

Burlington Planning Commission

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www.burlingtonvt.gov/pz

Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
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Regular Meeting Burlington Planning Commission

Tuesday, July 14, 2020, 6:30 P.M.

Remote Meeting via Zoom

To Join the Meeting on a Computer

Link: <https://us02web.zoom.us/j/85672300338>

To Join the Meeting on a Phone

Number: +1 301 715 8592 Meeting ID: 856 7230 0338

AGENDA

I. Agenda

II. Public Forum - Time Certain 6:35 p.m.

Please pg. 3 of the Agenda Packet for details on how to participate in the public forum for this meeting.

III. Chair's Report

IV. Director's Report

V. Public Hearing: Proposed ZA-20-07 Front Yard Parking (Time Certain: 6:45pm)

The Planning Commission will hold a public hearing on a proposed amendment to the *Burlington Comprehensive Development Ordinance* to limit parking spaces within the front yard setback in all residential zones, and incorporate dimensional standards for residential driveways. Information related to this item is enclosed in the agenda packet on page 6.

Staff Recommendation: Approve the Municipal Bylaw Amendment Report and refer to City Council with recommendation.

VI. Public Hearing: Proposed ZA-20-08 Convalescent Home Lot Coverage & Parking

The Planning Commission will hold a public hearing on a proposed amendment to the *Burlington Comprehensive Development Ordinance* to allow lot coverage bonus for senior housing to be identical to the bonus for inclusionary housing in residential and neighborhood mixed use districts, and to change parking requirements for convalescent homes to 1 space per 2 beds. Information related to this item is enclosed in the agenda packet on page 10.

Staff Recommendation: Approve the Municipal Bylaw Amendment Report and refer to City Council with recommendation.

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505. Written comments on items may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401, or at mtuttle@burlingtonvt.gov

VII. Public Hearing: ZA-20-09 Rezone 311 North Ave, Parks Lot Coverage, WRM Height Exemption

The Planning Commission will hold a public hearing on a proposed amendment to the *Burlington Comprehensive Development Ordinance* to rezone the city's property at 311 North Avenue, and to remove outdated provisions for lot coverage standards for downtown parks and the WRM Height exemption. Information related to this item is enclosed in the agenda packet on page 15.

Staff Recommendation: Approve the Municipal Bylaw Amendment Report and refer to City Council with recommendation.

VIII. Proposed Addendum to Open Space Protection Plan

The Planning Commission will receive a report from members of the Conservation Board regarding a proposed addendum to the City's 2014 *Open Space Protection Plan*. Once completed, the Commission may consider the addendum for adoption as part of *planBTV* within the *Open Space Protection Plan*. Information related to this item is enclosed in the agenda packet on page 23.

Staff Recommendation: Provide feedback to the Conservation Board to guide their work on the addendum.

IX. Commissioner Items

- a. Upcoming Meetings *These meetings are anticipated to be conducted remotely until further notice*
 - i. Tuesday, July 28, 2020 at 6:30pm- *possible Joint Committee meeting with Council Ordinance Committee*

X. Minutes & Communications

- a. The minutes of the June 23, 2020 meeting are enclosed in the agenda packet on page 30.

XI. Adjourn

Guidance for Participating in a Virtual Planning Commission Meeting

As social distancing measures to preserve public health and safety continue to be required to prevent the spread of COVID-19, or are recommended as a standard practice, the Office of City Planning will be supporting the Planning Commission to conduct their meetings online via Zoom. Here is information about how to join a virtual meeting, and what to expect while participating.

General Guidance for Public Participation

Please remember that in this digital meeting environment, meetings are open to the public and anyone may be watching or listening even if you cannot see them. Meetings will be recorded, and both the recording and chat content of the meeting will be maintained as a public record.

Please ensure your display photo and screen name are professional, such as using your first and last name. Please test your audio and video prior to the start of a meeting, and familiarize yourself with how to join a meeting by your chosen method. And finally, please be patient with us. Technology doesn't always work as planned, and we are all learning how to hold a successful virtual meeting!

How to Join a Virtual Meeting

Zoom allows participation via either computer or telephone. Each agenda for a meeting that will be conducted virtually will include details about how to join via either of these options, including a web address, phone number, Meeting ID, and password.

If you participate via computer, you have the option of seeing Commissioner videos and any presentation materials that may be shared. If you use either a standard phone or cell phone to call in, you will only hear the audio portion of the meeting. If you join via a smartphone, you may have the option to download the Zoom app, which will enable you to see and hear the meeting.

How to Participate in a Virtual Meeting

During meetings, only Planning Commission members and limited staff members will be viewed on video. Members of the public attending a meeting will be muted, except when invited to speak during public forum or a public hearing. Whether members of the public can speak at other times during the meeting is the discretion of the Chair.

If you want to speak during public forum, please take the following steps to assist us in making this process run as smoothly as possible:

- Email staff at mtuttle@burlingtonvt.gov by 5pm on the day before a meeting to indicate your interest in speaking. You do not need to provide your comments. Staff will enable your microphone as your name is called from a list of interested speakers.
- During a meeting, you can use the "Raise Hand" feature, or indicate in a chat message that you wish to speak during public forum. Staff will enable your microphone as your name is called.
- If you are interested in submitting your comments in writing instead of speaking during the meeting, you may do so by 5pm the day before a meeting, they will be forwarded to the Commissioners ahead of the meeting.

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
www.burlingtonvt.gov/pz
Phone: (802) 865-7144

Andy Montroll, Chair
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PUBLIC HEARING NOTICE

Burlington Comprehensive Development Ordinance

ZA-20-07 Front Yard Parking

ZA-20-08 Convalescent Home Lot Coverage & Parking

ZA-20-09 311 North Ave Rezone, parks lot coverage standards, WRM Height Exemption

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). Per Act 92, Secs. 5 and 6, the public hearing will take place during the Planning Commission meeting on **Tuesday, July 14, 2020 beginning at 6:45pm. You may access the hearing/meeting as follows:**

To join from a Computer, please click this URL to join, and enter the password if prompted:
<https://us02web.zoom.us/j/85672300338>

To join by phone, dial this number and enter the Webinar ID when prompted:
Number: +1 301 715 8592 Webinar ID: 856 7230 0338

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

Statement of purpose:

The purpose of the proposed amendments are as follows:

- **ZA-20-07:** To limit parking spaces within the front yard setback in all residential zones, and incorporate dimensional standards for residential driveways that presently only apply in design review areas.
- **ZA-20-08:** To allow lot coverage in residential and neighborhood mixed use districts for the senior housing bonus to be identical to the inclusionary housing bonus, and to change the minimum parking requirement for convalescent homes to 1 space per 2 beds.
- **ZA-20-09:** To rezone 311 North Avenue from W-RM to RCO-RG, include the parcel in *Table 4.4.6-2* for lot coverage standards, eliminate discrepancy between *Table 4.4.6-2* and *Article 14* regarding downtown and waterfront parks, and delete the W-RM Height Exemption.

Geographic areas affected:

These amendments apply to the following areas of the city:

- **ZA-20-07:** All residential zoning districts.
- **ZA-20-08:** The lot coverage bonus applies to all residential and neighborhood mixed use zoning districts, and the parking change applies to all parking districts city-wide.
- **ZA-20-09:** City parcel of land at 311 North Avenue, portion of W-RM Height exemption along Depot Street, and all City-owned parks within the downtown and waterfront core.

List of section headings affected:

The proposed amendments modifies the following sections of the *Burlington Comprehensive Development Ordinance*:

Burlington Planning Commission Public Hearing Warning

p. 2

ZA-20-07, 20-08, 20-09

- **ZA-20-07:** Modifies *Sec. 8.1.12 (c)*
- **ZA-20-08:** Modifies *Sec. 4.4.2 (d) 3. B; Table 4.4.5-5; and Table 8.1.8-1*
- **ZA-20-09:** Deletes *Sec 4.4.5 2. A and Map 4.4.5-2; modifies Table 4.4.6-2; modifies Maps 4.3.1-1, 4.4.5-1 and 4.4.6-1.*

The full text of the *Burlington Comprehensive Development Ordinance* is available online at www.burlingtonvt.gov/DPI/CDO. The proposed amendment can be reviewed in hard copy posted on the first floor of City Hall, 149 Church Street, Burlington or on the department's website at <https://www.burlingtonvt.gov/DPI/CDO/Proposed-Amendments-Before-the-Planning-Commission>



City of Burlington, VT
149 Church Street, 3rd Floor
Burlington, VT 05401
Phone: (802) 865-7144

www.burlingtonvt.gov/plan

TO: Planning Commission
FROM: Scott Gustin, Principal Planner & Zoning Division Manager
DATE: July 14, 2020
RE: Front Yard Parking

Overview & Background

This amendment seeks to clarify standards as to front yard parking in residential zones. Several iterations preceded this current proposal.

