



## MEMORANDUM

To: Noelle Mackay, Jon Groveman and John Adams

From: David G. White

Date: October 14, 2015

Re: Criterion 9(L) - Draft Guidance 9/18/15

Thank you for the opportunity to participate in the meeting last week regarding the draft guidance for Criterion 9(L). I thought the meeting was useful with much valuable feedback from attendees.

This memo is intended to summarize the main points I made during the meeting and to add a few. This provides only brief summary bullet points. If any are not clear, please let me know. I'm happy to discuss any of this in more depth.

- 1) Some general concerns:
  - a. Requiring second floors – While I understand and agree with the general intent, actual occupied second floors are not practical or feasible in many circumstances. This should be acknowledged in the guidance.
    - i. Market demand – what if no demand for upper floors? Some years ago we worked on a project in which the municipality wanted a second floor above retail. In good faith we attempted to find users. The only one we found was a tarot card reader. It's not viable to build when there is no substantial market demand for the space.
    - ii. Financing – banks are not likely to lend for construction of speculative second floor space without substantial pre-leasing.
    - iii. Owner-occupants – some development is undertaken by owner-occupants who should not be in the speculative development business. They simply want to own a building for their own use and have no interest or perhaps no financial capacity to develop space to lease out and thus end up as landlords.

- iv. Use specific limitations – some uses do not lend themselves to having upper floors (i.e. gas stations, supermarkets, etc.).
  - b. Overrides local zoning & planning or outright conflicts with local zoning. I strongly believe that the constraints placed by local zoning and planning should be taken into account. This could be minimum setbacks, parking requirements, maximum densities and so-on. 9(L) should not require an applicant to do things that are not allowed under zoning. That becomes a trap with no way out.
  - c. Not every use is small scale and fits into “compact” form. Example: supermarkets. Must allow for these to be built somewhere, somehow. That does not mean they necessarily must be old-style shopping centers with parking between the building and the road. But in most circumstances it also doesn’t work for a supermarket to be up on the road with all the parking behind. One type of solution is what we did at Ethan Allen Plaza on North Ave. in Burlington and at Hannaford Plaza on Shelburne Road in South Burlington, which is to have smaller buildings along the road with the supermarket out behind.
- 2) Existing Settlement –
- a. Compact in Form and Size – struggling over this. I don’t fully understand what this means. While the guidance as drafted is somewhat helpful, it’s still not clear to me.
  - b. Descriptions of existing settlements in draft guidance are too narrowly focused. Compact centers can have a mix of building types, road types, and layouts with gaps caused by green space and undeveloped parcels. Shelburne, Middlebury and Johnson are good examples with a mix of one story and multiple story buildings, a wide state road with higher speed limit, village greens causing gaps, some buildings on the street and some set back, some front doors facing the street, some facing parking lots. All 3 villages even have small shopping centers with one story buildings and large surface parking lots.
  - c. The AARP publication “Complete Streets: A Guide for Vermont Communities” defines the rural to urban transect for Vermont which the Institute of Transportation Engineers (ITE) uses. These zones include rural, suburban or transitional, general urban, urban center, urban core, and districts. Each of these zones reflect what Vermont communities have created and designated for a variety of uses. What constitutes a compact center for a Vermont community will vary in form and size according to these zones.
  - d. Map of Burlington – why not include New North End? Industrial Ave and adjacent neighborhoods? Extend to dense multi-family housing on Farrell Street?

- e. Political boundaries have nothing to do with defining edges of an existing settlement.
- f. Speeds – sometimes VTrans mandates in-town speeds higher than 30 mph (sometimes 35 to 45 mph) – should not count against an applicant.
- g. Figure 2 lacks any medium size communities. Also need maps of each existing settlement to provide context for the pie charts.
- h. Who decides the extent of existing settlements or compact centers? Will previous determinations for one application apply to every subsequent project that comes forward within that community? Does this effectively create new boundaries/designations?

### 3) Walking Distance

- a. Guidance document claims that *“The planning profession has consistently defined walking distance to be between on quarter and one half mile”*. That’s not what I find in the literature. Current discussion is more nuanced; walking distance is a relative term with a gradient of distances people are willing to walk, depending on a range of factors such as the relative attractiveness of the destination, perceived safety, number of major roads to be crossed, attractions along the route, etc. Along with such factors, the further away the destination the fewer number of people will walk on average. (Example: “walk score” <[www.walkscore.com](http://www.walkscore.com)> gives decreasing value to destinations up to 1.5 miles – 30 min walk - away).
- b. ¼ mile is too small. Not uncommon for 1-mile to be used.

