

**H.823 Senate Committee on Natural Resources and Energy**  
**April 15, 2014**

Michael Zahner, Vermont Chamber of Commerce

10 V.S.A. Section 6001(3)(36) is added to read:

(36) "Strip development" means linear commercial development along a public highway that includes three or more of the following characteristics: broad road frontage, predominance of single-story buildings, limited reliance on shared highway access, lack of connection to any existing settlement except by highway, limited accessibility for pedestrians, and lack of coordination with surrounding land uses in terms of design, signs, lighting, and parking. In determining whether a proposed development or subdivision constitutes strip development, the District Commission shall consider the topographic constraints in the area in which the development or subdivision is to be located.

***Note: This definition is so broad it will capture most commercial or industrial development along public highways including those in Euclidian zoned Commercial and Industrial Parks. "Commercial" is defined as: business, businesslike, economic, engaged in commerce, financial, in the market, industrial, jobbing, manufactured for sale, mercantile, merchandising, monetary, pecuniary, pertaining to business, pertaining to merchants, pertaining to trade, prepared for sale, skilled in commerce, supplying, trade, trading.***

***Free Law Dictionary <http://legal-dictionary.thefreedictionary.com/commercial>***

10 V.S.A. Section 6001(3) is amended to read:

(16) (A) "Existing settlement" means an area that constitutes one of the following:

(i) a designated center; or

(ii) an existing community center that is compact in form and size; that contains a mixture of uses that include a substantial residential component and that are within walking distance of each other; that has significantly higher densities than densities that occur outside the center; and that is typically served by municipal infrastructure such as water, wastewater, sidewalks, paths, transit, parking areas, and public parks or greens.

(B) Strip development outside an area described in subdivision (A)(i) or (ii) of this subdivision (16) shall not constitute an existing settlement.

10 V.S.A. Section 6086(a)(9)(L) is amended to read:

(L) Settlement patterns. To promote Vermont's historic settlement pattern of compact village and urban centers separated by rural countryside, a permit will be granted for a development or subdivision outside an existing settlement when it is demonstrated by the applicant that in addition to all other applicable criteria, the development or subdivision:

(i) will make efficient use of land, energy, roads, utilities, and other supporting infrastructure;

(ii) is designed in a manner consistent with the planning goals set forth in 24 V.S.A. § 4302(c)(1);

(iii) will conform to the land use element, map, and resource protection policies included in the municipal and regional plans applicable to the proposed location of the development or subdivision;

(iv) will not **establish, extend, or contribute** to a pattern of strip development along public highways;

***Note: Application of subdivision (iv) may have the affect of denying well designed projects deemed to be in compliance with duly adopted local and regional plans pursuant to (iii) above. Applicants must meet all provisions of the new Criterion 9(L), just as they are required to meet all provisions of the remaining Act 250 criteria. We do not believe that subdivision (v) modifies or overrides subdivision (iv). If it did, then subdivision (iv) would be rendered null and void in every instance where there was vacant land "within built-up areas." If there was no vacant land in these areas then there would be no development and thus no Act 250 jurisdiction.***

(v) if the development or subdivision will be located in an area that already constitutes strip development, incorporates infill as defined in 24 V.S.A. § 2791<sup>1</sup> and is designed to avoid or minimize the characteristics listed in the definition of strip development under subdivision 6001(36) of this title; and

(vi) if the development or subdivision will be adjacent to an area that already constitutes strip development, is designed to avoid or minimize the characteristics listed in the definition of strip development under subdivision 6001(36) of this title.

---

<sup>1</sup> 24 V.S.A. § 2791 (20) "Infill" means the use of vacant land or property within a built-up area for further construction or development.

## South Burlington's Comprehensive Plan

The 1991 Comprehensive Plan continued to promote the general philosophy of those goals and recommendations contained in the 1985 plan. However, greater emphasis and fine-tuning was placed on certain important issues facing the community. These included strengthening the City's desire for a City Center, preserving the special character of the Southeast Quadrant, *and encouraging the transformation of the City's Williston Road and Shelburne Road corridors into a more attractive, mixed-use, traffic safe environment.*

### Land Use Distribution

The City shall encourage a land use pattern generally consisting of a higher density, compact urban core in the Dorset Street/Market Street area (i.e., proposed City Center), *continued investment and growth in the City's existing developed corridors (i.e., Shelburne Road and Williston Road corridors)*, and generally decreasing densities and less intensive uses toward the more rural communities to the south and southeast. The City shall strive to maintain an appropriate balance between residential, commercial and industrial development and open space and natural resource preservation.

**GOAL STATEMENT:** It is a goal of this City to encourage a land use pattern generally consisting of a higher density, compact urban core in the Dorset Street/Market Street area (i.e., proposed City Center), *continued investment and growth in the City's existing developed corridors (i.e., Shelburne Road and Williston Road corridors)*, and generally decreasing densities and less intensive uses toward the more rural communities to the south and southeast. The City shall strive to maintain an appropriate balance between residential, commercial and industrial development and open space and natural resource preservation.