The latest iteration of this amendment attempts to address the consistent concerns over the potential for parking between a residential structure and the street, even when not actually within a front yard setback. The proposed language steers driveways and related parking spaces to the side or rear of principal residential structures and incorporates graphics for reference. The Planning Commission Ordinance Committee discussed this latest version at their March 5, 2020 meeting and referred it to the full Planning Commission for consideration. The Planning Commission reviewed this amendment June 9, 2020, noted a needed correction as to minimum versus maximum driveway width, and moved it along to public hearing.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

Sec. 8.1.12 (c) *Front Yard Parking Restricted* is intended to limit parking spaces within the front yard setback in all residential zones. The same language dates to the 1994 Zoning Ordinance. This provision has consistently been administered to prevent parking spaces within the front yard except for instances wherein the driveway or driveway and garage are long enough to contain at least one parking space outside of the front yard setback. In such instances, parking within the front yard setback is allowed because the driveway or driveway and garage are long enough to access at least one space outside of the front yard setback (i.e. "access drive"). More recently, the Development Review Board has ruled that all parking may be located within the front yard in residential zones so long as the driveway is 18' wide or less. The DRB found that the administration of Sec. 8.1.12 (c) does not match how it is actually written. The proposed amendment revises the language to more clearly limit parking within the front yard setback in residential zones, and it incorporates dimensional standards for residential driveways that presently apply only in design review areas. No part of the present or proposed language enables parking on green space.

Proposed Amendments

Deleted language is ~~crossed out~~ and new language is underlined in red.

[Begin text amendment]

Sec. 8.1.12 Limitations, Location, Use of Facilities

(a) Off-Site parking facilities:

As written.

(b) Downtown Street Level Setback:

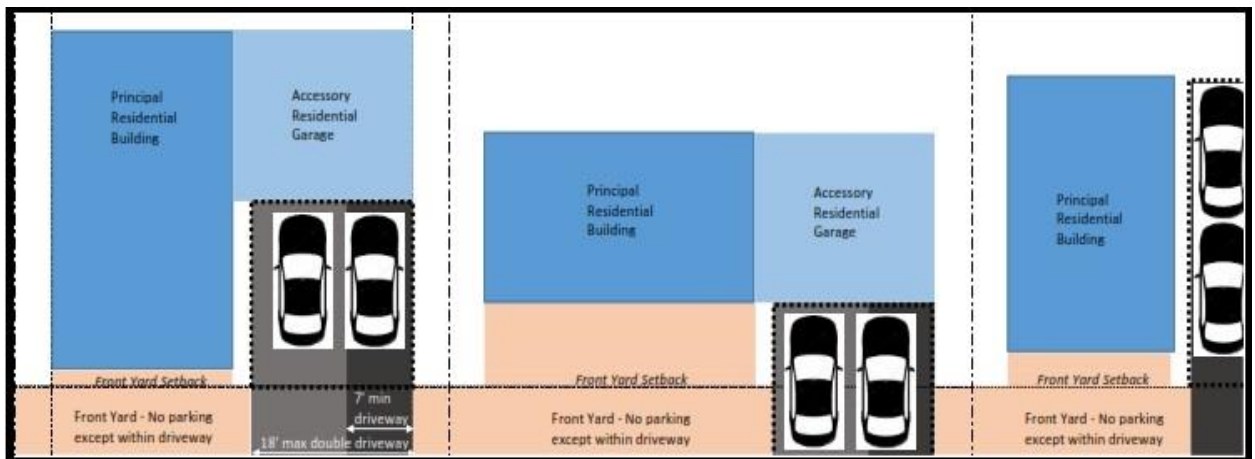
As written.

(c) Front Yard Parking Restricted and Residential Driveways:

~~Required~~ Parking spaces in all residential zoning districts shall ~~not~~ be located to the side or rear of the principal residential structure. Parking spaces shall not be located within a front yard setback except within a driveway and located to the side or rear of the principal residential structure. ~~in a required front yard setback area abutting a public street, except alleys. This prohibition extends from the edge of the public right-of-way into the required front yard setback for the entire width of the property with the exception of a single access drive no more than eighteen feet (18') or less in width.~~

Notwithstanding the above paragraph, parking spaces may be located within a driveway in front of garages that have been converted to habitable space.

Figure 8.1.12-1 (Illustrative purposes only)



The provisions of this subsection shall not be applicable during such times as when the winter parking ban pursuant to Section 20-56 of the Code of Ordinances is in effect.

~~Where parking is provided outside the front yard setback, but either partially or entirely between the principle structure and the street, such parking shall be screened to the extent practicable from view from the public street.~~

Residential driveways shall be a minimum of 7 feet in width or consist of two 1.5' driveway strips made of pavement or pervious pavement. The maximum width for single or shared access driveways shall be 18' except where a physical barrier taller than 6" (other than a structural column) exists along one side of the parking stall. In such cases, the maximum width may be increased by 1'. Where such a physical barrier exists along both sides of the parking stall, the maximum width may be increased by 2'. In a residential district, driveways and parking areas shall be set back a minimum of 5' from side and rear property lines. Driveways that have a

slope of 5% or greater (towards the right of way) shall be made of a solid surface including conventional pavement, pavers or pervious pavement.

(d) Shared Parking in Neighborhood Parking Districts:

As written.

(e) Single Story Structures in Shared Use Districts:

As written.

(f) Joint Use of Facilities:

As written.

(g) Availability of Facilities:

As written.

(h) Compact Car Parking:

As written.

Sec. 6.2.2 Review Standards

(a) – (h) As written.

(i) Vehicular Access:

Curb cuts shall be arranged and limited in number to reduce congestion and improve traffic safety. A secondary access point from side roads is encouraged where possible to improve traffic flow and safety along major streets. The width and radius of curb cuts should be kept to the minimum width necessary, and sight triangles and sufficient turnarounds for vehicles shall be provided to reduce the potential for accidents at points of egress.

~~Residential driveways shall be a minimum of 7 feet in width or consist of two 2' driveway strips made of pavement or pervious pavement. The maximum width for single or shared access driveways shall be 18'. In a residential district, driveways and parking areas shall be set back a minimum of 5' from side and rear property lines. Driveways that have a slope of 5% or greater (towards the right of way) shall be made of a solid surface including conventional pavement, pavers or pervious pavement.~~

Driveways for commercial properties may require a traffic study to identify the impacts of the movement of traffic to and from the property, and design for safe access. Access for service and loading areas should be located behind buildings or otherwise screened from streets or public ways with landscaping or other barriers. Whether commercial or residential, shared driveways are encouraged, where possible and appropriate.

(j) – (p) As written.

[End text amendment]

Relationship to planBTV

This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

Compatibility with Proposed Future Land Use & Density

The proposed amendment does not have an impact on the proposed future land uses of the Municipal Development Plan. It serves only to guide parking configurations in residential zones.

Impact on Safe & Affordable Housing

The proposed amendment has no impact on planned community facilities.

Planned Community Facilities

The proposed amendment has no impact on planned community facilities.

Process Overview

The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

Planning Commission Process				
Draft Amendment prepared by: Staff, based on discussion with the Planning Commission	Presentation to & discussion by Commission 6/9/20	Approve for Public Hearing 6/9/20	Public Hearing 7/14/20	Approved & forwarded to Council
				Continue discussion
City Council Process				
First Read & Referral to Ordinance Cmte	Ordinance Cmte discussion	Ordinance Cmte recommend as modified	Second Read & Public Hearing	CCOC Recommends Approval & Adoption
				Rejected

TO: Planning Commission
FROM: Scott Gustin, Principal Planner & Zoning Division Manager
DATE: July 14, 2020
RE: Convalescent Homes Parking & Lot Coverage

Overview & Background

At their September 10, 2019 meeting, the Planning Commission considered a zoning amendment request from Birchwood Terrace nursing facility. The zoning amendment request contained two parts:

- Adjust the maximum permissible lot coverage to 44% (same as the IZ allowance).
- Adjust the minimum parking requirement to 1 parking space per 2 patient beds.

The requested lot coverage amendment is simple and was supported by the Planning Commission. Within the RL zone (wherein the facility is located), 35% is the typical lot coverage limit. Developments containing inclusionary housing units benefit from a higher permissible lot coverage of 44%. The Senior Housing bonus of Sec. 4.4.5 (d) 7 A, which Birchwood Terrace qualifies for, affords a 40% permissible lot coverage limit. The amendment would simply make the lot coverage associated with the senior housing bonus the same as that associated with inclusionary zoning (44%).

