

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
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www.burlingtonvt.gov/pz

Andy Montroll, Chair

Bruce Baker, Vice-Chair

Yves Bradley

Alexander Friend

Emily Lee

Harris Roen

Jennifer Wallace-Brodeur

Eamon Dunn, Youth Member



Burlington Planning Commission

Wednesday, October 11, 2017, 6:30 P.M.

Conference Room 12, City Hall, 149 Church Street

**Please note that this meeting has been moved to
Tuesday, October 10, 2017 at 6:30pm in Conference Room 12.**

This agenda is available in alternative media forms for people with disabilities. Individuals with disabilities who require assistance or special arrangements to participate in programs and activities of the Dept. of Planning & Zoning are encouraged to contact the Dept. at least 72 hours in advance so that proper accommodations can be arranged. For information, call 865-7188 (865-7144 TTY). Written comments may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401.

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Burlington Planning Commission

Tuesday, October 10, 2017, 6:30 P.M.
Conference Room 12, City Hall, 149 Church Street
AGENDA

Note: times given are
approximate unless
otherwise noted.

I. **Agenda**

II. **Public Forum**- Time Certain 6:30 p.m.

III. **Report of the Chair**

IV. **Report of the Director**

V. **Public Hearing: ZA-18-02 Rezone St. Joseph's School NMU** Time Certain 6:45pm

The Planning Commission will hold a public hearing on a proposed amendment to the *Burlington Comprehensive Development Ordinance* to rezone the portion of the former St. Joseph's school site on Allen Street from Residential Medium density to Neighborhood Mixed Use. Information related to this proposed amendment is included in the agenda packet on pages 5-11.

Staff Recommended Action: Staff recommends the Commission forward this amendment to Council with recommendation following the public hearing.

VI. **Public Hearing: ZA-18-03 Article 8 Food & Beverage Processing**

The Planning Commission will hold a public hearing on a proposed amendment to the *Burlington Comprehensive Development Ordinance* to modify off-street parking requirements in accordance with the recently adopted ZA-17-08 which established the Food and Beverage Processing use. Information related to this proposed amendment is included in the agenda packet on pages 12-14.

Staff Recommended Action: Staff recommends the Commission forward this amendment to Council with recommendation following the public hearing.

VII. **Public Hearing: ZA-18-04 Density Calculations**

The Planning Commission will hold a public hearing on a proposed amendment to the *Burlington Comprehensive Development Ordinance* to address a discrepancy in the current ordinance regarding calculation of density on a site. Information related to this proposed amendment is included in the agenda packet on pages 15-17.

Staff Recommended Action: Staff recommends the Commission forward this amendment to Council with recommendation following the public hearing.

VIII. **Inclusionary Zoning Report & Working Group Update** (30 min)

Staff and the Planning Commission representative to the working group will provide an update on the report's recommendations and the next steps of the working group. The January 2017 report on the City's Inclusionary

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Zoning policies can be found here:

<https://www.burlingtonvt.gov/sites/default/files/u308/IZDRAFTReportJanuary2017.pdf>

Additional information regarding the report and the working group is here:

<https://www.burlingtonvt.gov/CEDO/Inclusionary-Zoning>

Staff Recommended Action: This item is informational; no Commission action is required.

IX. The Neighborhood Project Update (5 min)

Staff and the Planning Commission representative to the steering committee will provide a brief update on The Neighborhood Project and the upcoming neighborhood workshop on November 7 from 4:00-7:00pm in Contois Auditorium.

Staff Recommended Action: This item is informational; no Commission action is required.

X. Committee Reports

XI. Commissioner Items- *Next meeting is Tuesday, October 24, 2017 @ 6:30 pm in Conference Room 12*

XII. Minutes & Communications

The Commission will review and approve the minutes of the September 26, 2017 meeting, enclosed on pages X-X of the agenda packet.

XIII. Adjourn

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Staff Recommended Action: Staff recommends the Commission forward this amendment to Council with recommendation following the public hearing.

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Staff Recommended Action: Staff recommends the Commission forward this amendment to Council with recommendation following the public hearing.

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Staff Recommended Action: This item is informational; no Commission action is required.

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X. Committee Reports

XI. Commissioner Items- *Next meeting is Tuesday, October 24, 2017 @ 6:30 pm in Conference Room 12*

XII. Minutes & Communications

The Commission will review and approve the minutes of the September 26, 2017 meeting, enclosed on pages X-X of the agenda packet.

XIII. Adjourn

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PUBLIC HEARING NOTICE

Burlington Comprehensive Development Ordinance

ZA-18-02 Rezone St. Joseph's School NMU

ZA-18-03 Article 8 Food & Beverage Processing

ZA-18-04 Density Calculations

Pursuant to 24 V.S.A. §4441 and §4444, notice is hereby given of a public hearing by the Burlington Planning Commission to hear comments on the following proposed amendments to the City of Burlington's *Comprehensive Development Ordinance* (CDO). The public hearing will take place on **Tuesday, October 10, 2017 beginning at 6:45pm** in Conference Room 12, City Hall, 149 Church Street, Burlington, VT.

Pursuant to the requirements of 24 V.S.A. §4444(b):

Statement of purpose: This amendment is proposed to the Burlington CDO as follows:

- **ZA-18-02:** The purpose of this proposed amendment is to rezone the portion of the former St. Joseph's school site from Residential Medium density to Neighborhood Mixed Use.
- **ZA-18-03:** The purpose of this proposed amendment is to update *Table 8.1.8-1* regarding minimum off-street parking requirements based on the recently adopted ZA-17-08. This amendment updates Bakery uses, adds the new Food and Beverage Processing use and associated parking ratios, and strikes Wholesale Bakery and Micro-Brewery/Winery consistent with changes to the *Appendix A- Use Table* approved in ZA-17-08.
- **ZA-18-04:** The purpose of this proposed amendment is largely a technical correction, addressing a discrepancy in the current CDO regarding calculation of permitted density on a site. The current method described results in calculations of intensity that in some cases exceed the permitted maximum density in the zoning district.

Geographic areas affected: the proposed amendments are applicable to the following areas in the City of Burlington:

- **ZA-18-02:** The proposed amendment applies to the site of the former St. Joseph's orphanage, located between North Street and Allen Street in the Old North End.
- **ZA-18-03:** This proposed amendment applies to all areas of the City in which the Food and Beverage Processing use is by-right or conditionally permitted, including: Downtown, Downtown Waterfront, Downtown Transition, Battery Street Transition, Neighborhood Mixed Use, Neighborhood Activity Center, and Enterprise.
- **ZA-18-04:** The purpose of this amendment is largely a technical correction, but will affect all areas of the City which are in zoning districts that permit residential uses.

