



RUTLAND CITY PLANNING COMMISSION

City Hall – 52 Washington St. – Rutland, VT 05701
Mailing Address: P. O. Box 969 – Rutland, VT 05702
Phone: 802-773-1800

Minutes August 25, 2021

The meeting was held in person and by teleconference because of the new COVID-19 protocols.

Present: Patrick Griffin (PG), Alvin Figiel (AF), Rebecca Mattis (RM), Sarah Roy (SR) and Dave O'Brien (DO).

Also Present: Andrew Strniste, Planning and Zoning Administrator, Brandy Saxton, Dave Cooper, Brennan Duffy and Mike McClallen.

RM, Chair, called the meeting to order at 5:30 pm.

- I. ADDITIONS/DELETIONS – None.**
- II. PUBLIC COMMENT – None.**
- III. APPROVAL OF MINUTES – August 11, 2021.**

AF moved to approve the minutes of August 11, 2021. RM seconded. Motion passed unanimously.

IV. OLD BUSINESS – Draft Zoning Bylaws Review.

Brandy gave a short presentation regarding the R-10 District's unresolved questions. She used a neighborhood in the northeast corner of the City as an example with 17 lots of which there are 15 single family homes. She discussed the comparisons between current zoning and proposed zoning for R-10 districts. The lot sizes range from 11,000 sq. ft. up to 55,000 sq. ft. The lot coverage range is 14-31% and 16-72 ft. of front setback range. Under the adopted zoning there are six lots that could be subdivided with the potential for 13 more single-unit homes. Under the proposed zoning only two lots could be subdivided with a potential for 4 more single unit homes. All the properties could add an accessory dwelling unit, ADU. In this neighborhood all of these parcels could turn into a duplex but would not be allowed to also have an ADU. Twelve of the properties have enough lot area for a 3-unit and 5 properties could have a 4-unit based on lot area.

DO asked how the proposed development could happen on these lots. Brandy said you could convert the existing building, an infill with an additional building or a complete tear down and rebuild. Under the current zoning you can add onto buildings, add ADUs, or any number of things and there are no lot coverage regulations in the current zoning.

Discussion continued on development under the proposed zoning for the R-10 district where 1-3 units could be built on two of the lots, as well as the double lot where two

additional homes could be built as an example. She also discussed PUDs in R-10 District on a lot larger than 40,000 sq. ft. with a 6,000 sq. ft. footprint, as well as other constraining factors. The resulting development would be narrow one-bedroom units that would look similar to single family homes in the neighborhood.

Brandy said the questions for the Commission are whether to allow the 2–4-unit residences in the R-10 District, whether to allow a larger lot size in the district, should a larger lot sized district be created and whether to allow the PUDs and density bonuses in an R-10 District. She does doubt the use of the density bonus in an R-10 District so that question may be moot.

DO said these types of housing wouldn't be allowed in the R-10 District neighborhoods without taking down a structure. Brandy agreed and said this would not be economically viable to a project. She said there isn't a market for the idea of accumulating lots to develop large scale projects. AF said he does not perceive a pressure for multi-unit housing in Rutland. RM asked what is to be gained by creating the proposed zoning regulations that allow the 5 units on a large lot in the R-10 District. Brandy said there are some undeveloped lots on the outskirts of Rutland City that can't be fully built upon, but there are some opportunities so if a new project comes forward, would you feel ok with a mix of housing types. Brandy does not believe that the proposed zoning will make a radical change in the existing neighborhoods. It is thinking about small projects that might come infrequently in those neighborhoods and the potential for the undeveloped land in the City. PG said there are a number of large lots along the outskirts in the proposed R-10 District that could be developed for multiple housing types without being subdivided. Brandy said if it were a major subdivision the PUD requirements would apply in those areas. RM asked if there is an argument in favor of allowing multiple units in the R-10 district where similar housing could go in another area of the City. Brandy said the largest argument to be considering for R-10 is a legal argument and has to do with the City's conformance with State and federal law that limits housing to single family under the Fair Housing Law. She added that zoning districts that only allow single-family dwellings are being considered discriminatory and if communities don't make allowance for multi-unit housing now it could be mandated by the Legislature and then the City would have no choice or flexibility. PG asked what the disadvantage would be to waiting until the change is mandated by the Legislature. Brandy said the City would not have any say or flexibility in how and where multi-housing is being allowed. The zoning can be drafted and implemented with these considerations now or wait until those decisions are made for you.

DO asked how many residential lots would be affected by the proposed zoning. Brandy said 10-20 without doing a deep analysis, but they have constraints.

Brandy said the Commission needs to debate the question on whether to split the R-10 District before gathering public input. DO asked how the Commission captures what decisions need to be made.

AF said there are several decisions that the Planning Commission needs to agree upon and develop a consensus on several thorny issues. He can see there being a lot of time taken discussing these issues.

RM said she needs input from the community before making any decisions.