The requested parking amendment was the subject of debate. Presently, the CDO requires 1 parking space per 4 beds for convalescent (nursing) homes in all parking districts. Birchwood is seeking to double that minimum requirement to 1 space per 2 patient beds. By comparison, hospitals require 2 parking spaces per patient bed in all parking districts. The Birchwood facility contains 144 beds (but is permitted for 160 beds) and is seeking a total of 96 parking spaces. The Planning Commission requested that staff look at four potential alternatives:

- Remove the 125% upper parking limit for convalescent homes.
- Eliminate the minimum parking requirement for convalescent homes (therefore no maximum).
- Adjust the minimum parking requirement for convalescent homes per Birchwood's request or per the hospital standard.
- Do nothing.

Note that lot coverage, even amended as requested, limits the amount of parking that can be provided onsite to 93 spaces.

Sec. 8.1.9, *Maximum Parking Spaces*, limits onsite surface parking to 125% of the minimum parking requirement. There are several exemptions to this standard predicated on the type of parking (i.e. structured, public, carpool, and alternative fuel vehicle) but none related to use. Picking a single use and exempting it from this standard runs counter to equal application of the law for all development in the city and is not good land use policy. Doing so also begs the question: Why not others?

Eliminating the minimum parking requirement for convalescent homes could arguably have the effect of eliminating the 125% maximum parking limitation. However, doing so plainly disregards the well-documented need for onsite parking at such facilities.

Amending the present 1 space to 4 beds minimum parking requirement for convalescent homes to 1 space per 2 beds as requested by Birchwood would result in a minimum requirement of 72 spaces for 144 beds (and a maximum of 90 spaces) or 80 spaces for 160 beds (and a maximum of 100 spaces). The rationale for the requested change is well documented in Birchwood's September 10

submission to the Planning Commission. Importantly, the change in minimum parking requirement to 1 space per 2 beds would not result in a parking nonconformity. A change to the hospital standard of at least 2 spaces per bed would result in a parking nonconformity. There is simply no feasible way to provide 288 or more parking spaces on Birchwood's property.

Leaving the present parking standard of 1 space per 4 beds unchanged could still allow Birchwood to achieve nearly all of its desired parking. Under an amended lot coverage maximum of 44%, Birchwood could apply again to the Development Review Board for a maximum parking waiver. Birchwood has already obtained a maximum parking waiver from the DRB for 75 spaces, limited only by lot coverage. An increase in permissible lot coverage would enable Birchwood to seek another maximum parking waiver for additional parking within the revised lot coverage limit. While possible, the maximum parking waiver involves a discretionary process by the Development Review Board.

Of the four possible alternatives, adjusting the onsite parking minimum requirement to 1 space per 2 beds is the best. The need is well supported by the documentation provided to the Planning Commission on September 10, whereas the rationale for the present standard of 1 space per 4 beds is unknown. This change would retain parking conformity and would avoid the need for a discretionary waiver process before the DRB. At their June 9, 2002 meeting, the Planning Commission moved the proposed amendment along to public hearing with this recommended course of action. As noted at the June 9 meeting, the amendment has been revised to make NAC and NMU changes to make the senior housing lot coverage bonus consistent with the inclusionary bonus in those zones as well.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

The purpose of this proposed amendment is to better reflect the actual parking needs of convalescent homes in Burlington. The proposed amendment is twofold. In the residential and neighborhood mixed use zones, it will change the allowable lot coverage associated with the senior housing bonus to be identical to the allowable lot coverage associated with inclusionary housing. The amendment will also change the minimum parking requirement for convalescent homes of 1 space per 4 beds in all parking districts to 1 space per 2 beds in all parking districts.

Proposed Amendments

To achieve the purpose identified above, the proposed amendment affects Table 4.4.5-5, *Senior Housing Bonus*, and Table 8.1.8-1, *Minimum Off-Street Parking Requirements*. It also affects Sec. 4.4.2 (d) 3 B.

Deleted language is ~~crossed out~~ and new language is underlined in red.

[Begin text amendment]

Sec. 4.4.2 Neighborhood Mixed Use Districts

(d) District Specific Regulations

3. Development Bonuses/Additional Allowances

A. Inclusionary Housing

As written.

B. Senior Housing

A maximum of an additional 10-feet of building height, and corresponding FAR, may be permitted at the discretion of the DRB in the NAC and NAC-Riverside districts where no less than twenty-five per cent (25%) of the total number of onsite units are reserved for low-moderate income senior households as defined by state or federal guidelines, including no less than ten percent (10%) reserved for low-income households. The total gross floor area dedicated to the senior housing shall be equivalent to the gross floor area resulting from the additional allowance. Increased lot coverage allowance for senior housing in these districts shall be the same as for inclusionary housing (See Sec. 9.1.12).

C. Maximum Bonus

As written.

Sec. 4.4.5 Residential Districts

(d) District Specific Regulations

7, Residential Development Bonuses

A. Senior Housing Bonus

Residential development in excess of the density, lot coverage and building height limits specified in Tables 4.4.5-2 and 4.4.5-3 may be permitted by the DRB for senior housing provided the following conditions are met:

- (i) No less than twenty-five (25) per cent of the total number of units shall be reserved for low-moderate income households as defined by state or federal guidelines, including no less than ten (10) per cent reserved for low-income households. (Projects taking advantage of this bonus are exempt from the Inclusionary Zoning requirements of Article 9, Part 1.);
- (ii) The proposal shall be subject to the design review provisions of Art. 6;
- (iii) A maximum of an additional 10-feet of building height may be permitted in the RH District; and,
- (iv) Lot coverage and residential densities shall not exceed the following:

Table 4.4.5-5: Senior Housing Bonus

District	Maximum Coverage	Maximum Density
RL/RL-W	40 <u>44</u> %	20 du/ac
RM	50 <u>48</u> %	40 du/ac
RM-W	60 <u>72</u> %	40 du/ac
RH	80 <u>92</u> %	80 du/ac

Sec. 8.1.8, Minimum Off-Street Parking Requirements

(a) – (c) As written.

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Downtown Districts
RESIDENTIAL USES¹ As written.	Per Dwelling Unit except as noted		
RESIDENTIAL USES - SPECIAL	Per Dwelling Unit		

	except as noted		
Assisted Living	0.5	0.5	0.4
Bed and Breakfast (per room, in addition to single-family residence)	1	0.75	0.5
Boarding House (per two (2) beds)	1	0.75	0.5
Community House	1	0.75	0.5
Convalescent Home (per four (4) <u>two (2)</u> beds)	1	1	1
Dormitory (per two (2) beds)	1	1	1
Emergency Shelter	0	0	0
Group Home (per two (2) beds)	1	1	1
Historic Inn (per room, in addition to single-family residence)	1	0.75	0.5
Sorority & Fraternity (per two (2) beds)	1	1	1
NON-RESIDENTIAL USES	Per 1,000 square feet of gross floor area (gfa) except as noted		
As written.			

[End text amendment]

Relationship to planBTV

This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

Compatibility with Proposed Future Land Use & Density

This amendment has no impact on proposed future land use. It impacts density only insofar as it increases allowable lot coverage for senior housing facilities to be consistent with that allowed for developments containing inclusionary housing.

Impact on Safe & Affordable Housing

Convalescent homes provide a place to live for some of our most elderly and frail residents. This amendment is intended to better address the parking needs of such facilities – in large part to accommodate the staff necessary to care for, and support, residents in convalescent homes. As such, the amendment will contribute to the functionality of such homes in our community.

Planned Community Facilities

The proposed amendment has no impact on planned community facilities.

Process Overview

The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

Planning Commission Process				
Draft Amendment prepared by: Staff, based on discussion with the Planning Commission	Presentation to & discussion by Commission 9/10/19, 6/9/20	Approve for Public Hearing 6/9/20	Public Hearing 7/14/20	Approved & forwarded to Council
				Continue discussion

City Council Process				
First Read & Referral to Ordinance Cmte	Ordinance Cmte discussion	Ordinance Cmte recommend as modified	Second Read & Public Hearing	CCOC Recommends Approval & Adoption
				Rejected

TO: Burlington Planning Commission
FROM: Meagan Tuttle, Comprehensive Planner, City Planning
DATE: June 24, 2020
RE: Proposed CDO Amendment: ZA-20-09 Rezone city park on North Avenue, park lot coverage standards, WRM Height Exemption

Overview & Background

In 2016, the City, in partnership with the Vermont Land Trust (VLT), acquired 12 acres of the former Burlington College property as part of the development agreement for Cambrian Rise. This land, connecting from North Avenue to the bike path and Texaco Beach, has been improved as City parkland, and features existing and future elements including enlarged community gardens, a wooded bluff overlooking Lake Champlain, and a playfield. The park was purchased using a portion of the City's dedicated land conservation acquisition fund, and leveraged other conservation financing through VLT.

