



RUTLAND CITY PLANNING COMMISSION

City Hall – 52 Washington St. – Rutland, VT 05701
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11/5/14

Revised Minutes November 5, 2014

Present: Susan Schreibman (SS), Dave Coppock (DC), Alvin Figiel (AF) and Mike Roberts (MR).

Also Present: Zoning Administrator Alan Shelvey.

- I. **PUBLIC HEARING – Technical review of a proposed amendment to Rutland Zoning Bylaws and Zoning Map, ROR Title 31, to extend the existing Gateway Business District on the south side of Woodstock Avenue to include 167 St. Johns Street, thereby converting existing area currently zoned “single-family residential” to Gateway Business District – Woodstock Avenue.**

The hearing was called to order by SS, Vice Chair, at 7:04 pm. No one was present outside the rail to give testimony.

AF moved to close the public hearing. MR seconded. The motion carried unanimously. The hearing was closed at 7:06 pm and the Planning Commission meeting was called to order.

- II. **ADDITIONS/DELETIONS – None.**

- III. **PUBLIC COMMENT – None.**

- IV. **APPROVAL OF MINUTES – October 15, 2014.**

AF moved to approve the minutes of October 15, 2014. DC seconded. Motion carried unanimously.

- V. **NEW BUSINESS – Zoning Amendment proposal for 167 St. Johns Street.**

SS explained that she had a conversation with both City Attorney Romeo and DRB Chair Stephanie Lorentz with regard to the history for 167 St. Johns Street. She proceeded to review, with confirmation from Alan Shelvey, the events leading up to this most recent request to amend the zoning.

In February 2006 the DRB granted a variance to Robert W. Kelley Jr. owner of the property to allow a garage structure to be erected to house personal vehicles. The variance had the following conditions: 1) No commercial storage; 2) no

storage of vehicles, hazardous materials and no materials of any kind outside the garage structure; 3) drainage issues to be addressed by the applicant; 4) no exterior lighting and no windows; 5) a row of cedar trees to be planted along the southerly side of the garage; 6) construction shall be according to the plan submitted; and 7) all municipal and state permits to be obtained.

In April of 2007 the applicant requested an amendment to the Condition #2 of the original variance to allow for the occasional outside storage of vehicles and equipment. The DRB granted the following amendment: outside storage will be limited to not more than 3 licensed and registered pickup trucks for no more than three days at a time; and no hazardous materials or materials of any type will be allowed to be stored outside at any time. All other conditions are to remain in full force and effect.

In April of 2010 the applicant requested an amendment to the original variance dated Feb. 2, 2006 to allow for an addition to the garage. Due to the failure of the DRB to issue a written decision within 45 days of the application, the request was deemed approved as of June 11, 2010 and therefore the addition to the garage, as submitted, was allowed.

In April of 2013, the applicant was sent a letter from then Building & Zoning Administrator Jim Simonds regarding violations of the amended variance. Applicant was asked to remove the trailers and amusement ride from the exterior of the property at 167 St. Johns Street and to discontinue storage of said without permission from the DRB. In December of 2013, the applicant was asked to refrain from selling Christmas trees at the property. Selling of anything from this location would require an amendment to the current variance.

The DRB denied the request of the applicant in March of 2014 to amend the original variance dated 2/6/06 as amended 4/6/07 and 6/11/10 to allow for the annual sale of Christmas trees and wreaths and to allow for the daily parking of vehicles and equipment on the exterior of the property area.

On October 2, the Charter & Ordinance Committee of the Board of Aldermen met to discuss the rezoning request from Bob and Nancy Kelley of 167 St. Johns Street. A motion was made to recommend to the Planning Commission that the property be included in the Gateway Business District – Woodstock Avenue and requested that the Commission review the proposal for “technical deficiencies.”

AF asked how the applicant got a variance in the first place. SS explained that variances are granted only if the applicant can meet 5 criteria under 24 V.S.A. §4469 Appeal; variances. SS added that the 5 criteria are very difficult to meet and the State has created “waivers” to allow municipalities to be more lenient with property owners. These “waivers” need to be added to the City’s Zoning Bylaws.

There was some discussion on how this request differs from the 7 Tremont Street zoning amendment. The Commissioners thought the distinction had to do with ownership of the property.

Discussion continued with what constitutes “technical deficiencies.” Copies of Title 24: Municipal and County Government §4441 (g) was distributed to the Commissioners for clarification.

AF said the proposed request does not conform with respect to the Municipal Plan Section 4: Land Use Plan page 33 General Goals for Gateway Business Districts; (2) Create appropriate neighborhood buffers as the commercial strip blends into surrounding residential areas. He added that outdoor storage is not allowed in a Gateway District. Therefore he is not in favor of the zoning change.

SS said she felt “technical deficiencies” included reviewing the setbacks for the proposed zoning amendment. She added that removing the SFR designation for the property conflicts with the goals and policies of the Municipal Plan by reducing the number of parcels for housing.

MR said if the applicant was unwilling to abide by the conditions placed on the variance, what guarantee is there that they will abide by the zoning bylaws for Gateway Business District – Woodstock Avenue?

AF moved the Chair to forward the Planning Commission’s Reporting Form to the Board of Aldermen in respect to their request for technical review noting that the proposed amendment is not compatible with the City’s Municipal Plan. Mike seconded. Motion carried unanimously.

VI. OLD BUSINESS – Zoning Bylaws.

SS discussed having another conversation with City Attorney Romeo regarding zoning bylaw clarifications that need to be addressed. He suggested the Commission focus on Subdivision Regulations.

SS said the waiver information needs to be added to the Zoning Bylaws and volunteered to contact VLCT for language to draft the proposed amendment.

Alan was asked to contact Jim Simonds for a list of necessary zoning bylaw amendments.

Barbara was asked to follow up with Carol Wagner to set up a meeting with the DRB.

VII. CORRESPONDENCE.

MR moved to receive and file the following correspondence. AF seconded.
Motion carried unanimously.

11/5/14 – VT Dept. of Environmental Conservation, Notice of Issuance of General Wetland Permit #2014-170, Chimayo, LLC, for filling in a mowed portion of wetland to improve commercial development located on Woodstock Avenue on the north side of Hillside Avenue in Rutland.

VI. ADJOURN.

AF moved to adjourn. DC seconded. Motion carried unanimously. The meeting ended at 8:01 pm.

For the Commission
Barbara Spaulding, Recording Secretary