

**MEMORANDUM**

**TO:** Eric Gillert, Town of Amherst Planning Director

**FROM:** Lee D. Einsweiler

**DATE:** April 27, 2016

**RE:** Comprehensive Plan Analysis

---

**INTRODUCTION**

The Code Studio team has been engaged by the Town (with the assistance of NYSERDA) to prepare this analysis of the existing commercial and mixed use areas in the Comprehensive Plan with a particular focus on clarifying and improving the hierarchy of commercial centers and mixed use centers in the Town. This memo will consider the internal organization and purpose of the Comprehensive Plan materials, and the ability of the existing zoning code to implement the concepts of the Comprehensive Plan. The zoning analysis in this memo is brief, and a more detailed memo regarding the zoning code will be forthcoming.

It is fundamental to note that, “The existing pattern of land use . . . will change only slightly over the 20-year plan horizon.” 2015 Comprehensive Plan (p.3-27). There is no intent here to propose changes to the boundaries between residential areas and commercial or mixed use plan areas or zoning as they exist today. Instead, the project’s intent is to update the Comprehensive Plan, and implement it through new zoning more directly targeted to achieve the Comprehensive Plan’s intent.

It is also important to note that the Town’s ability to create mixed use urban villages is impacted by “places” in Buffalo and even the Village of Williamsville. These places are currently more attractive for investment than most other locations in Amherst. The national trend towards mixed use, walkable places has been slow to impact development in western New York, but it is inevitable that the trend towards more sustainable patterns of growth, attractive to a new generation of urban dwellers, will occur here. And those new developments will likely occur on property that has already been developed once – the days of greenfield development in the Town of Amherst are drawing to a close.

As pointed out in the Planning Department’s own study of this issue in 2014, Amherst’s current commercial base is comprised of traditional neighborhood centers, retail shopping plazas and centers, and the Niagara Falls Boulevard and Transit Road corridors. Top-tier regional malls located at interstate exchanges and grocery-anchored shopping centers will continue to attract prime retailers. This may result in consolidation of space and many centers will face increasing vacancies and decreasing value and rents.

Shopping centers won't disappear; but there may be need for fewer stores per capita due to access to the internet and other retailing trends. In communities across the country, faded shopping centers are being converted into vibrant, mixed use places that include residential living, as well as shopping and dining activities. The trend towards smaller residential spaces, in trade for higher quality residential locations with lots of nearby activity, including "third places" to work or relax in such as a local coffee shop, has become prevalent among a younger generation of residents. When combined with the reduced desire for driving, the demand for transit-served mixed-use locations has also increased.

In seeking a more sustainable future, the Town should also have an interest in promoting healthier lifestyles that include walking and less reliance on automobiles, and feature more compact and thus sustainable buildings and spaces.

It is also important to note that the Town's population is aging, including less children and a substantial elderly population. Where in the past, the Town could rely on the quality of its schools to bring young families into the area, many members of the millennial generation are choosing a more urban lifestyle elsewhere in the region, and committing to either private schools, or facilitating improvements in their local public schools.

All of these trends – in retailing, public health, demographics and lifestyle – combine to suggest the Town must consider how its commercial and mixed use centers can best serve the emerging community and those who would move into Amherst if alternative housing options and lifestyle choices were possible.

In the following pages, the consultant team has prepared an analysis of the 2015 Town of Amherst Bicentennial Plan and its implementing zoning options for commercial and mixed use centers in light of our sense of national best practice. Our key findings are summarized below.

## **SUMMARY OF ANALYSIS**

The following is a brief summary of the team's findings, with a focus on the key insights of the consultant team regarding the Comprehensive Plan's approach to commercial and mixed use centers and the ability of existing zoning categories to implement the Comprehensive Plan's concepts.

- » At a minimum, the Conceptual Land Use Plan (Figure 6) needs to include details found in the following pages of text. The text narrative of the Comprehensive Plan does an excellent job of describing a hierarchy of center types for both commercial areas and mixed use areas. These details are not reflected in the colors or symbols applied on the Conceptual Land Use Plan (Figure 6).