List of section headings affected:

- **ZA-18-02:** This amendment modifies *Map 4.3.1-1 Base Zoning Districts*, *Map 4.4.2-1 Neighborhood Mixed Use Districts*, *Map 4.4.5-1 Residential Zoning Districts*, and *Map 8.1.3-1 Parking Districts*
- **ZA-18-03:** This amendment affects *Table 8.1.8-1 Minimum Off-Street Parking Requirements*
- **ZA-18-04:** This amendment strikes language from *Sec. 5.2.7 (a) 3* regarding density calculations based on a dwellings units per acre measure.

The full text of the *Burlington Comprehensive Development Ordinance* and the proposed amendment is available for review at the Department of Planning and Zoning, City Hall, 149 Church Street, Burlington Monday through Friday 8:00 a.m. to 4:30 p.m. or on the department's website at www.burlingtonvt.gov/pz.

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Burlington Planning Commission Report Municipal Bylaw Amendment ZA-18-02 Rezone St. Joseph's School NMU

This report is submitted in accordance with the provisions of 24 V.S.A. §4441(c).

Explanation of the proposed bylaw, amendment, or repeal and statement of purpose:

The purpose of this proposed amendment is to rezone the portion of the former St. Joseph's school site from Residential Medium density to Neighborhood Mixed Use.

Conformity with and furtherance of the goals and policies contained in the municipal development plan, including the availability of safe and affordable housing:

The proposed amendment has no impact on the goals and policies contained within the Municipal Development plan as it relates to the availability of safe and affordable housing. The change to NMU zoning continues to allow multi-family housing, which is likely a more appropriate reuse of the site than single-family and duplex uses should the property ever undergo a comprehensive redevelopment.

Compatibility with the proposed future land uses and densities of the municipal development plan:

The vision statement within the Municipal Development Plan's Land Use element states that "historic properties have been adaptively reused and redeveloped to ensure they continue to contribute to the community and neighborhood." Further, policies contained within the Built Environment element indicate that the City of Burlington will retain and enhance Burlington's historic buildings and architectural features. This change is proposed to allow the continued use of the historic St. Joseph's school as a home to many neighborhood-supporting community uses, but expands lot coverage to allow for the requisite parking associated with these uses.

Implementation of specific proposals for planned community facilities:

The proposed amendment applies to a site on which many community services organizations operate neighborhood-supporting services, and is proposed to be the future home of Burlington Parks and Recreation's new Old North End Community Center.

Department of Planning and Zoning

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Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Assistant Planner
Anita Wade, Zoning Clerk
Layne Darfler, Planning Technician



TO: Planning Commission
FROM: Meagan Tuttle, Comprehensive Planner
DATE: August 17, 2017
RE: Proposed ZA-18-02: Rezone St. Joseph's School

The Planning Commission received a request from the Champlain Housing Trust (CHT) to rezone the parcel of the former St. Joseph's school between North and Allen Streets to Neighborhood Mixed Use (NMU). Presently the parcel is split between NMU on the north side along North Street, and Residential Medium (RM) on the south side along Allen Street. The change is being requested so that the CHT can cohesively develop plans for the renovation and reuse of the building for a variety of community purposes. In particular, the split zoning districts limits the building's adaptive reuse as a home to multiple daycare, social service, and community center uses due to the inability to expand on-site parking without exceeding permitted lot coverage limitations.

Presently, the approximately 1.7-acre site contains the former St. Joseph's school building and open lawn on the southern portion of the property, and a playground and surface parking on the northern portion of the property. It is across from the St. Joseph's Cathedral, which still operates as a religious facility; the rest of the block is occupied by residential buildings, including both single-family and multi-unit structures.

The requested rezone would change the permitted lot coverage, setbacks and permitted uses for the portion of the property along Allen Street. The following pages include selected details comparing the NMU and RM zones.

- Presently, the portion of the site zoned RM is allowed 40% lot coverage; up to 80% is permitted in the NMU zone. The present lot coverage for the property is around 63%.
- NMU does not require side and rear setbacks, except when properties abut residential zones. The portion of the parcel requested for rezone is surrounded by RM zoned properties which would require a 15 ft setback along its east and west property lines.
- While the current owner's intent is for the building to continue to be used for a variety of community purposes, the rezone would have some effect on permitted uses along Allen Street, such as: single family homes not permitted; community centers, preschools and daycares are permitted, rather than conditional use; variety of neighborhood-supporting commercial uses permitted, rather than conditional use or prohibited, such as convenience and general stores, variety of offices, and restaurants; and libraries, police stations, fire stations and religious facilities are permitted rather than conditional use.

