MEMORANDUM

To: Mayor Watson and Montpelier City Council
From: Montpelier Planning Commission
   Mike Miller, Director of Planning & Community Development
Re: 2021-2022 Zoning requests
Date: February 28, 2022

The Montpelier Planning Commission has forwarded a set of zoning amendments for your consideration. Accompanying this memo is a strike through (redlined) version containing the specific proposed text changes with a draft zoning map with proposed changes. In order to educate you on the changes, staff has prepared this memo summarizing the background behind the proposal and to provide some recommendations for you to consider in your deliberations. Planning Commissioners and staff will be present throughout your hearing process to answer questions about our recommendations.

By way of background on the overall process, this amendment was prepared by the staff in October 2021 and a pair of hearings were warned for November 29th and December 13th. A memo and hearing notices were mailed to more than 300 property owners who were either having their zoning designation changed or were abutters to changes. The hearings were attended by more than 30 residents with both written and oral comments provided. The Commission met and considered the comments on January 11th and 28th before making a few amendments and forwarding the proposal to you for consideration.

It is important to note up-front that, for many of these proposals, they were initiated by a zoning request that did not meet the current zoning requirements. While it was important to understand why we considered the change and that a potential project exists that could benefit by the amendment, our review focused on whether the zoning request advances the City’s goals and those of the City Master Plan. Each project mentioned may or may not ever be applied for and may eventually be denied based upon the requirements of the zoning bylaws. Other properties and projects may also take advantage of the new requirements, which means we should keep our eye on the broader opportunities and risks presented by each of the zoning changes.

The following proposals were reviewed by the Planning Commission and unanimously recommended for approval. The list of changes includes:
1. **Harrison Ave rezoning.**
   - **Specific amendment.** A map change in the Harrison Ave, Whittier Ave and Loomis Street to shift the properties from Res-6 (College Street North neighborhood) to Res 3 (Liberty Street East neighborhood).
     - There are 20 parcels that would change designation
   - **Background.** Initiated by a resident of Harrison Ave who wanted to add a tiny house to a property that already had a single family home with an accessory apartment. Due to the density requirement in the zoning the new unit would not be allowed. Had the parcel been zoned the same as Loomis Street or Main Street (the abutting districts to Harrison Ave) the additional unit would be allowed.
     - Staff reviewed the street and noted that, due to the street being zoned as Res-6, the area contains 4 non-conforming lots that would be conforming under a Res-3 designation. Staff found the character of the properties were consistent with the abutting Loomis Street properties in Liberty Street East neighborhood (or at least more consistent than their current designation as College Street North).
     - The change would allow for a very modest amount of development potential on the streets that are not inconsistent with the abutting neighborhoods.
     - This street is one of the only ones in the core downtown that is not zoned at least Res-3.
     - This proposal will NOT change the zoning on Heaton field which is discussed in #2.

**Current and proposed boundaries**
- **Public comments.** There were limited comments provided by the public on this proposal but overall, the commenters were in support of the change.
- **Planning Commission recommendation.** The Commission recommends approval of this change.
2. **Heaton Street rezoning.**
   - **Specific amendment.** A map change for the Heaton Woods Long Term Care Facility and WCMH properties from Res-6 (College Street North neighborhood) to Res 3 (new neighborhood designation)
     - There are two parcels changing designation here.
     - A majority of the wooded area on the Heaton Woods property, including Heaton field, is permanently conserved by an easement, which means regardless of a zoning change, no development can occur in the area protected by the easement.
     - It will require a new neighborhood to be created called Heaton neighborhood.

