

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
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*Yves Bradley, Chair
Bruce Baker, Vice-Chair
Lee Buffinton
Emily Lee
Andy Montroll
Harris Roen
Jennifer Wallace-Brodeur
vacant, Youth Member*



Burlington Planning Commission

Regular Meeting

Tuesday, June 14, 2016 – 6:30-9:00 P.M.

****Burlington Police Dept. Community Room, One North Avenue****

AGENDA

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

I. Agenda

II. Report of the Chair

III. Report of the Director

IV. Proposed CDO Amendment- DT/RH Zone Transition Line at George Street (20 min)

The Planning Commission will discuss a request to relocate the zone transition line between the Downtown Transition zone and the Residential- High Density zone at George Street. The proposed amendment was recommended by the Ordinance Committee. Materials related to this request are included in the agenda packet on pages 3-6.

V. Proposed CDO Amendment- Article 10: Administrative Authority & Public Standards (15 min)

The Planning Commission will discuss a proposed amendment to Article 10: Subdivision Review. The proposed amendment was recommended by the Ordinance Committee. Materials related to this proposed amendment are included in the agenda packet on pages 7-14.

VI. Public Forum - Time Certain: 7:15 P.M.

The Public Forum is an opportunity for any member of the public to address the Commission on any relevant issue.

VII. Proposed CDO Amendment- Downtown Mixed Use Core Overlay

The Commission will continue its discussion of the proposed CDO Amendment to establish a Downtown Mixed-Use Core overlay. Materials related to this proposed amendment are included in the agenda packet on pages 15-30.

VIII. Committee Reports

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.

IX. Commissioner Items

X. Minutes/Communications

The Commission will review approve minutes from the April 26, 2016, May 10, 2016, and May 24, 2016 meetings which are provided on pages 31-48 of the agenda packet, and communications on pages 49-51.

XI. Adjourn

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MEMORANDUM

TO: City of Burlington – Planning Commission

CC: David White, Scott Gustin

FROM: John Alden, AIA, agent for Richard Bove

SUBJECT: Request to relocate the DT-RH Zone Transition Line at George Street

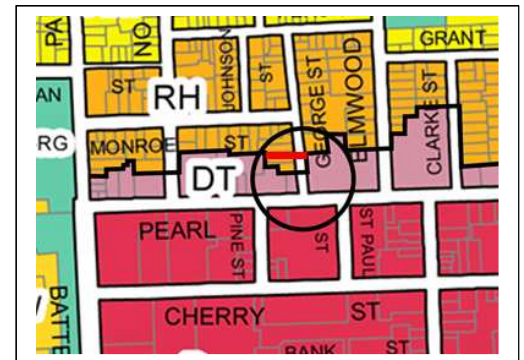
DATE: 12-21-2015

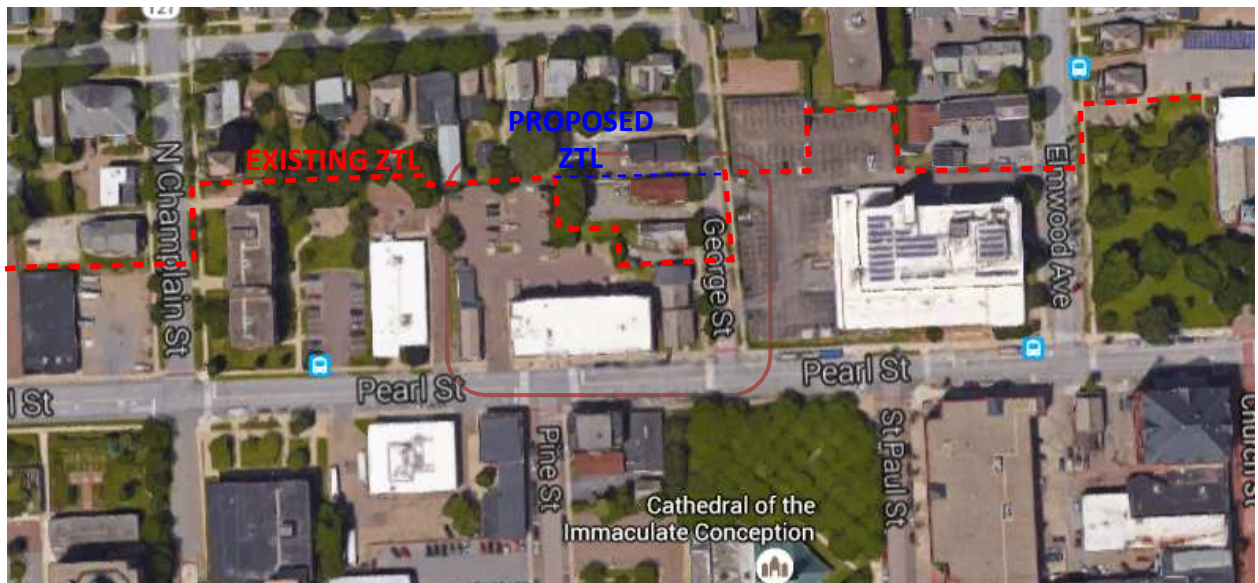
Dear Planning Commission-

We hereby request that the Planning Commission consider and act on this proposal to straighten out the Zone Transition Line delineating the DT – RH zones by George Street and Pearl Street. We ask that the Zone line on the west side of George Street be moved north by two parcels as shown in the attached material.

We offer the following reasons in support of our request.

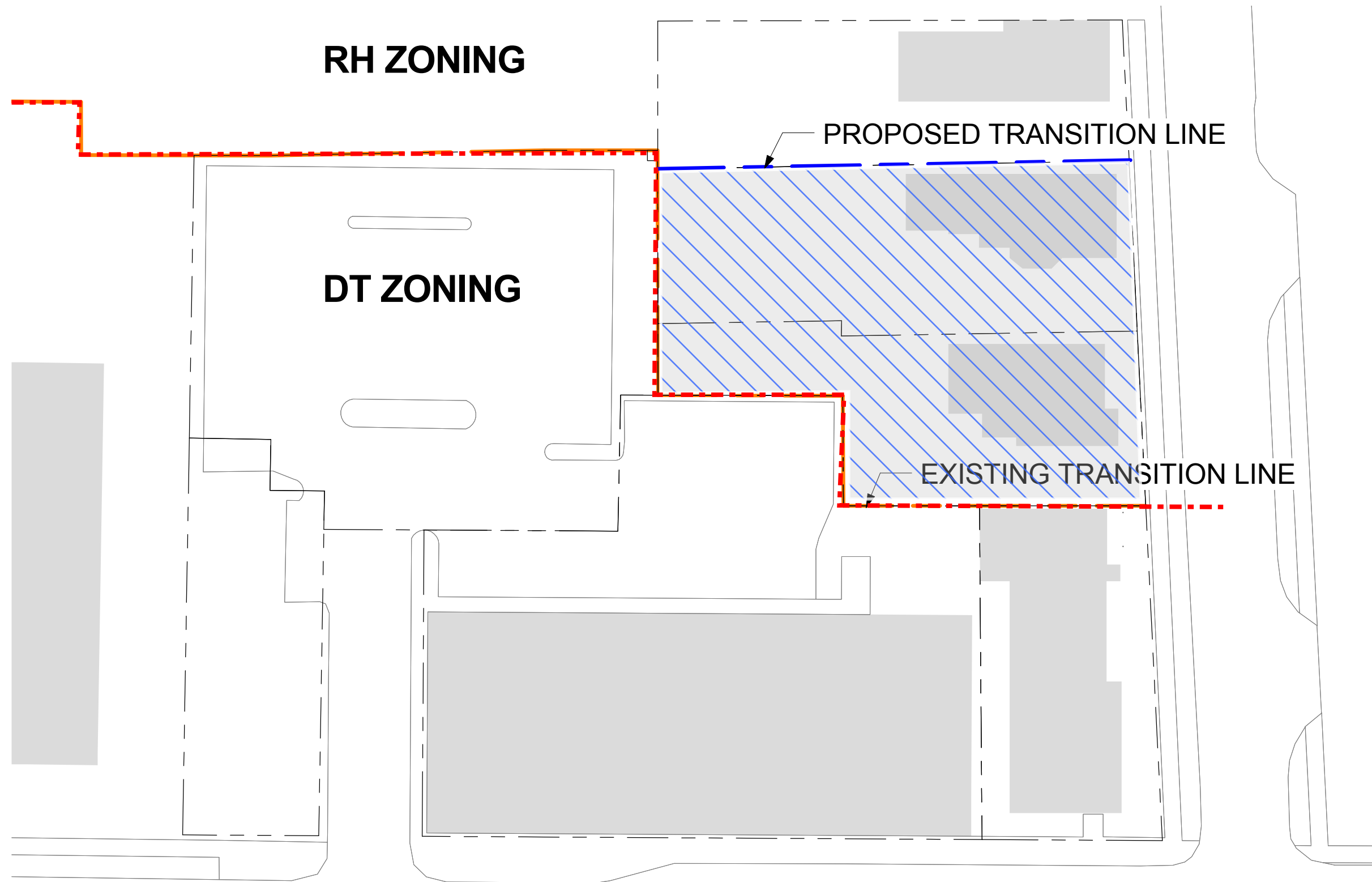
1. Pearl Street is a significant corridor at the north edge of the recognized city core. The north side of Pearl street is zoned DT, but the northern edge of that district varies. At the west side of George Street, it is very close to Pearl. With only the Stannard House on the Pearl-George corner zoned DT, the narrowness prevents any real DT development and weakens the Pearl Street corridor/DT concept at this point.
2. Other buildings on the north edge of Pearl in this vicinity are large, multi-story structures in keeping with the intensity and density/FAR objectives of the Pearl Street corridor and the DT zone (e.g. the Post Office, Victoria Place).
3. Note that despite an FAR maximum of 4.6 (with bonuses), under the current Zone arrangement we were not able to achieve a FAR much over 2.
4. The DT zone varies in width. Its narrowest point occurs at George Street. This proposal will “straighten-out” the Zone line and allow the city vision to be more fully realized. The Pearl Street corridor will be strengthened and the opportunity for meaningful transition development may be realized.
5. With a Zone line adjustment, we are proposing to develop a combined parcel under the DT zoning that will aim at achieving the stated goals for the DT zone, increase density and intensity and add significant senior housing to this prime area of downtown Burlington. This project would fit in very well with the surrounding pedestrian amenities in the nearby City Core/DT zone and the existing residential neighborhood to the north.





ZONE TRANSITION LINE: PROPOSED RELOCATION AT GEORGE STREET

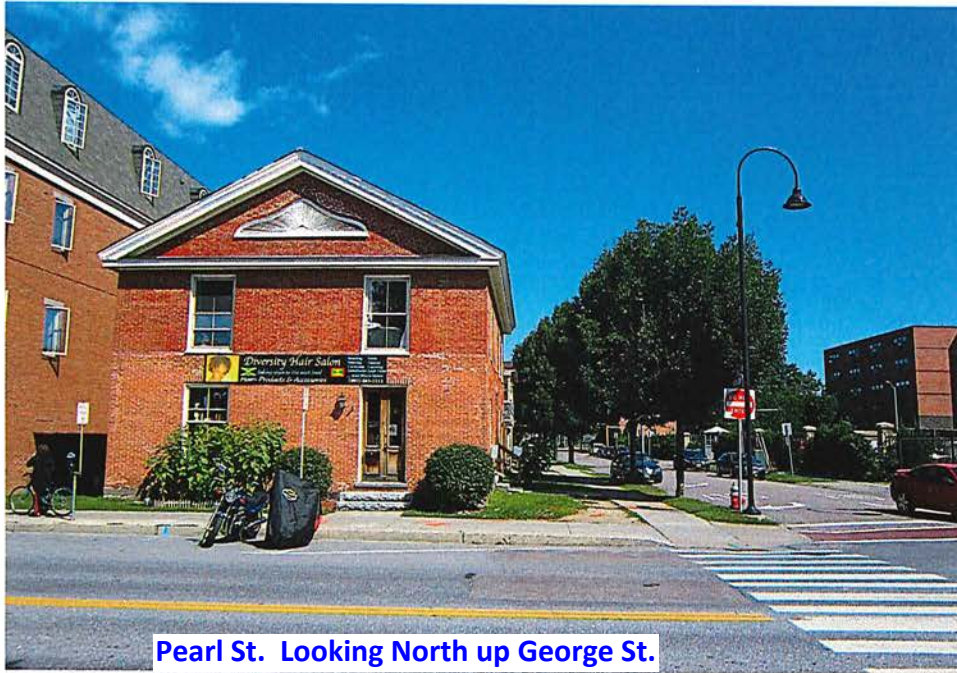
Supporting information. Figure-Ground diagram and Satellite view.