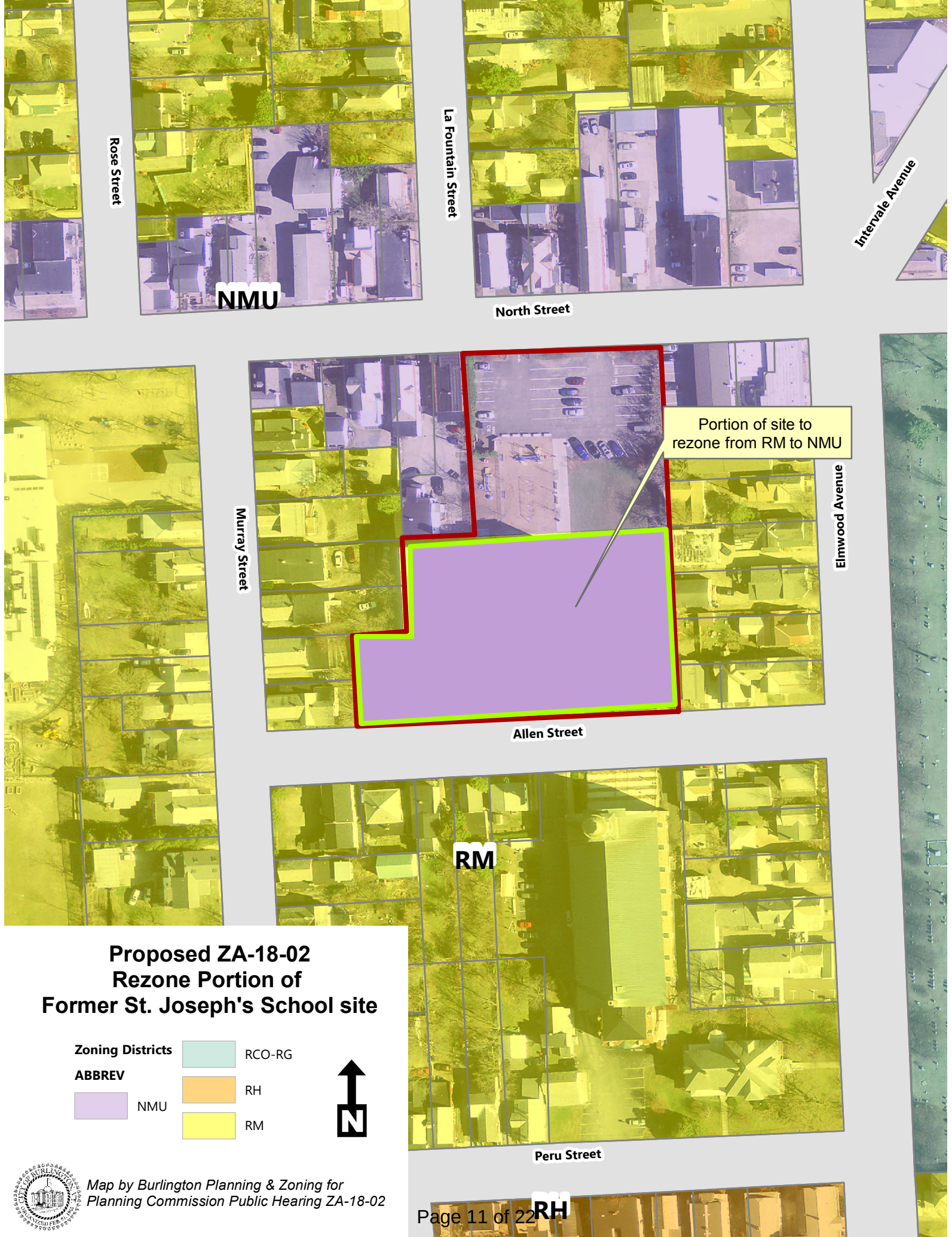
District	Max Lot Coverage	Front Setback	Side Setback	Rear Setback	Max Height
NMU	80%	0 ft, but must be 12 ft from the curb on a public street	0 ft except 15 ft setback on any property line abutting a residential zone	0 ft except 15 ft setback on any property line abutting a residential zone	35 ft
RM	40%, with adt'l 10% for walkways, porches, etc.	Avg of two adjacent lots +/- 5 ft	Min: 10% lot width, or avg of two adjacent lots Max: 20 ft	Min: 25% lot depth, no less than 20 ft Max: 75 ft	35 ft

USES	RM/W	NMU
RESIDENTIAL USES	RM/W	NMU
Single Detached Dwelling	Y	N ³⁰
Accessory Dwelling Unit (See Art.5, Sec.5.4.5)	Y	N
Attached Dwellings - Duplex	Y	Y ³
Attached Dwellings - Multi-Family (3 or more)	Y	Y
Attached Dwelling(s) – Mixed-Use ²⁶	CU	Y
RESIDENTIAL SPECIAL USES	RM/W	NMU
Assisted Living	Y	Y
Bed and Breakfast ^{4, 6}	CU	Y
Boarding House ⁶ (4 persons or less)	Y	Y
Boarding House ⁶ (5 persons or more)	CU	CU
Community House (See Sec.5.4.4)	CU	CU
Convalescent /Nursing Home	Y	Y
Dormitory ⁵	N	N ²⁵
Group Home	Y	Y
Historic Inn (See Sec.5.4.2)	CU	CU
Mobile Home Park	CU	N
Sorority/Fraternity ⁵	N	N
NON-RESIDENTIAL USES	RM	NMU
Adult Day Care	N	Y
Agricultural Use ²⁰	N	N
Amusement Arcade	N	N
Animal Boarding/Kennel/Shelter	N	N
Animal Grooming	N	Y

USES	RM/W	NMU
Animal Hospitals/Veterinarian Office	N	CU
Appliance Sales/Service	N	Y ²⁴
Aquarium	N	N
Art Gallery/Studio	N	Y
Auction House	N	N
Automobile Body Shop	N	N
Automobile & Marine Parts Sales	N	CU
Automobile/Vehicle Repair	N	CU ^{9, 12, 14}
Automobile Sales – New & Used	N	N
Bakery - Retail	N ²²	Y
Bakery - Wholesale	N	N
Bank, Credit Union	N ²²	Y
Bar, Tavern	N	CU
Beauty/ Barber Shop	N ²²	Y
Bicycle Sales/Repair	N	Y
Billiard Parlor	N	CU
Boat Repair/Service	N	N
Boat Sales/Rentals	N	N
Boat Storage	N	N
Bowling Alley	N	CU
Building Material Sales	N	N
Café	N ²²	Y
Camp Ground	N	N
Car Wash	N	N
Cemetery	N	N
Cinema	N	CU ¹⁴
Club, Membership	Y	CU
Community Center	CU ¹³	Y
Community Garden	Y	Y
Conference Center	N	N
Composting	N	N
Contractor Yard	N	N
Convenience Store (See Sec.5.4.3)	N	Y ¹²
Convention Center	N	N
Courthouse	N	N
Crematory	N	N
Crisis Counseling Center	CU	Y
Daycare - Large (Over 20 children) (see Sec. 5.4.1)	CU ¹³	Y
Daycare - Small (up to 20 children) (See Sec.5.4.1)	CU ¹³	Y
Daycare – Family Home	Y	Y
Dental Lab	N	Y
Distribution Center	N	N

USES	RM/W	NMU
Dry Cleaning Plant	N	N
Dry Cleaning Service	N ²²	Y ²⁴
Film Studio	N	N
Fire Station	CU	Y
Food Processing	N	CU
Fuel Service Station ⁹	N	CU ¹¹
Funeral Home	CU ⁷	CU
Garden Supply Store	N	CU ²⁴
General Merchandise/Retail – Small <4,000sqft	N ²²	Y
General Merchandise/Retail – Large ≥4,000sqft	N	N
Grocery Store – Small ≤10,000sqft	N	Y
Grocery Store – Large >10,000sqft	N	N
Hazardous Waste Collection/Disposal	N	N
Health Club	N	CU
Health Studio	N ²²	Y
Hospitals	N	N
Hostel	N	Y
Hotel, Motel	N	N
Laundromat	N ²²	Y ¹³
Library	CU	Y
Lumber Yard	N	N
Machine/Woodworking Shop	N	CU
Manufacturing	N	N
Manufacturing - Tour Oriented	N	N
Marina	N	N
Medical Lab	N	CU
Mental Health Crisis Center	CU (See §5.4.11)	N
Micro-Brewery/Winery	N	CU
Museum–Small < 10,000 sqft	CU ¹³	Y
Museum-Large >10,000 sqft	N	N
Office - General	N	Y
Office - Medical, Dental	N ²²	Y
Open Air Markets	CU	Y
Operations Center – Taxi/Bus ⁹	N	N
Operations Center - Trucking ⁹	N	N
Park	Y	Y
Parking Garage ⁹	N	CU
Parking Lot ⁹	N	N
Performing Arts Center	N	CU

