

Planning Commission Reporting Form for Municipal Bylaw Amendments

Prepared for the Commission by Staff
Approved December 2, 2010
Revised February 24, 2011

This report is in accordance with 24 V.S.A. §4441(c) which states:

“When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments..... The report shall provide(:)

(A) brief explanation of the proposed bylaw, amendment, or repeal and ...include a statement of purpose as required for notice under §4444 of this title,

(A)nd shall include findings regarding how the proposal:

- 1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:*
- 2. Is compatible with the proposed future land uses and densities of the municipal plan:*
- 3. Carries out, as applicable, any specific proposals for any planned community facilities.”*

Brief explanation of the proposed bylaw amendment.

The Planning Commission proposal:

- Consistent with proposed Comprehensive Plan amendments, would a) modify designation of former Action Associates property, now owned by The Nature Conservancy, from Mixed Use to Conservation, and b) modify designation Catamount/Harbour LLC property located at 4750 Shelburne Road from Commerce and Industry to Mixed Use. The amendments would also c) clarify side and rear setback requirements for properties in Mixed Use District when non residential development abuts residential development.

Purpose

The Planning Commission has developed this proposal in response to a request made by property owners, and further to achieve greater zoning consistency across properties in the Town. The proposal is intended to implement certain Comprehensive Plan amendments proposed simultaneous with this proposal. Under state law, the Zoning Regulations must be “in conformance with” the Plan.

Findings regarding how the proposal conforms with or furthers the goals and policies contained in the municipal plan

Under state law, the Zoning Regulations must be “in conformance with” the Plan. To be “in conformance with” the Plan, the bylaw must: make progress toward attaining, or at least not interfere with, the goals and policies contained in the Plan; provide for proposed future land uses, densities, and intensities of development contained in the Plan; and carry out any specific proposals for community facilities, or other proposed actions contained in the Plan.

The Planning Commission finds that the proposal conforms with or furthers the goals and policies contained in the municipal plan and with changes proposed to the Future Land Use Plan Map. Such policies include the following:

1. Encourage non-residential development that is not suitable for the Village Area (Growth Area 1) to locate in appropriate sections of Growth Area 2. [The proposal would encourage non-residential development in the area north of the Village.]
 2. In the Commercial/Industrial Area, ensure that commercial and industrial establishments are designed to not appear as strip development (e.g. require broad set backs, parking shielded from the roads, varied roof profiles, shared driveways, etc.). [The proposal would encourage non-residential development away from Shelburne Road.]
 4. Create a true mixture of residential and commercial development in the Mixed Use Area along Shelburne Road north of the Village Area. This should range from apartments above commercial uses to various types of residential structures linked with and integrated into the commercial developments. Commercial uses should be oriented towards local and sub-regional markets (e.g. drug stores, hardware stores, neighborhood stores). More specifically, the following objectives should be achieved in the Mixed Use Area:
 - Ensure that the Mixed Use Area does not become a suburban strip. Identify appropriate breaks in development for open spaces and/or mini-parks. Continue the use of broad front set-backs along Shelburne Road with shared driveways, and keep parking well away from Shelburne Road. A mixture of one and two story buildings can provide variation in roof lines. A secondary road, parallel to Shelburne Road, may provide local access to both commercial and residential development. [Development of the NVFA property for Mixed Use purposes would not require additional curb cuts or new parking near the Shelburne Road corridor.]
1. Zoning: Revise the Zoning map to reflect the delineation of this planning area and its sub-parts, and incorporate the following:
 - Re-examine uses, dimensional requirements, and access requirements for the Commercial/Industrial and Mixed Use areas. [The proposed change reflects a re-examination of appropriate uses and dimensional requirements for the lands in question.]

Findings regarding how the proposal is compatible with the proposed future land uses and densities of the municipal plan

As noted above, the Comprehensive Plan contains many land use and development policies. A number of these policies relate directly to future use and development density, as does the Future Land Use Map being considered simultaneous with this zoning amendment. The Planning Commission finds that the zoning amendment proposal that is the subject of this report would be compatible with the Town Plan (as amended) due to the fact that both propose to increase opportunities for residential and non-residential development within selected areas north of Shelburne village and east of the LaPlatte River. Both would also change in the designation of the former Action Associates parcel to correspond with the conservation mission of the not-for-profit owner of the property. Although the Town Plan does not promote specific development densities for these areas, it does promote greater relative densities that are reflected in the current zoning proposal.

Findings regarding how the proposal carries out, as applicable, any specific proposals for any planned community facilities.

The proposed amendments do not directly carry out specific proposals for any planned community facilities.