- » The community (both residents and developers) cannot expect to understand what the Town desires in each center without additional details. Future character for the various types of centers is not well described on the Conceptual Land Use Plan, or in the narrative text of the Plan.
- » Center types are not well illustrated. While they are described in text, each center type includes limited visual information to help the community understand what it is (and what it aspires to be in the future). Examples (photographs and illustrative plans) not only from Amherst itself, but the surrounding region, may be appropriate.
- » There appear to be too many types of centers. There are 17 designated mixed use centers, divided into four separate categories (University-Related Center, Special Use Centers, Highway/Intersection Centers and Urban/Village Centers). There are also at least as many places that might be mapped using the four types of functional commercial centers: Traditional Center, Neighborhood Center, Community Center and Regional Center. In addition, there are corridors included within the various categories of commercial centers (a fifth type?). There is an opportunity to study these existing centers (a step which occurs later in this analysis phase of work), and determine a hierarchy of place types that merges these two center typologies.
- » The Comprehensive Plan does not describe the urban form of new development, or provide a vision for the future of centers beyond their land use. While many of the center types are described as pedestrian-oriented, and it can only be presumed they will remain that way. Little detail is provided as to the future urban design vision of the centers – are they intended to become more pedestrian in nature in the future? In order to meet other goals of the Comprehensive Plan such as public health, sustainability and housing choice goals, it appears appropriate to define a future sense of how infill and redevelopment in each center type is to occur. In some cases, urban design will focus on preservation and enhancement of existing patterns. In other locations, perhaps incremental change through infill is anticipated. And in some places, wholesale change in the form of transformation is desired and appropriate.
- » The Comprehensive Plan does a good job of linking other Comprehensive Plan elements to the centers. Chapters about transportation, infrastructure, natural resources, economic development, housing and implementation all contain important information regarding the centers. However, it is important to note that sustainable approaches to development of the centers are not specifically discussed in these other Plan elements.
- » Existing zoning districts are ill-equipped to implement anything other than a use-based approach to the Town’s planning goals. Additional and revised standards are needed to reflect the variety of place types in the Comprehensive Plan or any future vision of places that might

be prepared in this effort. Some possible standards that could be used to differentiate one place type from another might include: access, signs, buffers, sidewalk width, parking ratios, building height, building and tenant footprint, and allowed use. In considering these variable standards, some of the minimum requirements in existing zoning districts will need to be re-examined (such as the 40-acre minimum for a Traditional Neighborhood Development (TND)). The dimensional standards for the Shopping Center (SC) district such as setbacks generate an auto-oriented place that is not appropriate in all settings across the Town. The Planned Development (PDD) district requires specific percentages for mixing, an inflexible requirement that may not match a developer's current market expectations. There are also no architectural design requirements that shape new development under the existing zoning code (although during discretionary approvals, the Town can require them).

- » The Comprehensive Plan can be supplemented to provide these additional details and create a new hierarchy of centers – it does not need to be completely replaced. There is no reason to eliminate the valuable thinking in the Comprehensive Plan, but creating a new hierarchy of place types and implementing new zoning that achieves the Town's goals should be the Town's aim in this project.

## 2015 COMPREHENSIVE PLAN

The following table rates the 2015 Town of Amherst Bicentennial Plan on the basis of national best practice elements. Each element analyzed is described after the table.

Concept	Detail	Best Practice	2015 Plan
Land Use	Appropriate Land Uses	●	●
	Appropriate Intensities	●	●
Development Character	Existing Character	●	⊙
	Future Vision	●	○
	Link to Center Types	●	⊙
Other Plan Elements	Link to Transportation	●	●
	Link to Infrastructure	●	⊙
	Link to Natural Resources	●	⊙
	Link to Economic Development	●	●
	Link to Housing	●	●
	Link to Community Facilities	●	●
	Link to Focal Planning Areas	●	●

Concept	Detail	Best Practice	2015 Plan
Ease of Use	Readability	●	⊙
	Graphics, Tables, Illustrations	●	⊙
	Clear Hierarchy of Centers	●	○
	Link to Zoning Districts	●	○
Implementation	Centers Implemented	●	⊙

● = Achieves Objective    ⊙ = Partially Achieves Objective    ○ = Does Not Achieve Objective

## LAND USE

A traditional comprehensive plan focuses heavily on future land uses, as Amherst's does. This focus often makes mixed-use development problematic, since older approaches to regulating use separated many uses from each other.