### The Shelburne Road Area - Southwest

Both business and residential areas are heavily concentrated along Shelburne Road. The Central Vermont Railway line runs north and south midway between Shelburne Road and Lake Champlain. The lakeward side of this section has three small residential neighborhoods - the Bartlett Bay area, Queen City Park, and the Landings development. Most of the lakeshore property is privately owned and largely undeveloped. The City owns 4,700 feet of lakeshore property in Red Rocks Park which was purchased for recreation purposes in 1970. Only 700 feet of beach give access to the waters of the lake, since most of the park is on an elevated rocky promontory. *Both sides of the Shelburne Road frontage are heavily developed commercial strips; however, there is still land available for planned in-depth commercial growth.* A multi-family residential development known as Olde Orchard is located on the west side of Shelburne Road.

*To the east of Shelburne Road lies the heaviest residential concentration in this area of the City. This large area is bounded on the north by Swift Street, on the east by Spear Street, on the south by Allen Road and on the west by Shelburne Road.* This large area contains several distinct neighborhoods such as the Brewer Parkway section, Laurel Hill and Laurel Hill South, Twin Orchard, Stonehedge, Meadowood at Spear, Summit at Spear, Bay Court and Harbor Heights.

## Commercial Centers

These areas generally follow the Shelburne Road and Williston Road Corridors. These areas are intended to consist predominantly of commercial uses, however, residential and industrial can be mixed throughout the area. These centers are generally already developed with commercial establishments. Therefore, growth will occur primarily as infill or conversion development. The City encourages mixed-use development in these areas (e.g. mixed residential/commercial or mixed retail/office/restaurant) to encourage pedestrian movement, use of public transportation services, and shared parking opportunities. These areas are intended to meet both local and regional shopping and employment needs.

## Commercial Corridors

a) *The City should explore and encourage, through whatever means available, mixed-use development and redevelopment in its existing commercial corridors (i.e., Williston Road and Shelburne Road).* The City should review its zoning regulations and consider increasing residential densities or providing other incentives to encourage more mixed residential/commercial development.

b) *Similarly, the City should encourage through its zoning regulations development which promotes improved aesthetics, public transportation and traffic improvements, and pedestrian amenities.*

The Recreation Path Committee has identified five priority improvements within or directly related to the SEQ district as its priorities for the area: (1) completing the path from Dorset Farms to Nowland Farm Road; (2) completing the connector from Midland Avenue to Allen Road and Spear Street through the South Village project; (3) *extension of the path from Spear Street and Allen Road to Shelburne Road*; (4) completing a path on the west side of Dorset Street from Swift Street north to the United Methodist Church; and (5) constructing a path along Van Sicklen Road from the Muddy Brook to the existing path terminus on Old Cross Road.

## Sidewalks

Sidewalks are intended to provide a safe route for pedestrians and cyclists adjacent to roads. They are an important component of the alternative transportation network envisioned to provide safe non-motorized interconnections both within South Burlington and between the City and adjoining municipalities. Currently there are 71 miles of sidewalk in the City. Most residential and commercial streets have sidewalks on at least one side and all new developments are required to provide sidewalks or their equivalent. *However, sections of major roads, such as Shelburne Road, Spear Street, Allen Road, Airport Parkway, Kimball Avenue, and Swift Street lack sidewalks*, and frequently where there is sidewalk, it ends abruptly. Increasingly the Path Committee is considering the availability and need for sidewalks when planning additions to the path system.

Bicycling and jogging continue to become increasingly popular for both recreation and transportation. Along arterial streets, separate or shared facilities for bicycle/pedestrian use

should be provided. ***This need is particularly strong along the Williston Road and Shelburne Road corridors.*** On collector streets, bike/pedestrian routes should be designated by signs in conjunction with pavement widening and painted lines.

### **Bus Service**

Bus service is best rendered to well-planned, intensively used compact areas. Higher intensity development should be directed towards existing bus routes or to areas where bus service can conveniently expand. In addition, specific development proposals should be carefully evaluated at site plan or subdivision review with regard to the need for bus turn-out lanes, patron shelters, and other factors affecting bus stop location. Highway planning should specifically incorporate provisions for existing and potential bus service, such as relocation of bus stops to minimize obstructions or delays to "through" automotive traffic. ***CCTA and the City should investigate alternatives to the pulse system, such as a multi-model facility in the vicinity of the Southlands development on Shelburne Road.***

***The City and CCTA should study and encourage the implementation of improvements to make Williston and Shelburne Roads more "transit friendly".*** Such improvements may include more bus shelters; the provision of transit information at most bus stops; adequate lighting at bus stops; medians to provide protection for pedestrian crossings; and transit information centers. a) In an effort to encourage less reliance on the single-occupant automobile and greater use of alternative modes of transportation, ***the City should work with business owners to establish a Shelburne Road Corridor Transportation Management Association (TMA)*** (18).