   ![Current and proposed boundaries](image)

   - **Background.** Request was initiated by WCMH who would like renovate their existing office building to add additional housing for WHCM clients. They also would like to consider adding some additional family units around the existing parking lot which may or may not be rented to clients. Due to the density requirement in the zoning, some of the new units would not be allowed.
     - Staff reviewed the two parcels and found that both properties are of a unique character compared to the others in the College Street North neighborhood as these parcels were part of the old Heaton Hospital.
     - It should be noted that the zoning does not distinguish between “client” housing and “family” housing. Housing units are only distinguished into dwelling units and congregate housing (where one or more required features of a dwelling unit are shared). In this case, WCMH is proposing dwelling units- whether they are rented to clients or others is immaterial to the zoning approval process.

   - **Public comments.** Public comments were mixed.
• One area of contention was how the background of the project was presented. In communications with the Planning Department staff WCMH conveyed that the housing would be for employee housing but in interviews with the Bridge it was reported that it would be client housing. While immaterial to the zoning request (see note above in background), staff apologizes that the project was not accurately portrayed, although staff were reporting it exactly as it was explained to them.

• Other comments centered on the poor outreach by both WCMH (on the project) and the city (on the zoning amendment request).

• There were early comments and concerns about the impact of the zoning changes on Heaton Field and Heaton Woods but by the end of the process most people appeared to understand that the existing easement in that area, in addition to existing zoning protection for steep slopes, would prevent any development in the woods and field.

  o Planning Commission recommendation. The Commission recommends approval of this change.
  o Staff recommendation. Staff recommends approval of this change.

3. Northfield Street rezoning.

  o Specific amendment. A map change on Northfield Street to shift two parcels on the east side of the street from MUR (Northfield Street North neighborhood) and Rural (Hill Street Neighborhood) to Res-9 (Northfield Street Neighborhood).

    • The proposal will also remove one parcel and part of a second parcel from the Design Review Overlay District.

![Current and proposed boundaries](image-url)

  o Background. This amendment is being initiated by Central Vermont Habitat
for Humanity to develop a project on the larger parcel. Their potential project would extend sewer and water infrastructure into the site and therefore would qualify to be rezoned to Res-9 (see below). They will be conducting a feasibility study in 2022, with public input, to determine the viability of the idea. They need to know what zoning they will need to meet in advance of that process.

- Staff reviewed the two parcels and found that the small parcel in MUR is a single family home and is consistent with Res-9 in character. The large parcel is currently zoned Rural due to the fact that it does not have direct access to sewer and water. There is a proposal to extend these utilities into the parcel.

- Best practice is to have a minimum zoning density of 4 units per acre (about 10,000 square feet per unit) to have sufficient density to support long term maintenance of the lines. All parcels in the City that are zoned Rural do not have access to sewer and water and have a density of one unit per two acres (the minimum area generally needed to support on site water and sewer with all separation distances met).

- This request is not unlike the Crestview Parcel off Terrace Street which is an internal parcel (without existing sewer and water) but has a Res-9 designation because in the past it had a plan to extend utilities to support development.

**Public comments.** Comments from direct abutters were generally negative towards the zoning change but supportive of the Habitat’s project. There is a desire to require open space preservation (and public access) and concern that if the zoning change is made (and Habitat project does not go forward) that a poor quality development could happen by taking advantage of the new rules.

- It should be noted that it is unconstitutional to use zoning to require public access to private property. The best path to achieving all the goals expressed is to make the zoning change and have the City work with Habitat to create a Public Park with the undeveloped portions of the parcel.

**Planning Commission recommendation.** The Commission recommends approval of this change.

**Staff recommendation.** Staff recommends approval of this change.

4. **Residential 9000 side setbacks.**

   - **Specific amendment.** Reduction in the side setbacks in Res-9 from 15 feet to 10 feet.

   - **Background.** The setback in this district has come up a few times over the years when proposals came in and we agreed to look at it. There are no
specific projects awaiting this change.

