

Burlington Planning Commission

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Emily Lee
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Joint Planning Commission and City Council Form-Based Code Committee

REGULAR MEETING

Thursday, June 18, 2015 – 5:30:00 P.M.

City Hall Conference Room #12, 149 Church Street

AGENDA

Note: times given are
approximate unless
otherwise noted.

I. Agenda

II. Overview of tonight's meeting

III. Public Forum – (15 min)

IV. Downtown Form-Based Code Review

The committee will continue its discussion of Sec. 14.7 Administration and Procedures

V. Public Forum – (15 min)

VI. Adjourn – (7:30pm)

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Joint FBC Committee Meeting Notes

June 10, 2015

Committee Members: A. Montroll, E. Lee, C. Mason, M. Tracy and J. Shannon (phone)

Staff: D. White (Planning), and K. Sturtevant (City Attorney's Office)

Topic: Sec. 14.7 Administration and Procedures – see pages 109-115

A. Montroll noted that this was still a committee of 6 members and PC Chair Yves Bradley had been asked to appoint another commissioner.

E. Lee asked if the Committee should be reviewing/approving meeting notes/minutes. Staff will provide notes and this can be done in the beginning of the meeting agenda.

A. Montroll asked about getting a clean version with all changes made so far. Staff expects to have something in the next couple of weeks.

Public Forum:

E. Morrow stressed that the draft still includes many barriers to net-zero design. There is an incentive for applicants to use a fast track which may make them less interested/supportive of alternative paths and need for relief. Also that no architects on staff or guaranteed on the DRB to review. Should be a requirement for both.

D. Gayer asked what version of the FBC we are currently working on. Answer is April 3.

B. Goblik asked how this is related to planBTV and shouldn't it address the Climate Action Plan, stormwater management and GPI. Staff explained that his process directly implement recommendation of those policy documents as applicable.

Application Submission (see p 109)

D. White noted that staff is developing language requiring the use of a survey as the basis for any site plan, as well as the use of licensed professionals were required by state law (surveyors, architects and landscape architects).

Project Review (see p 111)

Committee consensus that pre-application neighborhood input is important. Should remain a requirement for larger projects (following current Major Impact threshold or similar).

Pre-application review by staff is also important and should also remain a requirement for larger projects (see above).

M. Tracy & E. Lee asked about the suggestion of hiring a City Architect to review projects – would be valuable towards ensuring energy efficiency, durable materials and design. D. White responded that it was really a staffing and resource question more than one related to the regulations. With the necessary resources provided in the Department's budget, a design professional like an Architect or Urban Designer would be a great skill set to add either as a consultant on retainer or FTE staff person. Current staff already has expertise in this field and more would be very helpful. The more important question however has to do with exactly what is being reviewed and under what standards? Without clear standards, the review (by staff or DRB) is increasingly arbitrary and unpredictable. More detail in the regulations regarding energy efficiency beyond the current requirements and durable materials are great things to add, but they can come later as well. The proposed FBC will be a living document and should continue to evolve over time – it doesn't need to address every issue right now.

Discretionary review by DRB will continue to include Conditional Uses, Major Impact Projects, Variances and Appeals based on the current review standards in the CDO and statute. Also to be added should be any Civic Spaces and Buildings and discretionary building height above the base height (e.g. 65' in FD6). Committee would like to discuss the review standards at the next meeting.

Non-Conformities (see p 111, and p 5-14 thru 5-18 of the CDO)

Committee members questioned the adequacy of the "Substantial Modification" definition that would trigger the requirement for full conformity – it needs to consider more than just the added value. What about size as well? Also the "Substantial Modification" needs to be relative to the work being done – is it the site, building, frontage or sign? Changes to one shouldn't automatically require a change to all. Finally, the DRB should retain some role in the review of changes to non-conformities – this needs to be further clarified between FBC and Sec. 5.3.5 of the CDO

Public Forum #2:

B. McGrew said that there is a lot of difference between 5 units of housing and a 65' building.

D. Gayer said that building materials, glazing and energy efficiency are very important and should be included and considered early in the process.

E. Morrow noted that the role of a City Architect should be to add value to all projects, and the additional energy efficiency should require a variance.

DISCRETIONARY HEIGHT

Discretionary Height Standards (add to Sec. 14.6.5)

In its discretion to approve or deny a building seeking additional height over the by-right height allowed in the respective Form District (e.g. over 65 feet tall in FD6), the Development Review Board shall consider the following:

- a. The conformance with the adopted land use and development plans for the area as addressed in the Municipal Development Plan;
- b. The consistency with the purpose of this ordinance;
- c. The consistency with the intent of the Form District where the project is located;
- d. The use of architectural design technics and selection of materials to reinforce the street wall and reduce the perceived height and mass of the upper stories from the street level;
- e. The building enhances the city's skyline and promotes visual interest with a variety of roof forms and/or architectural elements; and,
- f. The upper story (over 65 feet) proportions of the building(s) are oriented, tapered and/or separated into separate masses in order to retain sky view between buildings and reduce the size and length of shadows cast on Frontages and Civic Spaces on the opposite side of the street. Shadow impacts shall be analyzed through a Sun/Shadow Study, which demonstrates how the proposed building maintains access to at least 5 hours of sunlight for Frontages and Civic Spaces on the opposite side of the street at the equinoxes – March 21 and September 21.

Form Based Code Review Process

Pre-Application Review:

- Planning Staff– required for Major Impact Projects
- City Technical Review– required for Major Impact Projects
- Sketch Plan Review – upon applicant’s request
- Neighborhood Meeting – required for Major Impact Projects

Development projects and other matters requiring discretionary review by the Development Review Board include:

- **Discretionary Building Height** following the review standards found in Sec. 14.6.5
- **Civic Buildings and Spaces** following the review standards found in Sec. 14.4.13 or Sec. 14.6.13
- **Conditional Uses** following the review standards found in Sec. 3.5.6(a) of the CDO
- **Major Impact Projects** following the review standards found in Sec. 3.5.6(b) of the CDO
- **DRB Relief** requests following the review standards found in Sec. 14.7.3
- **Variance** requests following the review standards found in Article 12, Part 1 of the CDO
- **Appeals of Administrative Decisions** following the review standards found in Article 12, Part 1 of the CDO

The Development Review Board review shall be limited to making findings under the required review criteria for the required approval. All other elements of the application shall be entitled to administrative approval By Right by the Department

Any project that otherwise does not require discretionary review by the Development Review Board will be reviewed administratively by-right following the form based standards:

- Form District Standards
- Building Type Standards
- Frontage Type Standards
- Supplemental Standards
- Urban Design Standards
- Landscape & Site Standards
- Sign Type Standards
- Civic Space Standards
- Administrative Relief Requests

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