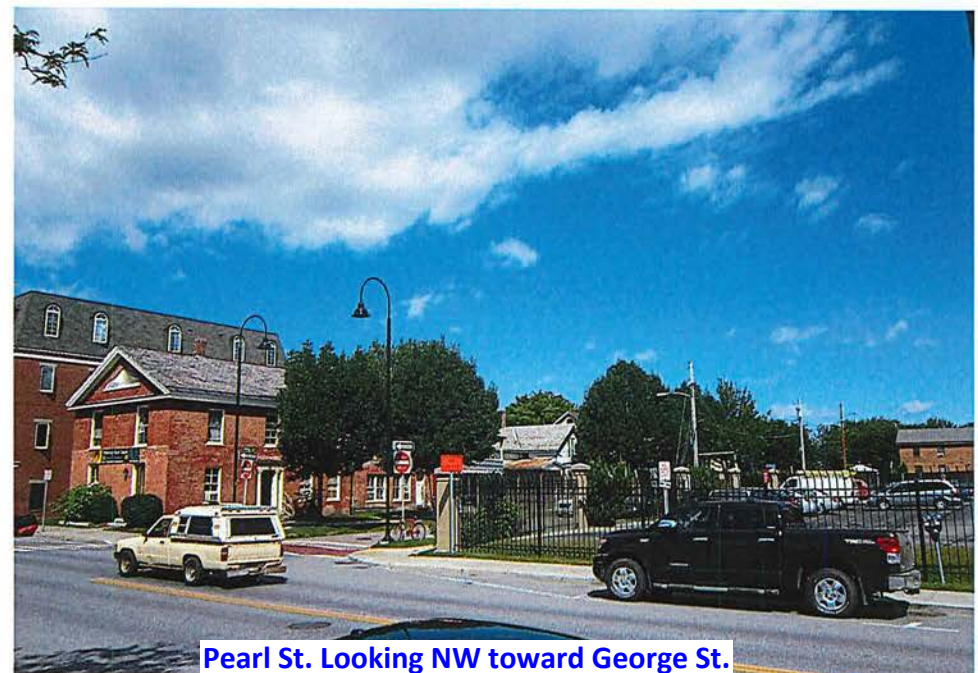
GEORGE STREET

ZONE TRANSITION LINE

01/07/16



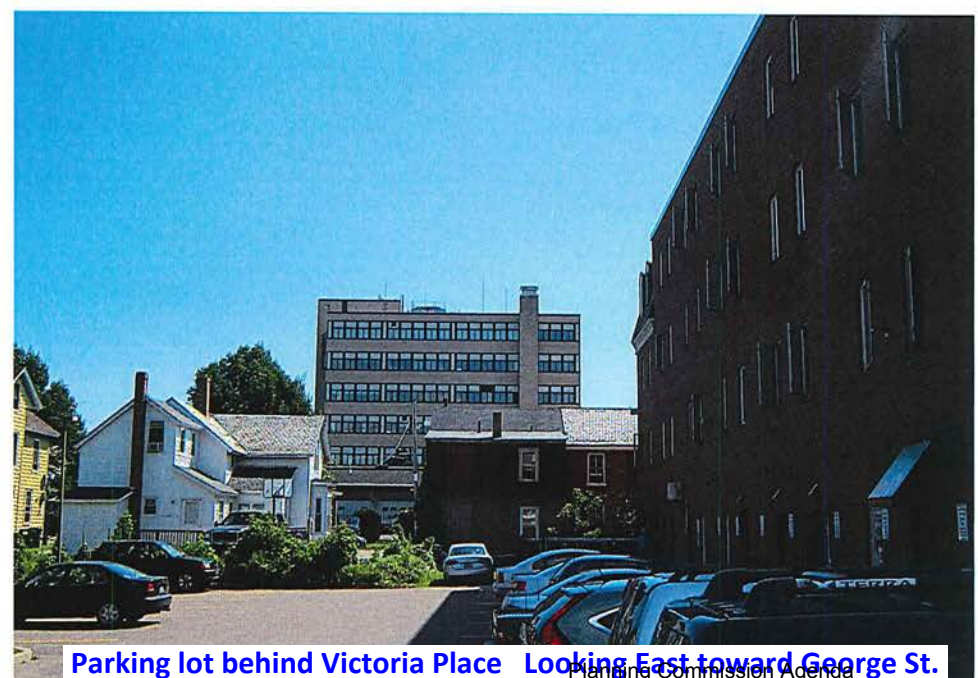
Pearl St. Looking North up George St.



Pearl St. Looking NW toward George St.



Pearl St. Looking East Toward Post Office



Parking lot behind Victoria Place Looking East toward George St.

TO: Planning Commission
FROM: Scott Gustin
DATE: May 17, 2016
RE: Article 10: Subdivision amendments

At its's May 17, 2016 meeting, the Ordinance Committee voted to move this proposed amendment along to the full Planning Commission for its consideration.

The purpose of this proposed amendment is three-fold:

- Establish administrative authority for minor subdivisions (i.e. those eligible for combined preliminary and final plat review) not otherwise subject to DRB review.
- Incorporate reference to the standards of the City Engineer for public infrastructure improvements.
- Clean up omissions and mistakes from the original transfer of subdivision language from the 1973 Subdivision Ordinance into the 2008 Comprehensive Development Ordinance.

Proposed CDO Language:

Sec. 10.1.3 Platting Jurisdiction

(a) Platting Authority:

The Administrative Officer and the DRB shall be the official city platting authorities responsible for the review and acceptance of all land subdivision plats. The Administrative Officer shall be the platting authority for all subdivisions that will create fewer than five (5) lots and are not otherwise subject to consideration under Major Impact Review pursuant to the provisions of Article 3, Part 5 or Planned Unit Development pursuant to the provisions of Article 11. The DRB shall be the platting authority for all other subdivisions. No plat of a land subdivision shall be entitled to be recorded in the city land records without the approval of the Administrative Officer or the DRB or its designee inscribed thereon.

(b) Use of plat:

The transfer of, sale of, agreement to sell, or negotiation to sell land by reference to or exhibition of, or other use of a plat of a subdivision that does not have final approval by the Administrative Officer or the DRB or its designee inscribed thereon and is not recorded in the city land records shall be prohibited.

(c) Erection of buildings:

No zoning or building permit shall be issued and no building shall be erected on any lot within a proposed subdivision unless and until the final subdivision plat has been approved by the Administrative Officer or the DRB and properly recorded in the city's land records.

Sec. 10.1.4 – Sec. 10.1.6

As written.

Sec. 10.1.7 Combined Preliminary and Final Plat – Administrative Review

~~The administrative officer shall have the authority to approve or deny an application f~~For subdivisions that will create fewer than five (5) lots ~~or dwelling units~~, and are not otherwise subject to consideration under Major Impact Review pursuant to the provisions of Article 3, Part 5 or Planned Unit Development pursuant to the provisions of Article 11, ~~the applicant may request, and the DRB may authorize the hearings on preliminary and final subdivision plats to be combined into a single public hearing.~~

In such cases, the submission requirements for final subdivision plats pursuant to Sec. 10.1.9 shall be met at the time of application, and decisions by the ~~DRB~~ Administrative Officer shall be based on the project's conformance with the review criteria for both preliminary (Sec. 10.1.8(d)) and final plats (Sec. 10.1.9(d)).

Sec. 10.1.8

As written.

Sec. 10.1.9 Final Plat Approval Process

During such time that an approved preliminary plat remains effective, the applicant may submit an application for approval of a final plat.

(a) Final Plat and Construction Detail Submission Requirements

The applicant may seek approval of a final plat by filing the following items with the administrative officer. All plat maps, including street and utility construction plans, shall also be provided in a digital computer format compatible with the city mapping and CAD systems as determined by the administrative officer.

1. A letter requesting review and approval of the final plat and, for subdivisions to be reviewed by the DRB, giving the name and addresses of person(s) to whom notice of the hearing by the DRB thereon shall be sent.
2. A narrative describing the proposed project's conformance with each of the applicable review criteria in (d) below, and a timetable or phasing plan for the construction of all site improvements.
3. Ten (10) copies of the final plat, as specified in subsection (6) below.
4. Ten (10) copies of the final site plan, as specified in subsection (7) below.
5. Ten (10) copies of construction detail drawings of the sewer, water and drainage systems, other underground utilities, surface improvements, street profiles and street cross-sections as specified in subsection (8) below.
6. Final plat specifications: The final plat shall be prepared by a Vermont licensed land surveyor. The plan shall be at a scale of one inch equals forty feet (1"=40'). In addition such other scale as the board may require to showing details clearly and adequately shall be included. Sheet sizes shall be twenty-four (24) inches by thirty-six (36) inches with one-inch margins on three (3) sides and two (2) inch margin on the side to be bound. If multiple sheets are used, they shall be accompanied by an index sheet referencing the entire final plat. The final plat shall contain all information

required for the preliminary plat pursuant to Sec. 10.1.8 (a)4 above, updated and accurate, together with the following information:

- A. Existing and proposed lines of streets, ways, lots with areas of each, dimensions and areas of easements, parks and other property within the subdivision to be dedicated for public use.
 - B. Location, width, name, and final grade of proposed streets.
 - C. Sufficient data including the length, radii, and central angles of all curves to readily determine the location, bearing, and length of every street and right-of-way, lot line and boundary line and to reproduce same on ground; all bearings to be referred to magnetic meridian. Wherever a boundary line of the subdivision is within five hundred (500) feet of a Vermont Coordinate Survey monument, the survey of the subdivision shall be tied to said monument(s). The error of closure must not exceed one to fifteen thousand (15,000); traverse streets or a copy thereof showing error of closure of the field surveys and the calculations for final adjustment must be submitted to the office of the city engineer for approval.
 - D. Location of all permanent monuments properly identified as to whether existing or proposed. The distance and bearing to the nearest municipal, county or state monument on an accepted way and monuments at all points of curvature and changes in direction of street right-of-way lines or where designated by the city engineer.
 - E. Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision and street lines of the access street leading from the subdivision to the nearest accepted public street.
 - F. Lot numbers, proposed house numbers and areas of other adjoining land of applicant not included in subdivision.
7. Final Site Plan detail drawings: All submitted applications for final plat approval must likewise include a final site plan consisting of the following as applicable:
- A. All information required for the preliminary site plan pursuant to Sec. 10.1.8 (a)5 above, updated and accurate;
 - B. Minimum front, side, and rear setback lines shall be shown and dimensioned in accordance with the applicable zoning ordinance requirements of Article 4; and,
 - C. Subsurface conditions of the tract, location, and results of tests made to ascertain subsurface soil rock and ground water conditions and depth to ground water, as may be reasonably required to carry out the purposes and intent of these regulations.
8. Construction detail drawings: Standards for public streets and related public infrastructure shall be as established by the City Engineer. All submitted applications for final plat approval must ~~likewise~~ have construction detail drawings consisting of the following as applicable:
- A. Plans and profiles showing existing and proposed elevations along centerlines of all streets within the subdivision.

- B. Plans and profiles showing location of street pavements, curbs, gutters, sidewalks, manholes, catch basins, culverts and existing intersecting walks and driveways.
- C. Typical cross-sections of improved streets indicating the material used for construction of the roadbed and surface sidewalk, curbing and tree belt, tree pit showing centerline right-of-way width, width of pavement and travel lanes, height of crown, curb reveal, and any other pertinent information.
- D. Plans and profiles of the storm drainage system showing the location, pipe size and invert elevations of existing and proposed storm drains together with invert and rim elevations of all catch basins and manholes. Surface elevations and approximate depth of water shall be shown at each point where drainage pipe ends at a waterway. Drainage calculations prepared by the applicant's engineer, including design criteria used, drainage area and other information shall be sufficient for the city engineer to determine the size of any proposed drain, culvert, or bridge.
- E. Plans and profiles of the sanitary sewer system showing the location, pipe size and invert elevations of existing and proposed sewage system together with invert and rim elevations of all manholes. All lots within the proposed subdivision shall be serviced by the municipal sewerage system. Where a gravity flow of sewage cannot be attained, the applicant shall install a pumping or lift station of a make and type specified by the sewage disposal superintendent to provide for the proper disposal of all waste into the existing sanitary systems. The applicant shall covenant that one year after the pumping station has been installed and found to function to the satisfaction of the city engineer said pumping station shall be deeded to the city and thereafter shall be maintained and operated by the waste water division of the public works department.
- F. Plans and profiles of the water supply system showing the location, pipe size and invert elevations of the subdivision water system. All lots within the proposed subdivision shall be supplied by the municipal water system.
- G. All profiles shall be drawn with:
 - i. A horizontal scale of one inch to forty (40) feet and a vertical scale of one inch to four (4) feet.
 - ii. Existing centerline in fine black line with elevation shown every fifty-(50) feet.
 - iii. Proposed centerline grades in heavier black line with elevations shown every fifty (50) foot station except that in vertical curves elevations shall be shown at twenty-five (25) foot station. All changes in street grade shall be shown by a tangent to the vertical curve with the grade of the tangent indicated at the point of tangency.
 - iv. Cross-sections at every fifty (50) foot station or any unusual section, as is common practice in the design of roadways by the Vermont Agency of Transportation.

- v. Existing right-of-way line in fine black dash line.
- vi. Proposed right-of-way line in fine black dash line.
- vii. All elevations based on the U.S. Coast and Geodetic Survey benchmarks.
- viii. Requirements (i), (ii), (iii) and (iv) of such construction detail drawings must be approved by the city engineer prior to approval of the final plat ~~by the DRB.~~

9. Monuments: Provision shall be made for permanent monuments to be set at all corners and angle points of the subdivision boundaries and at all street intersections and points of curve. Monuments shall be stone or concrete with a one-inch diameter metal pipe at least two (2) feet long set in the center, located in the ground at final grade level, and indicated on the final plat. Metal stakes shall be set at all corners and angle points of individual lot lines within the subdivision located in the ground at or above final grade level.

(b) Completeness of Submission, Administrator's Action

As written.

(c) Public hearing on final plat:

As written.

(d) Review Criteria:

As written.

(e) DRB approval of final plat:

As written.

Sec. 10.1.10 Performance Bond and Guarantee of Completion

As written.

Sec. 10.1.11 Recording of Final Plats

(a) Certifications and Endorsement:

Every approved final plat seeking recording in the city land records shall carry the following executed certifications:

1. ~~City-Project~~ Engineer's certification as follows:

"It is hereby certified that this plat fully complies with all engineering requirements set forth in the subdivision regulations of the City of Burlington and all other engineering requirements of Burlington, Vermont."

By: _____

Registered _____

Seal

2. Surveyor's certification as follows:

“It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown hereon actually exist or are marked as “future” and their location, size, type and materials are correctly shown.

By: _____

Registered _____

Seal

3. Applicant’s certification as follows:

State of Vermont, County of Chittenden, City of Burlington

“The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey.”

Agent/Owner: _____

Date: _____

4. Certificate of dedication: A certification by the applicant setting forth the description of the areas and improvements being dedicated to the public and the extent of the title which is being dedicated.

5. Text of protective covenants whereby the applicant proposes to regulate land use in the subdivision and otherwise protect the proposed development.

6. Certificate of the City Engineer, as follows:

“I, _____, city engineer, do hereby certify that the subject plat has been examined by me and found to comply with the engineering requirements set forth in the regulations governing plats of subdivided land adopted by the city council, with the following exceptions:”

—

City Engineer

7. Certificate of the Superintendent of City Parks as follows:

“I, _____, superintendent of parks do hereby certify that the subject plat has been examined by me and found to comply with the street planting requirements and park area requirements set forth in the regulations governing plats of subdivided land adopted by the city council with the following exceptions:”

City Superintendent of Parks

8. Certificate of the City Fire Marshal as follows:

“I, _____, fire marshal do hereby certify that the subject plat has been examined by me and found to comply

with the fire prevention requirements set forth in this chapter governing plats of subdivided land adopted by the city council with the following exceptions:"

City Fire Marshall

9. Any other certificate as may be reasonably required by the Administrative Officer or DRB to carry out the purpose and intent of these regulations.