**Appropriate Land Uses.** Does the Plan describe land uses appropriate to each center? Does it provide this information for all centers by type of center or for each center individually? The Plan does describe land uses in centers (see p.3-32 and 3-33).

**Appropriate Intensities.** Does the Plan suggest appropriate intensities for various centers or center types? The Plan does describe generalized intensities of centers (see p.3-32 and 3-33).

## DEVELOPMENT CHARACTER

Many modern comprehensive plans focus less on land use, and emphasize desired future character.

**Description of Development Character.** Does the Comprehensive Plan describe the desired character of each center or center type? Are elements of required urban form listed? Does it describe existing character? Proposed future character? Existing character of centers is generally described in Sec. 3.3.2 and 3.3.3; however, it is scattered throughout the text and cannot be simply grasped. Future vision is described only in general Comprehensive Plan goals, without specific links to centers or center types. Character is not described in relation to urban form or architecture, except in the traditional centers.

## OTHER PLAN ELEMENTS

**Link to Transportation.** Are the centers or center types linked to needed transportation improvements? The Comprehensive Plan includes a stated objective to promote transit service to mixed-use activity centers (see p.6-4) and improve transit service to centers (see p.6-18). The Comprehensive Plan includes a substantial discussion of the character of traditional corridors, suburban corridors and commercial corridors (see p.6-8, 9). A comprehensive system of pedestrian and bike facilities (see p.6-16) and using mixed use activity centers to promote pedestrian

improvements (see p.6-17) are also discussed. Niagara Frontier Transportation Authority (NFTA) will be conducting a study of land uses that support transit in 2016. The findings of that effort should be coordinated with this centers project.

**Link to Infrastructure.** Are the centers or center types linked to needed infrastructure improvements? The Comprehensive Plan does include proposed infrastructure, but it is not prioritized in terms of the centers.

**Link to Natural Environment.** Are the centers or center types linked to protection of the natural environment? The Comprehensive Plan does promote compact mixed use activity centers as an option for improving air quality (see p. 4-9). It also promotes redevelopment, rather than greenfields (raw land) development.

**Link to Economic Development.** Are the centers or center types linked to future economic development? The Comprehensive Plan does include modest information on economic development within traditional centers (see p.5-6). There is also plan policy on reduction of the impact of commercial activity on adjacent neighborhoods (see p.5-10). There is also Plan policy on using context-sensitive design standards for landscape, access and building design (see p.5-10). The Plan specifically calls for mixed-use activity centers abutting the UB campus (see p.5-10).

**Link to Housing.** Are housing choice and additional higher density housing linked to centers? The Comprehensive Plan does promote higher density housing in mixed use activity centers as an objective (see p.8-2) and through policy (see p.8-4). Revitalization of neighborhood commercial centers is seen as a key component of neighborhood stabilization (see p.8-8).

**Link to Community Facilities.** Are the centers or center types linked to needed community facilities? The Comprehensive Plan does suggest community facilities be located in mixed use activity centers, but does not provide information about size or scale of community facilities and their relation to various center types. (see p.3-46). A weak link to open space needs is also made in the Comprehensive Plan (see p.3-49). There is also a strong discussion of community (public) facilities as a component of activity centers (see p.9-7, 8).

**Link to Focal Planning Areas.** The Comprehensive Plan does link information about the centers to the small area planning in focal planning areas (see p.10-3, 4). Each of the six focal planning areas (Northwest Amherst, North Amherst, University, Eggertsville, Snyder and Williamsville) all contain information about centers. (see Chapter 10.0).

## **EASE OF USE**

**Readability.** Is the Comprehensive Plan easy to use due to its easily-read text? The Comprehensive Plan is easy to read. In spite of its readability, the competing typologies for centers make it difficult to understand.

