed upon could be reduced to 30 feet. Ms. Campbell asked whether that change would address the number of variances requested of the DRB. Ms. Capels said it would help. She suggested the 30-foot minimum based on some of the neighborhood form analysis that the staff prepared. Mr. Borgendale noted that the change from the existing requirements would be substantial. Ms. Power asked whether there was a minimum requirement for road frontage. Ms. Capels said that 200 feet of road frontage is required. Ms. Power said that provision would prevent lots that are too narrow. The Commission agreed to change the side yard requirement as recommended by Ms. Capels.

Ms. Capels referred to recommendation #19 in her memo of January 22, 2006, which recommended that the two-story minimum height requirement be applied in the CB-I District. She said the provision would promote more efficient use of the limited land in the district. There was general agreement to accept the recommendation.

207.D: Mr. Borgendale asked whether the Commission wanted to retain the provision which requires an increase in setback distances for buildings exceeding 20' in height. He said it would affect setbacks for taller buildings. Ms. Capels noted that the provision could have significant impacts on infill lots. The Planning Commission discussed the provision and agreed to strike it pending feedback from the Administrative Officer.

207.E: Ms. Power noted that this section allowed buildings up to 10 stories high. Mr. Graham asked how tall the Capitol Plaza was. Ms. Capels said it was five or six stories. Mr. Graham asked how many 10 story buildings have been proposed up to now. Ms. Power said there was a proposal for a 14-story building some time ago. Ms. Campbell said she was horrified to see that the rules would allow a 10-story building. That type of building would cause the loss of the human scale of the area. Ms. Power suggested the issue be considered in the next round of review.

207.G.2: Mr. Borgendale asked if this revision was based upon the Chapter 117 changes. Ms. Capels said that was correct.

402.A.3: Ms. Capels suggested consolidating this section with proposed section 205.I. Mr. Borgendale asked whether 402.A.3.e was consistent with the Commission's decision to require that subdivisions of three or more lots go through the PUD process. Ms. Capels said it was consistent since it only clarifies that a zoning permit is not required. Mr. Sedano noted that 402.A.3.m adds telecommunication uses. Ms. Capels said those were homeowner type uses. Mr. Sedano asked which of the uses must be allowed per FCC regulations. Ms. Capels said she thought that 402.A.3.m.1 would have to be allowed. She suggested that the Commission move ahead with the proposed change and get input on it. The Commission agreed. Ms. Capels said she asked Jack Hoffman of the Broad Band Council and Ed Flanagan of "Point F.M." to review the memo and this section. She said that Ed noted that the City may want to set a limit on the number of devices that could be placed on any structure and also suggested establishing a registry of these devices since there could be signal conflicts as the devices

proliferate. Ms. Campbell expressed concern about whether the Commission knew enough about these uses to create regulations. Ms. Capels said that these provisions could be a start and changes or additions could be developed as the technology evolves.

508: Ms. Capels said that her memo offered some additional edits. Ms. Campbell said she did not think that section 508.A.2.c did much for inclusionary zoning. Ms. Capels said the statute requires some specific studies be completed before inclusionary zoning can be adopted, which the City has not yet done. Ms. Power said she would think the Housing Task Force could assist with those studies so that the City could move ahead. Mr. Borgendale suggested that 508.A.2.c be changed to “to encourage diverse housing . . .” instead of “to provide diverse housing . . .” The Commission agreed to that change. Mr. McCullough said that a committee of the Housing Task Force is working on language for inclusion in the Master Plan when the Planning Commission returns to work on the larger Master Plan changes.

508.A.2.d: Ms. Campbell asked whether it was really necessary to say “use of open areas.” Mr. Borgendale said the section was actually saying that there must be a plan for how the land would be used. The plan could be to not use the land. Ms. Campbell said the end of the last sentence regarding achieving “the goals for the area as articulated in the Master Plan “ was meaningless based on recent discussions. Ms. Capels said she hoped that the Master Plan will better articulate the goals in the future. Ms. Power said the real issue is whether the DRB will administer the rules aggressively.

