

Ordinance Committee
Wednesday, June 28, 2023
Sharon Bushor Conference Room
at City Hall or Remote via Zoom. Burlington, Vermont
DRAFT MINUTES

Members Present: Councilor Traverse (Chair), Councilor Carpenter, Councilor Hightower, Councilor Shannon

Staff Present: Kim Sturtevant (Acting City Attorney), Meaghan Tuttle (Director of Planning), Charles Dillard (Principal Planner)

Public Present:

Dan Schillhammer, John Olmsted, Albert Stiamand, Colin Hilliard, Alan Schillhammer, Margaret King, Jon-Patrick Fitch, Kelly Devine

Public Present (Remote): Emily H, Mariella Torres, Bill Calfee, Connor, Eliana, Kelly Krause, Larry Lewark, Nic Anderson, Sharon Bushor, Todd Sarandos, John Caulo, Kelly Devine, Julia Shannon-Grillo

Meeting called to order at 5:39 PM.

1. Adopt the Agenda

1.01 Adopt the Agenda

Motion to Adopt Agenda as is.

Motion by Councilor Carpenter, Seconded by Councilor Hightower

Final Resolution: Motion Passes

Yes: Unanimous

2. Adopt Draft Minutes from June 12th

2.01 Adopt Draft Minutes from June 12th

Motion to Adopt Minutes from 06/12/2023.

Motion by Councilor Carpenter, Seconded by Councilor Shannon

Final Resolution: Motion Passes

Yes: Unanimous

3. Public Forum

3.01 Public Comment

- Dan Schillhammer of Queen City Printers voiced support for solving the housing crisis and this zoning amendment, as more housing would help attract more employees to the business and wanted to know why their business was not involved, how the boundary lines were decided, and if they can be involved at this point.

- Director Tuttle responded that the intent behind establishing the boundary lines as they are now for the SEID was to focus on undeveloped sites and clarified the Maltex building is not included within the current boundaries.
- Colin Hilliard, a Ward 3 resident and Program Director of Burlington Business Association called attention to 2 letters that were sent to Ordinance Committee members representing residents (approx. 60) and businesses (17) in the South End asking for more housing. Hilliard also stated he wanted to caution the Committee against setting zoning and building standards too high, trying to incentivize green building, but ultimately cost the community and stakeholders in time and money.
- John Olmsted asked the Committee to push the proposal forward and not allow the details to stall this ordinance.
- Albert Stiamand of Silverstone Properties expressed concerns about the uses listed in the amendment and the completion of road construction may impact his current business model and in anticipation of future changes, would like to be included in the process.
- Sharon Bushor of Ward 1 said that she hopes all stakeholders were involved and continue to be involved and wanted clarification on the next steps for bringing this ordinance into fruition. Bushor emphasized that the intent behind this area of Burlington was to have a maker and innovation space, and this ordinance needs to protect the district's ability to expand that mission. Additionally, Bushor stated more housing is not the answer to the housing crisis if housing that is built is not affordable.
- Bill Calfee, who works at HULA Lakeside, said housing is a huge issue for all and bringing density to Burlington, rather than building in outlying towns and causing people to commute, will be important for filling jobs.
- Kelly Krause stated she was happy to see references to Human Scale design in public materials on SEID and pointed out that buildings don't need to be built tall for us to build densely. Krause cited her experience living and working in Europe for 10 years as a designer for the physiological, environmental, and planning reasons why 5 stories is a better max height, and anything taller is for luxury, not low-income.

Public Comment closed at 6:05 PM.

4. Discussion of the South End Innovation District (SEID)

4.01 Discussion of the SEID Ordinance

Committee discussed history of zoning amendment and goal to move amendment forward:

- Director Tuttle reviewed the history of this zoning amendment, stating talks started the summer of 2021 after the original request to consider zoning changes in 2020. These

changes were made to align with PlanBTV and recognize the ways this area of Burlington needs to evolve.

- Councilor Shannon asked what stakeholder groups were consulted during the process, to which Director Tuttle answered property owners inside and outside of the proposed SEID, artists, businesses, and Champlain Housing Trust (CHT).
- Councilor Traverse asked what changes would constitute this ordinance needing to go back to the Planning Commission, which worked with the document prior to the Ordinance Committee. Attorney Sturtevant said the Planning Commission will get a copy of changes and can make comments, but the changes will not require it to be “remanded,” it can still move forward to public hearing before the Council.
- Councilor Traverse emphasized the need for this proposal to go forward, as it has been through many engagement sessions and committee meetings, to the point that Councilor Traverse is satisfied this proposal is a true broad representation of what people wanted and thinks this ordinance will maintain the South End’s character. Councilor Traverse reminded the Committee that if this proposal does not go forward tonight, they will need to wait until August.