**Maps, Tables, Illustrations.** Are the concepts expressed visually for those who learn that way? Are maps easily read by the layman? Can the policy intent be easily grasped? The Comprehensive Plan is limited in its visual appeal. This is partly due to its age (originally prepared in 2007, and updated in 2015). However, many of the center concepts would be more easily understood by the public if they were illustrated in a more visual manner using local Amherst examples, or examples from the Buffalo region or elsewhere in the United States. The Conceptual Land Use Plan map is especially problematic, in that it does not characterize the 17 mixed use activity center types, and separates these centers (black stars on the map) from the underlying land use colors depicting other center types such as commercial centers.

## **11.2 PRIORITY ACTION PROGRAMS**

### **Action Program #1**

**Comprehensively revise the Town's development regulations, standards, and review/approval processes to implement the policies of the Land Use and Development Element.**

**Clear Hierarchy of Centers.** Is the Comprehensive Plan easy to use due to its clear hierarchy of centers or center types? Throughout, the Plan lacks a strong consolidated hierarchy of centers. The consolidation of commercial center types, mixed use activity center types and the need to designate mixed use corridors must be addressed in any Comprehensive Plan update.

**Link to Zoning Districts.** Many communities implement their center types with specific zoning districts. The Comprehensive Plan does not provide specific guidance about appropriate zoning districts applicable within each center type (nor do the zoning district intent statements provide guidance as to which center types they are implementing).

## **IMPLEMENTATION**

**Centers Implementation.** Implementation of the Centers concept is the first action item of the Comprehensive Plan. Despite this item being present since 2007, it is only now, in 2016, that the Town has addressed this key implementation task. In the intervening years, several major rezoning actions have been proposed that do not align with the current Conceptual Land Use Plan. Without an improved Plan centers hierarchy and better zoning more tightly linked to the center types, the community has pushed back against these proposals.

## **A FRAMEWORK FOR PLACE TYPES**

In thinking about the variety of possible centers the Town can anticipate in the future, it is important to keep some key factors in mind. The following concepts provide a framework for analyzing existing centers and the potential for additional locations or revised categories for the existing centers. The

factors below will be tested later in the project as specific center concepts are considered during the charrette. While the list should not be considered exhaustive, if applied to the existing centers, it will begin to differentiate them from one another. Note that there may be a difference between the existing character of centers, and their planned future character.

**Economic Draw** – the reach of a center, in economic terms, is a key consideration. Larger footprint buildings near major traffic corridors have the potential to attract far more visitors than those with small buildings located on smaller streets adjacent to existing neighborhoods. While a successful restaurant may have a small footprint and be regionally popular, most economists would not designate such a place as having a “regional” draw.

**Transit Access** - the availability of transit may be a key factor for mixed-use centers over time. While Amherst is not yet served by a rich transit network with frequent headways, options continue to expand, especially in the University area.

**Scale of Tenant Spaces** – the size of individual tenant spaces, including anchors, is critical to how a center operates. A “main street” of small buildings is quite different from a regional mall or a power center, or even a grocery-anchored center. Parcel depth is often a factor in the potential for large-scale tenant spaces. Shallow corridor parcels do not have the same options for redevelopment that larger, deeper parcels will have. The table below presents these factors as discussed in the Comprehensive Plan,

Center Type	Typical Tenant	Comprehensive Plan Tenant Size	Comprehensive Plan Center Size
Traditional	Boutique	Up to 10,000 SF	--
Neighborhood	Pharmacy/Convenience	Up to 25,000 SF	Up to 100,000 SF
Community	Grocery Store	Up to 75,000 SF	Up to 150,000 SF
Regional	Jr Box to Big Box	Over 75,000 SF	Over 400,000 SF

**Urban Form/Walkability** – there is a substantial difference between the urban form and walkability of a “main street” or traditional center, and that of an auto-oriented center. While sidewalks may be present in both, the walking experience in an auto-oriented center is diminished by the large distances and the significant impacts of traffic circulation and surface parking. Elements of urban form/walkability include:

- » Building location: pulled up to the street?
- » Parking location: to the side or rear (no parking between building and street)?
- » Building width: extends entire width of parcel?
- » Primary entrance: faces street?
- » Transparency (windows and doors): high percentage of street-facing wall is glass?