In December 2016, City Council approved ZA-17-14 which rezoned approx. 15 acres of the former Burlington College property from Residential Medium Density-Waterfront (RM-W) to the newly established Neighborhood Activity Center- Cambrian Rise. Due to a condition of the development agreement, the zoning for the City's 12-acre portion of the property was unchanged. This portion of the property can now be rezoned to be consistent with its intended purpose – as city parkland.

Section 4.4.6 specifies standards for maximum lot coverage for each City-owned park. This park needs to be added to *Table 4.4.6-2 City Park Lot Coverage Maximum Standards*. Staff recommends that this property be referred to as "Texaco Beach/Cambrian Rise" and its maximum lot coverage 15%, which is consistent with waterfront parks at Leddy, North Beach and Oakledge.

This amendment addresses two additional issues related to the above objectives. The first is to eliminate a conflict in the ordinance following the adoption of *Article 14: planBTV Downtown Code*. As noted above, prior to the adoption of the downtown code, specific lot coverage standards were included in the ordinance for each of the City's parks. This includes downtown park and recreation facilities, which have since been rezoned to "Civic" in *Article 14*: City Hall Park, Perkins Pier, Battery Park, Waterfront Park, and Champlain Street Park. *Article 14*, determines the appropriate percentage of lot coverage based on each park's Civic Space Type. These types include Natural Area, Park, Greenway, Square, Plaza, and Pocket Park, with maximum lot coverages ranging based on the space type. Therefore, these parks need to be removed from *Table 4.4.6-2*.

The final element of this amendment is to eliminate the Waterfront RM Height Exemption provision and associated map. This exemption was intended, in part, to enable additional development intensity on portions of lots zoned W-RM within 60-200 feet of the lake's edge, and below 180 feet in elevation. The exemption applied to a portion of the City's Texaco Beach/Cambrian Rise parcel, as noted in *Map 4.4.5-2*. In rezoning this parcel, this exemption is no longer applicable. The only remaining area of land that this standard would apply to is a very shallow depth of each lot along Depot Street. As Depot Street is not necessarily an area targeted for more intense development, it is staff's recommendation that this exemption and map be deleted.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement & Amendment Summary

This amendment proposes to rezone the City's 12-acre parcel from the Cambrian Rise redevelopment property from Residential Medium Density-Waterfront (W-RM) to RCO-Recreation/Greenspace (RCO-RG), to include the parcel as "Texaco Beach/Cambrian Rise" in *Table 4.4.6-2* regarding park lot coverage standards, and to eliminate a discrepancy between *Table 4.4.6-2* and *Article 14* as it applies to City parks within the downtown & waterfront core, and to delete the Waterfront RM Height Exception and associated *Map 4.4.5-2*.

Proposed Amendments

To achieve the goals identified above, the proposed amendment affects the following sections of the *Burlington Comprehensive Development Ordinance*:

- 1. Rezone the City's 12-acre "Texaco Beach/Cambrian Rise" parcel from W-RM to RCO-RG**
 - See amendments to attached Maps 4.3.1-1, 4.4.5-1, and 4.4.6-1
- 2. Eliminate the Waterfront Residential Medium Height Exemption and map**
 - Delete the language in *Sec.4.4.5 (d) 2. A* and corresponding *Map 4.4.5-2*
- 3. Update the applicable parks lot coverage standards in Table 4.4.6-2.**
 - Add "Texaco Beach/Cambrian Rise" to Lot Coverage Standards in *Table 4.4.6-2* with a 15% lot coverage limit.
 - Strike City Hall Park, Perkins Pier, Battery Park, Waterfront Park, and Champlain Street Park from *Table 4.4.6-2*; lot coverage standards are now determined by *Article 14: planBTV Downtown Code*

****BEGIN PROPOSED AMENDMENTS****

Changes shown (underline to be added, ~~strike out~~ to be deleted) are proposed changes to the *Burlington Comprehensive Development Ordinance*.

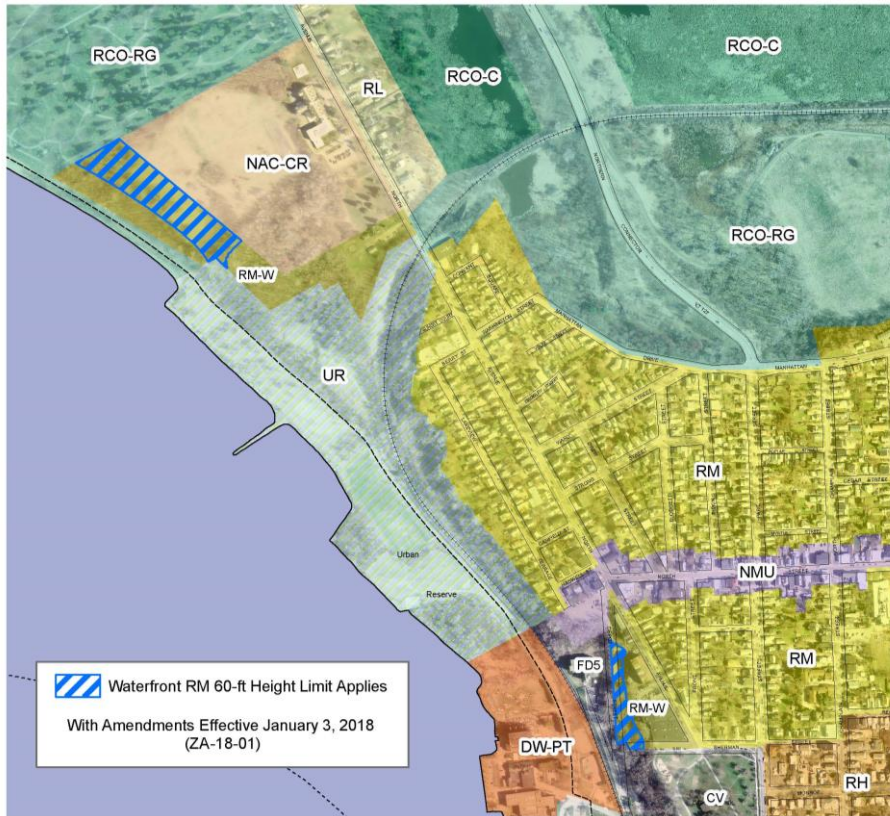
Sec. 4.4.5 (d) District Specific Regulations

1. Setbacks- As Written

~~2. Height~~

~~A. Exceptions in the Waterfront RM District.~~

~~In order is to preserve vistas of harbor activity within the breakwater area and panoramic views of the mountain and lake from adjoining areas yet provide for additional development opportunities near the downtown area of the city, the maximum building height which may be permitted by the DRB shall be no more than sixty (60) feet in the area beyond two hundred (200) feet inland from the ordinary high water mark and below a base elevation of one hundred eighty (180) feet in the Waterfront Residential – Medium Density district.~~



Map 4.4.5-2 Waterfront RM Height Exemptions

2.3-Lot Coverage- As Written

Sec. 4.4.6 Recreation, Conservation and Open Space Districts

(a) Purpose *As written*

(b) Dimensional Standards and Density

The density and intensity of development, dimensions of building lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot coverage shall be governed by the following standards:

Table 4.4.6 -1 Dimensional Standards and Density

District	Lot Coverage ¹	Setbacks ¹			Height ¹
		Front	Side ²	Rear ²	
RCO-A	5%	15'	10%	25%	35'
RCO-RG	5%	15'	10%	25%	35'
RCO-C	5%	15'	10%	25%	25'

1. See also exceptions to lot coverage, setbacks and maximum height in **Article 5**.
2. Percentages figure refers to either a percentage of lot width, 10% in the case of side yard setbacks, or lot depth of 25% in the case of rear yard setbacks.
3. City Parks have specific lot coverage maximums based on use and location. See table of lot coverage standards below.

Table 4.4.6 -2 City Park Lot Coverage Maximum Standards

Park	Lot Coverage
Baird Battery Park and Extension Calahan Champlain Street Leddy North Beach and Campground Oakledge Schmanska Smalley Staff Farm Texaco Beach/Cambrian Rise	15%
Appletree Lakeside	20%
Waterfront Park	25%
City Hall Park Pomeroy Roosevelt	30%
Perkins Pier Marina Facility	70%

(c) - (d) As written

****END PROPOSED AMENDMENTS****

Relationship to planBTV

This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

Impact on Safe & Affordable Housing

The proposed amendment has no impact on the provision of safe and affordable housing.