- The setback was originally determined by checking setbacks in a number of Res-9 neighborhoods. With this request, Staff reviewed a wider range of neighborhoods. Res-9 is one of the largest districts and includes large areas out on Terrace Street, Northfield Street, Berlin Street, Gallison Hill, Main Street (including Murray Hill), North Street, Elm Street, and State Street. The review found, for the most part, compliance with the 15 foot setback. In a few areas some of this setback makes structures non-conforming.
- As a matter of practice, side setbacks can have a profound impact on density as a 15 foot setback means houses are at least 30 feet apart (each house being at least 15 feet from the side lot line). The small reduction to 10 feet brings houses 10 feet closer and over a neighborhood can impact how many houses and lots can be built.
- This change would eliminate some non-conforming structures although an exact number was not calculated.

  - Public comments. None.
  - Planning Commission recommendation. The Commission recommends approval of this change.
  - Staff recommendation. Staff recommends approval of this change.

5. **Rail setbacks in Eastern Gateway District.**

  - Specific amendment. This change applies only to the setback for structures abutting the rail line for properties in Eastern Gateway.
    - The change will create a new setback category in the Eastern Gateway District (Figure 2-05) for rail lines. The default setback will be 5 feet for structures but will be 0 feet if the property owner secures an access agreement with the State Rail Division (who is the owner of the rail lines) for the maintenance of the buildings.
  - Background. This change is being initiated by a developer looking to build another building and would like to have smaller setbacks where the property line abuts a rail line or abandoned line.
    - Eastern Gateway has setbacks for this area at 20 feet for front and 20 feet for side. The side setback also applies to parcels that abut the abandoned rail line.
    - As seen in the image below, most buildings on the rail line have been built to the zero lot line on Gallison Hill Road.
    - The change will eliminate many non-conformities in this neighborhood.
6. **New Planned Unit Development rules.**
   
   o **Specific amendment.** New Planned Unit Development rules were developed for general PUDs and Footprint PUDs.
   
   o **Background.** Since the 2018 zoning amendments went into effect, the City has only had specialty planned unit development options. For example, if a developer wanted to cluster building lots to protect open space they would need to do a Cottage Cluster PUD, New Neighborhood PUD, or Conservation PUD. They could not, for instance, simply cluster the lots and sell them for development.
     
     - Two new options were created—general and footprint.
       
       a. In the General PUD, the property owner will own their home and parcel including most or all features of a standard parcel including private driveway, parking spaces, accessory structures, and private yards.
       
       b. In the Footprint PUD, a person will own their home and small footprint of land but typically share most features of a standard parcel so that driveways, parking lots, accessory structures, and yards are shared on commonly owned land. However, owners may be assigned some exclusive access to the facility (e.g. assigned parking space). This PUD will often be used by condominium associations.
     
   - Historically, PUDs are a rarely used set of provisions. It is the opinion
of the Director that having a simpler set of rules will make them more likely to be used, which would make for better developments on properties with environmental constraints.

- Public comment. No comments.
- Planning Commission recommendation. The Commission recommends approval of this change.
- Staff recommendation. Staff recommends approval of this change.

7. **Removal of requirement to use new neighborhood and conservation PUDs.**
   - **Specific amendment.** This amendment would remove the requirement to use New Neighborhood Development PUD for projects greater than 40 units or dwelling units over a period of ten years (on certain parcels in certain districts). It also would remove the requirement to use Conservation PUD in the rural district if there is a subdivision of more than 4 parcels over a ten year period.
   - **Background.** The Director has argued against the mandatory requirements in these sections since they were first proposed and adopted in 2018. It is a significant administrative burden to track the number of units in a project across many years, given our relatively small staff. Further, the rules are currently ambiguous as to what happens when subsequent development or subdivision causes a parcel to trigger the New Neighborhood PUD rules. For example, in cases of subdivision, it is unclear what parcels would be subject to open space requirements. It is also a concern that developers may choose to reduce the number of units built on a parcel to avoid the PUD rules, which could contradict our intended policies to encourage new housing.
   - Public comments. None.
   - Planning Commission recommendation. The Commission recommends approval of this change.
     - The Planning Commission notes that numbers 3 and 7 from this memo could be done differently if the City Council happens to disagree with our stated recommendations. The alternative approach would be to keep the Northfield Street Neighborhood (from number 3 above) as a Rural zone and keep the requirement in the PUD rules that developments with 40 or more units must utilize the new neighborhood PUD (from number 7). That means a New Neighborhood Development would have to be used on the parcels from number 3. The outcome would be that a potential CV Habitat for Humanity project could be allowed but it would have to conserve 40% of the lot (but would not necessarily make that land publicly accessible) if the project involved more than 39 units. This approach is more restrictive than the Planning Commission ultimately desires and
it also retains a problematic rule in the PUD rules. However, we discussed the possibility as an alternative and feel it is worth noting here.