508.C: Ms. Power asked whether the Commission wanted to say that an apartment house on a small lot may not add a unit. Ms. Capels said this section just restated the original policy by breaking the paragraph into three sections.

508.D.2.a: Mr. Borgendale said that it seemed there should be some language limiting the scale of the accessory structure. He asked Ms. Capels to provide a suggestion for the Commission to consider. Ms. Power said she would like the Administrative Officer to have discretion to refer projects to the DRB if they appear to raise issues due to size, aesthetics or other issues. Mr. Borgendale disagreed. The rules should clearly describe which projects could be reviewed administratively and which projects needed DRB approval.

508.G: Mr. Borgendale and Ms. Power said they thought the Commission agreed to strike this section as it related to the community resource inventory. Ms. Campbell said she did not recall it that way. Ms. Power said she thought that Mr. Jones took the position that the City should do the inventory. Prior revisions by the Commission put some of the criteria associated with this section into other locations in the regulations. Mr. Graham said he thought that the section should be deleted in the next draft. Ms. Campbell accepted the deletion.

Article 6: Ms. Capels said that the changes to article 6 were mostly procedural. Ms. Power asked where 609.A.4 came from. Ms. Capels said she did not recall the specific source. The City has generally been requiring performance bonds for infrastructure and landscaping. Big projects that would be subject to the requirement did not come up very often. Mr. Borgendale asked why the consent of the owner was needed to extend the bond. Ms. Capels said she would check on that provision.

811.B.2.e: Ms. Capels said a permit was currently required to install a temporary public announcement banner or sign. If the Planning Commission wants to keep the provision, it should be moved to another location. The Commission discussed the provision and how it would be applied. The Commission agreed to eliminate the requirement for permits, but consider reinstating it in the future if problems developed. Mr. Borgendale said he would like to address the removal of political signs more quickly after the elections. The Commission agreed that the time frame for removal of political signs should be 7 days from the election.

Street Lights: Mr. Sedano said that he had language from Efficiency Vermont on street lights. He would like to find a way to add it to the draft, but asked Ms. Capels to discuss it with the Director of Public Works to make sure that there were no issues. The Commission agreed to insert the language if it did not raise issues.

811.C: Ms. Capels said that Mayor Hooper asked the Planning Commission to consider the footnote in the table of permitted signs that prohibits projecting signs on State and Main Streets. Ms. Capels said the provision was added in the 1970's when there were competing, illuminated projecting signs on the streets that resulted in considerable visual clutter. Mr. Borgendale said he could accept some projecting wooden signs. Mr. Sedano said he liked the current provision. Ms. Power asked whether anyone wanted to make a motion for a change. No one made a motion.

812.B: Mr. Borgendale said that the section is repetitive and should be cross referenced. The Commission agreed to the change.

813: Mr. Graham said he thought that a lot of this section was to be eliminated. Ms. Capels agreed. She said it needs to be integrated into the other sections. Mr. Graham said he thought that the references to hilltops and ridgelines in 813.A.3 were also being deleted. Ms. Power said that some of the provisions were moved and Ms. Capels was to integrate the provisions. Ms. Capels said she would find the notes and work on those changes for the next draft. Ms. Campbell said she would like 813.A.1 to say that planned development will be consistent with the visions and goals of the Master Plan. Ms. Power said she had hoped to draft language to make sure that the provision would not be applied too narrowly. Ms. Campbell suggested adding a requirement for a specific finding that planned development is consistent with the vision and goals set forth in the Master Plan. Mr. Borgendale said that he thought that Chapter 117 had some language attempting to more closely integrate the Master Plan and zoning. Ms. Capels said the amendments to Chapter 117 did strengthen the link. She suggested that any new language refer to the policies and recommendations of the Master Plan rather than the vision and goals. Ms. Power suggested starting with that language and trying to find the Chapter 117 provision. There was general agreement with that suggestion. Ms. Campbell said the term "community resource inventory" should be deleted from section 813.A.2.c. Ms. Power said that "the most" should also be removed. Mr. Borgendale said that the language in section 1003.3 regarding "accord with the policies, purposes or terms of the plan" could be used for the finding that the DRB must make. The Commission agreed to use that language. Ms. Capels said the staff report typically provides draft findings about the consistency of a project with the Master Plan. Ms. Power said that she wanted the DRB to treat this criterion as important.