**Building Height** – building height can be a key differentiating factor as well. Where building heights exceed 3 stories, they should not be placed immediately adjacent to single-family residential areas. Since a transition in height would be required, centers with heights over 3 stories should be buffered by a transition in height (and often a transition in use as well). If more intense center types are to be developed with greater heights, they must be carefully located and include sufficient land for transitioning to surrounding neighborhoods.

**Parcel Depth** – it is important to note that parcel depth is a key element for the creation of vertical mixed use. Where buildings with retail ground floors and office or residential upper floors are desirable, then adequate parcel depth must be available to not only construct the building itself, but to also provide parking. Based on experience in other communities as well as reviewing parcel depths in Amherst, this critical dimension can be derived. Amherst seldom provides alley or other rear access to development parcels, especially along corridors. In these cases, a minimum parcel depth of 150 feet is required (and 180 feet is preferred) to provide for the following elements of a simple mixed use building:

Building depth	65 feet	Double-loaded residential corridor, can be less for office
Setback to parking area	10 feet	Between building and parking in rear
Parking area	65 feet	Two parking bays sharing a drive aisle
Rear buffer/snow storage	20 feet	Landscaping and rear wall
<b>TOTAL</b>	<b>160 feet</b>	<b>Minimum depth</b>

An example of this parcel depth can be found along Sheridan Drive between Augusta and Sweet Home Road. On the north side of the road, several parcels extend approximately 900-950 feet back from the road, providing adequate depth for a larger development. However, other parcels along the south side of the road are just under 150 feet, leading to single-story development. This disparity of opportunity along the same road and applying the same zoning district is unfortunate. Another example is the triangular parcels created all along Millersport Highway by the diagonal road, such as the six-points intersection with Eggert Road, which do not provide much opportunity for vertically mixed development due to their configuration.

**Use** – where single-story commercial uses dominate an existing area, it is often difficult to imagine the area becoming mixed use (with residential uses above, for example). In some centers where this condition exists, there are horizontally-mixed uses (adjacent to one another). Where multi-story buildings exist, upper floors containing offices or residences are commonplace. There are many single uses that also tend to cluster, such as medical offices or hotels.

## EXISTING ZONING

Given the centers and center types described in the Comprehensive Plan, an assessment was prepared as to whether or not the existing zoning code could implement the concepts included in today's Plan. The following table illustrates the results of that analysis.

### Mixed Use Activity Centers

Place	Center Type				Zoning	Appropriate?
	University-Related	Special Use	Highway/Intersection	Urban/Village		
Millersport Highway (across from UB)					NCD-SUNYUB	○
Millard Fillmore Suburban Hospital					OB, CF, MFR-7, R3	⊙
John James Audubon Parkway Municipal Complex					NCD-LC	⊙
Hopkins Road/Dodge Road					NB, OB, MS, R4	⊙
Hopkins Road/Klein Road (Clearfield)					SC, OB, GB, NB, RC, CF, MFR-4A, MFR-5, MFR-7	⊙
Evergreen Landing					MFR-5	⊙
Sheridan Drive/Hopkins Road/Centerpointe					GB, OB, SC, MS, CF	⊙
Maple Road/North Forest Road					GB, MS, OB, NB, MFR-6. MFR-5. CF	⊙
Millersport Highway/North French Road					GB, MS, SA, RD, MFR-4A, R3	⊙
Main Street/Bailey Avenue/University Plaza						⊙
Main Street/Eggert Road					GB, OB, MS, CF, MFR-4A, TNB1 and TNB2 Overlay	⊙
Main Street/Harlem Road					GB, MS, NB, CF, MFR-5, R4	⊙
Harlem Road/Kensington Avenue					GB, MFR-5, TNB1, TNB2 Overlay	⊙
Williamsville Village Core					Village of Williamsville	⊙
Swormville (Transit/North French)					GB, OB, MS, R3	⊙
Getzville (Campbell/Dodge)					NB, NCD-B2, NCD-LC	⊙
Millersport Highway/New Road/Smith Road					TND	●