- CV Habitat responded by saying that they are doing a feasibility this year and will commit to doing the best project based on this site. They will review whether the PUD is a possible path to accomplish the project but noted that the additional PUD restrictions could limit options during the feasibility and into the future.

  o **Staff recommendation.** Staff recommends approval of this change.

8. **Removal of residential density requirements from Riverfront and Res 1500 districts.**

  o **Specific amendment.** This would remove the density requirement from Riverfront and Residential 1500 Districts.

  o **Background.** This idea is being proposed by the Planning Commission. The planning profession is currently evolving away from setting residential housing unit densities. Research and experience have shown that they are primarily arbitrary and involve many unforeseen negative consequences. Typically zoning will have a density requirement, such as one unit allowed for every 6,000 square feet of building lot. That unit, though, could have 4 bedrooms or one. What is more important to the character of the neighborhood is the size of the building and other design considerations.

  - The City already has three districts where there is no residential density requirement- Urban Center 1, Urban Center 2, and Urban Center 3. A developer can put as many units into a building that meets the dimensional requirements of the district. This proposal would make the next two highest density districts to be regulated by bulk and massing requirements as well.

  - After this idea was proposed, we were surprised by a review of our zoning bylaws by Congress of New Urbanism (CNU) and AARP. They were reviewing regulations around the northeast to make recommendations on how to remove barriers to housing development. They have not released their report yet but in a meeting with them they revealed that they were very impressed that our rules are so progressive. One next step that they identified was that we should explore removing residential densities in more zoning districts. The catch was that they felt our design rules (outside of our design review district) are too weak to support that idea at this time and that the City should first contract with someone to expand our design review district or create a new design review district to cover any area where we would like to remove residential densities.
Public comment. We received public comment from a local architect who was concerned that many of the new areas where no residential densities would apply did not have design review. The Urban Center districts, where there currently are no residential densities, all have design review. The Planning Commission noted that this person was generally against every change described in this memo. Her comments, though, were especially interesting as they were mentioned before the Director met with CNU and AARP so her observations independently corroborated the other analysis.

Planning Commission recommendation. The Planning Commission recommends approval of this change. The Planning Commission was impressed that CNU and AARP were independently in support of this concept without our request for input. We understand and agree with the desire to improve Montpelier’s design rules to work in conjunction with this change. If adopted by the City Council, the Planning Commission will move to review the design rules with input from CNU and AARP. Further, we fail to see how density requirements in these two neighborhoods promote good design or any other public good. We do not believe the current density requirements are having an effect, and therefore see no harm in removing them right away. Accordingly, we feel confident that making the change now will not negatively affect development in Montpelier.

Staff recommendation. Staff does not support this change at this time. While the Director supports the idea of removing residential densities in principle, he concurs with the evaluation of CNU/AARP and our local architect that the city should first work to upgrade our design review rules in any area before we vote to remove residential densities.

9. Minor technical fixes
   - The following is a list of smaller, generally minor, changes to the zoning that have come up through our administration of the rules.

