

Burlington Planning Commission

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Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Michael Gaughan
Erin Malone
Julia Randall

Burlington Planning Commission

Tuesday, March 12, 2024, 6:30 P.M.

Hybrid Meeting via Zoom and in the Bushor Conference Room

Draft Minutes

Members Present	A. Montroll, E. Malone, J. Randall, M. Gaughan, A. Friend, Y. Bradley
Staff Present	M. Tuttle, C. Dillard, S. Morgan, B. Pine (CEDO Director)
Public Attendance	Paul Bierman, Karen Long, Jeremy Owens, Sharon Bushor

1. Agenda

Call to Order	Time: 6:30pm
Agenda	a) Adding an item to point 6 on the agenda b) Add an Executive Session after adjournment

2. Public Forum

Name(s)	Comment
Paul Bierman	In regards to the NC: • Asked the PC to reconsider the current proposal in light of the number and variety of amendments that have come up, as well as large changes that have happened in the community in the past weeks and months (the amount of new housing that's now being green lit). • Thinks the NC is a radical revision to the way we look at land use here, of which many people in the city are unaware. ○ "This kind of dramatic rezoning happened in places like Arlington, VA and Gainesville, FL, and it's divided those communities." • Advised the PC to read an opinion piece "How Vermont's Housing Crisis Got So Bad" published last summer by a political scientist named Gary Winslet at Middlebury College.
Karen Long	In regards to the NC: • Thinks 10 units is outrageous • Thinks the NC contradicts plan BTV in that the public participation numbers are incorrect
Jeremy Owens	• Acknowledges the effort that's gone into the proposed neighborhood code. • Worries about the effects of NC on the social fabric of the neighborhoods. • Supports higher density. • Biggest concern about a subtle component to the proposed square footage allowed for principal structures: "I noticed in the new code that the square footage maximum was set at 1,800 square feet, and as far as I can tell, there's no description over whether that is only applicable if

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	there's a primary and a secondary building, or if it's only applicable if you're doing more than one unit."
Michael Long	• Thinks the NC code doesn't fit with the plan BTV on the following points: ○ "Considerations for future land use and development will be important to closely analyze unique characteristics of neighborhoods across the city. ○ "How these neighborhoods evolve depends on their current development pattern and unique influences and threats relative to the rest of the city." ○ "This plan recognizes that within the city there are many different types of neighborhoods, each with their own needs relative to their location in the city, and predominant housing types again recognizes variation around the city." ○ "Distinctive architectural styles, the historic significance of individual structures and groups of buildings, buildings massing and placement on lots." ○ "The individuality of each residential area must be respected in order to support and strengthen established land use and design patterns, and most importantly, the quality of life enjoyed by residents." • Act 47 – "It's a state law that kind of preempts certain zoning regulations at the local level, and it requires that that there are no restrictions for a duplex that go beyond the restrictions for a single-family house. Act 47 does not say that you have to allow a triplex or a fourplex on any lot in the city." • "Neighborhood code is 1 size fits all, makes no recognition of neighborhood character or details unique to various parts of the city." • Thinks 10 units on any lot is a substantial change. • Thinks up zoning movement is premised on the inequity of the exclusive single-family zone.
Sharon Bushor	• Thanks C. Dillard on his work on the South End Innovation District. • There was a statement from the state of Vermont last week saying that the state is in desperate need of family housing. "We need to maintain the families we have and we need to attract other families." – believes the NC has failed on that respect. • Wished the PC would've visited the neighborhoods affected by the NC. • Thinks RL should have up to 4 units, 2 duplexes. • Thinks RM to have a max of 6 only if there's an affordability component. • In support of having 3 zones: RH, RL, and RM. • Support the 1st and 2nd amendment by Councilor Hightower; supports the 3rd amendment. • Looking to reduce the intensity of development but still allow development to occur.

3. **Chair's Report**

A. Montroll	• Reminded the Commissioners that everyone is welcome to speak at the various hearing held by the City Council. However, the Commissioners cannot speak on behalf of the PC.
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4. **Director's Report**

M. Tuttle	• Appreciates and echoes S. Bushor's congratulations to C. Dillard. • Exciting to see that partnership and collaboration with CEDO and with the private partners in Champlain College continue to realize that new South End neighborhood. • Partnering and participating in additional FAQ sessions and discussions about the future growth and MOUs for both UVM and the Medical Center – expected to hear soon about the timeline of what potential actions the City Council may be considering related to UVM. • Provided an update to the City Council last month that you will not be bringing the UVM Medical Center MOU discussion forward before the end of this administration. Will continue to work with representatives from the Medical Center over the next few months. • C. Dillard has also been working to continue to advance the work around the Transportation Demand Management study. • The Planning team put together a climate dashboard looking at major trends and things like warming, average temperatures, some metrics related to the weatherization of buildings, metrics related to the net zero energy road map and some other interesting information. • Gearing up for the NC public hearing on the 25th - a very important milestone. • Preparing to support Mayor Mulvaney-Stanak as she comes into office in April.
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5. **Proposed CDO Amendment: Neighborhood Code**

Action: Re-approve the memo with the zoning changes except for amendment #5; Staff will present the Council with a recommendation from the PC

Motion: A. Friend

Seconded by: J. Randall

Vote: unanimous

The role of the Planning Commission is to be updated on the amendments the council is considering to this, and reapprove a report that gets forwarded with these amendments.