USES	RM/W	NMU
Performing Arts Studio	N	CU
Pet Store ¹⁰	N	CU
Pharmacy	N ²²	Y
Photo Studio	N ²²	Y
Photography Lab	N	CU
Police Station - Central	N	Y
Police Station - Local	CU	Y
Post Office – Central Distribution Center	N	N
Post Office - Local	N ²²	Y
Printing Plant	N	N
Printing Shop	N ²²	CU
Public Transit Terminal	N	N
Public Works Yard/Garage ⁹	N	N
Radio & TV Studio	N	N
Rail Equip. Storage & Repair	N	N
Recording Studio	N	CU
Recreational Facility - Indoor	CU	N
Recreational Facility -Outdoor Commercial	N	N
Recreational Facility -Outdoor	N	N
Recreational Vehicle Sales – New and Used	N	N
Recycling Center – Large ¹⁰ (above 2,000 sf)	N	N
Recycling Center - Small ¹⁰ (2,000 sf or less)	N	CU
Research Lab	N	N
Restaurant	N ²²	Y ¹³
Restaurant – Take Out	N ²²	Y ¹³
Salon/Spa	N ²²	Y
School - Post-Secondary &Community College	CU	CU
School – Preschool Large (over 20 children) (see Sec. 5.4.1)	CU ¹³	Y
School – Preschool Small (up to 20 children) (see Sec. 5.4.1)	CU ¹³	Y
School - Primary	CU	CU
School - Secondary	CU	CU
School, -Trade, or Professional	N	CU
Solid Waste Facility - Incinerator, Landfill, Transfer Station	N	N
Tailor Shop	N ²²	Y
Warehouse	N	N
Warehouse, Retail ⁹	N	N
Warehouse, Self-Storage ⁹	N	N
Wholesale Sales ⁹	N	N
Worship, Place of	CU	Y



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Burlington Planning Commission Report Municipal Bylaw Amendment ZA-18-03 Article 8 Food & Beverage Processing

This report is submitted in accordance with the provisions of 24 V.S.A. §4441(c).

Explanation of the proposed bylaw, amendment, or repeal and statement of purpose:

The purpose of this proposed amendment is to update *Table 8.1.8-1* regarding minimum off-street parking requirements based on the recently adopted ZA-17-08. This amendment updates Bakery uses, adds the new Food and Beverage Processing use and associated parking ratios, and strikes Wholesale Bakery and Micro-Brewery/Winery consistent with changes to the *Appendix A- Use Table* approved in ZA-17-08.

Conformity with and furtherance of the goals and policies contained in the municipal development plan, including the availability of safe and affordable housing:

The proposed amendment has no impact the goals and policies contained within the Municipal Development plan as it relates to the availability of safe and affordable housing.

Compatibility with the proposed future land uses and densities of the municipal development plan:

This amendment maintains parking ratios for retail scale bakeries, and applies similar parking requirements to the new Food and Beverage Processing use as have been applied to Food Processing, Micro-Breweries, and Tour Oriented Manufacturing uses, and therefore has no impact on the proposed future land uses and densities contained within the Municipal Development Plan.

Implementation of specific proposals for planned community facilities:

The proposed amendment has no impact on planned community facilities.

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TO: Planning Commission
FROM: Meagan Tuttle, Comprehensive Planner
DATE: August 17, 2017
RE: Proposed ZA-18-03: Article 8 Amendment for Food & Beverage Processing

On August 7, the City Council approved the proposed ZA-17-08 Food & Beverage Processing. This amendment, however, did not include the corresponding Article 8 updates. Staff recommends Planning Commission approval of the following changes to the minimum required off-street parking requirements consistent with the approved Food & Beverage Processing Amendment.

The following recommendation updates uses in Table 8.1.8-1 to be consistent with the changes to uses in Appendix A as part of ZA-17-08. The changes to the parking requirements for the new Food & Beverage Processing use is consistent with the requirements for Tour Oriented Manufacturing, and with the former Micro-Brewery/Winery use. This allows for flexibility in calculating parking requirements for food and beverage processing with or without accessory uses devoted to sales or service of goods to patrons based on the potential intensity of use.

Sec. 8.1.8 Minimum Off-Street Parking Requirements

Parking for all uses and structures shall be provided in accordance with **Table 8.1.8-1**.

- (a) Where no requirement is designated and the use is not comparable to any of the listed uses, parking requirements shall be determined by the DRB upon recommendation by the administrative officer based upon the capacity of the facility and its associated uses.
- (b) When the calculation yields a fractional number of required spaces, the number of spaces shall be rounded to the nearest whole number.

<i>Table 8.1.8-1 Minimum Off-Street Parking Requirements</i>			
	Neighborhood Districts	Shared Use Districts	Downtown Districts
RESIDENTIAL USES	Per Dwelling Unit except as noted		
[no changes]			
RESIDENTIAL USES - SPECIAL	Per Dwelling Unit except as noted		
[no changes]			

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Table 8.1.8-1 Minimum Off-Street Parking Requirements

	Neighborhood Districts	Shared Use Districts	Downtown Districts
NON-RESIDENTIAL USES	Per 1,000 square feet of gross floor area (gfa) except as noted		
[all others as written]			
Bakery-Retail	2.5	2.5	1
Bakery-Wholesale	2	2	1
Food & Beverage Processing	1.3, <u>plus 3 per 1,000 gfa devoted to patron use.</u>	1, <u>plus 2 per 1,000 gfa devoted to patron use</u>	1
Micro-Brewery/Winery	3	2	1

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Burlington Planning Commission Report Municipal Bylaw Amendment ZA-18-04 Density Calculations

This report is submitted in accordance with the provisions of 24 V.S.A. §4441(c).

Explanation of the proposed bylaw, amendment, or repeal and statement of purpose:

The purpose of this proposed amendment is largely a technical correction, addressing a discrepancy in the current CDO regarding calculation of permitted density on a site. The current method described results in calculations of intensity that in some cases exceed the permitted maximum density in the zoning district.

Conformity with and furtherance of the goals and policies contained in the municipal development plan, including the availability of safe and affordable housing:

The proposed amendment is largely a technical correction, addressing the methodology outlined in the *Comprehensive Development Ordinance* such that lots may be developed, and the densities more accurately calculated, in order to allow housing units on sites at the densities permitted within various zoning districts.