   Split “nature and recreational park” into two groups.
   - Specific amendment. On Figure 2-5 use table split “Nature or recreational park” into two groups and new or revised definitions added.
   - Background. This came to the City’s attention due to individuals trying to create a dog park. That use does not fit into any use on the zoning table so we decided to look comprehensively at related uses to better divide them.
     - Nature park will keep the current definition and be for uses that accommodate primarily passive recreation and appreciation for nature with a minimum of improvements or structures.
     - Recreation field will be new and be designed to cover rec fields that have a minimum of improvements or structures such as soccer fields,
baseball fields, basketball courts, or a dog park. Because of noise these may have more impact on neighbors (and therefore be more likely to be a conditional use). Soccer and baseball fields and dog parks all can generate noise and impact abutters and will require minor improvements (like fencing and small parking area).

- The last group is recreation facilities which are larger and have significant improvements like stadium lights, bleachers, and indoor facilities.

  o **Public comment.** One person spoke on this and was in support of the change.
  o **Planning Commission recommendation.** The Commission recommends approval of this change.
  o **Staff recommendation.** Staff recommends approval of this change.

**Accessory setbacks clarification.**

  o **Specific amendment.** Add new provision to discussion of accessory setbacks to clarify when an accessory structure is attached to, or a part of a primary structure (attached garages). It will read “**3002.C(4)** Where an accessory structure is attached to a principal structure, such as a deck or garage, the accessory structure may encroach into the principal setback but the uses of portion of the structure that are encroaching shall be limited to accessory uses.”
  o **Background.** The zoning rules have different setbacks for primary structures (e.g. a house) than accessory structures (e.g. a garage or shed). The rules don’t explain what happens if an accessory structure attaches to a primary structure. We proposed rules to clarify.
  o **Public comment.** None.
  o **Planning Commission recommendation.** The Commission recommends approval of this change.
  o **Staff recommendation.** Staff recommends approval of this change.

**Clarification on hearings for state wetland permits.**

  o **Specific amendment.** The draft adds a few words to note that when an applicant qualifies for the exemption then they also do not need a hearing. See section **3006.B**.
    - The revision will remove #1 from under 3006.B and instead insert a new (1) under section 3006.C that says that development that is required to obtain a state wetlands permit shall not be required to hold a hearing unless the project impacts a vernal pool or vernal pool buffer identified on Natural Resources Inventory Map.
    - A new (1) under 3006.D will also be changed to read that
development that is required to obtain a state wetlands permit is assumed to have met the development standards unless the project impacts a vernal pool or vernal pool buffer identified on Natural Resources Inventory Map.

- **Background.** The intent of this section has always been that the City only regulates wetlands and vernal pools that are shown on our Natural Resources Inventory Map. We also exempt any project from needing to meet these rules if they receive a state wetlands permit. Unfortunately the rules also state all project that impact wetlands need a hearing so it was unclear if you get a state permit for wetland disturbance, do you need a hearing? We made this amendment to clarify that ‘exempt from the rules’ means ‘exempt from the hearing’ as well.

- **Public comment.** Outside of the hearing process and after the hearings had closed, a member of the public pointed out the confusion in the original draft wording of this section. The Planning Commission voted to reconsider the zoning amendment after the close of the public hearing in order to make this clarification.

- **Planning Commission recommendation.** The Commission recommends approval of this change.

- **Staff recommendation.** Staff recommends approval of this change.

**Signs.**

- **Specific amendment.** These were clarifications requested by sign makers.
  
  - **3012.C(9)** - currently reads “Internally illuminated signs except where specifically allowed under these regulations.”
    - a. Change to “Internally illuminated signs. This prohibition does not extend to ‘reverse channel’ or back lit signs where the sign elements are opaque.”