Compatibility with Proposed Future Land Use & Density

The proposed amendment brings the zoning of the parcel in line with the future land use map in *planBTV*. The future land use for this area is "Conserve," which identifies natural resources and recreation areas that should be protected largely as they are today, while guiding development away from important natural assets or hazard areas. The purchase of this land and rezoning achieve these purposes.

Planned Community Facilities

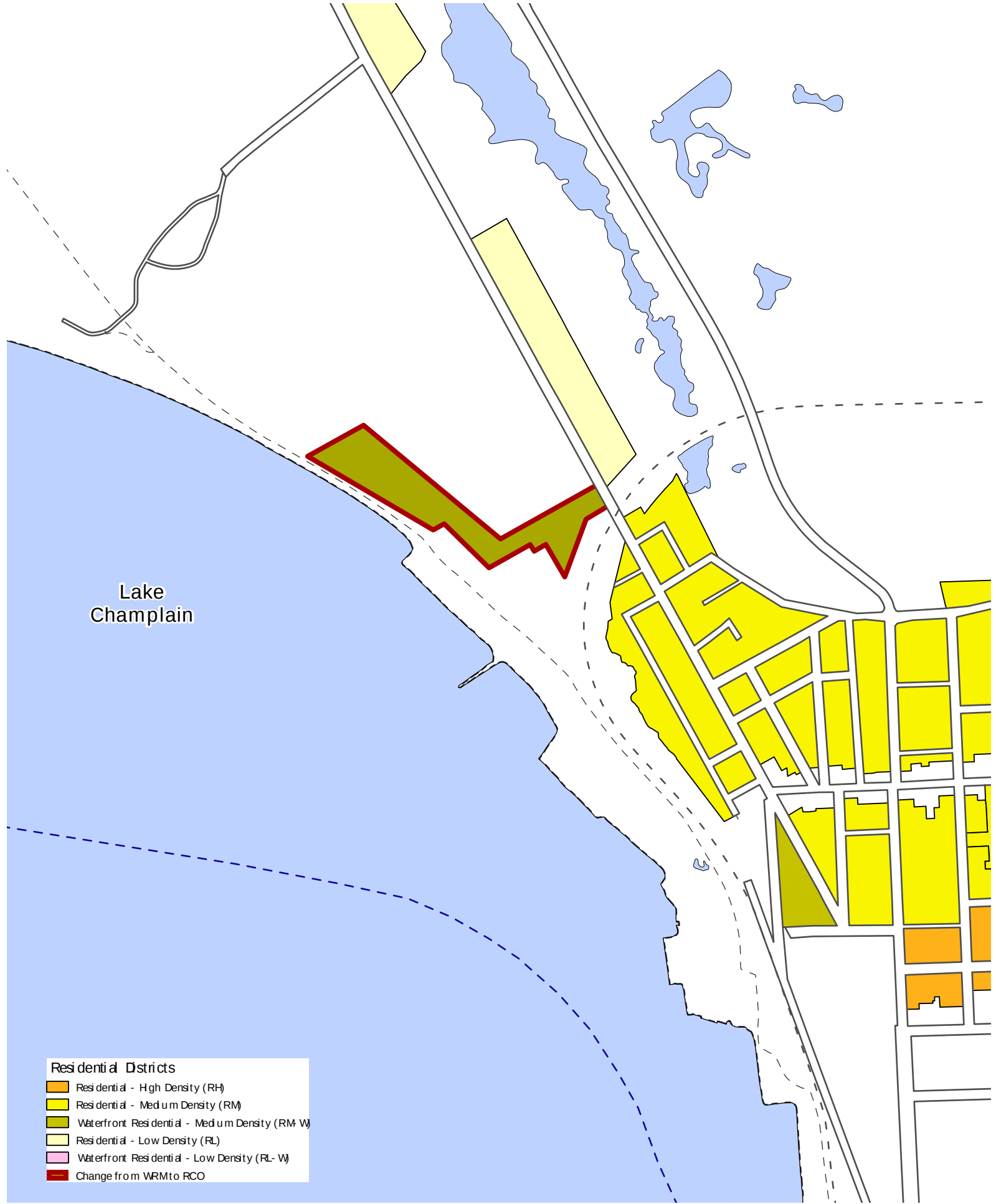
The proposed amendment is consistent with the current use of the parcel, and the anticipated improvements planned by the City.

Process Overview

The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

Planning Commission Process				
Draft Amendment prepared by: Staff	Planning Commission Discussion 6/23/2020	Approve for Public Hearing 6/23/2020	Public Hearing 7/14/2020	Approve & forward to Council
				Continue discussion
City Council Process				
First Read & Referral to Ordinance Cmte	Ordinance Committee discussion	Ordinance Cmte recommends to Council [as is / with changes]	Second Read & Public Hearing	Approval & Adoption
				Rejected

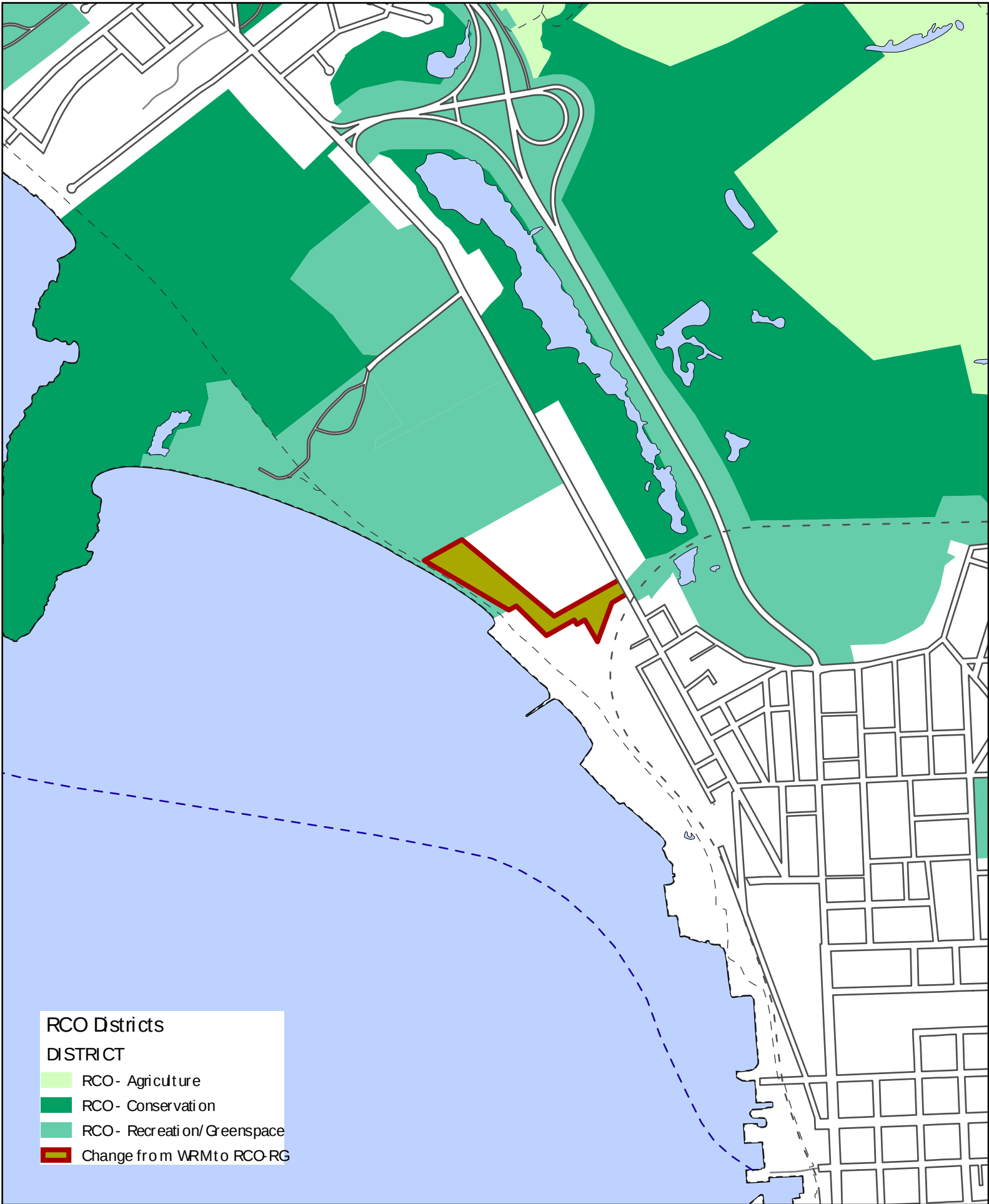




CITY OF
BURLINGTON



Excerpt of Residential Districts Map



CITY OF
BURLINGTON



Excerpt of Recreation, Conservation, Open Space Districts Map

Burlington Comprehensive Development Ordinance, Map 4.4.6-1
 Planning Commission Agenda
 Page 22 of 31
 Proposed ZA-20-09

Burlington Conservation Board
Open Space Subcommittee

645 Pine Street
Burlington, VT 05401
<http://www.burlingtonvt.gov/DPI>
Telephone: (802) 865-7189
(802) 865-7195 (FAX)



2020 Burlington Open Space Protection Plan – Climate Action Addendum

I. Opening land acknowledgement

- o This document serves as a compliment to the Open Space Plan to elaborate on the direct-action steps that the city is taking, and will take, in order to combat climate change. The stewardship recommendations will follow Nature Based Solutions, which will be further explained in this document. It's necessary to first acknowledge that these natural areas were part of the traditional, ancestral territory of Abénaki (a-buh-naa-kee) people, from whom the land was stolen by force. The Abénaki people were the first land stewards here and cared for it for generations before us. We cannot fully care for the land without also honoring its history.