Center Type   
 ● = Achieves Objective   
 ⊙ = Partially Achieves Objective   
 ○ = Does Not Achieve Objective

The zoning applied in Amherst's centers frequently changes parcel by parcel, with as many as nine different zoning districts applied to the same center. In concept, only one mixed-use zoning district could be applied to a center, if it were scaled appropriately. Given Amherst's limited form detail in its zoning districts, it is not uncommon to find the same districts used in a variety of center types. To be considered "appropriate" in the table above, the zoning would need to be able to implement the Plan's concept for the center. Only one of the centers uses a single mixed-use district to implement the Plan (Millersport Highway/New Road/Smith Road), which applies the TND designation.

Does current zoning implement national best practices? The following table rates the current Zoning Code on the basis of national best practice elements and ability to implement the Plan. Each element analyzed is described after the table. Additional examination of the zoning districts and best practices will occur later in this project, but their relationship to the Plan is explored here.

Concept	Detail	Best Practice	Existing Zoning
Zoning Districts	Clear Intent	●	⊙
	Clear Hierarchy	●	⊙
	Link to Center Types	●	⊙
	Options for Mixed Use	●	⊙
Development Standards	Parking	●	⊙
	Landscaping, Buffers	●	⊙

● = Achieves Objective    ⊙ = Partially Achieves Objective    ○ = Does Not Achieve Objective

## ZONING DISTRICTS

**Clear Intent.** Is the intent of each zoning district clear? Are the names intuitive? The names of many of the districts work well to describe the mix of land uses allowed (although the most commonly used district, GB - General Business, has the least-descriptive name). Consideration should be given to renaming this set of districts, since “non-residential” no longer reflects their permitted uses.

**Clear Hierarchy.** Does a clear hierarchy of zoning districts exist? While the zoning districts are listed in general intensity order, the casual user would not be able to interpret their intensity from the zoning district names.

**Link to Center Types.** Do the existing zoning districts link to the Comprehensive Plan’s centers or center types? NB, Neighborhood Business, is linked to the centers (see §4-3), as is GB, General Business (see §4-4).

**Options for Mixed Use.** Do the various zoning districts allow options for true mixed use (both residential and commercial uses)? Upper story dwelling units are allowed in many non-residential districts (OB, NB, GB, and PDD). The PDD district also allows residential on the ground floor of up to 50% of the floor area.

## DEVELOPMENT STANDARDS

**Parking.** Do the parking provisions link back to the Comprehensive Plan's intent for each center type? No, there is no link between the parking provisions and the Comprehensive Plan. Only one set of ratios for parking is applied across the community (see §7-1-6). An "alternative parking plan" is allowed as a relief mechanism and is frequently used to achieve this objective (see §7-1-7).

**Landscaping, Buffers.** Do the provisions for landscaping and buffers link back to the Comprehensive Plan's character descriptions for centers? No, the landscaping and buffer provisions do not vary across the center types. Parking lots are required to include the same amount and design of landscaping in all cases (see §7-2-3). All commercial zones are treated the same with regard to buffers from adjacent residential areas (see §7-2-4).

## Commercial-Office Zoning

In touring the Town, a variety of areas dominated by offices alone were observed. These areas include parts of Audubon Parkway, as well as the area between Wehrle Drive and Sheridan Drive in southeast Amherst. Industry trends suggest that these isolated office parks are no longer the most popular destinations for a whole new generation of office workers. This is due in part to their inability to provide services in a mixed use setting such as restaurants and daily needs such as convenience retail. During the charrette, some consideration should be given to these areas. Could they become emerging centers if additional uses were allowed? This is not possible under the OB Office Business zoning applied in these locations today.

## REFERENCES

2015 Town of Amherst Bicentennial Comprehensive Plan (completed November 2003, accepted February 2004, adopted January 2, 2007, amended in 2011 and in 2015)

Planning Department Report to the Town Board, Amherst Creates Regional/Community Scale Zoning Codes (March 2010)

Town of Amherst Bicentennial Comprehensive Plan 2014 Comprehensive Plan Review Report (referred to the Amherst Town Board September 17, 2015)

Town of Amherst Chapter 203. Zoning (July 7, 2014)