



PLANNING BOARD

Report to Town Meeting

Article 19. Zoning Petition – South Prospect Street Area Rezoning (Guidera, et al)

To see if the Town will vote to amend the Official Zoning Map of the Zoning Bylaw to change the zoning designation for the contiguous area currently zoned Limited Business (B-L) and located south of Amity Street and east of South Prospect Street to General Business (B-G), including the following properties or portions of properties: 14A-214; 14A-216; 14A-217; 14A-218; 14A-219; and 14A-330

Recommendation

The Planning Board voted 7-1-0 to recommend that Town Meeting adopt Article 19.

Background

Article 19 is a petition article that proposes to rezone several properties (see map) in the area of Amity and South Prospect Streets, extending the existing Business General (B-G) District half a block west in the southern end of the town center.

The Planning Board has been studying the town center for many years and has proposed a number of zoning amendments to encourage optimal use of the center as a focus of Amherst's civic life, some of which have been adopted by Town Meeting and some not. Recently, the Planning Board has been examining the Limited Business (B-L) zone, which makes up part of the town center and also exists in other areas around town. As a recent building application made clear, the dimensional regulations in effect for the B-L zone are a significant challenge – even an impediment – to redevelopment of most of the parcels zoned B-L in the town center, and as a result, the B-L zone may not be fulfilling its purpose as described in the Zoning Bylaw: “to provide areas for moderate density, office, commercial, and multifamily developments.”

Unlike the town's other business zones, housing density is regulated by lot size in the B-L zone. That is, a minimum lot size of 20,000 square feet (almost half an acre) is required for even one residential unit (even in a mixed-use building), and an additional 4,000 square feet is needed for each additional unit. Only one parcel (out of six) in the area that is the subject of this article is more than 20,000 sf, and none are 24,000 sf or larger, which means that none can accommodate a multifamily development. And while there may be some demand for strictly commercial use on multiple floors, most potential developers would prefer to use upper floor residential development to complement and diversify an investment in lower floor retail or offices. That is not currently possible in most of the town center B-L zones (some residential use does exist on one parcel in this B-L zone, but it is nonconforming and grandfathered).

Planning Board Report to Town Meeting
Article 19 – South Prospect Street Area Rezoning (Petition – Guidera et al)

Beyond the de facto restriction on residential uses, other dimensional standards make it difficult to build anything on many of these lots. In particular, setbacks of 20-25 feet on all sides and a maximum building footprint (building coverage) of 35% shrink the buildable area on already modest parcels, and height is restricted to three floors and 35 feet, all of which makes for a building that may be too small to earn enough revenue to carry the mortgage that would be needed to build it. Setbacks and height can be modified by a Special Permit, but building footprint (building coverage) cannot in the B-L zone, limiting the potential relief, which is, in any case, discretionary.

The Planning Board has begun studying how to address these problems and has considered introducing amendments to reduce or eliminate the lot size requirement for residential use in the B-L zone and to adjust the dimensional table for B-L to reflect existing conditions and make it more functional. The petition article would achieve similar goals.

Purpose and Effect of Amendment

The petitioner seeks to create a more flexible zoning district and encourage sensible development on South Prospect Street. The change to B-G zoning would allow for more intense development, with a 70% maximum building footprint (building coverage), up to five floors, no front setback requirement, and no lot size requirements for residential use. These factors should promote mixed-use development, and may result in more office and retail space and more downtown housing. It is expected that any new development should result in increased tax revenues compared to existing conditions.

The proposed rezoning from B-L to B-G is in accord with the Key Directions and goals and objectives of the Amherst Master Plan and with past community planning, which has consistently called for directing most new growth to center districts, particularly downtown. Two major housing studies have indicated a supply/demand imbalance, and specifically a shortage of the kind of residential use likely to be part of a town center redevelopment project: rental or condo units in multifamily, mixed-use buildings.

The range of uses, both residential and nonresidential, and the permitting standards for those uses are virtually identical in the B-L and B-G zones, with the most notable difference being that apartments and townhouses require a Special Permit in the B-L zone but are allowed with Site Plan Review in B-G.