II. Section I: Background and Context

- o *Open Space in Burlington*
 - *Define (stems from prior OSPP)*
- o *Reference to Burlington's Climate Action Plan document*
- o *Emergent Climate adaptation need*
 - *protect restore fund - overview of why have a climate adaptation addendum*
 - *pie chart showing investment/lack of investment*
 - *this will give a visual representation of rough quantifications of how much the city is already plugging into this kind of work, and how we can/need to do more.*
 - *Table showing work that is already happening to combat climate change. This will pair with the pie chart*
 - *Parkland Access, Connectivity, and Trails*
 - o *Ongoing trails mapping and management*
 - *discuss City trail program and acknowledge trail networks, and the various investments, consider future structures and alignments, provide narrative on process of formalizing networks (arms process as standard)*
 - *Burlington Wildways - special attention here to coalition model and how that relates to addressing climate adaptation*
 - *New Park/Conservation Areas*
 - o *311 North Avenue conservation*
 - o *Arms Forest Alignment*
 - o *North Cove conservation (WVPD)*

- o Rock Point conservation
- o Pomerleau Forest
- o Other?
- Green Infrastructure
 - o Great Streets improvements (stormwater components)
 - o City Hall Park green stormwater components
 - o Blanchard Beach tributary stormwater project
 - o Other?
- Urban Agriculture
- Community based metrics - how much of Burlington's produce is grown in Intervale
- Urban Agriculture Task Force and recommendations
- Regulatory changes to facilitate and support urban ag
- Codification of community garden incentive in the CDO
- Other?

III. **Section 2: Nature Based Solutions overview/integration** (see supporting documents on NBS)

- o *What are NBS generally speaking? The IUCN Commission on Ecosystem Management defined them with these principals:*

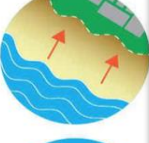


1. Embrace nature conservation norms (and principles);
2. can be implemented alone or in an integrated manner with other solutions to societal challenges (e.g. technological and engineering solutions);
3. are determined by site-specific natural and cultural contexts that include traditional, local and scientific knowledge;
4. produce societal benefits in a fair and equitable way, in a manner that promotes transparency and broad participation;
5. maintain biological and cultural diversity and the ability of ecosystems to evolve over time;
6. are applied at a landscape scale;

7. recognize and address the trade-offs between the production of a few immediate economic benefits for development, and future options for the production of the full range of ecosystems services; and
8. are an integral part of the overall design of policies, and measures or actions, to address a specific challenge.

o *Based on what other communities are accomplishing/pursuing.* European cities have been using NBS in their cities for some time. We could adopt their goals and apply them in Burlington:

- Enhancing sustainable urbanism
- restoring degraded ecosystems
- developing climate change adaptation and mitigation (*which this addendum is part of doing)
- Improving risk management and Resilience.

Research & Innovation Agenda on Nature-Based Solutions and Re-Naturing Cities	
Goals	Research & Innovation Actions
Enhancing sustainable urbanisation	 Urban regeneration through nature-based solutions  Nature-based solutions for improving well-being in urban areas  Establishing nature-based solutions for coastal resilience  Multi-functional nature-based watershed management and ecosystem restoration  Nature-based solutions for increasing the sustainable use of matter and energy  Nature-based solutions for enhancing the insurance value of ecosystems  Increasing carbon sequestration through nature-based solutions
Restoring degraded ecosystems	
Developing climate change adaptation and mitigation	
Improving risk management and resilience	

Enhancing sustainability within our urban setting

Keep as is

Keep as is

Keep as is

Following the goals outlined on the left, we will tailor the action items (right) to fit the work of Burlington NBS with accessible, and clear language.

This table is an example of each goal, and the actions that can meet them. NBS are often location specific, and we cannot apply a broad-brush stroke answer for what specific actions will help the most overall. However, with guidelines like these, we can channel our work into specific types of action (ie. Restoration).

- o *What does it mean to tackle climate change with nature-based solutions?*
 - It means that we put greater emphasis on nature based work that we are already doing, and incorporate it on a greater scale.
 - That we include citizens, partner organizations (for profit and non-profit), and other city departments in the planning and development of projects.
 - We will need creativity to develop solutions.
 - We will need good communications and outreach to engage and inform citizens
 - It means that we create a more resilient city landscape to prepare for all of the changes we will experience as climate change events increase in frequency and severity.
- o *What can we learn from cities who have already done this work successfully?*

Fortunately, there was a study on just that! We can reference the key takeaways from Seven Lessons for Planning Nature-Based Solutions in Cities by Niki Frantzeskaki:

 1. NBS should be aesthetically appealing for citizens to appreciate and protect them. The design characteristics of NBS need to be inviting, engaging, and well integrated into infrastructure to get citizen buy in.
 2. NBS create new green urban commons. Transforming abandoned spaces, to welcoming, community spaces that also create small, new ecosystems in the city.
 3. NBS experiments require and build trust between the city and its citizens both for the aim of the experimenting process itself. Having community input in creating new NBS for the city is really important for building a sustaining partnership between the city and its citizens.
 4. Different forums are needed for co-creating NBS are needed that include and learn from urban social innovation. Co-creation with partnership in local organizations and citizen groups will increase capacity and creativity in creating and managing NBS for the city.
 5. NBS require a collaborative governance approach. They are initiated by local governments and require multiple actors to be designed, implemented and linked to urban life. Having multiple stakeholders and to embed NBS into urban life through community networks and civil society organizations, the solutions will be sustainable.
 6. An inclusive narrative of mission for NBS can bring knowledge and agendas across different departments of the city and tackle with departmental disputes. It is just as important to include citizen voices as it is to include voices across city departments so as to create a common inclusive narrative of mission across departments, inspire colleagues, and get more buy in internally.

7. NBS need to be designed in such a way and scale that lessons for their effectiveness can be easily harvested and as thus, to be easily replicated into other locations. The work should be well documented and reported on so that it can be repeated and learned from.

- o *What specific areas can Burlington focus on?* This section will provide general descriptions of these focus areas.
 - Parkland access, connectivity and trails
 - Green infrastructure in the city
 - Urban agriculture (let's give Patrick a chance to shape this early on if there is emergent things that aren't captured in the 2014 OSPP or if there is a twist on this piece that acknowledges Urban Ag role in Climate adaption)
 - Conservation education
 - Natural areas

IV. **Section III: Goals & Objectives**

- o Acknowledge the Climate Action Plan, the Urban Forestry Master Plan, Comprehensive Plan, and Parks Master Plan.
- Identify measurable action items and identify responsible parties
- Anticipate comprehensive update in 2025

Goal Areas	Objective	Action Items
Parkland access, connectivity, trails	Ongoing trails mapping and management	Discuss City trail program and acknowledge trail networks, and the various investments, consider future structures and alignments, provide narrative on process of formalizing networks (arms process as standard). protecting areas through intentional and directed access for humans.
	Burlington Wildways	special attention here to coalition model and how that relates to addressing climate adaptation
	Address obstacles to connectivity such as private land that blocks access for people & wildlife.	Contemplate opportunity for private landowners to participate (Rock Point etc...) Affirmative framework as opposed to focusing on

		obstacles - creating habitat connectivity across land blocks
Green Infrastructure	Green Infrastructure buildout methodology and story (specifically line up with waste water management standards)	how are bump outs and installments prioritized and funded? How much area do they serve, what is their role and function?
		What is the big picture and vision of the stormwater program in regard to climate adaptation
Urban agriculture	Community based metrics - how much of Burlington's produce is grown in Intervale	
	Community gardens - adaptive models - communal plots vs individual plots, trend toward no-till vs. tilled (we have numbers on these trends to report on)	
	Creating Bee habitat	
	Re-wilding lawns	
	Neighborhood orchards	
Education	Old growth forest	
	Natural History of Burlington	
	Raising voices of underserved populations in the city	
	Continue programing	Master naturalist ½ yard Civic engagement with trained staff and new trail stewards program
		Recommend a summit of naturalist and ecologist to support a conversation about concepts of functional

		ecosystems in the face of climate adaptation
Natural areas	Biodiversity and its role in the urban setting	
	Mapping of the natural areas	How many parcels over 10 acres have natural cover?
		Identify those in need of management plans
		Reference “I-naturalist” as a community-based resource
		Connectivity mapping
	Better signage in the natural areas	
	Identify and protect ecosystem service	Define this broadly - urban cooling, carbon sequestration, biodiversity, human health.
	Identify and prioritize conservation opportunities	
	Urban wilds	Need to define/rebrand? Explain new program
		Functions-and-values based rather than simply city owned (i.e. urban wilds can be non-city lands). Emphasize wildlife and natural areas as first priority.
		Identify heavy use areas and “wild” areas.