Committee discussed Councilor Hightower’s recommended changes and revisions made to document since last meeting:

- Councilor Hightower brought recommendations forward to change zoning ordinance language related to building height, green building standards, and frontage, in collaboration with Director Tuttle, Planner Dillard, and other Planning staff.
- Director Tuttle pointed out the FAR was changed from 2.25 to 2.5 as 2.5 is allowable and since the public right-of-way is not counted toward the FAR, 2.5 will make up for this.
- Planner Dillard reviewed changes made to the height map, which includes 3 height tiers, and showed how this new map reduces area where 8 stories is allowed near Lakeside and would preserve Calahan Park views, prompting a discussion amongst Committee members for how the map could be further changed.
- Councilor Hightower reviewed reasons for making a change to the minimum amount of non-residential use required on the ground floor by the ordinance, intending to make it easier for people to take advantage of the incentives listed versus what was required by the ordinance before. Councilor Shannon inquired why the Committee could not just require exactly what the City wants developers to build on these lots, to which Planner Dillard responded that some of the specifications can be costly and by being too specific, would set the standard too high so as to prevent more development, which is really the goal of the ordinance.

Committee discussed remaining concerns:

- As Director Tuttle and Planner Dillard reviewed parking requirements, Councilor Shannon raised concerns over limitations on parking, emphasizing the district needs to be inviting to residents and businesses. Councilor Shannon also expressed concerns over the amount of public space the ordinance would allow and the district's preservation as an enterprise zone. Director Tuttle and Planner Dillard suggested amendments that would allow courtyard space to count toward the Frontage and Activation Standards in Table 4.5.8-2 and emphasized many of the metrics used in the ordinance were designed to follow urban design principles as opposed to suburban design.
- Councilor Shannon asked how this ordinance would support the building of row houses, which was something that was discussed as a desirable development for the South End at one point. Planner Dillard agreed row houses should be explicitly exempt from the non-residential use requirements. The Committee members discussed how to promote home ownership over renting. Director Tuttle said that regulating for ownership versus renter-occupied standards is nearly impossible to administer, so instead, the focus has been to think about this ordinance can drive the development of smaller buildings, which have a better change of being owner-occupied.
- Director Tuttle spoke to why 2 and 3-bedrooms are called out as a way to reduce frontage, stating it encourages a mix of development to accommodate different kinds of households. Councilor Carpenter added the market will want to build 1-bedroom units unless more gets incentivized. Also, in readdressing open space use requirements, Director Tuttle stated the intent was to incentivize more, smaller interspersed public spaces rather than a few large public spaces.
- The Committee debated including 'dorm' and 'lodging' as permitted uses and what limits to impose, if any. Planner Dillard stated the reason why 'dorm' was included was in consideration for Champlain College, as innovation districts are always developed in conjunction with a university. Councilor Carpenter said she doesn't mind adding dorms if it means students will not have to use apartments or co-housing space that other residents could use instead. Director Tuttle stated 'lodging' was not an intended use, so the Planning Commission decided to also include language that limits lodging to no more than 1 lodging use of a building on each lot, as the lots exist today, in anticipation of future subdivision and would even further limit the permissible use of lodging. Councilors Hightower and Shannon state they are not in support of any amount of lodging. Councilor Traverse and Carpenter advocate for lodging to enhance mixed-use development in a way that will not overwhelm the district. Committee members decide to remove lodging from permitted uses for now.

Committee voted on final changes:

- Committee supported changing introductory language, and Councilor Traverse stated Planning is to revise the E-LM clause language.
- Councilors agreed parking needs to be further discussed and will defer to Planning Staff to provide additional language for areas that need more work, such as parking, ahead of the July 24th City Council meeting.
- Councilor Traverse stated open space qualifications did not need to be voted on.

Motion to amend FAR from 2.25 to 2.5.

Motion by Councilor Hightower, Seconded by Councilor Carpenter

Final Resolution: Motion passes

Yes: 3, Councilor Shannon opposed

Motion to accept Councilor Hightower's amendment to keep the Mass Timber standard and eliminate other conditionals.

Motion by Councilor Hightower, Seconded by Councilor Carpenter

Final Resolution: Motion passes

Yes: Unanimous

Motion to amend Building Height Map to limit 8 stories to south of Lakeside Ave and north of Locust St.

Motion by Councilor Carpenter, Seconded by Councilor Hightower

Final Resolution: Motion passes

Yes: Unanimous

Motion to adopt uses as amended.

Motion by COUNCILOR, Seconded by Councilor Carpenter

Final Resolution: Motion passes

Yes: Unanimous

Motion to remove 'Dorm' from permitted uses.

Motion by Councilor Shannon, Seconded by none.

Final Resolution: Motion fails

Committee discussed requirements of Council to hold and warn public hearing:

- Attorney Sturtevant and Director Tuttle clarified a decision needs to be made by the Committee tonight to move proposal to full council in order to meet the deadline to notify the public of a public hearing, which would need to be warned by July 3rd in time for the July 24th meeting. Attorney Sturtevant noted requirements for changing the amendment after posting.
- Director Tuttle stated all changes desired by Councilors should be communicated to Planning by July 6th to post in time.

Committee voted to move proposal to full council:

Motion to warn the SEID zoning amendment for public hearing as amended before Full Council on July 24th with the recommendation that Planning Staff suggest amendments to surface parking at least 14 days in advance of hearing.

Motion by Councilor Hightower, Seconded by Councilor Carpenter

Final Resolution: Motion passes

Yes: Unanimous

5. Any Other Committee Business

6.01 Any Other Committee Business

There was no other committee business.

6. Adjournment

6.01 Adjournment

The meeting was adjourned at 11:04 PM.