Compatibility with the proposed future land uses and densities of the municipal development plan:

The proposed amendment corrects the methodology outlined in the *Comprehensive Development Ordinance* such that lots may be developed, and the densities more accurately calculated, at the densities permitted within various zoning districts.

Implementation of specific proposals for planned community facilities:

The proposed amendment has no impact on planned community facilities.

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Jay Appleton, Senior GIS/IT Programmer/Analyst
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Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Anita Wade, Zoning Clerk



Memo to: Planning Commission

From: Mary O'Neil, AICP, Principal Planner

Date: July 26, 2017

Re: Proposed zoning amendment, language correction to Section 5.2.7 *Density and Intensity of Development Calculations*

Allowable density limits are directed in **Tables 4.4.4-1 Dimensional Standards and Density** (Institutional) **Table 4.4.5-2** (Residential), **4.4.5-5** (IZ allowances), **4.4.5-5** (Senior Housing), **4.4.5-6** (Adaptive Reuse Bonus), **4.4.5-7** (Residential Conversional Bonus and **4.4.5-8**, (Maximum Density.)

The method for calculating density is provided in **Section 5.2.7 Density and Intensity of Development Calculations**:

(a) Dwelling Units per Acre:

In accordance with the district-specific provisions of Article 4, the calculation of development intensity shall be measured as follows in such cases where the intensity of development is measured on a dwelling unit per acre basis:

1. Density Calculation: The total number of dwelling units provided on a development site, or portion of the site where split by a zoning district boundary, shall be divided by the gross site area expressed in acres. In calculating the number of residential units permitted, fractional units of less than five-tenths (0.5) shall be rounded down to the nearest whole number and fractional units of five-tenths (0.5) or greater shall be rounded up to the nearest whole number. Any rounding of fractional units shall be limited to a single final calculation for any development.
2. Density Equivalent, Nonresidential Uses: For purposes of density calculations, each one thousand, five hundred (1,500) square feet of nonresidential gross floor area not contained within a dwelling unit or within common hallways, stairwells and elevator shafts serving said dwelling units shall be counted as one dwelling unit.

Upon a challenge three years ago, it was determined that the usual method of calculation (determining the parcel area and multiplying by the allowable number of units per acre) comes out **substantially differently** when following the prescribed method defined in the ordinance.

For example:

For a property with a lot size of 17,424 in the RL zoning district and 2 existing units. A third unit (allowable with DRB approval) is requested. RL has a 7 unit maximum density under Table 4.4.5-2.

17,424 sf parcel area divided by 43,560 (an acre) = 0.40 acres

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Old method:

7 units/ 1 acre = x/.4;

x = 2.8; rounded up to 3 so 3 units would be permitted with rounding.

Method as described in Section 5.2.7:

3 units (desired) / .4 acres = 7.5 units.

This number exceeds the 7 unit/acre limitation, so 3 units **cannot be permitted**.

The rounding provision became irrelevant when strict adherence to the direction of Section 5.2.7 (a) was followed.

As the correct method of calculation **starts with a whole number** (# of units, to be divided by land area expressed in acres), fractional units are eliminated.

In order to request a third unit from the DRB, the lot dimensionally would have to be compliant with the 7 unit per acre maximum in RL.

Suggested amendment:

Sec. 5.2.7 Density and Intensity of Development Calculations

(a) Dwelling Units per Acre:

In accordance with the district-specific provisions of **Article 4**, the calculation of development intensity shall be measured as follows in such cases where the intensity of development is measured on a dwelling unit per acre basis:

- ~~3. Density Calculation: The total number of dwelling units provided on a development site, or portion of the site where split by a zoning district boundary, shall be divided by the gross site area expressed in acres. ~~In calculating the number of residential units permitted, fractional units of less than five tenths (0.5) shall be rounded down to the nearest whole number and fractional units of five tenths (0.5) or greater shall be rounded up to the nearest whole number. Any rounding of fractional units shall be limited to a single final calculation for any development.~~~~
4. Density Equivalent, Nonresidential Uses: For purposes of density calculations, each one thousand, five hundred (1,500) square feet of nonresidential gross floor area not contained within a dwelling unit or within common hallways, stairwells and elevator shafts serving said dwelling units shall be counted as one dwelling unit.

Burlington Planning Commission

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*Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Emily Lee
Harris Roen
Jennifer Wallace-Brodeur
Eamon Dunn, Youth Member*



Burlington Planning Commission **Tuesday, September 26, 2017, 6:30 P.M.** **Conference Room 12, City Hall, 149 Church Street** **DRAFT Minutes**

*Note: times given are
approximate unless
otherwise noted.*

Commissioners Present: A Montroll, B Baker, E Lee, J Wallace-Brodeur, H Roen, A Friend, E Dunn
Commissioners Absent: Y Bradley
Staff Present: D White, M Tuttle, K Sturtevant, A Wade

I. Agenda

Meeting was called to order at 6:30pm. The agenda was amended to remove Item VIII.

II. Public Forum

No members of the public wished to speak.

III. Report of the Chair

A Montroll: City Council took action 9-3 following first reading to warn the Form Based Code for public hearing. The Joint Committee went over proposed changes mostly pertaining to green buildings and City council accepted these changes.

IV. Report of the Director

D. White: City Council's public hearing on the Form Based Code will be warned on September 27 for a Monday, October 16 hearing. This means it goes into effect for P&Z on September 27. Not expecting many applications because one of the requirements is a pre-application meeting with staff prior to submitting an application. Planning & Zoning will be designated as the City's E911 coordinator; have been serving this role, but clarifies that department has responsibility for addresses and street names in coordination with the State. Working on some other projects, including a zoning amendment to the City's sign regulations.

V. Proposed CDO Amendment: NAC-Riverside Boundary Adjustment

M Tuttle: Originated from a request from several property owners to look into boundary lines for RCO and NAC-R on the north side of Riverside Avenue. Staff's initial recommendation was to move the boundary 25ft to the north while still preserving the area along the river. Staff completed additional analysis, site walks, discussed with the City Engineer, and attended 3 Conservation Board meetings to discuss this further. Not a lot of support to change the boundary line due to uncertainty regarding the slope and lack of concrete evidence to support a change. City Engineer felt a geotechnical report could assist with a determination. The

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Conservation Board recommended no change to the boundary and discussed whether the buildable area definition should also be applied.

M Furnari: Appreciate the staff and boards' cooperation. The 75 ft. boundary is arbitrary. Confused by staff not wanting to take recommendations without geotechnical studies, don't see the danger when this area hasn't changed in a long time and has minimal erosion.