Staff presented the City Council proposed amendments.

J. Randall:

- Thinks this ordinance will be most successful if individual parcels have the most flexibility that they can to adapt and evolve over time.
- Prefers the original proposal.
- Fences and roads are like a really a true impediment to wildlife movement.

M. Tuttle:

- "The thing that Councilor Hightower had expressed is that until we have maybe a more refined tool in our zoning ordinance to more carefully look at actual wildlife patterns, this is more of like a high level approach that we could take."

- Doesn't think it will help this ordinance provide the flexibility that would add the most units on individual lots if the lot coverage is being cut just to say that it's residential medium someplace.

M. Gaughan:

- Suggested to the Commission to counter, propose or suggest a total limit of 8 units (6 & 2 or 4 & 4)
- Housing more people in the city by adding on to existing structures to limit the constraints of building a new building structure.

A. Montroll:

- The 2 main differences between RM & RL: 1. one's 45% lot coverage, the other's 55% lot coverage; 2. Number of Units
- In support of Amendment 1 & 2

A. Friend:

- How to make this process equitable.
- In support of Amendment 1 & 2

E. Malone:

- How to get more people involved earlier in this process.

S. Bushor:

- Streamlining the process is efficient for the Department and the City, but for the public it curtails public engagement.

A. Montroll:

- "A lot of the changes that we made were influenced by the public comments that we did here."

Y. Bradley:

- In support of Amendment 1 & 2

M. Tuttle:

- From a statutory perspective, the amendments that have been posted are the ones that the Council can consider on March 25th. Other versions of similar changes aren't something that can be introduced at this stage.
- Have a separate communication drafted by the staff will go from the Planning Commission to the City Council presenting comments/recommendations not supporting the district wide change RL to RM (originally a split off between the PC).

6. Proposed CDO Amendment: Inclusionary Zoning

S. Bushor:

- "What is the goal? To make sure that the threshold is correct? Are you looking to change who qualifies or the number of units or what?"

C. Dillard:

- "There's a number of sort of catalysts here. The primary one though being the very steep increase in construction costs and costs incurred to developers and building homes across the community. A lot of the current standards in IZ are adding an additional barrier to these unprecedented costs of construction and often leading to projects not being viable."

B. Pine:

- "Part of the corollary to this is Councilor Hightower's issue around the payment-in-lieu being too low. That number coming up does certainly make it a little more of a of an economic calculus that hopefully leads to more units being created rather than more payments. The payment was always viewed as like a as a compromise, if you will. It was never viewed as a success that we were getting lots of payments."

M. Tuttle:

- "Potential changes that we talked about, which are very targeted at trying to kind of maintain the purpose of IC while also providing some flexibility for how it can be complied with."
- "The council passed a resolution that referred the issue of the payment-in-lieu fee amounts as well as kind of recognizing that you're in the process of working on some of

these other considerations refer to resolution to you asking you to take a look at this issue. It acknowledges that there are some other topics that you may ultimately recommend to them that they will want to make some changes to and asks for some of that work to come back to them this year."

Y. Bradley:

- "Taxes are what influence the rental rate in the city of Burlington, VT. Every time we pass a tax increase, those taxes will get passed on to renters as well as tenants. For the large-scale developers like the Eric Farrell's etcetera, they can't absorb those tax increases.

7. Commissioner Items

Action: Motion to add an executive session after adjournment

Motion by: E. Malone

Second by: M. Gaughan

Approved: unanimous

J. Randall:

- Going to a workshop called "Homes for All" that the Agency of Commerce and Community Developments putting on Thursday in Barre.

E. Malone:

- "One part that I also found very surprising was with the public forum mostly talking about climate, a lot of it was about density, walkability, access to transportation and I don't recall storm water management coming up at all during that. So, it was interesting me to observe that comment coming up again and again and with I think it is peaceful Paul Bierman's, you know, I guess whatever memo he wrote that a lot of people had read. So, it was just interesting that that didn't come up naturally. I appreciated when Green Mountain Transit came and talked about how they do bus routes in a more dynamic way. They don't build around bus routes, but it kind of evolves as the environment evolves."

8. Communications

Action: Review and accept written communications

Motion by: A. Friend

Second by: E. Malone

Approved: unanimous

9. Minutes

Action: Review and approve the 1/23 PC meeting minutes

Motion by: A. Friend

Second by: E. Malone

Approved: unanimous

10. Adjournment

Adjournment

Time: 9:01 p.m.

Motion: J. Randall

Second: A. Friend

Vote: unanimous