*Just a note on this, I am not sure what the specific and measurable action items will be for each of these, but I based some of them off the previous document.

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

Burlington Planning Commission

Tuesday, June 23, 2020, 6:30 P.M.

Remote Meeting

Draft Minutes

Members Present	Commission: A Montroll, H Roen, A Friend, E Lee, Y Bradley, J Wallace-Brodeur
Staff Present:	M Tuttle, D White, S Gustin, K Sturtevant

I. Agenda

Call to Order	Time: 6:33pm
Agenda	No changes

II. Public Forum

Name	Comment
S Bushor	- Usable portion of 311 North Ave. is very sloped, 15% lot coverage could be very high. City needs a better slope ordinance. - Regarding dwelling unit amendment, concerned about how it aligns with boarding house, definition, whether 4 unrelated ordinance applies in RH, and whether this would allow ADUs on any lot?

III. Chair's Report

A Montroll	No report
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IV. Director's Report

D White	Staff still devoting majority time to COVID-19 Analytics Team work, which is becoming more planning-related, considering how to prepare the city for future cases. Budget is anticipated to be acted upon by Council on 6/29; much focus has been on funding for Police Dept. Planning Dept. has been significantly cut, but staff remains intact.
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V. Proposed CDO Amendment: 311 North Avenue Rezone, Parks Lot Cover Standards, WRM Height Exemptions

Approve Municipal Bylaw Amendment Report and warn for public hearing		
Motion by: A Friend	Second by: J Wallace-Brodeur	Vote: Approved Unanimously
Type: Discussion & Action	Presented by: M Tuttle	
M Tuttle explained context of this amendment, which is to rezone the City’s 12-acre portion acquired from Cambrian Rise development to reflect the future use as a city park. Reason to recommend lot coverage at 15% is to provide flexibility to accommodate existing Stone House, parking area, and future path improvements to improve ADA accessibility and connectivity to Bike Path.		

The Commission generally supported the amendment, but would like more information from Parks on the plans for the lot at the Public Hearing.

VI. Proposed CDO Amendment: Dwelling Unit Definition

Refer to Planning Commission Ordinance Committee for discussion and recommendation

Motion by: Y Bradley Second by: A Friend Vote: Approved 5-1

Type: Discussion & Action Presented by: S Gustin

S Gustin explained the intent was to clarify definitions for residential unit types, to not include the term "family". He further addressed questions, noting that occupancy limits currently apply in all residential districts- RL, RM, RH. Despite the dwelling type names including "family", applying occupancy limits city-wide was never the intent nor has it been administered this way. Would not impact ADU's, as the language of the ADU ordinance would be updated to reflect that they may be on the same lot as a "single detached unit."

Commissioner Lee stated the belief that the occupancy limit applies city-wide, and by changing the terms to not include "family" it would impact this applicability. She stated she believes this standard is beneficial to existing neighborhoods, to prevent new units with large numbers of bedrooms from being created, and that provisions for additional sq.ft. for additional occupants could give more flexibility for occupancy in other districts. Further feels the definition of a boarding house needs to be reworked.

After some discussion, the Commission referred this amendment for review by its Ordinance Committee, with Commissioner Lee opposed. She expressed feeling that this is not a high priority given limited staff capacity. M Tuttle expressed that the Commission should consider if applying this standard city-wide could have unintended consequences on excluding housing types or living situations impacting racial and economic equity, or non-traditional living arrangements.

VII. Commissioner Items

Action: N/A

Motion: NA Second: NA Vote: NA

- Upcoming meetings in July anticipated to be on Zoom

VIII. Minutes & Communications

Action: Approved the minutes and accepted the communications

Motion by: A Friend Second: H Roen Vote: Approved Unanimously

E Lee will share a link to the Wastewater Treatment bond and planning process webinar with the Commissioners. Highlighted the related issue of lot coverage compaction around parking areas, for which requiring barriers could help reduce this issue. Also noted that city ordinance conflicts with state statute, where it is required that a licensed engineer or design work on a 4+ unit building. K Sturtevant noted that she has looked into this, and it is within the City's Building Code, not the Zoning Ordinance.

Minutes Approved: June 9, 2020 Planning Commission Meeting

IX. Adjourn

Adjournment Time: 7:31 pm

Motion: H Roen Second: A Friend Vote: Approved Unanimously

Burlington Planning Commission

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Andy Montroll, Chair
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Yves Bradley
Alexander Friend
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Jennifer Wallace-Brodeur

Regular Meeting Burlington Planning Commission Tuesday, July 14, 2020, 6:30 P.M. **Remote Meeting via Zoom**

To Join the Meeting on a Computer

Link: <https://us02web.zoom.us/j/85672300338>

To Join the Meeting on a Phone

Number: +1 301 715 8592 Meeting ID: 856 7230 0338

AGENDA

I. Agenda

II. Public Forum - Time Certain 6:35 p.m.

Please pg. 3 of the Agenda Packet for details on how to participate in the public forum for this meeting.

III. Chair's Report

IV. Director's Report

V. Public Hearing: Proposed ZA-20-07 Front Yard Parking (Time Certain: 6:45pm)

The Planning Commission will hold a public hearing on a proposed amendment to the *Burlington Comprehensive Development Ordinance* to limit parking spaces within the front yard setback in all residential zones, and incorporate dimensional standards for residential driveways. Information related to this item is enclosed in the agenda packet on page 6.

Staff Recommendation: Approve the Municipal Bylaw Amendment Report and refer to City Council with recommendation.

VI. Public Hearing: Proposed ZA-20-08 Convalescent Home Lot Coverage & Parking

The Planning Commission will hold a public hearing on a proposed amendment to the *Burlington Comprehensive Development Ordinance* to allow lot coverage bonus for senior housing to be identical to the bonus for inclusionary housing in residential and neighborhood mixed use districts, and to change parking requirements for convalescent homes to 1 space per 2 beds. Information related to this item is enclosed in the agenda packet on page 10.

Staff Recommendation: Approve the Municipal Bylaw Amendment Report and refer to City Council with recommendation.

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505. Written comments on items may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401, or at mtuttle@burlingtonvt.gov

VII. Public Hearing: ZA-20-09 Rezone 311 North Ave, Parks Lot Coverage, WRM Height Exemption

The Planning Commission will hold a public hearing on a proposed amendment to the *Burlington Comprehensive Development Ordinance* to rezone the city's property at 311 North Avenue, and to remove outdated provisions for lot coverage standards for downtown parks and the WRM Height exemption.

Information related to this item is enclosed in the agenda packet on page 15.

Staff Recommendation: Approve the Municipal Bylaw Amendment Report and refer to City Council with recommendation.

VIII. Proposed Addendum to Open Space Protection Plan

The Planning Commission will receive a report from members of the Conservation Board regarding a proposed addendum to the City's 2014 *Open Space Protection Plan*. Once completed, the Commission may consider the addendum for adoption as part of *planBTV* within the *Open Space Protection Plan*. Information related to this item is enclosed in the agenda packet on page 23.

Staff Recommendation: Provide feedback to the Conservation Board to guide their work on the addendum.

IX. Commissioner Items

- a. Upcoming Meetings *These meetings are anticipated to be conducted remotely until further notice*
 - i. Tuesday, July 28, 2020 at 6:30pm- *possible Joint Committee meeting with Council Ordinance Committee*

X. Minutes & Communications

- a. The minutes of the June 23, 2020 meeting are enclosed in the agenda packet on page 30.