### 4) Mid-sized examples – Randolph, Barre, etc.

### 5) Efficient use

- a. Extension of municipal utilities – what about areas planned by the town for growth?
- b. Figure 5 – apples and oranges. Left photo shows very different uses – for example lower left use requires large pavement for truck turning radius and multiple loading docks. Sometimes this is the most efficient layout.
- c. Fire codes and emergency access will typically require drives around at least three sides of buildings (including two longest sides). Could not meet code with the configuration in the right photo.
- d. Parking garages are stunningly expensive and except in rare circumstances are not financially supportable in Vermont. Some may hate large parking lots, but they are a financial and functional reality.
- e. Common for some commercial and industrial uses to want abutting open land to allow for future expansion.
- f. May be efficient if it’s contiguous with either existing *or planned* development.

- g. Guidance needs quite a few more examples of efficient use beyond clustering.
  - h. Guidance needs to acknowledge that some uses do not work well in multi-story buildings or co-exist well with residential. Some examples should be provided.
  - i. What will qualify as “efficient use” of the land, energy, roads, infrastructure, etc. will vary widely and should not be interpreted to mean a homogenous product type and layout. What works best to utilize the land and infrastructure most efficiently will depend on the context of the property in relation to neighboring developed, undeveloped, and planned spaces, the nature of the district and land use, the topography and existing natural features of the site, and the generally aggregated benefit of efficiency. Some tactics to increase efficiency could include:
    - i. Consolidating and coordinating use of utilities, roads, stormwater treatment, etc. with surrounding properties.
    - ii. Utilization of technologies and design to increase energy savings (i.e. LED lighting and electric car charging stations)
- 6) Pathway 1: The project will not contribute to a pattern of strip development.
- a. This section appears to address only development in rural areas. This section should also address infill development in areas that are already currently developed but are not considered areas of “strip development”. Examples may include parcels surrounded by office or commercial parks, or areas of “scattered development or sprawl” as described below.
  - b. Other ways to minimize characteristics of strip development such that a project complies:
    - i. Design with building(s) on the road
    - ii. Strong pedestrian links
    - iii. Strong vehicular connections; possibly including design that fosters gridwork of roads – immediately or in future (through such things as provision of easements for future connection, etc.)
    - iv. Mixed uses
    - v. Layering of uses back into site (not simply linear along highway), as was done at Ethan Allen Plaza and Hannaford Plaza.
    - vi. Inclusion of public or quasi-public features, such as parks, plazas, bike paths, etc.
  - c. Industrial uses:
    - i. Located within or *proposing to create* an industrial park.
    - ii. What about stand-alone industrial uses?
- 7) Lack of Coordination with surrounding land uses
- a. Discussion of signage and lighting is irrelevant to “coordination”. Stretching too far beyond statute.

- b. Inappropriate to override local sign ordinances with specific height, size, etc.
  - c. While I personally agree lighting should be for safety, not advertising, this has nothing to do with “coordination with surrounding land uses” or settlement patterns.
  - d. Sometimes “coordination” may mean measures to promote compatibility with surrounding uses, such as buffers between commercial/industrial uses and residential neighborhoods.
  - e. Coordination will vary greatly between areas and districts. Local zoning and planning will dictate how sites relate and should be acknowledged in addressing this characteristic. Coordination with surrounding land uses could include characteristics such as appropriate buffers between uses, streetscape continuity, or landscaping compatibility with the area.
- 8) Limited accessibility for pedestrians.
- a. Very difficult for retail if door is on front and parking at rear.
  - b. Dual entrances create security and/or staffing issues (i.e. pharmacies).
  - c. Supermarkets need parking at front door (but not necessarily between the front door and the street).
- 9) Figure 12 – Example of infill project.
- a. I like this example! (It’s one of my projects – Ethan Allen Plaza). But actually it is two separate abutting projects. The residential portion was developed on a separate property some years after the redevelopment of the commercial property. This is actually an example of transformation over time and illustrates that not all elements of a compact settlement must be present at the beginning.
  - b. Needs arrows and notes describing before and after conditions and specific improvements.
  - c. Need more examples of how to comply for projects in areas of scattered development and projects with uses that do not work well in multi-story mixed use developments.