  - **3012.L** – currently reads “Nonconforming Signs. The following applies to any sign that has become a nonconformity:
    - a. A nonconforming sign shall not be altered, modified, or reconstructed unless:
      
      - The alteration, modification, reconstruction or relocation shall bring the sign into conformance with these regulations; or
      
      - The alteration, modification, or reconstruction of the sign will not change the area and will be limited to replacement of a sign panel, or replacing individual letters or logos within the same area, or repainting a sign face. No changes beyond normal repair and maintenance shall be allowed to the structure or
framing, and the sign shall not be relocated.

b. Otherwise, a nonconforming sign shall be brought into conformance with these regulations when:
   o There is a substantial improvement to the exterior of the building occupied by the use or building occupant associated with the sign.
   o The sign has been damaged to the extent that the cost of repair or restoration exceeds 30% of the replacement value of the sign immediately prior to the damage.

Changes will be made to read:

1. A nonconforming sign shall not be altered, modified, or reconstructed unless:
   a. The alteration, modification, reconstruction or relocation shall bring the sign into conformance with these regulations; or
   b. The alteration or modification of the sign will not change the area and will be limited to changes to the sign panel including the replacement of sign panels, replacing individual letters or logos within the same area, or repainting the sign. No changes beyond normal repair and maintenance shall be allowed to the structure or framing, and the sign shall not be relocated; or
   c. The reconstruction of the sign will be equal to or less 30% of the replacement value of the sign immediately prior to damage.

2. A nonconforming sign shall be brought into conformance with these regulations when:
   o Public comment. None.
   o Planning Commission recommendation. The Commission recommends approval of this change.
   o Staff recommendation. Staff recommends approval of this change.

Fences.
   o Specific amendment. In 3101.D add a “(1) Front yard fence provisions apply to all fences in front of the front line of the house regardless of whether it is on the frontage or along a side parcel line.”
   o Background. The regulations say that fences in the front yard are limited to 4-1/2 feet but it is unclear what the “front yard” is. Is it just the frontage line next to the street? Does it include the side yards that are in front of the house? Does it include a fence that faces a street but is setback behind the front line of the house? All of these questions made administration and
enforcement difficult and these rules provide clarity.

- **Public comment**: None.
- **Planning Commission recommendation**: The Commission recommends approval of this change.
- **Staff recommendation**: Staff recommends approval of this change.

**Typo in section 3111(1).**

- **Specific amendment**: Typo change in **Section 3111(1)** to read “multiunit dwellings” rather than “multifamily”.
- **Background**: Our zoning does not use the term “family” except in very specific cases like a licensed or registered Family Care Home.
- **Public comment**: None.
- **Planning Commission recommendation**: The Commission recommends approval of this change.
- **Staff recommendation**: Staff recommends approval of this change.

**Change in applicability for landscaping requirements.**

- **Specific amendment**: Section 3203.B discusses applicability of the landscaping requirements (when these rules need to be met). It reads “All development requiring site plan approval shall meet the provisions of this section except:
  - Changes of use where sites have previously been developed in accordance with an approved site plan and where the proposed development will not change, or be required to change, any landscaping or screening;”

  We proposed adding the word “or” at the end on #1 and adding:
  - Development where no impervious cover is changed and no soil disturbed and where the development does not impact landscaping, such as lighting changes or temporary structures.

