

# Audubon Development Plan Update

## Land Use and Corridor Planning

### Project Charter

*Final November 7, 2022*

#### 1. Project Sponsors

Town of Amherst Town Board and Amherst Industrial Development Agency

#### 2. Project Managers / Key Staff

Town of Amherst Planning Department:

- Gary Palumbo, AICP, Associate Planner (Manager)
- Jeffrey Szatkowski, Landscape Architect (Graphics & GIS)
- Kimberly Amplement, Planner (Graphics & GIS)
- Regan Flemming (Planning Assistant)

Amherst Industrial Development (AIDA) Staff:

- David Mingoia, Executive Director/CEO

#### 3. Purpose

The Town of Amherst (the Town or Amherst) will undertake an update to the existing Audubon Development Plan, completed in 1972, and corresponding zoning amendments for the Audubon New Community District (NCD). It is anticipated that this project will be conducted in 2023 and jointly with the Amherst Industrial Development Agency (AIDA). The study area is shown in Figure 1: Study Area Context Map.

The purpose of this project is to prepare an update to the Audubon Development Plan. The initial step is to conduct an inventory and analysis of the existing conditions throughout the NCD between North French Road and the north boundary of the University at Buffalo (UB), approximately 1,726 acres. This inventory effort will facilitate the update to the Audubon Development Plan, which will be incorporated into Town of Amherst Bicentennial Comprehensive Plan (Comprehensive Plan) as a focal planning area. The updated Audubon Development Plan will include a revitalization plan for a portion of the NCD consisting of key segments of John James Audubon Parkway, North Forest Road, Dodge Road, and Millersport Highway (approximately 553 acres) as depicted in Figure 2: Study Area Map. The inventory and corridor planning effort will support a zoning study and possible zoning amendments.

#### 4. Context

It has been fifty years since the Audubon Development Plan (the Plan) and NCD zoning amendment were adopted in 1972. The Audubon New Community was established through a contract between the Town and the New York State Urban Development Corporation, now Empire State Development (ESD) to accommodate growth and development supporting location of the UB North Campus in the Town. (the contract). The intent of the NCD was to create a unique community setting serving as a “campus extension” and providing “a more desirable environment” than would be possible through strict application of traditional town zoning regulations. The contract, which also included the Williamsville Central School District and Sweet Home Central School District set requirements, restrictions and limitations with respect to development in the NCD. The contract was to expire in 20 years and in 1993 a new contract was executed between the Town and UDC (now ESD). Since 1972, the NCD zoning

districts and land use regulations have remained the same, despite updates to other town-wide zoning regulations.

The Town's Comprehensive Plan calls for University-related mixed-use centers on large undeveloped properties within the NCD. The proposed land use pattern, depicted on Figure 6, the Conceptual Land Use Plan, is intended to update the original Audubon New Community Plan in response to current conditions and the objectives of the Comprehensive Plan adopted in 2007 and last amended in 2020. The Comprehensive Plan recommends that the Town initiate discussions with ESD regarding the future status of the NCD zoning and the termination of the current contract.

## 5. Work-to-date

In 2021, Planning Department staff composed a critical review of the NCD, that describes the creation of the NCD, the Audubon Development Plan, and the NCD zoning. The review identifies various shortcomings of the NCD and explains the difficulties in administering the NCD zoning today. The review also discussed alternatives and recommendations to possibly remove the NCD as a regulatory framework and update the Town zoning code accordingly.

In Spring of 2022, an intern from the University at Buffalo conducted a limited survey of existing office space along the Audubon Parkway corridor. The work was conducted as a joint project between the AIDA and the Town Planning Department. The product includes a data inventory for each of 43 office properties in the study area, a summary table of current tenants by NAICS codes/descriptions, vacancies, and building data (where available). The proposed inventory and analysis under this project will build upon the office inventory to provide a clear picture of existing conditions and occupancy trends in the NCD today.

## 6. Issues

Before undertaking land use planning for the next 15-20 years, it is important to understand how development in the NCD differs from the original projected land use and design goals. The Town and other stakeholders also needs to understand changes in market demand for various land uses to guide an update to the Plan and corresponding NCD zoning. At this initial stage of the project, several problems and concerns have been identified:

- The NCD included UB within its boundary, as the new community was anticipated to be a “campus extension”. Over time, the areas west, south, and east of UB have developed and also serve the campus community. Today, the NCD is not the only area associated with UB. Other land uses surrounding the campus to the west, south and east have also developed to serve the UB community.
- A consequence of the COVID-19 pandemic could be a long-term change on where the office workforce conducts its business. The potential long-term impact of working remotely may result in uncertainty on future utilization of existing office and light industrial space within the NCD. The increasing trend of e-commerce and online shopping is also affecting needed space for the retail and office markets.
- Current demand for multi-family residential units (including student housing) is creating demand to rezone vacant or underutilized office and light industrial zoned properties. It is unclear

whether these are short-term or long-term trends, or how land use planning and zoning should react.