813.A.2.c Ms. Capels said that her memo recommended a new paragraph be added to provide a basis for enforcing affordable housing where density bonuses are granted. Ms. Power said the

Commission should make sure that the Housing Task Force was satisfied with the definition of “affordable.” Ms. Capels said the part of the provision that involved the Council in the process might be unnecessary and could probably be deleted. Ms. Power said that the provision should ensure that the mechanism will be reviewed by the City Attorney prior to the issuance of a permit.

813.B.3: Ms. Campbell said that “open space” should be added after the word “park.” The Commission agreed.

813.E: Ms. Capels recommended that the last two sentences in item #1 be deleted as they were not statements of purpose. Mr. Borgendale noted that they were addressed elsewhere. Ms. Capels suggested consolidating all of the references to open space because they occur in several places in the document. Ms. Capels said she did not think that paragraphs #2 or #3 were necessary since the section relates to PUDs.

813.E.4.a: Ms. Capels said this section created incentives within the community resource overlay, but the Planning Commission was not going ahead with the community resource overlay. Ms. Power said there could still be bonuses for the type of development that the City wants to see in the Conservation Areas. Ms. Campbell said she would like to think about the implications.

815.A: Mr. Borgendale said he thought that the Commission had agreed to revise the first sentence to strike the items in the list and insert a cross reference to the other location where the features are listed. Ms. Capels said that she would not recommend that change. She said the Commission had agreed that this section was going to be beefed-up since it applies to more than PUDs. The Commission agreed to keep the language.

Mr. Sedano noted that the Commission still needed to address the telecommunications provisions. The proposed approach seemed to protect the city fairly well and the Commission might want to accept it as drafted. Ms. Capels said the draft scaled back many of the models that she had reviewed. The current regulations are silent on these uses and conditional use review is required for practically every telecommunications project. The conditional use process may not be warranted for the minor types of applications. Ms. Capels said that a comment from Ed Flanagan raised the concern that the proposed language would negatively impact WSKI because there was no provision to grandfather existing antennae. The Commission discussed the proposed language and agreed to go ahead and propose the language for public comment.

The Commission discussed the proposed zoning map. Ms. Power said the Commission had heard some concern that part of the rezoning line followed property lines. Ms. Campbell said she and Geoff Beyer met with Rich Hansen and discussed the line which is partly based upon the topography and accessibility. Ms. Power said there are zoning lines that follow property lines at many locations in the city. She understood that, when a parcel is in two zoning districts, the more restrictive rules would be applied. Ms. Capels said that the rules actually provide that the regulations for the less restrictive zone would extend 30' into the more restrictive zone in that situation. Ms. Power said the Council also did not like the jogs in the line. Ms. Campbell asked whether the line had to be adjusted before the next hearing. She would like time to check with the others who were involved in drawing the line to better understand the reasons for the specific location of the line before making changes. Mr. Graham suggested that the line be left as it is

until the hearing. Mr. Borgendale said he was not happy with the line, but recognized that there was no time to revise it that night.

Ms. Power asked the Commissioners what they would like to do with section 813.E. Ms. Campbell suggested that Ms. Capels could delete the referenced to the community resource overlays. Ms. Power said that the bonuses should be retained. Ms. Capels said she had commented that 813.E.8 and 9 should be removed because the language is inconsistent with the purpose of clustering. The Planning Commission agreed that those items should be deleted.

Ms. Capels said she would make the changes to the proposal and send it back the Commissioner's by the end of the week.

Adjournment

MOTION: Mr. Borgendale made a motion to adjourn the meeting at 11:30 p.m. Mr. Graham 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.