Every approved final plat seeking recording in the city land records shall carry the endorsement of the Administrative Officer or the DRB.

Final plats approved by the Administrative Officer shall carry the following endorsement stating that the plat has been approved by the Administrative Officer, and specifying the date of such approval and any conditions of approval, and signed and dated by the Administrative Officer.

"Approved by the Administrative Officer in, Burlington Vermont, on this _____ day of _____ 20__ Subject to All Requirements and Conditions of The Comprehensive Development Ordinance of the City of Burlington, Vermont."

Signed This _____ day of _____, 20__

By _____

Witness _____ Administrative Officer _____

Zoning Permit/Certificate of Appropriateness # _____

Final plats approved by the DRB shall carry the following endorsement stating that the plat has been approved by resolution of the development review board, and specifying the date of such approval, including the Findings of Fact and any conditions of approval, and signed and dated by the chair of the development review board.

"Approved by Resolution of the City of Burlington Development Review Board, Burlington Vermont, on this _____ day of _____ 20__ Subject to All Requirements and Conditions of The Comprehensive Development Ordinance of the City of Burlington, Vermont."

Signed This _____ day of _____, 20__

By _____

Witness _____ DRB Chair _____

Zoning Permit/Certificate of Appropriateness # _____

Endorsement shall not take place until all required plats, construction drawings, and supporting documents have been submitted to the administrative officer and determined to be complete and accurate. Prior to the endorsement of the final plat, the city engineer and the administrative officer shall check all documents to be filed to ascertain that they are as approved.

Where necessary, a certification by the city clerk of the Administrative Officer's failure to act within thirty (30) days of filing a complete subdivision application, or the development review board's failure to act within forty-five (45) days of the close of the final public hearing held under these regulations shall serve as the required endorsement.

(b) Recording within 180-days

As written.

(c) Plat Void if Revised After Approval:

As written.

Sec. 10.1.12 – 10.1.14

As written.

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-16-?? – Downtown Mixed Use Core Overlay

As revised by the Planning staff – June 3 2016.

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

Purpose: This amendment is to facilitate the redevelopment of a portion of the former Urban Renewal District with higher density mixed use development in the core of the downtown, and in so doing substantially and significantly help the City to implement many of the central goals and objectives found in the *planBTV: Downtown and Waterfront Master Plan* unanimously adopted in June 2013 to guide the future development and economic vitality of the downtown and waterfront area. It creates an overlay district to encompass a 1-2 block area in the core of the downtown area to enable taller Building Height without the necessity of a “bonus” from the DRB. It also establishes a number of building form requirements to ensure street-level activation and façade variation.

Article 4: Zoning Maps and Districts, Part 2: Official Map

Sec. 4.2.1 Authority and Purpose

A map entitled “The Official Map of the City of Burlington” and as depicted on Map 2.2.1-1 below is hereby established pursuant to 24 VSA 4421 that identifies future municipal utility and facility improvements, such as road or recreational path rights-of-way, parkland, utility rights-of-way, and other public improvements. The intent is to provide the opportunity for the city to acquire land identified for public improvements prior to development for other use, and to identify the locations of required public facilities for new subdivisions and other development under review by the city.

Map 4.2.1-1 Official Map of the City of Burlington (unchanged)

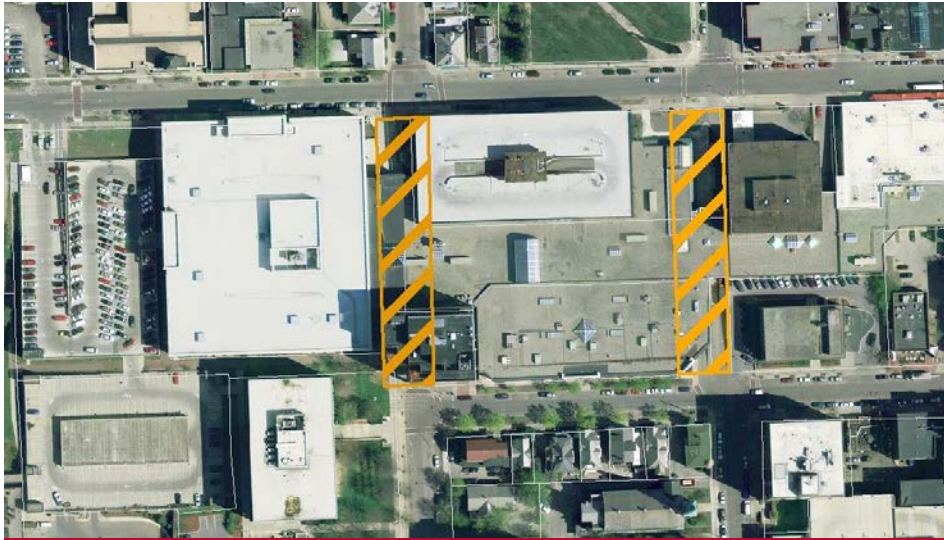
Sec. 4.2.2 Downtown and Waterfront Core Official Map Established

A map entitled “The Official Map of the Downtown and Waterfront Core” and as depicted on Map 2.2.2-1 below is established as part of the Official Map established above, ~~is to be dated as of the effective date hereof, is to be located in the department of zoning and planning and is incorporated herein by reference.~~ The proposed streets, public ways, public parks and other public lands and visual corridors contained therein are more particularly described as follows:

- (a) A pedestrian easement thirty (30) feet in width along the center line of Main Street extended to Lake Champlain west of the Union Station building;

- (b) A waterfront pedestrian easement fifty (50) feet in width abutting the ordinary high water mark of Lake Chaplain from Maple Street extended to College Street;
- (c) A waterfront pedestrian easement one hundred (100) feet in width abutting the ordinary high water mark of Lake Champlain from College Street extended to the north property line of the city-owned lands designated as “urban reserve” and formerly owned by the Central Vermont Railway;
- (d) Visual corridors and/or pedestrian ways sixty (60) feet in width along the center lines of Bank, Cherry, Pearl and Sherman streets extended west to Lake Champlain and visual corridors above the fourth floor along Main Street and College Street;
- (e) The following existing streets remain: Maple and King Streets and as extended to Lake chaplain; Main street; College Street and as extended to Lake Champlain; Lake Street from Main Street to College Street; Depot Street; and Battery Street;
- (f) An easement for pedestrians and bicycles twenty (20) feet in width, located adjacent to and west of the old Rutland railway right-of-way and owned by the State of Vermont running between the King Street Dock and College Street; ~~and;~~
- (g) Lake Street (north) modified: The portion of Lake Street is a street seventy (70) feet in width, the center line of which commences on the north line of College Street thence running northerly following the center line of existing Lake to a point intersecting the northerly property line of the Moran Generating Station extended east.
- (h) The re-establishment of St Paul Street between Cherry and Bank streets as a public street with a right-of-way sixty (60) feet in width to accommodate pedestrians, bicycles and vehicles; and,
- (i) The re-establishment of Pine Street between Cherry and Bank streets as a public street with a right-of-way sixty (60) feet in width to accommodate pedestrians, bicycles and vehicles.

Commented [DEW1]: This will ensure that the proposed north-south connectivity on Pine and St. Paul streets envisioned in planBTV is accomplished. The City will have 120-days to initiate proceedings to acquire any land within this area that may be proposed for new development. As proposed, the BTC will comply.



Commented [DEW2]: These proposed new ROW's are consistent with the BTC project as proposed

(temporary illustration of the proposed addition)

Map 4.2.2-1 Official Map of the Downtown and Waterfront Core ~~Waterfront Core Official Map~~

Article 4: Zoning Maps and Districts, Part 3: Zoning Districts Established

Sec. 4.3.2 Overlay Districts Established:

Overlay districts are overlaid upon the base districts established above, and modify certain specified development requirements and standards of the underlying base district. the land so encumbered Properties within an Overlay District may be used and altered-developed in a manner permitted in the underlying district only if and to the extent such use or alteration is permitted in-as may be modified by the applicable overlay district. The following districts are established as overlay districts as further described in **Part 5** below:

(a) A Design Review Overlay (DR) district;

(b) A series of five (5) Institutional Core Campus Overlay (ICC) districts, as follows:

- UVM Medical Center Campus (ICC-UVMMC);
- UVM Central Campus (ICC-UVM);
- UVM Trinity Campus (ICC-UVMT)
- UVM South of Main Street Campus (ICC-UVMS); and,
- Champlain College (ICC-CC);

(c) An RH Density Bonus Overlay (RHDB) district;

(d) A series of four (4) **Natural Resource Protection Overlay (NR)** districts, as follows:

- Riparian and Littoral Conservation Zone;
- Wetland Protection Zone;
- Natural Areas Zone; and,
- Special Flood Hazard Area;

(e) A **RL Larger Lot Overlay (RLLL)** district;

(f) A **Mouth of the River Overlay (MOR)** district; ~~and,~~

(g) A **Centennial Woods Overlay (CWO)** district; ~~and,~~

(h) A **Downtown Mixed Use Core (DMUC)** district.

Sec. 4.4.1 Downtown Mixed Use Districts

(d) District Specific Regulations, 4. Building Height Setbacks

A. - unchanged

B. **Church Street Buildings:**

For the purposes protecting the historic character and scale of buildings along the Church Street Marketplace, the maximum height of any building fronting on Church Street shall be limited to ~~38-feet~~ 4-stories not to exceed 45-feet. Any portion of a building ~~within 100-feet from the centerline of Church Street exceeding 45-feet~~ shall be set-back a minimum of ~~16~~ 10-feet for every 10-feet of additional building height above ~~38~~ 45-feet.

Commented [DEW3]: While outside of the proposed new overlay, this change is already envisioned as part of the currently proposed form-based code to provide better compatibility of building heights on Church Street. The BTC project as proposed will need its upper floors to be set back farther in order to comply

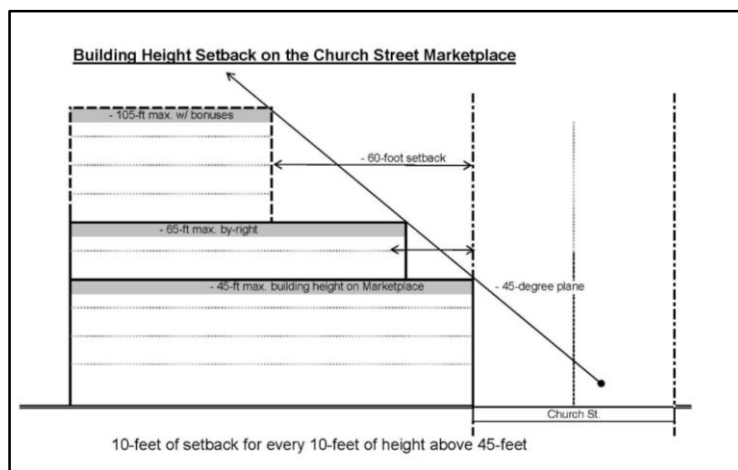


Figure 4.4.1-2 Measuring Height Limits for Church Street Buildings

C. - unchanged

Sec. 4.5.8 Downtown Mixed Use Core Overlay (DMUC) District

(a) Purpose:

The Downtown Mixed Use Core Overlay (DMUC) district is intended to facilitate the redevelopment of a portion of the former Urban Renewal Area in order to provide for a more walkable, connected, dense, compact, mixed use and diverse urban center. The area should support a diversity of residential, commercial, recreational, educational, civic, hospitality, and entertainment activities, and create opportunities to better connect the street grid for enhanced mobility for automobiles, pedestrians, and bicyclists in order to sustain and advance the economic vitality Burlington's downtown urban core.

This overlay allows larger scale development than is typically found in the underlying district, and development with larger and taller buildings. Development should be designed to support the diverse mixed-uses, activate and enrich the street and sidewalk for pedestrian activity, and encourage mobility throughout the district and adjacent districts for pedestrians and bicyclists with reduced reliance on automobiles.

(b) Areas Covered:

The Downtown Mixed Use Core Overlay (DMUC) district includes those portions of the Mixed Use Downtown (D) District as delineated on [Map 4.5.8-1](#).



Map 4.5.8-1: Downtown Mixed Use Core Overlay (DMUC) district

Commented [DEW4]: Boundary of this area needs to consider existing and potential development in this area which has generally been supported in planBTV and by the Joint FBC Committee as the part of the downtown where greater height could be appropriate.

(c) District Specific Regulations: Downtown Mixed Use Core Overlay (DMUC) district;

1. Dimensional Standards:

The maximum Building height and mass shall be as prescribed in Table 4.5.8-1 below. Building height and mass in excess of 65-feet and 5.5 FAR shall be allowed by-right and without the necessity of the DRB granting of Development Bonuses/Additional Allowances pursuant to Sec 4.4.1 (d)7.

The Dimensional Standards within the DMUC Overlay District shall be as follows:

Table 4.5.8-1 Downtown Mixed Use Core Overlay (DMUC) District Dimensional Standards	
Building Height	3 stories min. 14 stories not to exceed 160-ft max
FAR	9.5 FAR total max per lot
Floorplate:	
Floors 1-5	100% of lot max.
Floors 6-7	75% of lot max.
Floors 8-11	55% of lot max.
Floors 12+	15,000 sf max per individual floorplate
Pervious Area¹	10% min
Setbacks:	
- Front	0-ft min, 10-ft max.
- Side/Rear	0-ft min, 12-ft max.
Occupied Build-to Zone²	100%
Ground Floor Height (floor to floor)	14-ft min
Arcades³	10-ft clear depth min 14-ft clear height min

¹ Pervious Area is the area of a lot covered by surfaces or materials that allow for the movement or passage of water into soils below. Pervious areas include, but are not limited to, areas of a lot covered by soil/mulch, vegetative matter, permeable pavers/pavement, bio-retention areas, or other materials that allow for the infiltration of at least the first inch (1") of rainfall. For these purposes, green roofs that capture and attenuate at least the first inch (1") of rainfall are also considered pervious area.

² Occupied Build-to Zone is the proportion of the linear distance between the maximum and minimum front setback along a front property line that must be occupied by a Building façade. In lieu of a Building façade, a streetscreen between 3.5 and 8 feet in height or active public use or activity (such as outdoor cafes) occupying no more than the lesser of 20 feet or 20% of the Build-to Zone may be included.

Commented [DEW5]: This is important to comply with the Pre-DA

Commented [DEW6]: This is important to compliance with the Pre-DA

Commented [DEW7]: This is important to compliance with the Pre-DA

Commented [DEW8]: These comes out of the proposed form based code. The gradual reduction on upper floors is done to ensure that taller buildings are tapered as they go taller. May also want to include a minimum separation between individual towers – 60'?