E Farrell: Recently finished a geotechnical report at Cambrian Rise because you don't build anything without it. Is the reluctance about changing this mostly to do with structures or erosion and stability? Will a geotechnical report make a difference?

B Baker: Primary concern is that we could do harm here because we don't know the conditions.

E Farrell: Then a geotechnical study could help support a change to expand the boundary?

D White: Difficult to look at one parcel at a time. Ultimately need to protect an active river bank. Adding more activity creates more instability from erosion and adding more activity, weight, and stormwater concerns at the top of the slope.

M Tuttle: In addition to the suitability of hillside for building, looked at other conditions. The red boundaries on the map are a set back from the river for its protection, and an additional overlay boundary which closely aligns with the NAC-R boundary is there to protect water quality and pollution. So, in addition to slopes, we're looking at development within the setbacks and their impacts on erosion and water quality.

M Furnari: Only talking about properties to the east of the wastewater treatment plant with different topography; not looking for rezoning of entire boundary.

E Farrell: Can you amend conditionally based on a geotechnical report?

B Baker: Under current law we cannot, it is not required.

D White: Could incorporate a requirement into ordinances more generally, but looking at these properties the slope becomes steep quickly.

J Wallace Brodeur: Would rezoning only the properties on the east side be spot zoning?

M Tuttle: We are looking at an approach to apply to the entire street corridor.

D White: There are only a few properties within the vicinity of Mr. Furnari's that seem to be well situated. The remaining parcels are similar to rest of the corridor with very steep slopes.

M Tuttle: There was a significant landslide in 1950's with the bank falling away most of the way to the road. The boundary line is highly variable due to slopes having changed overtime and the soil being fill.

H Roen: Don't think it would be spot zoning for these parcels and moving the line 25 ft. seems reasonable.

J Wallace Brodeur: The issue was brought to us due to one parcel, question is whether this would be spot zoning.

K Sturtevant: One factor in spot zoning is when one parcel is singled out; the smaller the geographic area, the higher the likelihood its considered spot zoning.

A Montroll: Would we have to do an overlay of some parcels?

D White: Better to just alter underlying zoning, but it is not right to treat all of those properties the same because their conditions clearly aren't.

A Montroll: What is the significance of the boundary from the river's edge?

M Tuttle: This is a riparian overlay to protect and preserve the waters and upland areas. Discussed Mr. Furnari's intent not to develop on the areas closer to the street, but just to incorporate recreational areas in the rear. Staff has advised him that the current zoning would not preclude this.

J Wallace Brodeur: Two issues that slopes are unstable and degradation of the Winooski River.

E Lee: Require geotechnical report for overlay?

D White: Mostly look at overall general conditions and not just one situation.

M Furnari: The elevation lines on the map are not exactly what's here. This property was all fill. It is not clear what's going on near this section of the river

E Farrell: Disagree with the notion of consistency for the corridor. The restriction of 75 ft. makes it challenging here. An extra 25 or 100 ft. would make a difference and great improvement for this location.

A Friend: We'll continue to get bigger storms and nothing is stable. Find it hard to vote against staff and the Conservation Board recommendations.

H Roen: We always try to accommodate people and it's not a big ask to move the boundary 25 ft.

B Baker: The city engineer said he is not supportive unless there are geotechnical studies.

M Tuttle: To clarify, the City engineer didn't feel comfortable recommending any changes to policy without that information, not that he recommended it should be a condition of this amendment.

A Montroll: Not informed enough to make a decision.

J Wallace Brodeur: Is there any other kind of study that we should think about concerning watershed protections and erosion?

D White: Concerned with how stormwater is being managed and that is not undermining what's already built there.

J Wallace Brodeur: Sympathetic to this situation, but wants to follow the recommendation of the Conservation Board based on proximity to river, greater storm events, and a concern with overall damage.

E Farrell: Seems there is reluctance to endorse development here due to challenges. If we do studies to prove case could this come back?

A Montroll: The Planning Commission wishes to move this along, but we can always revisit it later.

The Commission approved a motion by A Friend, seconded by E Lee, to support the staff recommendation not to move forward with an amendment. Commissioners Friend, Montroll, Lee and Wallace-Brodeur voted affirmatively, with Baker and Roen opposed.

VI. Proposed CDO Amendment: Accessory Dwelling Units

M Tuttle: City staff is looking at range of issues from the Housing Action Plan. The topic of ADU's is included within the strategies for aging in place and off-setting cost. A white paper in conjunction with CEDO is forthcoming, will include information about ADU's, any abuses, and incentives. In the interim, a resident brought a concern that local ordinance regarding ADU's isn't consistent with statute, which doesn't differentiate between conforming and nonconforming single-family homes. Amendment removes accessory units from the use table because they are by nature accessory and do not need to be listed in this way. And adds language in Section 5.3.4 where a change or expansion allows additional housing units to a non-conforming single family to include ADUs.

A Friend: What are the consequences?

D White: Only applicable for single-family homes even in state statute.

K Sturtevant: Legal question is whether we are in compliance, but you should decide if these are policy considerations you want to make. Statute is silent on non-conformity, but could argue that this change would conflict with statute regarding the elimination of non-conformities.

A Montroll: Does this apply anywhere besides RH?

M Tuttle: ADU's and single-family homes are presently permitted in RL, RM, and Institutional zoned districts. Adding this language will affect any district where there is a nonconforming single family home.

E Lee: This helps clarify and encourages accessory units especially in RH, and could help encourage higher ownership rates.

D White: Single detached units are not allowed in RCO or Enterprise districts, so we would need to see if there are any nonconforming single-family homes in these zones.

J Wallace Brodeur: Should make the changes for areas where the changes can be made.

A Montroll: How does this relate to the amendment we made earlier this year to allow single-family homes in RH? Aren't those homes considered to be conforming, so this is irrelevant?

M Tuttle: The Commission's interest in this is more broad, so staff can bring this back with a more comprehensive set of considerations.

E Lee: Would like to see requirements for single family homes in RH as loose as possible.

B Baker: Community's thinking on this has evolved; tried to be as restrictive as possible when this first come forward. The RH allows less space with parking that's too restrictive, so unless we change requirements, people won't add them.

A Montroll: We are addressing several different things, which opens the door for what we should review. Need to check on the previous amendment the commission made regarding single-family in RH.

E Lee: Suggest looking at owner-occupied with no parking requirements. Could even pull RH out from other zones.

M Tuttle: The range of comments here is great. As mentioned, currently working on extensive report on how policies are shaped around the country to allow or restrict accessory units to see and see how this might work for Burlington. Staff will discuss with CEDO, and bring it back to Planning Commission for discussion.

