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Designing and Constructing With Mixed Uses and Smart Growth

By Michael G. Gatlin



The movement from sprawling growth in our cities and towns to a more contained growth strategy that nurtures people, places and things is gaining momentum. Economically, it is clear that the trend makes a lot of sense, but town planners, developers and city governments must look carefully at the legal structure of their “town-centered” dreams so that housing, commercial and retail development is well-planned and will stand the test of time. They need to remember that one size doesn’t fit all when it comes to restoring vitality to center cities and deciding on appropriate mixed land uses that will deliver substantial fiscal and economic benefits to the area.

For years, conventional zoning wisdom has held that residential zoning districts should be separate from commercial districts and commercial uses should be separate from residential uses. This makes sense from a safety, traffic and noise point of view. However, the formulation is relatively recent in its origin and about 180 degrees away from the historical patterns of development in our cities and towns. It wasn’t always this way.

Population centers usually grew with family businesses on the first floor and families living upstairs, with no separation between commercial and residential zones. This development pattern has now returned and been given a label: “mixed-use zoning.” As America

increasingly attempts to come to grips with high gas prices, global warming and other environmental issues, and with renewed interest in revitalizing downtown areas, working where you live – or at least in close proximity – seems like an increasingly attractive notion. Mixed-use zoning may be an idea whose time has come again. But while the goals of mixed-use zoning may look familiar, obtaining approvals for a mixed-use project may require some hard negotiation and innovative approaches to make this old idea look new again.

The idea behind mixed-use zoning is that the mixing of commercial and residential uses provides a benefit to both groups: a supply of shoppers and restaurant patrons for retail outlets within the affected area helps the commercial business owners, and the nearness to boutique-type shops, restaurants and trendy coffee bars makes the area an exciting and desirable choice for residential living. Together, the two create a center for economic rebirth and growth. The energy within the district makes it a destination for people living outside who want to take advantage of the options provided within. Because a large portion of people spending their money in the area are walking to the stores to shop or walking to the restaurants for dinner, a lot of the economic activity occurs without dependence on gas guzzling, pollution-belching automobiles and the traffic tie-ups they can produce. Anybody who has ever walked down Hanover Street in Boston’s North End can see that not only do businesses and residences “live” together, they are thriving. While the idea of mixing uses is more apparent in an urban environment, it is becoming common in smaller towns as well.

to walk to the transportation that will get them to their jobs in a nearby urban area, the desirability of the residential component is enhanced. Since these factors most commonly come together in old, tired and low-performing downtown areas (that’s how they came to be town centers before they got tired), planners and developers can have an opportunity to recreate a vibrant neighborhood that provides opportunity for economic growth without greatly increasing traffic, and which is less reliant on the use of fossil fuels. This type of development is known as “smart growth.”

Smart growth involves development that is close to public transportation, which reduces sprawl and involves a mix of uses to encourage pedestrian foot traffic. Massachusetts actively encourages development projects that rely on smart growth concepts. When smart-growth values are combined with a mixed-use development plan, municipalities benefit. By reusing areas that may be past their prime, at least as currently configured, a municipality can increase its tax base and encourage growth without impacting undeveloped sections that might otherwise be bulldozed for new housing developments.

The challenge in employing smart-growth features in the design and construction of a project, and in mixed-use zoning as well, is educating local licensing authorities who are used to reviewing projects based on a separation of uses.

Currently, a mixed-use project in Framingham known as “The Arcade” is in the process of receiving permitting. When built, the project will consist of 290 residential units, 50,000 square feet of commercial space, a health club and a downtown park. The legal subtleties of the project serve as an example for other multifaceted economic development initiatives that face the challenges of integrating mixed land uses into their planning processes. Some challenges that require careful legal considerations

continued on page 2



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New Developments

If the mixed-use project is located near a transit source, such as a train station or extensive bus service, enabling the residents

include:

- Developing a clear plan for traffic and parking;
- Preserving historical assets;
- Combining commercial and residential zoning laws;
- Providing open spaces;
- Relocating existing tenants;
- Obtaining financing used to make loans on residential projects or commercial projects, but not residential and commercial projects sharing the same space; and
- Taking advantage of tax incentives.

In Framingham, the developer included a parking garage in the design of the project to meet the residential and commercial needs of the tenants of the proposed buildings. In order to keep the garage from being overly large and deleterious to the residential aspects of the project, while showing the local authorities that the parking garage was adequate in size, it was necessary to convince the town of the viability of the concept of “shared parking.”

The developer started with the notion that many of the residents of the apartments being planned would not have cars at all, due to the proximity of public transportation. Of those who retained their cars, many would drive to work in the morning, leaving additional parking available to downtown mer-

chants and their customers. By the time the residents returned home at night, the shoppers would have left the area, leaving the parking spaces vacant again. Thus, fewer parking spaces than the number set forth in the bylaw would suffice. While the idea makes sense, it is different from traditional development concepts and local authorities were required to take a leap of faith from the usual review process, which would have dictated a flat, codified number of parking spaces per unit.

Another challenge in mixing residential uses with commercial uses is that a developer must always be cognizant of the fact that people will have to want to live or work in the completed project. That means making the project attractive to two distinct groups with somewhat divergent needs and expectations for essentially the same piece of real estate. This requires design collaboration with a planning board, which has only a passing interest in what your construction budget might be. When unfamiliar concepts required to make the project viable, such as shared parking, are added to the equation, the developer and the permit-granting authority have their work cut out.

Developing a mixed-use project in an area that already contains historically or architecturally significant features can be problemat-

ic, because the significant features may be incompatible with the proposed use, or (to the developer) may be more costly to preserve than they are worth. Almost any developer will tell you it's usually cheaper to tear down and start from the ground than it is to preserve existing buildings. The development team must strive to design a project that works from an aesthetic and economic point of view while meeting the potentially expensive concerns of permitting authorities and local citizens who wish to preserve buildings. Again, working closely with local boards to encourage new methods of analyzing and solving zoning issues is the key to a successful development project.

As more communities adopt mixed-use bylaws, many of the issues that now seem complex will become routine. Developers and planning and zoning boards will have had more experience in employing what now seem unproven methods to solve the unusual challenges which this form of zoning presents. Mixed-use zoning, with its potential for renewing or creating neighborhoods, is an exciting tool for communities and a rewarding challenge for creative developers. When the idea is combined with the environmentally friendly notions of smart growth, it's clear that mixed-use zoning is a wave of the future. ■