Commented [DEW9]: These come directly out of the proposed form based code. See footnote regarding Pervious Area as a preferred alternative to lot coverage limitations. BTC project is proposing ~36% (39,405 sf) of upper floor greenspace by comparison

Commented [DEW10]: These come directly out of the proposed form based code in order to define a building wall along the street and create enclosure within a dense urban environment

Commented [DEW11]: These come directly out of the proposed form based code to ensure a spacious opening for pedestrians and outdoor activity

³ An Arcade is where only the ground floor level of the Building facade is set back from the front property line. The Building facade for the upper floors is at or near the front property line within the Build-to Zone, and is supported by a colonnade with habitable space above.

2. Urban Design Standards:

The following urban design standards shall apply to all Buildings in the DMUC Overlay, and the DRB shall make a final determination regarding strict compliance with these standards except as provided for in E below. These standards and requirements shall take precedence without limitation over any duplicative or conflicting provisions of Article 6, and compliance with Article 6 shall be presumed where a Building is in compliance with these design standards as determined by the DRB.

A. Overall Design: Proposed Buildings shall present an architecturally significant design as follows:

- i. Step backs, horizontal and vertical variation, selection of materials and other architectural design techniques are used to reinforce the street wall, create transitions from adjacent buildings of a smaller mass and height, and reduce the perceived height and mass of the upper stories from the street level;
- ii. Proposed Buildings provide visual interest and human scale at the pedestrian level through the use of a variety of scales, materials, fenestration, massing or other architectural design techniques;
- iii. Upper story proportions of Buildings emphasize vertically-oriented proportions to assure a rich visually interesting experience as viewed within the context of the downtown skyline, reinforce opportunities for establishing points of reference for visual orientation, and retain opportunities for a view of the sky between individual Building elements.

B. Façade Articulation: All primary and secondary street-facing Building facades shall be articulated as follows:

- i. Building facades shall incorporate surface relief through the use of elements such as bay windows, cladding materials, columns, corner boards, cornices, door surrounds, moldings, piers, pilasters, sills, belt courses, sign bands, windows, balconies and/or other equivalent architectural features at least three (3) of which must either recess or project from the average plane of the facade by at least four (4) inches.
- ii. Buildings with facades between seventy-five (75) feet and one hundred and fifty (150) feet in width shall include vertical changes through the horizontal plane of the Façade by dividing the facade into a series of architectural and/or structural bays between six (6) feet and sixty-five (65) feet in width involving up to a minimum of 50% of the height of the façade.
- iii. Buildings with facades greater than one hundred and fifty (150) feet in width must include a more substantial change in the horizontal plane of the façade where for every one hundred and fifty (150) feet in facade width, one (1) or more architectural bay as required above must either recess or project by at least four (4) feet involving the full height of the façade from the average plane of the street

Commented [DEW12]: These come directly out of the proposed form based code. The process to incorporate role of DRB in making a final determination is a hybrid of current process and FBC

Commented [DEW13]: Pretty subjective and best place for DRB discretionary review to focus. Ultimately following standards provide some objective measure of satisfying these

Commented [DEW14]: Current BTC design doesn't meet this

wall portion of the facade. Such bays shall occur no closer than fifty (50) feet from the Building's corner.

Commented [DEW15]: Current BTC design doesn't meet this

iv. Required Building Height Setbacks pursuant to Sec 4.4.1 (d) 4 shall not be applicable. Instead, upper stories of any primary and secondary street-facing Building facades exceeding six (6) stories in height shall be setback as follows:

a. An upper story setback at least ten (10) feet from the primary plane of the facade below shall occur within the first 60-ft of Building height at either the 3rd, 4th, or 5th story in order to provide a change in the vertical plane of the facade. Such a change shall involve the full width of the Building facade, but does not have to occur in the same story. Additional upper story setbacks may occur in order to provide additional terraces, taper and visual interest to taller Buildings.

Commented [DEW16]: Current BTC design doesn't meet this on St. Paul and Pine,

b. For Building facades exceeding ten (10) stories in height a second upper story setback at least ten (10) feet from the primary plane of the facade below shall occur at either the 10th, 11th, or 12th story in order to provide another change in the vertical plane of the facade. Such a change shall involve the full width of the Building facade, but does not have to occur in the same story. Additional upper story setbacks may occur in order to provide additional terraces, taper and visual interest to taller Buildings.

Commented [DEW17]: Current BTC design doesn't meet this on St. Paul and Pine,

c. Setbacks must be visually set off from the stories below by a balustrade, parapet, cornice and/or similar architectural feature, and are encouraged to be activated as an outdoor amenity space for Building occupants.

d. The upper stories beyond a setback may be visually differentiated from the stories below by a change in color, materials and/or pattern of fenestration in order to reduce the actual or perceived massing of the Building overall.

v. Where visible, the raised foundation or basement of a Building must be visually differentiated from the stories above by a horizontal expression line and change in color, material, and/or pattern of fenestration;

vi. The lower one to five stories of a Building must be visually differentiated from the stories above by a horizontal expression line, belt courses, banding, sign band, cornice and/or equivalent architectural feature, and include a change in color, material, and/or pattern of fenestration across a majority of the facade; and,

vii. The top one to five stories of a Building must be visually differentiated from the stories below by a horizontal expression line, belt courses, banding, sign band, cornice and/or equivalent architectural feature, and include a change in color, material, and/or pattern of fenestration across a majority of the facade

viii. The top of a Building must have a cornice, parapet, pitched or shaped roof form and/or other equivalent architectural feature involving a projection from the average plane of the facade by at least six (6) inches to serve as an expression of the Buildings top.

C. Street Activation: All Buildings shall activate the street as follows:

- i. Buildings shall have one or more principal entrances for pedestrians at street level that are clearly identified as such along the primary street frontage or at a corner where a corner lot.
- ii. The linear distance along the primary street frontage between ground floor entries shall not exceed 60-feet, and such doors must be open and operable by residential occupants at all times and non-residential occupants and customers during business hours.
- iii. Building entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, canopies, awnings, transoms, sidelights and/or other design elements appropriate to the architectural style and details of the Building as a whole. Bays including a principal entrance should be expressed vertically, and may have little or no horizontal expression required below any required upper story setback.
- iv. Requirements regarding voids and the transparency of glazing in a primary and secondary street-facing Building facade shall be as follows:

	Ground Floor	Upper Floors
<u>Voids</u> <u>(rough openings for windows and doors per floor)</u>	<u>70% min, 80% of which shall be concentrated between 3-10 feet above the adjacent sidewalk</u>	<u>20% min</u>
<u>- Horizontal and vertical distance between voids</u>	<u>20' max.</u>	
<u>Transparency:</u> <u>- applicable to 80% of the glazing on each floor.</u>		
<u>- VLT - Visible Light Transmittance¹</u>	<u>60% min</u>	<u>40% min</u>
<u>- VLR - Visible Light Reflectance</u>	<u>15% max</u>	<u>15% max</u>

¹May be reduced to 50 and 30% respectively to meet the requirements of a High Performance Building Energy Code or equivalent program as determined by the DRB.

- v. Street-facing, street-level windows must allow views into a ground story non-residential use for a depth of at least 3 feet for the first 4 feet above the level of the finished sidewalk in order to provide for a window display, and for a depth of at least 8 feet for the next 4 feet above the level of the finished sidewalk in order to provide a view into the interior of the space. Windows cannot be made opaque by window treatments (except operable sunscreen devices within the conditioned space). External security shutters are not permitted.

D. Materials:

The following requirements regarding the selection and use of Building materials is intended to improve the physical quality and durability of buildings, enhance the pedestrian experience, and protect the character of the downtown area.

Commented [DEW18]: define

- i. Primary Materials: Not less than 80 percent of each street-facing Facade shall be constructed of primary materials comprised of high quality, durable, and natural materials. For Facades over 100 square feet, more than one primary material shall be used. Changes between primary materials must occur only at inside corners. The following are considered acceptable primary materials:
 - a. Brick and tile masonry;
 - b. Native stone;
 - c. Wood – panels, clapboard or shingles;
 - d. Glass curtain wall; and
 - e. Cementitious siding;
 - ii. Accent Materials: The following accent materials may make up no more than 20% of the surface area on each Façade. Accent materials are limited to:
 - a. Pre-cast masonry (for trim and cornice elements only);
 - b. External Insulation Finishing System - EIFS (for upper story trim and cornice elements only);
 - c. Gypsum Reinforced Fiber Concrete (GFRC—for trim elements only);
 - d. Metal (for beams, lintels, trim elements and ornamentation, and exterior architectural metal panels and cladding only);
 - e. Split-faced block (for piers, foundation walls and chimneys only); and
 - f. Glass block.
 - iii. Alternate Materials: Alternate materials, including high quality synthetic materials, may be approved by the Planning Director after seeking input from the Design Advisory Board. New materials must be considered equivalent or better than the materials listed above and must demonstrate successful, high quality local installations. Regionally-available materials are preferred.
 - iv. Other:
 - a. The use of recycled and/or regionally-sourced materials is strongly encouraged.
 - b. With the exception of natural wood siding or shingles such as cedar or redwood intended to gradually weather with time, all exposed wood and wood-like products (e.g. fiber-cement) shall be painted or stained. Exterior trim shall be indistinguishable from wood when painted.
 - c. Any synthetic siding and finish products shall be smooth-faced with no artificial grain texturing.
- E. **Alternative Compliance:** Relief from any non-numerical standard above, and any numerical standard with the exception of building height and FAR by no more than 20% of such requirement, may be granted by the Development Review Board. In granting such relief, the DRB shall find that:

- i. the relief sought is necessary in order to accommodate unique site and/or Building circumstances or opportunities;
- ii. the relief if granted is the minimum necessary to achieve the desired result;
- iii. the property will otherwise be developed consistent the purpose of this ordinance, the intent of the underlying Zoning District and this Overlay District, the intent and purpose of the section that the relief is being sought, and all other applicable standards;
- iv. the relief if granted will not impose an undue adverse burden on existing or future development of adjacent properties; and,
- v. the relief if granted will yield a result equal to or better than strict compliance with the standard being relieved.

Commented [DEW19]: add specific references? e.g. Sec 4.4.1 (a)

2. Use

Schools - Post-Secondary & Community College shall be allowed as a Permitted Use, and any project requiring Major Impact Review pursuant to Sec. 3.5.2 (b) shall not also be subject to Conditional Use Review unless a use specifically identified in Appendix A – Use Table as a “Conditional Use” or identified as “CU” is also proposed.

Commented [DEW20]: what about Pre-K Pre-school (same as lg daycare?), pet store with vet services (pet store and vet is currently CU, boarding is proposed as CU under another amendment before the Council.

3. Parking

- i. All onsite parking shall be provided either underground, setback a minimum of 20-ft behind the façade of building at the ground level, or above the ground floor, and shall participate in any Downtown Parking and Transportation Management District.
- ii. Entrances to parking areas and structures shall be located along a secondary street frontage where available.
- iii. The paved portion of vehicular entrances to parking areas and structures shall not exceed 24-ft clear width, and entrances to parking structures shall not exceed 16-ft clear height at the street frontage.
- iv. At least one pedestrian route from all parking areas and structures shall lead directly to a street Frontage (i.e., not directly into a Building).
- v. Any surface parking not within a parking structure shall be setback a minimum of 5-feet from any side or rear property line.
- vi. All structured parking with frontage on any portion of a public street shall be screened as follows:
 - a. The required setback between the parking and the public street at the ground level must be occupied by an active use (such as, but not limited to, residential, retail, office, recreational or services). This requirement shall not apply to parking along a secondary street frontage or located either entirely below-grade or above the ground floor where parking may come right up to the building’s perimeter.

- b. Where upper stories of structured parking are located at the perimeter of a building, they must be screened so that cars are not visible from ground level view from adjacent property or adjacent public street right-of-way.
- c. All floors of a parking structure fronting a public street must be level (not inclined), and any sloped ramps between parking levels must be setback a minimum of 20-ft from the street-facing building façade and shall not be discernible along the perimeter of the parking structure.
- d. Architectural and vegetative screening shall be used to articulate any street-facing building façade, and to hide parked vehicles and shield overhead lighting and vehicle headlights from the street and adjacent properties. Ground floor facade treatment (building materials, windows, and architectural detailing) must be continued on upper stories.

5. Signs

A master sign plan pursuant to Article 7 Part 3 is required for all sites occupied by more than three tenants where all signs must meet the requirements of the master sign plan. The master sign plan must establish standards of consistency as applicable of all signs to be provided on the subject property with regard to:

- Colors;
- Letter/graphics style;
- Location and Sign Type;
- Materials;
- Methods of illumination; and/or
- Maximum dimensions and proportion.

In addition to the flexibility from the requirements of Article 7 provided under Sec. 7.3.4, the following shall also be permitted when incorporated as part of a master sign plan in the DMUC Overlay:

- i. Projecting Signs: One projecting sign may be permitted for each ground floor use provided such sign:
 - a. does not exceed 8 square feet in area;
 - b. does not project more than 4 feet from the building façade on which it is attached;
 - c. has its lowest edge at least eight (8) feet above any pedestrian way;
 - d. has its highest edge no more than eighteen (18) feet above any pedestrian way; and
 - e. Any encroachment into the public right-of-way must also be approved by the City Council.
- ii. Marquee Signs: One marquee sign per primary street frontage may be permitted provided such sign:
 - a. is located above the principal Building entrance;

Commented [DEW21]: Consistent with Church Street Marketplace and proposed FBC. Currently limited to only 4 sf.

- b. projects a minimum of 6 feet from the building façade on which it is attached but in no event more than 10 feet and 3 feet from the curb;
- c. has its lowest edge at least 9'6" above any pedestrian way;
- d. has its highest edge no more the lesser of the floor level of the third story or 35 feet above any pedestrian way;
- e. is no more than 40 feet in width;
- f. may contain an area for manual changeable copy that does not exceed 30 percent of the area of the sign face on which it is located or 32 square feet, whichever is less; and,
- g. Any encroachment into the public right-of-way must also be approved by the City Council.

iii. Canopies and Awnings:

Commented [DEW22]: This remains incomplete...