A Montroll: And we need to look at single family homes in RH to see if the code reflects what we intended regarding conformity with the last amendment.

VII. Reapprove Municipal Bylaw Amendment Report ZA-18-01

D White: Statute allows the Commission to review the report and make any changes based on change to the amendment approved by Council. Staff does not feel any changes were required to this report. The City Council and Joint Committee changes are in line with recommendations of the Commission with one modification pertaining to green buildings. This will to make sure all new buildings are built using a nationally recognized standard.

The Commission unanimously approved a motion by E Lee, seconded by J Wallace-Brodeur, to reapprove the municipal bylaw amendment report.

VIII. Municipal Planning Grant Application

This item was removed from the agenda.

IX. Great Streets- City Hall Park Plan

M Tuttle: Informational report and update on concept plans for City Hall Parl. Revisions were made in response to discussions and public comments. Last year, recieved feedback from community about elements of the park

addressing four major planning goals-access and ecology, historic preservation and modern uses. Revised plan includes changes to the shape and arrangement of core, pathways, and connections, but not to functional elements. With respect to historic preservation, changes include a round center and straighter pathways. Ecological changes include spreading out stormwater collectors and layout of plantings and tree preservation. The program elements still accommodate a wide range of activities, and create balance with unprogrammed areas. Two elements that received a lot of comments were kiosks and restrooms. We are looking at a pilot concept for both of these structures. The City Council has approved contract amendment to continue to move forward; will now go to DRB process.

H Roen: This is a big improvement on previous plan. I like idea for carts instead of kiosk as a good compromise. Not sure about the terrace on northeast corner.

M Tuttle: Does show terraces along all city edges, which was an element our design team discussed regarding how to make buildings more connected to space and to better manage those areas. All spaces in park are public spaces.

B Baker: Is there a way to activate the alleyway between City Hall and Firehouse Gallery?

M Tuttle: Concept is to make spaces connected with Church St with similar brick sidewalks around City Hall. The mechanical equipment needs to be addressed in the alley before other treatment can be added.

A Montroll: Cross walks are close to other cross walks already in place. This could be dangerous with conflicts between pedestrian and vehicles.

M Tuttle: This is an illustration and need to look at strategies on how it would function near the Flynn.

A Montroll: The evolution is really nice, and this fits into the story about how it has evolved in 150 years.

X. Committee Reports

None.

XI. Commissioner Items

H Roen: Does it make sense for the Planning Commission to look at Memorial Auditorium?

D. White: The Mayor put out a press release about Memorial Auditorium that states the City will put out a call for proposals to evaluate the future of this building and its use. There will be a more formal public engagement around its options in the future.

XII. Minutes & Communications

The Commission unanimously approved a motion by E Lee, seconded by A Friend, to approve the minutes of September 12, 2017 meeting and accept communications.

XIII. Adjourn

The Commission unanimously approved a motion by A Friend, seconded by J. Wallace Brodeur, to adjourn the meeting at 8:10pm.

Burlington Planning Commission

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Burlington Planning Commission **Tuesday, October 10, 2017, 6:30 P.M.** **Conference Room 12, City Hall, 149 Church Street** **Minutes**

*Note: times given are
approximate unless
otherwise noted.*

Commissioners Present: A Montroll, B Baker, Y Bradley, J Wallace-Brodeur, H Roen
Commissioners Absent: E Lee, A Friend, E Dunn
Staff Present: D White, M Tuttle, A Wade

I. Agenda

The meeting was called to order at 6:33pm with no changes to the agenda.

II. Public Forum

No members of the public spoke.

III. Report of the Chair

There was no report of the Chair.

IV. Report of the Director

D. White: Attended a presentation by a non-profit looking at energy issues for the City of Montpelier. Similar to *planBTV* process with lots of ideas on how to think outside the box. There are ideas from this process that the Commission might be interested in. Last week was the first meeting of permit reform advisory committee; committee will begin evaluating options for implementing the report's main recommendations. Meagan, Jay, Scott, Mary, and David attended a training on the 'Lean Process' on how to be more efficient and eliminate waste. This was useful in thinking about how to use tools more efficiently, to reduce cumbersome tasks, cost of processes. Last week, the Planning and Zoning Office was closed to clean the office, clear space, and organize files. City Council warned *planBTV Downtown Code* for public hearing on October 16th, but it is likely to be postponed to November 13th. Department will continue to administer the code as proposed. Other items on the agenda are the development agreement for Burlington City Place and Burlington Telecom finalists.

V. Public Hearing: ZA-18-02 Rezone St. Joseph's School NMU

M Tuttle: Proposed amendment pertains to rezoning the southern half of the former St. Joseph's school site between North Street and Allen Street from R-M to NMU.

A Demetrowitz, CHT: Appreciate the Commission's consideration of zoning change. Present split zoning offers challenges to site planning for the future of the building. Helpful to have the site zoned one district; NMU makes sense to reflect the historic use of what the property has been.

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The Commission unanimously approved a motion by Y Bradley, seconded by H Roen, to approve the municipal bylaw amendment report and forward the amendment to Council.

VI. Public Hearing: ZA-18-03 Article 8 Food & Beverage Processing

M Tuttle: Accompanies an amendment earlier this year to add new food and beverage processing use and eliminate several existing uses. Updates Article 8 to establish parking standards for food and beverage processing.

No members of the public provided comment on this proposed amendment.

The Commission unanimously approved a motion by Y Bradley, seconded by J Wallace-Brodeur to approve the municipal bylaw amendment report and forward the amendment to Council.

VII. Public Hearing: ZA-18-04 Density Calculations

S Gustin: This strikes reference to rounding when calculating density, which was a hold-over from a previous amendment.

L Murphy: Have experience applying the density calculation in the past. This is not a technical correction, but a substantive policy choice on whether to have a hard line for the calculation. Currently the calculation acts as a blunt instrument with harsh results and outcomes, and can affect people's ability to develop units. There are situations where a single square foot can make a difference. Encourage more analysis to address if this is the right method, providing an example of a court case which hinged on the methodology.

S Gustin: This amendment is not seeking to change density calculation. The rounding language is from an old method; the current CDO states you start with whole unit count.

L Murphy: How many units are allowed with .10 of a unit and no rounding? Carrying through a defined decimal point may change the calculation since there is always some number left over.

H Roen: Understand you can start with a whole number, but after doing the math may not end with a whole number.

S Gustin: Density limit can give extra unit if setbacks are met.

Y Bradley: The general policy in the City concerning density is to incrementally increase in neighborhoods within character. This calculation might be counter to this policy.

B Baker: Going lot by lot, you will find parking is a limiting factor and usually results in fewer units than permitted density. If we can go up, maybe this would be a good thing.