- In 1972, the mechanism that allowed landowners to “opt out” of the new NCD zoning, did not consider that the Town would continue to update its zoning over the years. Town Planners question whether the “new” NCD zoning districts and regulations are consistent with current goals and objectives of the community.
- Landowners were given the opportunity to opt-out of the “new” zoning. Since 1972, many of those existing districts still remain in place. Given the mix of old and new zoning, it can be difficult to determine which processes and standards apply in situations where old district regulations do not coordinate with current town-wide regulations.
- The NCD zoning regulations provide few dimensional requirements for setbacks, height, parking requirements, landscaping requirements, or other development standards. While the absence of strict dimensional requirements affords flexibility to development in the NCD, it is often confusing for applicants as they are unsure of which zoning standards apply.
- The residential developments within the Audubon New Community were constructed in the 1970s. Some material choices and construction techniques have led to pre-mature aging. In addition, there are proportionately higher number of government-assisted and rental units than in other comparable areas in the Town.
- In recent years, there has been less State (ESD) involvement in the development in the NCD which calls into question their future interest and role.

## 7. Goals and Opportunities

1. **Goal:** To conduct an inventory and assessment of the study area that supports revitalization planning efforts along selected corridors.

This provides an opportunity to conduct an inventory of existing conditions geographically throughout the NCD and substantively for land use, economic conditions and market analysis, transportation, and infrastructure constraints.

2. **Goal:** To form a revitalization plan(s) for key non-residential corridors, initially identified as portions of North Forest Road, Audubon Parkway, Millersport Highway, and Dodge Road within the NCD.

This provides an opportunity to identify underutilized land located along the selected corridors and encourages increased density where it can be accommodated.

The timing for corridor revitalization planning is opportune as the Niagara Frontier Transportation Authority (NFTA) is planning for a rapid transit extension north from the UB South Campus through the North Campus and terminate at the intersection of Audubon Parkway and the I-990. Redevelopment along the Audubon Parkway Corridor can be

coordinated with anticipated roadway improvements associated with planned rapid transit extension.

3. **Goal:** To update the Audubon Development Plan with a new future land use plan.

This provides an opportunity to update the Comprehensive Plan with both text amendments and to revise Figure 6-Conceptual Land Use Plan and Figure 6A-Commercial and Mixed-Use Designations.

4. **Goal:** To expand on the office space inventory conducted in Spring of 2022, to accurately quantify and assess the office, retail and light industrial land use in the NCD.

This provides an opportunity to ascertain future demand for office and light industrial space, in order to plan accordingly.

5. **Goal:** To assess housing stock condition and evaluate the occupancy and real estate trends of residential developments within the Audubon New Community.

This is an opportunity to assess residential development or redevelopment in the NCD and opportunities for revitalization to meet housing demands. Relative to other neighborhoods in Amherst, does the residential mix in the NCD offer relatively better affordability for new homeowners?

6. **Goal:** To conduct a comprehensive assessment of the NCD zoning to determine if and how it might change.

This provides an opportunity to review and revise the NCD zoning, possibly to replace it with districts and regulations consistent with other similar areas in the Town. The Town has new mixed-use zoning districts that could help serve the NCD area and meet some of its original goals of flexibility and serving the UB North Campus.

7. **Goal:** To determine Empire State Development’s interest in continuing its involvement in development activity in the NCD.

This provides an opportunity for all parties to consider termination of the Contract.

## 8. Mission Statement

From September 2022 through September 2023, the Town of Amherst will review and update the 1972 Audubon Development Plan for the New Community District to form a future land use plan for the NCD and prepare area-specific revitalization plans along key corridors. The new plans will consider on-going development and infrastructure projects, reflect the changes in land use and current market demands, and will incorporate contemporary urban design strategies and planning principals. A key implementation component are zoning amendments to update the 1972 NCD regulations.