6. Green Buildings

New development in the DMUC Overlay shall be built to the standard of LEED Gold Certification as evidenced by the submission of a completed LEED checklist by a LEED AP at the time of application and again prior to the release of any Certificate of Occupancy, and shall use all reasonable efforts to obtain such final certification upon project completion.

Commented [DEW23]: This remains incomplete

Sec. 5.2.6 Building Height Limits

(a) unchanged

(b) Exceptions to Height Limits

1. Additions and new construction on parcels created prior to January 1, 2008 that contain a non-conforming existing structure-Principal Building exceeding thirty-five (35) feet the maximum permitted Building in-height as of January 1, 2008 may exceed the maximum permitted Building height of the zoning district thirty-five (35) feet subject to the design review provisions of Art. 3 and 6, but in no event shall exceed the height of the existing non-conforming Principal Buildingstructure.
2. In no case shall the height of any structure exceed the limit permitted by federal and state regulations regarding flight paths of airplanes.
3. Greenhouses, rooftop gardens, terraces, and similar features are exempt from specific height limitations but shall be subject to the design review provisions of Art. 3 and 6.
3. Ornamental and symbolic architectural features of buildings and structures, including towers, spires, cupolas, belfries and domes; greenhouses, garden sheds, gazebos, rooftop gardens, terraces, and similar features; and fully enclosed stair towers, elevator towers and mechanical rooms, where such features are not used for human occupancy or commercial identification, are also exempt from specific height limitations and shall be subject to the design review provisions of Art. 3 and 6. Such features and structures shall be designed and clad in a manner consistent and complimentary with the overall architecture of the Building.

4. Exposed mechanical equipment shall be allowed to encroach beyond the maximum building height by no more than 15-feet provided that portion exceeding the height limit does not exceed 20% of the roof area.

Exposed mechanical equipment shall be fully screened on all sides to the full height of the equipment, and positioned on the roof to be unseen from view at the street level. Screening may consist of parapets, screens, latticework, louvered panels, and/or other similar methods.

Where mechanical equipment is incorporated into and hidden within the roof structure, or a mechanical penthouse setback a minimum of 10-ft from the roof edge, no such area limit shall apply and the structure shall be considered pursuant with 4 above.

- ~~5. The footprint of such architectural features shall not exceed ten percent (10%) of the total roof area.~~

5. All forms of communications equipment including satellite dish antennae shall not be exempt from height limitations except as provided in Sec 5.4.7 of this Article.

6. The administrative officer may allow for up to a 10% variation in the maximum building height to account for grade changes across the site. In no event however, shall such additional height enable the creation of an additional story beyond the maximum permitted.

Commented [DEW24]: Not specific to the DMUC however, important changes to screening requirements for rooftop equipment and flexibility in amount and numerical building height limits.

DMUC Overlay – PC Action Items

<u>Key Elements:</u>	<u>Staff notes & comments:</u>
Create a new Overlay District, known as the Downtown Mixed Use Core (DMUC) Overlay District (the “DMUC District”)	Exact boundaries still TBD. Comes from the current draft of the FBC. PC may want to fine-tune.
Expand the Official Map to include 60-ft. wide extensions of St. Paul Street and Pine Street between Cherry and Bank Streets.	Comes directly from the recommendations of <i>planBTV: Downtown and Waterfront Master Plan</i> Staff notes that the City Council has agreed in the PDA that this is acceptable and strongly recommends that the street boundaries shown on the Official Map coincide with those shown on plans proposed for redevelopment of the mall, and recommends this <u>as proposed</u> .
New development in the DMUC District will be exempt from seeking building height bonuses from the DRB pursuant to BCDO Sec. 4.4.1 (d) 7; instead, the DMUC District will establish the following new, by-right height and massing limits and requirements:	This is implied by the changes below...
3 stories min., 14 stories max. not to exceed 160 ft. max.	Staff notes that the City Council has agreed in the PDA that this is acceptable and strongly recommends this <u>as proposed</u>
Overall height allowed variation of 5% of the total allowable height (but no additional floor area) to account for grade changes across the site.	Comes from the proposed standards found in the current draft of the FBC. Applicable beyond proposed overlay but a very important element of flexibility for all development. PC may want to fine-tune. Staff recommends this concept as proposed.

<u>Key Elements:</u>	<u>Staff notes & comments:</u>
4 stories not to exceed 45-ft max on Church Street, with a 10-foot upper story setback required for every 10-feet of height above 45-feet	Comes from the proposed standards found in the current draft of the FBC. Staff notes that the City Council has agreed in the PDA that this is acceptable and strongly recommends this <u>as proposed</u>.
Maximum FAR of 9.5	Staff notes that the City Council has agreed in the PDA that this is acceptable and strongly recommends this <u>as proposed</u>
New developments in the DMUC District will be exempt from the existing upper story setback requirement pursuant to BCDO Sec. 4.4.1 (d) 4 A; instead, new prescriptive design standards will be used to ensure good urban design, façade articulation and especially street activation including but not limited to:	This is implied by the changes below... PC may want to fine-tune, but all come from the proposed standards found in the current draft of the FBC, and Staff recommends this largely as proposed
- Façade Articulation: - Finer-grained surface relief within the façade plane (use of material changes, balconies, belt courses, columns, lintels, etc) - Creation of architectural bays to provide regular and strong vertical changes in the horizontal plane of a façade particularly within the lower 3-5 stories. - Horizontal changes in the vertical plane of a façade (articulated base, stepbacks of upper stores, and clearly defined top)	
- Street Activation at the ground floor: - Location, frequency and operability of primary entrances - Proportion of and distance between voids (doors and windows) - Transparency of glazing - Visual access within spaces	

<u>Key Elements:</u>	<u>Staff notes & comments:</u>
Acceptable primary and accent façade materials	
Projects within the DMUC District will be required to participate in the emerging downtown parking initiatives being developed under the newly adopted <i>Downtown Transportation and Parking Plan</i> , provided that private owners of parking lots or parking structures shall not be required to participate in any parking initiatives to the extent that such initiatives impose or result in any material obligation or cost to the such owners.	
Mixed use projects within the DMUC District will be required to develop a Master Sign Plan which provides for flexibility from some individual sign requirements/limits subject to DRB approval.	Comes from the proposed Sign Type standards found in the current draft of the FBC, but PC may want to fine-tune. Staff recommends this largely as proposed

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Andy Montroll
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Burlington Planning Commission DRAFT Minutes

Tuesday, April 26, 2016 - 6:30-8:00 P.M.

Conference Room #12, Ground Floor, City Hall, 149 Church Street

Present: B Baker, Y Bradley, E Lee, A Montroll, H Roen, J Wallace-Brodeur

Absent: L Buffinton

Staff: D White, M Tuttle, E Tillotson, S Gustin, K Sturtevant, W Ward

I. Public Forum

Y Bradley opened the public hearing at 6:35 p.m.

Barbara Headrick, resident of South Prospect St: Speaks about bakeries along major roads per a request for amendment to the CDO. Asked for the amendment to be withdrawn or modified so that residential areas, particularly on S. Prospect where retail is not desired, are not impacted. Advised the Commission to be thoughtful of residential areas surrounding the university where institutional zoning does not exist on both sides of the street. UVM should not lease out land if it is not serving the University's educational purposes. The CDO says that historical use of properties should be considered.

M Tuttle: Noted that not all communications at table were transmitted via email prior to the meeting.

II. Report of the Chair

Y Bradley: Thanked the Long Range Committee for time and effort it has given working on planBTV South End. Has a prepared statement from Sharon Bushor, City Councilor, which he read in the event she is not able to make the meeting.

III. Report of the Director

D White: April 25, 2016 Council meeting was for public comment on the Burlington Town Center Predevelopment Agreement, which City Council may act on at May 2 meeting. The Planning Commission will dive into proposed zoning amendment when the agreement has been approved. Another major zoning amendment will be for the St Josephs' Orphanage property on North Avenue; intent is to create a NAC zone. Permits are on track with this time last year. FBC Committee discussing public engagement for June to collect feedback on the draft code.

IV. Agenda

D White: F von Turkovich, who submitted the proposed amendment to permit bakeries in the Institutional Zone, has requested to withdraw the request.

Y Bradley: Take it off this agenda and Commission to-do list. Opened Fletcher Place rezoning discussion until the 7pm public hearing.

V. ZA-16-10: Waivers from Parking Requirements/Parking Management Plan Public Hearing

Y Bradley: Opened the public hearing at 7:00, and recused himself as the agent for the YMCA. B Baker chaired.

E Lee: Recused herself as a neighbor of the YMCA.

S Gustin: Two parking amendments on this agenda—only amendment regarding waivers is considered in public hearing. Initiated by the YMCA, amendment was originally a request to establish a new land use category, with its own parking requirements and provisions for waivers. Instead, this amendment applies City-wide and opens the door somewhat for non-residential uses to apply to the DRB for parking waivers.

Barbara Headrick: Six months ago Mayor proposed eliminating requirements for downtown parking. This proposal conflicts with City Council's decision to forego parking amendments until studies were done.

E Lee: As a citizen, very supportive of YMCA project and support the waiver proposal. Concerned that this proposal might go to the City Council and not be accepted, which could delay the YMCA.

S Gustin: Current proposal was made in a meeting a month ago and if it passes during this public meeting, it will advance to the City Council. If the Council is not receptive, the YMCA's original proposal is still an option to consider.

B Headrick: This erodes the public trust, by proposing something that has already been rejected.

H Roen: Under proposed amendment, wouldn't the request for a waiver go through the DRB process?

S Gustin: Yes. It makes sense to utilize this method, and tweak the waivers based on rationale, since the DRB process and standards are already in place.

A Montroll: Supports this based on using existing process for waivers and parking management plans, but has same concerns as E Lee.

S Gustin: Plan C is to bring back the proposal from the YMCA for the Commission to consider again.

B Headrick: This is too broad. Developers should not be able to use on-street parking in neighborhoods to meet parking demand.

A Montroll: The blanket approach to removing all parking requirements was rejected. This is different because it maintains parking requirements, and focuses on individual property/use needs when granting waivers. It's consistent with concerns about parking requirements, but rather than one-size-fits-all, it's flexible.

M Tuttle: Clarified that amendment does not change waivers for residential uses. While applies city-wide, not all districts permit non-residential uses, so limited in its ability to be taken advantage of.

B Headrick: Larger entities will propose projects where overflow parking spills into residential areas.

D White: Institutions operate under campus-wide parking management plans.

B Headrick: UVM is proposing that parking is moved to periphery of campus, onto residential streets.

L Ravin, UVM Planning Office: University is trying to reduce demand, increase mass transport, etc. Parking on periphery means on edge of campus, on UVM property, not in neighborhoods.

E Lee: YMCA scenario seems similar to the King Street Center.

S Gustin: There is a different parking standard for the YMCA that is somewhere between community center and fitness center. King Street Center was able to retain a parking non-conformity but also had to provide off-site parking, which is not being used.

D White: Parking management plans are not permitted to count on-street parking spaces to satisfy their parking need.

J van Driesche, Catherine Street resident and Deputy Director of Local Motion: Local Motion urges the Commission to support this change. Streets as overflow parking is a good use, compared to using large pieces of land for parking, which could be parks, schools or some other use. Parking does not build vibrant, people-

oriented projects. Proposal gives flexibility and removes handcuffs. Going forward, emphasis needs to be on walking and biking which in-turn will facilitate more flexible parking.

S Bushor, City Councilor, Ward 1: Concerned about whether or not new developments are accurately projecting parking demand for growth/expansion of uses. Actually support a waiver of up to 100%, but concerned about administrative officer approval and whether input from the public will be excluded.

Michael Long, resident of Ward 1: Philosophically support proposal, but instances today where the demand outstrips supply. Need to change behaviors; a waiver program will not accomplish this goal. Neighborhoods are being choked by automobiles.

D White: Describes existing provision for administrative officer approval of a waiver. The Commission will soon see another amendment to change parking requirements to be based on number of bedrooms, rather than number of units.

E Lee: There is no follow-up on parking management plans. Needs to be dealt with more holistically, but do support removing parking requirements.

S Gustin: Recently surveyed properties with approved parking management plans, found that most were adhering. Waivers are sparsely given, now have a requirement for an annual report from owner, and department is making concerned efforts to collect data. Only change proposed is for non-residential uses to be eligible for a 90% waiver, raised from 50%. Text about residential waivers is not new.

B Baker: Parking management plans could be more specific, especially in relation to timing of demand.

S Gustin: A three year review to assess need is under way as a method to evaluate how uses evolve.

D White: A time line with evaluation is a good idea; however, if a use expands, a new permit would be needed based on the evaluation of parking needs.

J Wallace-Brodeur: Many places in the city that don't have parking. Need to have some flexibility in the process for trying to address circumstances where things don't fit in a box, which is why it is important to have the waiver process. Because it has to go to the DRB, there is a public process and established requirements. This should move forward.

A motion by A Montroll, seconded by J Wallace-Brodeur, to forward this amendment to City Council for consideration was approved by B Baker, A Montroll, H Roen, and J Wallace Brodeur with Y Bradley and E Lee abstaining.

VI. Proposed CDO Amendment: 15 Year Statute of Limitations

This item was deferred to a future meeting.

VII. Proposed CDO Amendment: Off Site Parking

This item was deferred to a future meeting.

VIII. Proposed CDO Amendment: Fletcher Place Rezoning

S Gustin: Map in packet reflects Planning Commission desire from last meeting for properties on Fletcher Place to be rezoned RM, except the UVM Trinity Campus property mid-block. Agenda included excerpt of use and dimensional tables for comparison between Institutional and RM.

Y Bradley: Read a communication from Sharon Bushor, regarding owner-occupancy in boarding houses, addressing uses on dead end streets, and buffer zones or a residential transition district.

F von Turkovich: Distributed a memo and map regarding the proposed map change. Reiterated a conversation with staff concerning property owned by Ms. Reid at 49 Fletcher Place, who intends to sell him nearly one acre of her property. Questioned why the Commission is considering this amendment, and expressed support for an amendment to protect the livability of area, not one that is part of a plan to suppress

his project. This change will impact ability to use his property, and will have implications for Ms. Reid's investment as well. Considers this to be spot zoning and feels it is important that the Commission not put land in a zone which will destroy the viability of a current project.

E Lee: The dimensional requirements are essentially the same, rezoning would be a loss of 30 units.

F von Turkovich: Memo suggests three uses that are permitted in the Institutional Zone that are not permitted in RM that he suggests the Commission add if they approve the rezoning.