### **Recommended Actions**

The City should continue implementation of the mixed-use City Center plan, as well as and promote higher density, mixed-use development along Shelburne and Williston Roads to allow for both residential and commercial development in order to promote pedestrian movement, reduced travel distance, and increased transit use. ***The City should consider amending the zoning ordinance to increase residential density along the Williston and Shelburne Roads.*** The City should continue implementation of the mixed-use City Center plan, as well as and ***promote higher density, mixed-use development along Shelburne and Williston Roads to allow for both residential and commercial development in order to promote pedestrian movement, reduced travel distance, and increased transit use. The City should consider amending the zoning ordinance to increase residential density along the Williston and Shelburne Roads and provide incentives for mixed residential/commercial projects.***

*Chapter 117: MUNICIPAL AND REGIONAL PLANNING AND DEVELOPMENT*

**24 V.S.A. § 4303. Definitions. Subdivision (34) is added:**

The following definitions shall apply throughout this chapter unless the context otherwise requires:

\*\*\*

**(34) "Strip Development" means linear commercial development along a public highway that includes three or more of the following characteristics: broad road frontage, predominance of single-story buildings, limited reliance on shared highway access, lack of connection to any existing settlement except by highway, limited accessibility for pedestrians, and lack of coordination with surrounding land uses in terms of design, signs, lighting, and parking.**

\*\*\*

**24 V.S.A. § 4348a. Elements of a regional plan is amended to read:**

(a) A regional plan shall be consistent with the goals established in section 4302 of this title and shall include but need not be limited to the following:

(1) A statement of basic policies of the region to guide the future growth and development of land and of public services and facilities, and to protect the environment;

(2) A land use element, which shall consist of a map and statement of present and prospective land uses:

(A) indicating those areas proposed for forests, recreation, agriculture (using the agricultural lands identification process established in 6 V.S.A. § 8), residence, commerce, industry, public, and semi-public uses, open spaces, and areas identified by the State, regional planning commissions or municipalities, which require special consideration for aquifer protection, wetland protection, or for other conservation purposes;

(B) indicating locations proposed for developments with a potential for regional impact, as determined by the regional planning commission, including flood control projects, surface water supply projects, industrial parks, office parks, shopping centers and shopping malls, airports, tourist attractions, recreational facilities, private schools, public or private colleges, and residential developments or subdivisions **including strategies to avoid or minimize adverse impacts associated with strip development;**

(C) setting forth the present and prospective location, amount, intensity and character of such land uses and the appropriate timing or sequence of land development activities in relation to the provision of necessary community facilities and services;

(D) indicating those areas that have the potential to sustain agriculture and recommendations for maintaining them which may include transfer of development rights, acquisition of development rights, or farmer assistance programs;

(3) An energy element, which may include an analysis of energy resources, needs, scarcities, costs, and problems within the region, a statement of policy on the conservation of energy and the development

of renewable energy resources, and a statement of policy on patterns and densities of land use and control devices likely to result in conservation of energy;

(4) A transportation element, which may consist of a statement of present and prospective transportation and circulation facilities, and a map showing existing and proposed highways, including limited access highways, and streets by type and character of improvement, and where pertinent, anticipated points of congestion, parking facilities, transit routes, terminals, bicycle paths and trails, scenic roads, airports, railroads and port facilities, and other similar facilities or uses, and recommendations to meet future needs for such facilities, with indications of priorities of need, costs, and method of financing;

\*\*\*

## **24 V.S.A. § 4382. The plan for a municipality**

(a) A plan for a municipality may be consistent with the goals established in section 4302 of this title and compatible with approved plans of other municipalities in the region and with the regional plan and shall include the following:

(1) A statement of objectives, policies, and programs of the municipality to guide the future growth and development of land, public services and facilities, and to protect the environment;

(2) A land use plan, consisting of a map and statement of present and prospective land uses, indicating those areas proposed for forests, recreation, agriculture (using the agricultural lands identification process established in 6 V.S.A. § 8), residence, commerce, industry, public, and semi-public uses and open spaces reserved for flood plain, wetland protection, or other conservation purposes; and setting forth the present and prospective location, amount, intensity, and character of such land uses and the appropriate timing or sequence of land development activities in relation to the provision of necessary community facilities and service **including strategies to avoid or minimize adverse impacts associated with strip development;**

(3) A transportation plan, consisting of a map and statement of present and prospective transportation and circulation facilities showing existing and proposed highways and streets by type and character of improvement, and where pertinent, parking facilities, transit routes, terminals, bicycle paths and trails, scenic roads, airports, railroads, and port facilities, and other similar facilities or uses, with indications of priority of need;

(4) A utility and facility plan, consisting of a map and statement of present and prospective community facilities and public utilities showing existing and proposed educational, recreational and other public sites, buildings and facilities, including hospitals, libraries, power generating plants and transmission lines, water supply, sewage disposal, refuse disposal, storm drainage, and other similar facilities and activities, and recommendations to meet future needs for community facilities and services, with indications of priority of need, costs and method of financing;

\*\*\*