## 9. Resources and Stakeholders

The following identify various Town departments and boards, local and regional agencies, and other stakeholders that could actively participate in this project:

### 1. Town

- Town Supervisor's Office
- Town Board
- Planning Board
- Amherst Industrial Development Agency
- Highway Department
- Planning Department
- Office of Economic Development
- Youth and Recreation Department
- Engineering Department
- Traffic Safety Board

### 2. Stakeholders

- Empire State Development / Audubon Development Corporation
- Audubon Association
- Williamsville Central School District
- Sweet Home Central School District
- University at Buffalo
- Niagara Frontier Transportation Authority
- Greater Buffalo Niagara Regional Transportation Council
- New York State Department of Transportation
- Erie County Department of Environment and Planning
- Erie County Department of Public Works
- Key Property Owners including the Development Community
- Local businesses and institutions
- Development Community
- Other Town Departments/committees
  - Community Development
  - Amherst Conservation Advisory Council
  - Buildings and Facilities
  - Police Department

### 3. Steering Committee

It is anticipated that a project Steering Committee will be formed to support a consulting team with project guidance, technical input, and review project deliverables. The Steering Committee will make recommendations to the Town Board. The Steering Committee will include representation from:

- Town Board
- Planning Board
- Planning Department staff
- Office of Economic Development
- Town Attorney

- Amherst Industrial Development Agency
- Representative from Empire State Development
- Representative from the Audubon Home Owners Association

#### 4. Public Engagement Process

Given the history and legacy of the Audubon residents' interest and involvement in their community, a public outreach program will be employed early in the project. Public involvement will strengthen community support for the project's outcome and implementation.

## 10. Consultant Support

It is anticipated that the project will require consulting support in the following tasks and specializations:

1. **Land Use Planning, Zoning Review and Public Engagement:** Tasks to include:
  - Review of select NCD documents (Audubon Development Plan, NYS UDC contracts, Comprehensive Plan, relevant studies to be provided by Town).
  - Perform inventory of conditions, such as: demographics, housing, transportation, community facilities, infrastructure, vacant and underutilized lands, and natural resources.
  - Diagnosis of existing zoning to include NCD districting and districts and consistency with other town-wide regulations such as General Standards in Part 7 (parking, signage, landscaping, lighting) and administration in Part 8 (site plan review, rezoning, and special use procedures).
  - General analysis and findings.
  - Prepare NCD-wide future plan use plan and recommendations on how to incorporate into Comprehensive Plan.
  - Prepare and implement public engagement plan. The consulting team will prepare a public outreach plan that will outline activities that may include, but are not limited to public information meetings, public charrette(s), interviews, technical/focus group meetings, presentations to engage the community, and on-line interactive tools.
2. **Market Analysis & Research:** Tasks to include:
  - Assess current socioeconomic conditions.
  - Identify redevelopment initiatives in other similar suburban municipalities.
  - Conduct market analysis to support recommended urban design redevelopment concepts.
3. **Urban Design:** Tasks to include:
  - Preparation of planning recommendations for the redevelopment of four select corridors.
  - Corridor plans will utilize urban design strategies and incorporate the results of the inventory products and market analyses.
  - Consideration will be given to the potential for the area to become a future rapid transit corridor.
4. **Implementation:** Tasks to include:
  - **Zoning:** To identify and expedite strategies to update the NCD and prepare a draft of zoning amendments (based on the zoning study) to implement:
    - Audubon Development Plan - NCD future land use plan

- Corridor revitalization plans
- Consideration of mixed-use zoning
- Consideration of transit oriented zoning concepts along John James Audubon Parkway
- New zoning in the NCD to incorporate the study area into the existing Town zoning
- Consideration of effects of creating non-conforming uses with pre-1972 zoning

**5. Economic Development:** Tasks to include:

- Audubon Development and Corridor Revitalization Plans will be informed by results of socioeconomic analyses.
- Plans to create and support economic development opportunities and strategies within the study area.

**11. Project Schedule**

Public engagement and review/revision periods are included, but are not specified in the following preliminary project schedule. The anticipated schedule will be detailed with dates for milestones, meetings, durations and deliverable by the consulting team based on their proposed scope of work.

| Action/Item                                    | Jan 2023 | Feb   | Mar | Apr   | May | Jun | Jul   | Aug | Sept | Oct |
|--|----------|-------|-----|-------|-----|-----|-------|-----|------|-----|
| Review of Consultants' Proposed Scopes of Work | -----    |       |     |       |     |     |       |     |      |     |
| Task Order Agreements                          |          | ----- |     |       |     |     |       |     |      |     |
| Inventory & Analysis                           | -----    |       |     |       |     |     |       |     |      |     |
| Zoning Study                                   |          | ----- |     |       |     |     |       |     |      |     |
| Market Analysis                                |          | ----- |     |       |     |     |       |     |      |     |
| NCD Land Use Planning                          |          |       |     |       |     |     |       |     |      |     |
| Corridor Planning                              |          |       |     | ----- |     |     |       |     |      |     |
| Zoning Amendments                              |          |       |     |       |     |     | ----- |     |      |     |