Public Hearing

The Planning Board held a public hearing on this article on Wednesday, October 19. The issues described above were presented and discussed and feedback was received from members of the public.

The Planning Board observed that the three B-L zones being proposed for change are separate cases having their own distinct characters, challenges, and opportunities. In the area that is the subject of this article, four of the six parcels are composed primarily of parking lots, though one is the town lot across from the Jones Library, one is the small lot that serves the Peoples Bank building, and one is owned by Amherst College; the other is the Bank of America lot adjacent to Amherst Cinema. Two of the parcels contain buildings that either come right up to the boundary line between the B-G and B-L zones or straddle it, which makes potential structural or use changes problematic for their owners; it would be preferable to have consistent zoning.

While there was general – though not unanimous – agreement among members of the Planning Board about the appropriateness of this location for more intensive zoning considering its proximity to the heart of the town center, including the Jones Library, the Town Common, and the Amherst Cinema, members noted the limited potential for redevelopment, since one of the parcels is owned by the town and two

Planning Board Report to Town Meeting

Article 19 – South Prospect Street Area Rezoning (Petition – Guidera et al)

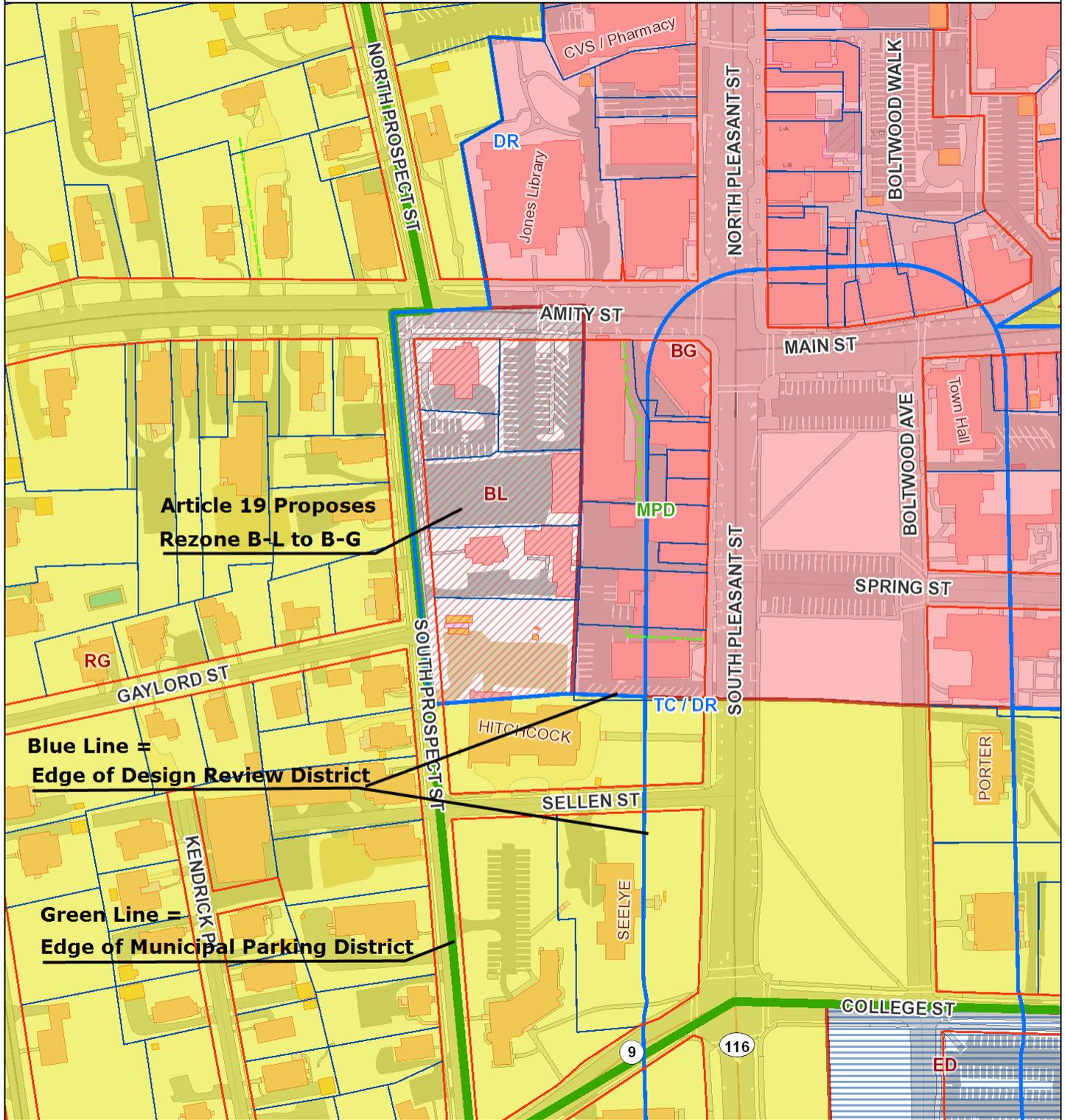
others were redeveloped relatively recently (and a fourth is owned by Amherst College).