- **Background**: The City has had a number of small projects beyond the original exemption that appeared reasonable to meet landscaping requirements including replacing a sign, changing lighting, or adding a temporary structure. It was felt that if no soil is being disturbed then requiring landscaping plan and upgrading any non-conformities is probably not necessary.
- **Public comment**: None.
- **Planning Commission recommendation**: The Commission recommends approval of this change.
- **Staff recommendation**: Staff recommends approval of this change.
Solar access and shading.
  o **Specific amendment.** Change the requirement from “shall not shade existing walls, yards, and roofs” to read “shall not shade existing and permitted solar devices (e.g. PV panels and hot water)”.
  o **Background.** This came up with one project and it did not, in the end, block the project but it did highlight the difficulty with this section. It is extremely broad to preclude the shading of existing walls, yards, and roofs. For example, as written, a developer cannot shade even a small amount of someone’s side yard in December.
    - Some options were to narrow it to walls or a percentage of walls during the analysis constraints. Another option could provide a general performance standard with some guidelines and let the DRB make more subjective determinations. Another option would provide waivers to rules.
    - Other items not taken into consideration in the current analysis is whether the wall, yard, and roof is already shaded. Topography and existing trees are already create shading but the rules would deny new development that shades existing shaded areas.
    - Ultimately the decision was to narrowly apply the rule to protect existing and proposed solar devices. It was felt this rule today will block housing development that City has identified as a priority and, in particular, it will have an impact on higher density projects in the walkable neighborhoods where setbacks are the smallest and building heights most permissive.
  o **Public comment.** The Planning Commission received some passionate comments, both written and oral, objecting to this change. In some cases they wanted to expand protections for solar rights. There were also comment supporting the change due to its impact on future housing development.
  o **Planning Commission recommendation.** The Commission recommends approval of this change. We would like to stress that we see no evidence that this rule preserves or encourages access to solar power. We think this rule could prevent housing or add significant costs while having uncertain efficacy in encouraging solar power. This change continues to protect existing solar power generation.
  o **Staff recommendation.** Staff recommends approval of this change.

**Striking a redundant requirement in the subdivision regulations.**
  o **Specific amendment.** Strike section 3505.B(7).
  o **Background.** Section 3505 is part of subdivision regulations and includes provisions regarding the design and configuration of parcel boundaries. (7) is redundant with (2) in the list and can therefore be deleted.
10. In River Hazard Area Regulations

- **Public comment.** None.
- **Planning Commission recommendation.** The Commission recommends approval of this change.
- **Staff recommendation.** Staff recommends approval of this change.

**Specific amendment.** Add to Section 811.A- “(2) Accessory structures may be permitted provided the structures meet the requirements of Section 711.D.”

**Background.** The interim rules adopted two years ago were added to Section 711.D to allow some accessory structures in the River Corridor. Staff and the public would look in Section 811.A and not find the new rules. This new addition directs staff in the future to the exception.

- **Public comment.** None.
- **Planning Commission recommendation.** The Commission recommends approval of this change.
- **Staff recommendation.** Staff recommends approval of this change.

11. Adjustment to Riverfront boundary in Sabins Pasture

- **Specific Amendment.** A map change to adjust the eastern boundary of the Riverfront district 40 feet to the west and to bump out a 500 section of the northern boundary 90 feet.
- **Background.** Sabins pasture is an undeveloped 100 acre parcel near the eastern end of Barre Street. This privately owned parcel has been the subject of develop proposals in the past and has been debated publicly many times,
  - Back in 2017 (adopted in 2018) the City Council debated how to zone the Sabins Pasture area. They eventually decided to have 15 acres of the lower pasture (closest to Barre Street) zoned Riverfront and the remaining areas zoned Rural. A set of lines were roughly sketched out to match that request.
  - Recently a development team has started to put together a proposal to develop the lower pasture and they found three things:
    a. Some of the land set aside in Riverfront for development is not developable and other land that is developable is in Rural.
    b. Their parcel boundary on the zoning map is not accurate on the western side and therefore they did not have a full 15 acres. The actual amount of land in Riverfront turned out to be only 14.1 acres.
    c. Their development proposal identifies a good building site on
the northern edge of the Riverfront district but the building will cross into the Rural district thereby prohibiting its development.

- Their proposal is therefore to bring in the eastern line (which is 720 feet long) by 40 feet because much of that land is not developable. They would then like to extend a portion of the northern boundary farther to the north by 90 feet. See diagram below.

- The yellow line in the current boundary. The green is the proposed new boundary.
- The final revised Riverfront District will be 15 acres (or slightly less).

  o Public comment. None. This request was submitted after the close of the public hearing so the public did not get an opportunity comment. As a result the Commission recommends that the Council do additional outreach regarding this proposal.
  o Planning Commission recommendation. The Commission recommends approval of this change.
  o Staff recommendation. Staff recommends approval of this change.