B Hickok, 26 Fletcher Place: Political risk is part of an investment and rezoning is a political risk. Contends the owners' financial risks are not a consideration of this meeting.

L Ravin: Reiterated UVM's opposition to rezoning of the land at 50 Fletcher Place. Parcel is contiguous with other UVM land, and prefers that zoning is consistent for all university property.

N Reid, 49 Fletcher Place: Purchased 1.5 acres of land with full awareness that she may be able to sell some for development. The land is valuable, and while RM would help maintain neighborhood, would like to see the present Institutional zoning retained.

R Butani, 31 Fletcher Place: Support the rezoning as recommended by staff and the Commission.

S Bushor: Acknowledged work that Scott and staff have done on the proposal. Supports the map presented in the packet, and feels the change from institutional to RM offers many appropriate protections. Fletcher Place was developed as RL. There are other small streets in area that are zoned RL, so the change is in keeping with the existing uses and still retains a fair amount of value to the property owners.

B Hickok: It is not a concern of this board to consider anyone's financial investment. 50 Fletcher Place has been residential ever since he has lived there. Rents are extremely high due to being rented by bedroom. UVM has added 3,000 students without planning for residences. UVM has not addressed housing and off-campus behavior but he has to live with it. Opposed to any special consideration for UVM.

C Long: Why are residential lots zoned institutional? Support this rezoning.

E Lee: Why can unbuildable land be used for density calculations? Should only consider buildable land.

D White: Require buildable land to be considered in calculating density of residential areas, but not in mixed use and institutional districts; in these areas there is an expectation that there will be denser development so the land can be used for the calculation of density.

Y Bradley: This is a separate subject for another time.

S Gustin: Seems to be agreement among parties about applying RM on Fletcher Place, but not on the location of the zoning district boundary.

F von Turkovich: Proposed map submitted would protect the frontage of Fletcher Place, but is otherwise arbitrary.

R Butani: It appears that F von Turkovich's proposal is spot zoning.

S Butani: It is not appropriate for institutions to be able to take advantage of a residential area.

F von Turkovich: In the Institutional zoning district, most properties are not owned by institutions. Appear to be hung up on the term "institutional."

S Bushor: Not supportive of Mr. von Turkovich's proposed map.

Y Bradley: Considering all the comments, it appears that the Commission is not ready to act on this issue. In the interest of time, it should come back to the full Commission at the next meeting.

A motion by A Montroll, seconded by B Baker, to continue this item at the next meeting was unanimously approved.

A motion by B Baker, seconded by H Roen, to move the remaining agenda items to the next meeting was unanimously approved.

IX. Proposed CDO Amendment: Bakeries in the Institutional Zone

Removed from agenda.

X. Committee Reports

Long Range Planning Committee: Goal for planBTV South End Plan is to wrap up and get it out for another public review by the end of the Fiscal Year.

Ordinance Committee: B Baker reports the committee will meet the following day.

Executive Committee: D White reports the committee will meet the following day.

FBC Committee: A Montroll reports the Commission is scheduling a joint City Council and Planning Commission meeting, and on NPA schedules. Opening their work up to the larger public process.

XI. Commissioner Items

H Roen: Would be helpful to have presentation on spot zoning.

D White: Will send materials previously shared by K Sturtevant.

B Baker: Bring a copy of the full zoning ordinance to future meetings for reference.

E Lee: April 27, 2016 will be the first meeting regarding The Neighborhood Project, which is one of 22 proposals from the Housing Action Plan, focused on neighborhood stabilization.

Y Bradley: Preservation Burlington has suggested to him that a model of the proposed Burlington Town Center might be valuable. Should discuss at the next meeting.

XII. Minutes/Communications

On a motion by A Montroll, seconded by B Baker, the Commission unanimously approved the minutes of April 12, 2016 and accepted the communications and placed them on file.

XIII. Adjourn

On a motion by A Montroll, seconded by B Baker, the Commission unanimously voted to adjourn at 8:22 pm.



Y Bradley, Chair

Signed: _____, 2016



E Tillotson, Recording Secretary

Burlington Planning Commission

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Bruce Baker, Vice-Chair
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Emily Lee
Andy Montroll
Harris Roen
Jennifer Wallace-Brodeur
vacant, Youth Member*



Burlington Planning Commission **Tuesday, May 10, 2016 - 6:30 P.M.** **Conference Room #12, City Hall, 149 Church Street**

MINUTES

Present: B. Baker, H. Roen, L. Buffinton, A. Montroll, E. Lee, J. Wallace-Brodeur

Absent: Y. Bradley

Staff: D. White, M. Tuttle, K. Sturtevant, S. Gustin, E. Tillotson

Agenda

B. Baker opened the meeting at 6:32pm.

L. Buffinton: What would the audience like to address?

B. Baker: All comments will take place during public forum, and will be limited to two minutes per speaker.

A. Montroll: Move item VII to end of agenda time permitting.

I. Public Forum

B. Baker opened the public forum at 6:35pm.

G. Epler-Wood, S. Union St: City Council and Commission should request the developer provide fact-based cost analysis of putting the parking garage underground. Perhaps the citizens would be willing to invest in the difference. Sun studies throughout the year are needed.

C. Long, Henry St: Fletcher Place is as residential as they come. Do not increase downtown height limit, based on planBTV, and don't support student housing in the project because it is the school's responsibility. Vote no to stabilization plan for neighborhoods; does not endorse forgiveness for work done without permits. Doesn't understand why the city doesn't want to preserve neighborhoods.

S. Bushor, Ward 1 City Councilor: Does the 15 year statute of limitations allow emails to Planning & Zoning to constitute burden of proof, or when Code Enforcement is informed of violations that might not be acted upon? Pleased to see enforcement regarding occupancy violations and parking violations. Regarding the time requirement of more than 90 days when properties would then have to be brought into compliance, not clear. Commission should support the original staff recommendation to rezone Fletcher Place RM following property boundaries. We lose a neighborhood a house at a time, but also gain a neighborhood a house at a time.

G. Seidler, Lakeview Terr: Moved from NYC for quality of life which has been taken away each year. Neighbors are leaving, behemoth at one end of street was supposed to afford condos, now very large building at other end with COTS, noise too high, nature gone, house vandalized four times. Citizens have no clout; Commission is supposed to serve the community. Out of control growth is a cancer killing Burlington. She left a lot behind to have quality of life here, now will have to leave BTV, too.

C Bates, Caroline St: No one has made a model, so prepared photographic exhibit of Bank and Pine Streets. There is nothing on Don Sinex's website but Church Street. Used Trip Advisor site to gather comments about Burlington which support the need for small unique stores. The project needs to mimic Church Street.

N Kirby, Champlain Leather: Family was one that was displaced from downtown before the mall was built. Residents in the neighborhood were poor, proud, displaced. Building up equals warehousing human beings, and height will take sunlight away. City can do better than a fourteen story mall, not crazy about students being downtown because greedy slumlords have contributed to the housing situation. Lived on Fletcher Place and never considered that it was institutional. Think long and hard about what you are doing to downtown Burlington. Small businesses are the clay and mortar of this town. Be the citizens for us.

G Grill: Beseeches the Commission to be concerned about process and outcome, should proceed according to planBTV. A lot of people say this is spot zoning and will set a dangerous precedent. Unique and historic buildings will come down if this is approved. Hope you will demand to see an architectural model. Process is backwards. Demand that Commission address this proposal in a democratic planning process.

R Herendeen; Bike ride to meeting was an inspirational experience with views of Lake Champlain. Environmental background and member of the BED Commission. Do not believe we should raise the height limit one inch. Burlington is in competition with Boulder Colorado to be most sustainable City, but seem to want to compromise away our natural assets. Boulder has had a height limit of 55 feet; purpose is to preserve the scenic views and distinctive character. We can grow green, please hold on height.

B Headrick, S Prospect St: Mall is too tall, planBTV new mall only four or five stories higher which would be within 105 feet. That is what the public wanted and City Council approved. The City Council has put the Planning Commission in a difficult position, so consider requiring developer to provide everything that the city provides and that all studies should conclude with a 30 day public comment period. In off-site parking ordinance, parking waivers granted by administrative officer, advise it be stricken. It is important to include consequences for permitting.

Resident, S Prospect St: Reiterate others previous comments and encourage implementation of planBTV support. Drastic changes should be done by referendum.

S Overby: Process has been a problem, second the suggestion of underground parking reassessment and what others have said about planBTV. 160 foot height limit is not in planBTV, which states three to ten stories. In Washington, DC., this height is only allowed along Pennsylvania Ave. Uncomfortable with the process, difficult decision, want to see something good.

L Ravin, Campus Planning, UVM: UVM opposes rezoning 50 Fletcher Place. University has no intent to change the use of the property, but want to unite campus property. Zoning that splits the parcel into two zones doesn't allow planning as needed, UVM considers spot zoning.

A Radcliffe: Seems to be a trend where the city is eager to please developers; need to shift so it is other way around. plan BTV should be incorporated, the city should be strong about their regulations. Mall does not provide much affordable housing, shouldn't be supporting student housing. Washington DC built housing with a gym and beautiful amenities to house their homeless—not cost effective, but what we should focus on.

E Morrow: The City Council could have asked for model earlier. FBC Committee had opportunity to comment on height but did not. Boards are for decentralizing, people want to see process. The Commission has authority to control process.

C Simpson: There should be an explanation of public/ private partnership. In the PDA, public cannot hold developer to any standards, which is a reversal of normal planning process. Two streets will ameliorate the developer's project, but it is being sold as a concession to city. As if we have no power over public property.

L Martin: Providence, RI did what Burlington wants to do which resulted in a downtown not accessible, traffic awful. We are told that we can't let this pass us by, but big money drives out local businesses. We need more foot traffic or a city we know and care for will disappear forever. Please don't let this happen.

R Butani, 31 Fletcher Place: Supports rezoning to RM zone, following the property boundaries as presented by staff. 19 and 37 Fletcher Place have been transformed from party houses to appropriate rentals. RM will reflect historic use as residential street. Encourage the Commission to support P & Z recommendation.

B McGrew, Downtown: Particularly exercised that this project does not have to go through Act 250. The Mayor's office can bring undue pressure on city staff to see things a certain way. 274 units is a constructive way to avoid the law. There are umpteen plots that start with an attractive stranger with a lot of money.

Resident: Thank you for the fifteen year statute. Suggest more 90 days for a former use to be eliminated to honor people who have applied for a variance or change of use. Regarding burden of proof, need more examples of what proof is.

Resident: Initially the city wanted to hear what the citizens wanted. Where is the public voice in this now?

D Greenberg, local attorney: In support of 15 year statute of limitations. During the last few years he has learned more than ever about the process in Burlington, which is not always clear. Open permits go on forever, court says it is unfair to grant use of something when you insert it secretly, properties are inspected by one city department but assessed by another. City staff is helpful, but it took a month and a half to solve. Need to get this problem behind us.

C Messing, Pine & College: Doesn't understand opening up Pine Street when there is a building in the way; difficulties with St Paul St as well. The building is too large, doesn't belong here. This gift horse has bad teeth. Building it is a great source of money, but the saying that if you build it they will come, is not necessarily true. Jane Jacobs said, "We expect too much of new buildings and too little of ourselves."

M Fordham: Late to the process and very concerned like many others who are uninformed in our town. Concerned about height and domino effect of other developers suing to allow the same height. Advertisements for Burlington will not be enhanced with the height of building. Burlington is people sized and that is its attraction. This is not a responsible way for governance to proceed. What does that say about democracy, that back room deals can guide future developments? Fourteen stories is wrong.

B Hickok, 26 Fletcher Place: Recommends that rezoning be change to RM zone according to staff's original proposal.

II. Report of the Chair

Chair absent, no report.

III. Report of the Director

Given interest of time, no report.

IV. 15 Year Statute of Limitations

H Roen: Addressing public questions, what constitutes proof?

D White: Information within the Assessor, Planning & Zoning or minimum housing records. If there happens to be a file on hand in excess of the normal records, it would be considered pertinent.

B Baker: The purpose of this amendment was to set a bright line.

L Buffinton: What about other methods, like See Click Fix, or only one of the records David listed? What if there had been regular communication about a situation?

D White: The process has to be treated on a case-by-case basis. Assessor and Minimum Housing records are the best records.

J Wallace-Brodeur: An email with a complaint is not solid evidence, complaints aren't adequate unless verified.

E Lee: Language is an issue, we need a definition for "known," we need to define which city records apply.

A Montroll: The process should not be complaint driven, but acknowledgement by a City Department is acceptable. Can K Sturtevant propose language at this point?

B Baker: We were going to attempt to address the parking section, specifically parking in yards.

D White: Parking spaces are associated with the property use.

E Lee: Parking is a lightning rod issue.

B Baker: What about cases where an illegal unit never had parking? Way this is written, that will never be grandfathered.

A Montroll: Parking is a hot button issue. Start with less and add later.

K Sturtevant: Additional language regarding burden of proof, "submissions not verified by the City shall not be considered known to the City. Will continue to flesh it out.

The Commission approved a motion by L Buffinton, seconded by J Wallace-Brodeur, to warn the proposed 15 year statute of limitations amendment, to include K Sturtevant's changes regarding complains not constituting "known" unless verified by City, with E Lee opposed.

A Montroll: The public hearing is a month away. We should bring back the language before the hearing in case it should be changed.

M Tuttle: It can be submitted to the PC as a communication.

V. Fletcher Place Rezoning

D White: This is an attempt to protect the original development pattern.

J Wallace-Brodeur: Is there a development proposal associated with this?

S Gustin: Overview of the properties involved in sketch plan and comments on buildable area.

H Roen: Uncomfortable not following the property lines.

S Gustin: Need to remind everyone that zoning amendments are not a fast process.

J Wallace-Brodeur: The Commission should weigh the UVM parcel.

D White: Owners of the two northernmost properties under discussion do not support any zoning change.

E Lee: UVM's ownership is not appropriate in a residential area.

A Montroll: Change needs to happen, this was historically residential.

E Lee: Zoning should reflect what is on the ground. Let's let the neighborhood win.

B Baker: The von Turkovich proposal does present a reasonable compromise and lets the street flourish.

E Lee: It comes down to the slope, and density of development. The slope rule should apply across all zones.

The Commission unanimously approved a motion by A Montroll, seconded by L Buffinton, to warn a public hearing on the rezoning of Fletcher Place to RM following the parcel boundaries.

VI. Off Site Parking

No action taken.