DO discussed the plan going forward. Andrew discussed what has been done since 2016 when the Planning Commission began this process. He would like to see some realization of the project and added that there needs to be a product for the public to make comment on. Brandy said the completed draft is the product for the grant. It is now the Planning Commission's job to discuss the items that need consensus, and she agrees that taking public comment may help the Commission to finalize the rules.

AF asked how the proposed zoning would be presented to the public. Brandy said normally the public wants to know what can be done on their property and the changes that affect their neighborhood. The public will be most interested in the Chapter 2 language which dictates the uses and requirements. The business community may be interested in other sections of the document that impacts business owners. She suggests topic-based community meetings. The vast majority are only interested in 2-3 pages of the document that is relevant to their property. Handouts could easily compare the current zoning to the proposed zoning. Multi-unit housing is a major policy change that will affect many neighborhoods of the City as well as the dimensional changes. An open house meeting could also be held for people to ask questions regarding what they can do now and what will change with the proposed zoning.

DO asked if Brandy could provide a decision points document for the Commission. He also asked if there is a redline version of the existing draft. Brandy said the proposal is two documents removed from the original. PG said there were public sessions held by the former consultant that did not receive much participation. Brandy suggested meeting with specific professionals as she had done in Brattleboro, as well as host neighborhood-based meetings.

SR asked if the entire rewrite will be shared with the public. Brandy said yes but it won't be digestible by the general public, and she suggested a one-page handout for meetings that summarized 90% of what most property owners would want to know. Andrew said by State statute the draft will have to be made available in the clerk's office. He said while working in Underhill he put each chapter on the website so the public could choose what to review.

RM said she is stuck on the R-10 district issue and the legal argument presented by Brandy. She is confused about splitting the district or changing the lot size and asked how it is discriminatory. Brandy said the outright ban is making no provision for multi-unit housing. She said it would be difficult for the City to defend the policy using the justification that the R-10 District is not suitable for other types of housing besides SFR. There is no perfect answer but there is a provision that can be legally defended. RM asked if an argument can be made that there are areas of the City where density is being encouraged that meets the demand. SR said multi-unit housing should not be limited to

one area of the City. Multi-unit housing is not a bad word and people should be able to find an apartment in the northeast section, as well as in other areas of the City. SR suggested being inclusive now instead of being forced by the Legislature. The City does need higher quality housing inclusive of multi-unit housing.

RM discussed the impact of increasing traffic in the SFR neighborhood if multi-unit development was included. SR said a single-family home can have 5 cars on a lot and she disagrees about the impact of traffic.

RM asked about the ADU Law and the 35% lot coverage. Brandy said an accessory structure containing an accessory dwelling would need to meet the dimensional standards of the district.

PG asked if there is a definition of lot coverage. Brandy said there is in section 209 page 31. PG said lot coverage has the biggest impact on the character of a neighborhood and multi-units do not scare him. AF agreed. DO disagrees despite there being a minimal number of opportunities where multi-unit housing could be developed. PG discussed the parking and lot coverage controls as to whether another unit can be added to a lot. Brandy said there are additional constraints in other districts that control the number of units on a lot.

Dave Cooper said if the state imposes restrictions the City will have to comply regardless of whether the City includes restrictions in the proposed zoning. He is not convinced that the City needs to draft regulations in contemplation of what the State may or may not do. He agrees that there isn't a lot of opportunity for multi-unit housing in the SFR districts, but if one is done it will change the character of the neighborhood and in his opinion, people will leave the area. The question is what we want to incentivize people to do. RM said she would want to incentivize fairness, attractiveness and flexibility that includes rental housing in zoning. AF does not believe that the language proposed for the R-10 district is that scary and the flexibility offered in the proposed district won't cause people to leave. DO discussed the expectation of a R-10 district and how changing it could affect that expectation. He is more concerned with the commercial and gateway districts and the impact there of the proposed zoning. PG asked for data of 2-4 or 3-4 units proposed in the R-10 District that includes the lot coverage. Brandy said she will provide that at the next meeting.

AF asked Brandy's plan for the next couple of meetings. Brandy said she will develop a decision points list for the Commission and a list of questions the public may have. She added that there needs to be some policy decisions made regarding the Gateway area and reminded the Commission of the debate on whether to extend the Gateway districts or keep them as proposed. If the decision is to extend the district, then the standards will need to be reflective of the auto-centric areas of the Gateways. RM asked about how the proposed zoning will affect commercial properties and asked for examples that represent changes that could be developed through the proposed zoning. Brandy suggested that the Commission consider reducing the 6,000 sq. ft. building footprint in the R-10 District to reflect what is currently on the ground because most homes are 3,000 sq. ft.

- V. **ADJOURN** – DO moved to adjourn. AF seconded. Motion passed unanimously. The meeting ended at 7:09 pm. The next regular meeting will be held September 8, 2021.

For the Commission: Barbara Spaulding, Recording Secretary