S Gustin: This will affect RM, RH, and Institutional zones.

Y Bradley: Those are the areas where we want to see growth. Advocate sending back to staff to revisit.

A Montroll: If not a technical problem, it's better this goes to the Ordinance Committee.

The Commission unanimously approved a motion by J Wallace-Broudeur, seconded by B Baker, to refer the amendment to the Ordinance Committee for consideration.

VIII. Inclusionary Zoning Report & Working Group Update

D. White: Last winter, the City released an evaluation of the inclusionary zoning requirements, reviewing the purpose and goals since the adoption in 1990, and providing a series of recommendations for changes we may want to consider. Council formed a working group comprised of city staff, non-profit and for profit developers to review the recommendations. One element the report looks at is whether or not housing production, and affordable housing units in particular, have kept pace with population growth. Found that we would have needed an additional 2,500 units since 1990 to keep pace.

A Montroll: Given that the City is primarily built out, wouldn't you expect this—with more developing in the neighboring communities?

D. White: To some degree. But the question is what can we do to generate more housing with more inclusionary units in the City? Within the last calendar year, we have permitted more than a 1000 units, but historically, there hasn't been a lot of housing over time. The question is why and if the inclusionary requirement is a factor. Need to review the ordinance and identify ways to meet objectives for affordable housing.

B Baker: First suggestion by the consultant was to raise the threshold. We agree with this, but haven't agreed on the number. Large developments may take many years to do the project and are the way developers spread cost over units. This is more difficult in projects of 6-10 units.

D. White: Need to understand the various factors that go into this.

Y Bradley: Find it interesting in the discussion of the give and get between city and developers; specifically regarding the offer of incentives to offset costs of creating affordable housing, but where density bonuses are rarely utilized.

D White: Other issue is the parking requirement that's attached to development.

B Baker: Burlington has suburban parking requirements.

J Wallace-Brodeur: Is "the unpredictable development review process" referring to opposition?

D White: It is saying that maybe developers don't reach as high to develop what they can, rather develop what people won't oppose.

Y Bradley: Not just about "inclusionary units" but also about affordable housing for families and young people.

D White: We refer to this as "the missing middle." Report also discusses that the payment in-lieu is difficult; every site is different and needs some flexibility and options to meet requirements. Recommend the Commission members to read if not already and follow the committee's discussion on this.

B Baker: The process is positive. Have a strong chair who allowed good debate overall. Feel that something will get done.

J Wallace-Brodeur: The goal of the committee is to bring forward recommendations to whom?

D White: Ultimately to the Council CDNR Committee, but any zoning changes will come to Planning Commission. CEDO has established a webpage about this linked in the agenda.

HRoen: Heard an excellent segment on NPR pertaining to the national level on affordable housing not keeping up.

IX. The Neighborhood Project Update

M Tuttle: P&Z staff are working jointly with CEDO a project from the Housing Action Plan that will address quality of life issues in historic and near-campus neighborhoods. This is meant to compliment a housing strategy where more student housing is made available on campus or in university-sponsored housing. If that is successful, will need to address the impact on the housing stock and its availability for other residents. Working with consultants, NPAs, and neighbors east of downtown. Will be holding a public workshop on November 30th in Contois Auditorium for members of the public and residents to come to evaluate potential strategies and other stakeholders on which of those strategies are viable.

X. Committee Reports

No committee reports.

XI. Commissioner Items

Y Bradley: Developers are upset with LEED requirements; feel that the concerns are justified. LEED requirements are costly and not the best standard for efficiency. These are major developers who feel the ramifications have not been thought through.

D. White: It has been a challenge from beginning with the push for green standards and how to come to consensus as to where it falls. Draft ordinance includes options besides LEED, and gives the Planning Commission the ability to create more. There was significant discussion about how big, either 25,000 or 50,000 square feet. It will be an ongoing discussion that Council will have to hear and decide where their consensus lies. I do not know if there is the willingness within the City to come up with our own green building program, since to effectively implement it may take some time.

Y Bradley: Important to note that people developing new buildings are trying to keeping cost as low as possible to keep tenants' rents low, utilizing energy efficiency measures because that's what leases units.

J Wallace-Brodeur: What is the role of BED in this? They run quality efficient programs and may need to have a stronger role as consultants to projects.

D. White: Spoke with BED about the policy, and informed us that 90% of projects do consult them. Developers have said they want more predictable outcomes when working with BED. Efficiency VT programs are well laid out, helps the developer understand what they are getting. But this is an ongoing discussion.

J Wallace-Brodeur: We should be offering predictable services for people who rely on the services being offered.

D. White: Some have a comfort with LEED, and gold in particular, as a national standard. There's a real reluctance to rely on local standard and mechanisms.

B Baker: Do not think people know what goes into LEED standards.

D White: The requirements include where projects are being built, where materials are recycled, air quality, water consumptions, public transportation, but not all of these things provide a tangible benefit to the developer and the customer. Chris Burns at BED suggests focusing what you are trying to create-- green buildings or high performance buildings.

J Wallace-Brodeur: We're trying to define what's important to the community. If something is missing, we should address this. With LEED, we're not getting to the root of what we want and how buildings will perform. It doesn't seem people have confidence in this standard. Perhaps this could be more transparent if we decide as a community.

A Montroll: Joint Committee recognized some of these issues and provided the ability to have other standards. If there is the desire, the City Council can take out this section or add something.

Y Bradley: Resistance is not about energy efficiency or high performance, but about LEED gold as a specific metric.

A Montroll: Only need to meet one of the standards- LEED is one option.

J Wallace-Brodeur: Doubt people advocating for LEED gold know what it really is.

A Montroll: Joint committee was able to build consensus around this. The real question will be when it goes before City Council.

J Wallace-Brodeur: It may be helpful to identify the way the ordinance already addresses this concept and some of the goals of LEED, so that the requirement for high performance can be more refined.

D. White: The question is what we are getting by using these standards, what are other requirements, what are the substantive benefits and whether this is worth the cost.

XII. Minutes & Communications

The Commission unanimously approved a motion by B Baker, seconded by H Roen, to approve the minutes of September 26, 2017 meeting.

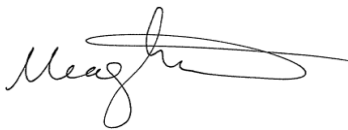
XIII. Adjourn

The Commission unanimously approved a motion by Y Bradley, seconded by B Baker, to adjourn the meeting at 7:40pm.



Andy Montrell, Chair

Signed: November 14, 2017



Submitted by: Meagan Tuttle, Comprehensive Planner