VII. Downtown Mixed Use Core Overlay

L Buffinton: Planning Commission is purely advisory to the City Council and not the ultimate decision makers.

H Roen: The Commission does have statutory authority.

D White: Summary included in the packet describing mass and height of project established by the predevelopment agreement. This is looking at the amendment based on land use policy for the city, implementing the master plan. The proper location for larger infill development is downtown. The amendment establishes an overlay area which includes greater height and massing. It will amend the official map to establish the street connections, which is central to planBTV. Draft form based code massing is articulated in the overlay. Please share specific areas of concern so we can provide information needed for next meeting.

J Wallace-Brodeur: Need to be able to review public input and an overview of the process for the next meeting.

L Buffinton: The city website cut off top floor in the illustration of the proposed mall. An architectural model, shadow study, parking garage information are all concerns, but the largest concern is what the reopened streets are going to look like. Right now the proposed building seems incoherent and top heavy, height is a huge issue.

D White: The project is not yet fully baked. It is important not to put a lot of stock in present illustrations/information.

A Montroll: It would be helpful show what is permitted now vs the proposed 160 feet and what the differential would be.

E Lee: This is the moment when we need a model, don't want to weigh in on height and massing without it. It is important to show what is permitted now and proposed.

D White: For the purpose of zoning, we need to focus on buildable envelope.

E Lee: It is important to see that.

L Buffinton: A simple model, current and proposed build out at this proposed height are needed.

Brian Dunkiel: We need to see the official map also.

A Montroll: It feels as if we are being asked to increase height in this area in exchange for having the streets back.

E Lee: This is really important, it could be so great for Burlington, but needs to be done right.

L Buffinton: Does the Commission have any role in the consideration of housing college students? Any proposed changes in use?

B Dunkiel: Mall team will request to add secondary school use.

E Morrow: A model is crucial and having the Commission to take action tonight to move it forward will give people a lot of comfort.

D White: It is the agreement with Devonwood that they will provide money for production of modeling—it will get built. First, need to discuss its purpose.

VIII. Committee Reports

No reports.

IX. Commissioner Items

None.

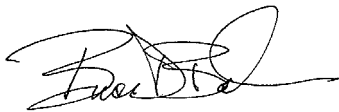
X. Minutes/Communications

H Roen: Do we need to respond to the Sun Common communication?

D White: Only if you would like to provide comments.

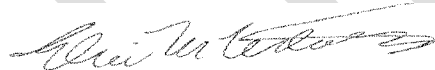
XI. Adjourn

On a motion by A Montroll, seconded by H Roen, the Commission unanimously adjourned at 9:07 pm.



B Baker, Vice Chair

Signed:



E. Tillotson, Recording Secretary

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Burlington Planning Commission Minutes

Regular Meeting

Tuesday, May 24, 2016 - 6:30 P.M.

Public Works Conference Room, 645 Pine Street

Present: B Baker, L Buffinton, E Lee, A Montroll, H Roen, J Wallace-Brodeur

Absent: Y Bradley

Staff: D White, M Tuttle, E Tillotson

I. Agenda

No changes to the Agenda.

II. Report of the Chair

B Baker chaired meeting; no report.

III. Report of the Director

D White: Mayor is an ex officio member of the Commission and will be joining the meeting. At opening of Public Forum, will frame the Planning Commission role and focus.

IV. Proposed CDO Amendment: NAC-Riverside Boundary

M Tuttle: This proposed amendment in response to a request received which would affect the north side of Riverside Avenue; maps illustrating this are in the agenda. Initial staff recommendation to move boundary was an attempt to balance request with preservation of river bank. Commission requested a solution more sensitive to the steep slopes. Revised staff recommendation maintains concept of moving NAC-R 25 feet to the north, and incorporate buildable area definition on north side of Riverside Avenue. This means slope of 30% or more cannot be developed or counted in the lot coverage/density, and 15-30% slope can be considered for 50% of lot coverage/density by DRB Conditional Use approval.

L Smith: Suggested the buildable area consideration. The property is now a non-conforming piece of land. Boundary should follow the topography, make sewage treatment plant conforming, incorporate the plateau. Surprised that there was no site visit.

M Tuttle: The chair appreciated the request for the visit, but asked staff to provide a further recommendation.

M Furnari: Understand the reluctance to compromise the properties, but ask that the Commission consider one more time and include a site visit.

J Wallace-Brodeur: Can we get some concrete numbers on what the slopes are?

M Tuttle: In the area of the properties requesting the change, range from 12% to in excess of 30% along property lines. Can make information available.

L Smith: There is a lovely flat plateau way above flood plain.

H Roen: Should do a site visit.

M Tuttle: Will coordinate outside of this meeting.

L Smith: Suggest putting it off a little when there is not so much going on.

The Commission unanimously approved a motion by A Montroll, seconded by J Wallace-Brodeur, to table discussion of the proposed amendment until the fall.

V. Public Forum

D White: planBTV established the policy framework, regulatory, capital and other improvements for downtown. The mall has long been identified as underutilized. Question has been how to encourage and facilitate redevelopment. This area of downtown does not have an existing historic context, so there are many possibilities for this area. With a change of ownership of the mall, started a public engagement process almost two years ago. Have had a lot of public input during that time and City Council has anticipated a zoning change to incorporate proposals. Question now is how new development will interface with people on the street. Zoning limits height to 105 feet today. Proposed amendment expands that to 160 feet, and includes adjacent parcels as well. FBC Committee recommends this area as one for greater height.

H Roen: Read all of the emails that have been sent.

B Baker: Opened the public forum at 6:57 pm.

J Fayette: Support the project; ideally timed, thoughtful, environmentally sound, appropriate.

T Redington: No quarrel with a project at the zoning height maximum of 105 feet. planBTV establishes a basis for what the community wants to see, nothing over eight stories. Developer wants other rules, is exploiting the situation, especially with no environmental review.

A Taylor: Among colleagues and contemporaries, sit in the middle. This developer has made a lot of adjustments that were asked for; it is a green building, urban infill. Business is business. Using TIF will not burden taxpayers. Back to earth ethic needs to support this.

C Bates: Support some redevelopment. Propose that the Burlington Business Association buy the mall from Sinex and do development our way; have a team that could have local focus, lots of housing.

A Radcliffe: Building height is not human scale. planBTV does not support this proposal. FBC is not currently approved, should not be used as a justification. The plan does not measure up, will not impact housing affordability, zoning should not be changed in a random manner. Think about precedent this will set.

J Canning: Supports the town center redevelopment; however, the overlay should not apply to the City's parking garage behind Hotel Vermont.

M Fordham: Trying to spread the word about this project, not against smart development; however, first rule in business is when something works, you don't ruin it. This should not go forward.

G Grill: While the height is atrocious, the process is of utmost important and the request is an assault on the city. Planners and City Council are under pressure from the Mayor. The people have had enough, and if this is approved, Mayor will not be reelected.

R Herendeen: Process is happening too abruptly. Burlingtonians are actively engaged, it feels great nature is close. Mass, scale and height should honor the City, make the street level the focus. Need to respect the previous planning efforts, do not raise building heights at all.

C Messing: Project subverts zoning. Virtual tour shows Cherry Street empty of traffic, not realistic. If there was a scale model, the project would sink like a stone. Spoke to a construction worker, out of work, who said the local community will not gain employment in this venture.

J Brophy: Supports a livable city, should support infill, Williston's big box stores are not what we want.

K Andrews: Inclusionary housing ordinance in Burlington is excellent. This project is an unconscionable, luxury housing development. Separate affordable units is not what was meant to be. Most problems in our nation can be brought back to segregation.

A Petrarca: Vermont values are expressed here. In Pittsburgh, the citizenry organized and defeated a proposed downtown mall. The proposed height does not make any sense

C Dinklage: This has been a long process, dynamic process. We should consider why many young people are not choosing to move to Burlington right now. Smart growth is needed.

M Wallace: Have seen new Armenian development destroy character and not appeal to residents. Similarly, Burling will lose its character. There are no trade-offs worth the cost, do not see this as being good for Burlington.

M Holmes: Have traveled the world, and there is not anything better than Burlington. In own neighborhood, have seen redevelopment that blocks view of the sky. Didn't speak out then, so doing so now. Have to be careful with this project.

J Nick: All of the Church Street Marketplace merchants support the vibrancy of this project, believe it will improve the situation on Church Street. The turn of the century building at 1 Church Street is 125 feet high; with change in elevation to the mall property, 160 feet will not be much taller than existing historic buildings.

J Vos: Climate change is the elephant in the room. Bill McKibben, Naomi Kline warn that the world will be a different place.

J van Driesche: Perspective on a livable community is one with lots of traffic on foot and on bike, a higher concentration of residents, lessening taxes, growing the grand list, fewer cars. We need more people living in close proximity to where they work. See a trend to kill projects that are not perfect. This project is not yet perfect, but there is time to get it right. Encourage retaining leverage for this project through the bonuses.

R Dean: Public should look at what is actually proposed. Higher building elements are set back toward the center of the block away from streets. Citizens live on the streets, bring economic vitality. Most important project component is how it engages the street. Posters in room are a misrepresentation. Hold back, get the facts, let project move forward so that the public can evaluate.

G Eppler-Wood: In favor of the mall, but is asking the Commission, Mayor, City Councilors, to do more research to reduce height. Not lip service, actual change of height. Underground parking should be explored.

S Burton: Opposes to fourteen stories. Not a slightly larger building, it is going against the City's own recommendations. Keep in mind the unique character and scale of city, show foresight and backbone.

L Tucker: Have been teetering on this subject but attended several meetings. Feel confident in the process and staff who care about the community. Downtown can be bigger and better. Density in our city is a good thing.

A Simon: We are experiencing a global crisis like we have never seen before. Expanding tax base is not the answer and fourteen stories reflects a lack of understanding of the problem. Which planet do you live on?

I Avilix: planBTV illustration shows scale and density which doesn't seem to agree with the proposed project. Let's stick with planBTV.

M Tracey: Will not vote for the ordinance as proposed. Student housing is a negative, the developer needs to do a lot more at a moral level. FBC transect is from less dense to more dense and more height. The

conversation tonight is a strong indication that there is need for more conversation. Need 3 D model. This feels like a choice-less choice.

S Overby: Supportive of redevelopment of mall, but really disturbed by process. Very sketchy plan with no model. Commission is in difficult position, doesn't have enough time. Participated in plan BTV which does support what is proposed.

C Simpson: Building our way out of financial problems is not likely, the purpose of the height bonus is for public good. The proposed amendment is throwing this out and overlay is wider than footprint of mall.

H Manske: Personally would like to see the mall redeveloped. It is a process and he appreciates everyone's comments. On the Ward 5 steering committee, we always hear about housing and parking, which are two things this project will address.

L Politi: Feels as if Burlington has already spoken on this subject. Has conferred with an architect friend who commented that this proposal is unrealistic, a misrepresentation.

D Purcell: Has heard a lot of good comments. Supports the project even if it is imperfect.

B Castle: Supports the project, feels the program is basically good for Burlington. Burlington is one of success stories, have to work with developer to do it right.

M Long: Nothing in our regulations is presently preventing the development of the mall. The process is backwards, the developer doesn't establish the schedule. Work within the existing zoning parameters.

N Kirby: Likes old buildings, likes Burlington. She is not against repair and renovation, but is against the height.

Resident: Honored to share comments. In acupuncture, taught that there is harmony and balance. This project can find balance if we give it more time and consideration. Continue dialogue, revitalization, growth, restoration. We all have a stake in this.

I Ahmed: Concerned about process and claiming once in a lifetime opportunity. Need to make sure it's the right opportunity, need a more intense design and environmental study.

J Caulo: Support the project. While the process seems somewhat irregular, it is important that the process is being conducted in an open manner and that it not become tainted. Boards will have city's best interest at heart. Urban design something that we will be proud of. Have to keep process moving try to find a solution.

T Brassard: Is in support of the project. Housing is the crux of the project. State and city are challenged, stagnant population, need to have opportunity for younger generation. Burlington is the economic hub of the state, consideration needs to be given to growing the population. Adding housing is the issue.

G Seidler: Cannot park on own street anymore. Mayor proposed condos on block which are now rentals. Has spoken to 311 people who do not know what is going on. Moved away from NYC, now will leave Burlington. Get the model, people have no idea.

J Kilacky: Conceptually is in favor of mall with inclusionary housing, walkable downtown, Pine Street open. Permanent jobs are needed to reinvigorate our city. The public is being asked to move the process forward in concept.

P Binelli: Horribly insufficient wastewater treatment system. No one sees problem with adding new housing units with sewage issues, failing wastewater system.

L McKenzie: It is imperative to vitalize our downtown. Affordable housing is an issue, tax burden is so substantial that many cannot afford to live in town. This is just the beginning of the process.

C Long: Burlington's population has grown. California has banned using TIF money because it was supposed to be for public good. The proposal seems impractical, what is the city going to get out of it? We need housing and to restore neighborhoods save the lake.

Resident: Supports the project. As a father of five kids, see real challenges ahead. Need to embrace development and smart growth.

H Easter: Sad about this inverted, weird process for the zoning ordinance. Developer should have to convince you why the zoning change is a good idea. Missing a view of what this looks like from Pine Street. Listen to this process.

Resident: This is a really important process. Take a step back and listen to public even ones who are just coming to the meetings.

Resident: No feasibility study, no model, real problem with process. Concerned about no parking. Conceptually, this doesn't work.

S Goodkind: Squandering a great opportunity, mall needs to be redeveloped. We shouldn't have to oppose this. Developer needs to conform to the zoning and work with us. Hold the line.

B Headrick: Against the height and dorms downtown. Read all the City Council minutes back to 2008. When increased height was proposed, five people were opposed for every person in favor. 160 feet is not consistent; let's not ruin our city.

C Rameka: All for intelligent development downtown, but don't do it like Hartford, CT. They have dead streets, a dead city.

Resident: Very concerned about consistency with planBTV, TIF. Would not have voted for it if it looks like this. People who work in mall do not live downtown. Other projects proposed affordable housing, but did not happen. UVM students are UVM responsibility. People come here because it's small and green.

Resident: Buildings look like 1960. Suggest we take current mall, give it a facelift, fill it with small Vermont businesses.

P Simon: Question is height and mass. Curious to see a model of a project with the same square foot and program within a 10 story height comparison to what is proposed, see if people like it better. Charge is to maintain character of Burlington.