The possible impact of the proposed rezoning on the downtown parking situation was raised as a concern. It is conceivable that redevelopment enabled by this zoning change could reduce the amount of parking available, though in the medium term at least, only the (private) Bank of America lot is likely to be affected.

The Board noted that numerous parcels across South Prospect Street to the west and further down Amity Street in the direction of Lincoln Avenue are dimensionally nonconforming and include a number of nonresidential uses. A transitional zone having different dimensional standards than the existing B-L zone might be a useful complement to B-G zoning in the town center.

Some members of the public urged concerted outreach to town center neighborhoods and further study of potential impacts on housing, parking, and the town economy and finances before making a decision about rezoning. None of the property owners of the lots proposed for rezoning, nor abutters to those properties, were present.

After further discussion, the Planning Board voted 7-1-0 to recommend that Town Meeting adopt Article 19.



**Article 19 Proposes
Rezone B-L to B-G**

**Blue Line =
Edge of Design Review District**

**Green Line =
Edge of Municipal Parking District**

Horizontal Datum: MA Stateplane Coordinate System, Zone 4151, NAD83, Feet; Vertical Datum: NAVD88, FT
Planimetric & topographic basemap compiled at 1"=40' scale from April, 2009 Aerial Photography. Parcels compiled to match the basemap; revisions are ongoing.

The information depicted on this map is for planning purposes only. It may not be adequate for legal boundary definition, regulatory interpretation, or property conveyance purposes. Utility structures & underground utility locations are approximate & require field verification.

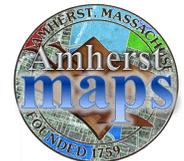
The Town of Amherst makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability, or suitability of these data, & does not assume any liability associated with the use or misuse of these data.

Property M

- Adjacent Towns Parcels
- Zoning Map**
- × FPC Boundary Elevations
- FPC Stream Setbacks**
- ▬ 25' Setback
- ▬ 50' Setback
- ▬ Zone Overlay
- ▬ Design Review Board Jurisdi
- ▬ Municipal Parking District

Zoning

- ▬ R-LD: Low Density Residenc
- ▬ R-F: Fraternity Residence
- ▬ R-O: Outlying Residence
- ▬ R-N: Neighborhood Residen
- ▬ R-VC: Village Center Reside
- ▬ R-G: General Residence
- ▬ B-VC: Village Center Busine
- ▬ B-L: Limited Business
- ▬ B-N: Neighborhood Business
- ▬ B-G: General Business
- ▬ OP: Office Park
- ▬ COM: Commercial
- ▬ PRP: Professional & Resear
- ▬ LI: Light Industrial
- ▬ ED: Educational
- ▬ FPC: Flood-Prone Conserva



1" = 192 ft