XI. Adjourn

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
www.burlingtonvt.gov/pz
Phone: (802) 865-7144

Andy Montroll, Chair
Bruce Baker, Vice Chair
Yves Bradley
Alex Friend
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Jennifer Wallace-Brodeur

PUBLIC HEARING NOTICE

Burlington Comprehensive Development Ordinance

ZA-20-07 Front Yard Parking

ZA-20-08 Convalescent Home Lot Coverage & Parking

ZA-20-09 311 North Ave Rezone, parks lot coverage standards, WRM Height Exemption

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). Per Act 92, Secs. 5 and 6, the public hearing will take place during the Planning Commission meeting on **Tuesday, July 14, 2020 beginning at 6:45pm. You may access the hearing/meeting as follows:**

To join from a Computer, please click this URL to join, and enter the password if prompted:

<https://us02web.zoom.us/j/85672300338>

To join by phone, dial this number and enter the Webinar ID when prompted:

Number: +1 301 715 8592 Webinar ID: 856 7230 0338

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

Statement of purpose:

The purpose of the proposed amendments are as follows:

- **ZA-20-07:** To limit parking spaces within the front yard setback in all residential zones, and incorporate dimensional standards for residential driveways that presently only apply in design review areas.
- **ZA-20-08:** To allow lot coverage in residential and neighborhood mixed use districts for the senior housing bonus to be identical to the inclusionary housing bonus, and to change the minimum parking requirement for convalescent homes to 1 space per 2 beds.
- **ZA-20-09:** To rezone 311 North Avenue from W-RM to RCO-RG, include the parcel in *Table 4.4.6-2* for lot coverage standards, eliminate discrepancy between *Table 4.4.6-2* and *Article 14* regarding downtown and waterfront parks, and delete the W-RM Height Exemption.

Geographic areas affected:

These amendments apply to the following areas of the city:

- **ZA-20-07:** All residential zoning districts.
- **ZA-20-08:** The lot coverage bonus applies to all residential and neighborhood mixed use zoning districts, and the parking change applies to all parking districts city-wide.
- **ZA-20-09:** City parcel of land at 311 North Avenue, portion of W-RM Height exemption along Depot Street, and all City-owned parks within the downtown and waterfront core.

List of section headings affected:

The proposed amendments modifies the following sections of the *Burlington Comprehensive Development Ordinance*:

ZA-20-07, 20-08, 20-09

- **ZA-20-07:** Modifies *Sec. 8.1.12 (c)*
- **ZA-20-08:** Modifies *Sec. 4.4.2 (d) 3. B; Table 4.4.5-5; and Table 8.1.8-1*
- **ZA-20-09:** Deletes *Sec 4.4.5 2. A and Map 4.4.5-2; modifies Table 4.4.6-2; modifies Maps 4.3.1-1, 4.4.5-1 and 4.4.6-1.*

The full text of the *Burlington Comprehensive Development Ordinance* is available online at www.burlingtonvt.gov/DPI/CDO. The proposed amendment can be reviewed in hard copy posted on the first floor of City Hall, 149 Church Street, Burlington or on the department's website at <https://www.burlingtonvt.gov/DPI/CDO/Proposed-Amendments-Before-the-Planning-Commission>

Meagan Tuttle

From: Keegan Carter <keegancarter11@gmail.com>
Sent: Monday, July 13, 2020 8:20 AM
To: Meagan Tuttle
Subject: Front Yard Parking Set Back Comments

[WARNING]: External Message

Good Morning Megan,

I wanted to raise concerns for the proposed amendment ZA-20-07. I live up in the NNE and I know at least 4 of my neighbors park a second or third car on their lawn from one time or another. The way that houses are positioned here most of our driveways accommodate 1-2 cars tops and the lot lines are so close we can't make the driveway 15' wide for a double driveway.

Making it 'against the rules' to park on the lawn would mean dozens more cars parked in the street that already becomes so narrow only a single car can get through when two are parked across the street from each other.

I would suggest that the language includes a provision for when houses can't accommodate a double wide driveway or parking spaces equal to the number of bedrooms +1 to allow for the driveway to be constructed in the front yard setback area.

If the concern is loss of green space I would advise on the concrete permeable pavers vs asphalt.

Warm Regards
-Keegan

--

Keegan Carter
Automation Engineer
C 603-969-5206

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

Burlington Planning Commission

Tuesday, July 14, 2020, 6:30 P.M.

Remote Meeting

Minutes

Members Present	A Montroll, H Roen, A Friend, E Lee, B Baker, J Wallace-Brodeur
Staff Present:	M Tuttle, D White, S Gustin, K Sturtevant

I. Agenda

Call to Order	Time: 6:30pm
Agenda	Remove Item VIII; reschedule for a future meeting.

II. Public Forum

Name	Comment
S Bushor	Images in Front Yard Parking amendment make the ordinance very clear. Regarding 311 Rezoning, concern was about lot coverage relative to slope of the property. Shared a communication with an offer to help define slope ordinance.
L McGowan	Early in the City's response to COVID-19, concerns about protecting residents of the low barrier shelter run by ANEW place. Interim solution was the low barrier shelter was moved to North Beach campground. Mayor and Council will issue an executive order to allow a shipping container-based shelter site within the ELM, but anticipate bringing a proposal to make this a more permanent fixture through a zoning amendment. E Lee expressed that low barrier shelters should be allowed in every part of the city.

III. Chair's Report

A Montroll	E Lee and A Montroll were reappointed by the City Council.
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IV. Director's Report

D White	Staff continue to split time between COVID response and other planning items. Council received minimum parking amendment, and will refer it to the Ordinance Committee to consider TDM amendments. Working on fall planning for the city related to COVID.
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V. Public Hearing: CDO Amendment ZA-20-07 Front Yard Parking

Approve Municipal Bylaw Amendment Report and refer amendment with recommendation to Council		
Motion by: E Lee	Second by: A Friend	Vote: Approved Unanimously
Type: Public Hearing & Action	Presented by: S Gustin	
S Gustin noted made the correction to change minimum to maximum, but reflects the Commission's input at the last meeting. Clarifies how the city intends to keep parking to the side or rear of a building. Email concern received by Commission addresses lawn parking, which is outside of zoning.		

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The Chair opened the public hearing at 6:51 and closed it at 6:52. A written comment was submitted via email to the Commission by K Carter (see website).
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VI. Public Hearing: CDO Amendment ZA-20-08 Convalescent Home Lot Coverage & Parking

Approve Municipal Bylaw Amendment Report and refer amendment with recommendation to Council		
Motion by: J Wallace Brodeur	Second by: A Friend	Vote: Approved Unanimously
Type: Public Hearing & Action	Presented by: S Gustin	
S Gustin noted that this emerged from request by Birchwood, made senior housing bonus consistent with inclusionary housing bonus. Bonus enables maximum lot coverage to 44%, and increases minimum parking standards at 1 space per 2 beds		
The Chair opened the public hearing at 6:54 and closed it at 6:55.		

VII. Public Hearing: CDO Amendment ZA-20-09 Rezone 311 North Ave, Parks Lot Coverage, WRM Height Exemption

Amend the lot coverage limit for 311 North Avenue to 10%, approve Municipal Bylaw Amendment Report and refer amendment with recommendation to Council		
Motion by: J Wallace Brodeur	Second by: H Roen	Vote: Approved Unanimously
Type: Public Hearing & Action	Presented by: M Tuttle	
M Tuttle shared the outline to rezone the city's park parcel at 311 North Avenue, to apply a maximum lot coverage of 15%, to remove downtown & waterfront parks that are zoned CIVIC from the RCO-C lot coverage table, and to eliminate the WRM Height exception. M Tuttle also noted based on additional discussion about BPRW's plans for the lot, that the maximum height lot coverage could be lowered to 10%.		
The Chair opened the public hearing at 7:05 and closed it at 7:10.		
S Bushor asked if raised beds would be considered lot coverage; staff indicated they would not.		
Commissioners		

VIII. Proposed Addendum to Open Space Protection Plan

Action: Item removed from the agenda		
Motion: NA	Second: NA	Vote: NA
- Conservation Board member presenting had a conflict and will attend a future meeting.		

IX. Commissioner Items

Action: N/A		
Motion: NA	Second: NA	Vote: NA
- Next meeting is Tuesday, July 28 at 6:30pm on Zoom.		

X. Minutes & Communications

Action: Approved the minutes and accepted the communications		
Motion by: A Friend	Second: H Roen	Vote: Approved Unanimously
Minutes Approved: June 23, 2020 Planning Commission Meeting		
Communications Filed:		
- Communication from K Carter RE: ZA-20-07		

XI. Adjourn

Adjournment		Time: 7:15 pm
Motion: J Wallace Brodeur	Second: B Baker	Vote: Approved Unanimously



Andy Montroll, Chair

Signed: July 28, 2020

Respectfully submitted by:



Meagan Tuttle, Comprehensive Planner