Mayor Weinberger: Not typically at Planning Commission, but wanted to hear concerns directly. Lots of concerns, but sensing there is a need for more information. For example, the wastewater treatment capacity is quite adequate except during major storm events when the City has such a high volume of stormwater in the system. Improvements have been and continue to be made. Today FAQs posted on website. There was a zoning effort in 2000s to reform zoning with a resulting lack of consensus over some issues. What came out of that process was the City receiving a \$300,000 federal grant for planBTV, marshalled by Karen Paul. It is worth noting that Don Sinex was excited about planBTV. We're still listening to ideas. But what we do now will define how successful planBTV was. A lot at stake for the future of Burlington.

E Lee: Read letter submitted to Planning Commission by Councilor Shannon.

VI. Proposed CDO Amendment – Downtown Mixed Use Core Overlay

D White: Commission has a nearly complete proposed ordinance amendment, including a map for where additional height would be worthy of consideration. Commission's role is to judge the community's attitude about building height. Have set up a number of meetings in June to get something back to City Council by

early July. City Council has said they are conceptually supportive of this proposal. Upcoming meetings include a work session June 9, a meeting June 14 and another meeting to make a recommendation to Council on July 6.

A Montroll: To confirm, if the public hearing is on July 6, by June 14th a draft would have be ready to warn.

D White: The Commission is free to make changes to the proposal after the hearing.

A Taylor: Don Sinex will be going to NPAs for more information for the public.

D White: Distributed handout regarding model. Important element is to consider what the utility of the model will be. 3D models are done for a variety of reasons. Model would look very different if it were to show a proposed building within its existing context, versus current zoning versus proposed zoning. What is most relevant to the Commission is a model of zoning buildout. Public is asking for a model of the proposed project. We are looking for someone who can get a model developed, but not sure can get that done during the Commission's review. Commission can help advise on what extent for a model.

H Roen: What about the digital model that was built to show possible buildout.

D White: As a staff, we will provide a variety of information for the Commission to use, including digital. Probably not a physical model, though.

E Lee: We will be doing ourselves a great disservice if we don't have a physical model. Really uncomfortable that it cannot be accomplished.

D White: We will build a model, the question is timeframe for Commission discussion.

M Tuttle: Goes back to what we can understand from the model. The Commission is being tasked with considering the proposed zoning compared to buildout potential under current zoning. Model will likely contain proposed project, which is not the purview of the Commission.

L Buffinton: Urge that we get every possible model. And the parking garage might need to be reexamined.

D White: The Mall team FAQ has information about garage cost.

J Wallace-Brodeur: The city has a technical team that looks at a variety of issues. Do we have access to them?

D White: The next meeting we will provide information from the tech team, a person to answer questions.

The Commission unanimously approved a motion by A Montroll, seconded by J Wallace-Brodeur, to defer the remainder of the items to the next meeting and adjourn at 9:34 pm.

VII. Committee Reports

Deferred to next meeting.

VIII. Commissioner Items

No Commissioner Items.

IX. Minutes/Communications

Deferred to next meeting.



B Baker, Vice Chair

Signed: 2016



E Tillotson, Recording Secretary

DRAFT

Section 2.7.11 Enforcement Period of Limitations

Pursuant to 24 V.S.A. §4454 and the terms of this section, the Administrative Officer shall not institute a zoning enforcement action under Section 2.7.7 where the alleged violation first occurred more than 15 years ago, has continued, and the violation was known to the City. This period of limitations pertains to all zoning violations, including but not limited to “use” violations (except those violations identified in subsection (b)(7) and (b)(8) below) so long as the violation has been continuous for 15 years or more, the City has known of the violation for at least 15 years and not taken action to correct it, and the violation is not a matter of health or safety. A zoning violation that meets the requirements of this section will be considered “stabilized.” The use, dimension, structure, function, or other condition that causes the property to be in violation of current zoning regulations will be referred to throughout this section as “the violation.”

(a) Burden of Proof

- (1) The burden is on the property owner to demonstrate the first two elements: that the violation has occurred continuously for 15 years or more and that the violation was known to the City for at least 15 years without corrective action.
- (2) To prove that a violation was known to the City, the property owner must be able to point to written eCity records within the City’s Department of Planning and Zoning, Code Enforcement Office, Inspection Services Division of the Department of Public Works or Assessor’s Office that show that the referenced City departments knew that the condition underlying the violation existed at least 15 years ago and the City has taken no action to correct the violation. If City records in the referenced departments conflict, the Administrative Officer shall determine whether the City knew of the condition based upon the preponderance of the evidence. To be a “City record” for the purposes of this section, the document must have been produced and/or verified by the City. The term “City record” under this section does not include submissions, including but not limited to emails, complaints or other communications, that have not been independently verified by the City. For a document to be “verified” by the City, the City must have reviewed the facts/assertions in the document and made a written finding that the facts/assertions were accurate.
- (3) If the City identifies a health or safety concern with the violation, the burden is on the property owner to demonstrate that the violation does not violate any City health or safety standards.

(b) Determination and Effect

- (1) Property owners may seek a written determination from the Administrative Officer that a property is in a stabilized status if the property owner can meet the above burden. This determination, while not a permit, shall be processed the same as a request for

administrative approval, including but not limited to notice, appeal rights and notice in the land records.

- (2) A stabilized status for a violation, whether use, dimensional or otherwise, is not a pre-existing legal non-conformity (also known as “grandfathered”).
- (3) No change, alteration, or enlargement that would otherwise require a zoning permit shall be permitted for stabilized violations.
- (4) If the violation is discontinued for more than ninety (90) days, it has ended. The violation is no longer considered “stabilized,” and the violation may not be reactivated or re-occur. An extension to this time limit may be granted by the Administrative Officer if sufficient documented evidence is presented to show that there was a continuous good faith effort to maintain the condition underlying the violation, such as repair and maintenance being done to the property that caused a temporary discontinuance of use. If an occurrence or event destroys at least 50% of a stabilized structure, in the judgment of the city’s building inspector, no reconstruction of the stabilized structure shall be permitted, except to become a conforming use, structure, or lot. If the structure is a pre-existing legal non-conformity, the provisions of Article 5, Part 3 apply.
- (5) No violation that has been determined to be stabilized may be used to count towards the requirements for a new zoning permit.
- (6) Nothing in this section shall prevent any action, injunction, or other enforcement proceeding by the city under any other authority it may have, including, but not limited to its authority under 24 V.S.A. §4470(b) pertaining to DRB and court decisions and/or Title 18 of the Vermont Statutes Annotated (abatement or removal of public health risks or hazards). If a property does not comply with any related health and safety requirement, it may not claim any stabilized status and shall be required to come into full conformance.
- (7) Enforcement of an occupancy violation for occupying a dwelling unit in a residential district inconsistent with the “family” definition under Section 4.4.5(d)(5)(C) is exempt from this period of limitations and, therefore, may not be stabilized. Unless the inconsistent occupancy is deemed to be a pre-existing legal nonconformity, such a violation may be enforced at any time.
- (8) Except as limited by 24 V.S.A. §4454, as interpreted by the courts, enforcement of a parking violation is exempt from this period of limitations and may not be stabilized. Unless the parking is deemed to be a pre-existing legal nonconformity, such a violation may be enforced at any time.

Section 2.7.14-2 Administrative Appeal

As written.

PART 3: NON-CONFORMITIES

Sec. 5.3.1 Purpose

These regulations are enacted for the purpose of governing all aspects of nonconformity, regardless of whether it is a use, a structure or a lot. As defined under Article 13, nonconformity means a use, structure or lot that was legal at the time it was constructed or laid out, but would not be lawful under the requirements of this ordinance as currently in effect. ~~This Part will also address “Bianchi controlled Situations”, in which a zoning violation may not subject to enforcement under the standards set forth by the Vermont Supreme Court in the case entitled *Bianchi v. Lorentz* and later codified in 24 VSA Sec. 4454.~~

~~In combination,~~†These standards are intended to establish the property rights of individuals and organizations in a manner consistent with the overall goals of zoning and to promote the City's general health, safety, and welfare.

Sec. 5.3.2 ~~“Bianchi” controlled uses, structures, and lots.~~

~~Although not subject to enforcement action pursuant to Article 2, uses, structures, and lots which are deemed to be controlled by the *Bianchi* decision, and the subsequent enactment of 24 VSA Sec. 4454, shall be considered violations that are not considered legal to any extent and shall in no event be granted the consideration or allowances of nonconforming structures, uses, and lots. Thus, no change, alteration, enlargement, and reestablishment after discontinuance for more than sixty (60) days or reconstruction after an occurrence or event which destroys at least 50% of the structure in the judgment of the city’s building inspector shall be permitted, except to a conforming use, structure, or lot.~~

Susan and Robert Butani
31 Fletcher Place
Burlington, VT 05401

susan.butani@gmail.com
robert.butani@gmail.com

May 10, 2016

BURLINGTON PLANNING COMMISSION
FLETCHER PLACE REZONE to RESIDENTIAL MEDIUM

Good evening members of the Planning Commission. My name is Bob Butani. My wife Susan and I live at 31 Fletcher Place. We are here in support of the Planning and Zoning Staff's recommendation to rezone Fletcher Place to Residential Medium. We encourage the Planning Commission to adopt the Staff's recommendation. In addition, we urge the Planning Commission to retain the residential zone outline along the current use and property lines as initially drawn by the Planning and Zoning staff.

The history of Fletcher Place has been consistently residential for more than 100 years when Patti Hickok's great grandfather, George Armstrong, acquired the land. We understand that Mr. Armstrong constructed most of the six historic homes on Fletcher Place.

We have learned that prior to our coming to Fletcher Place, there was an effort to correct the zoning. The “Institutional” designation of Fletcher Place does not comport with its residential use nor does it align with similarly situated residential streets within the institutional zone.

While some denigrate our neighborhood, characterizing Fletcher Place as having its best days as a residential street behind it, we strongly disagree. We see Fletcher Place as flourishing. In particular, two houses represent this. They are #19 and #37 Fletcher Place. Until recently, #19 was a single family house that could be best described as an out of control party house. Today its owners, the Edwards, have transformed it into a triplex whose tenants include young working people who are a pleasure to have as neighbors.

The same is the case with #37. When the former owners the Whites, bought #37 Fletcher Place, it was a wreck inside. It, too, had been a heavy duty party house for years. Through great effort the Whites transformed the house into a beautiful home. The current owners the Metcalfes, have rented it to 4 young professionals who participate in our community get-togethers and have made their presence a real asset to Fletcher Place.

The Metcalfes are wonderful neighbors. Importantly, they are fully supportive of the Staff's recommendation to rezone Fletcher Place to its appropriate Residential Medium designation.

Rezoning Fletcher Place to Residential Medium will protect our block and will reflect its creation and historical use as a residential neighborhood with many good neighbors.

Mr. von Turkovich's proposed re-drawing of boundary lines for Fletcher Place is at best arbitrary and confusing. In fact, if one follows Mr. von Turkovich's drawn boundary line along the west side of Fletcher Place, it appears to cut right through the rear portion of his house at #27 Fletcher Place, apparently leaving at least 4 feet of that dwelling in the institutional zone. How does that make any sense?

Any line between zones should be clearly identifiable as it would be if drawn along property lines. Mr. von Turkovich's zoning proposal is illogical and inappropriate.

Susan and Robert Butani
31 Fletcher Place
May 10, 2016
Page 4

Along with our neighbors, we encourage the Planning Commission to support the Staff's rezoning recommendation along current property boundaries. This is a proper approach which flows logically and naturally. It is, also, easily identifiable.

Thank you.

A handwritten signature in blue ink, appearing to read "Robert H. Butani". The signature is fluid and cursive, with a long horizontal stroke extending to the right.A handwritten signature in blue ink, appearing to read "Susan Butani". The signature is cursive and elegant, with a large initial "S".

Meagan Tuttle

From: Scott Gustin
Sent: Tuesday, May 10, 2016 2:17 PM
To: Meagan Tuttle
Subject: FW: Fletcher Place re-zone

FYI.

Scott Gustin, AICP, CFM
Principal Planner & Asst. Administrative Officer Dept. of Planning & Zoning
149 Church Street
Burlington, VT 05401
(802) 865-7189

-----Original Message-----

From: Justin M [<mailto:justdmet@gmail.com>]
Sent: Tuesday, May 10, 2016 2:10 PM
To: Scott Gustin <SGustin@burlingtonvt.gov>; Mary O'Neil <MCOneil@burlingtonvt.gov>
Subject: Fletcher Place re-zone

Scott and Mary-

My wife and I own 37 Fletcher Place, and I'm emailing to convey our support for the re-zoning of Fletcher Place to residential medium. Bob Butani will be representing our support for this change at the planning commission meeting tonight.

Sincerely,
Justin Metcalfe

From: [David E. White](#)
To: [Andy Montroll](#); bbaker@cdbesq.com; [David E. White](#); [Emily Lee \(emily_lee@ml.com\)](mailto:emily_lee@ml.com); [Emily Lee \(emilyannicklee@gmail.com\)](mailto:emilyannicklee@gmail.com); [Harris Roen \(roen@burlingtontelecom.net\)](mailto:roen@burlingtontelecom.net); [Jennifer Wallace-Brodeur \(jwb@burlingtontelecom.net\)](#); [Lee Buffinton](#); [Meagan Tuttle](#); [Yves Bradley \(yvbradley@vermontrealestate.com\)](mailto:yvbradley@vermontrealestate.com)
Subject: FW: Fletcher Place rezoning
Date: Friday, May 06, 2016 8:31:30 AM

FYI

David E. White, AICP
Director of Planning & Zoning
City of Burlington, VT

*** Please note that any response or reply to this electronic message may be subject to disclosure as a public record under the Vermont Public Records Act*

From: Nan Reid [<mailto:nanreid9@gmail.com>]
Sent: Thursday, May 05, 2016 10:30 PM
To: Scott Gustin <SGustin@burlingtonvt.gov>
Cc: David E. White <DEWhite@burlingtonvt.gov>
Subject: Fletcher Place rezoning

To: City of Burlington Planning Commission

As you know, as small group of residents (3) on my street have petitioned the Planning Commission to rezone our neighborhood from Institutional Zoning to Residential Medium. This change, should it go through, would subject the land to the city's Buildable Area Calculation, and because the parcel I am selling to the von Turkovichs has steep slopes, it would not be allowed for density and lot coverage purposes.

My neighbors, Bob and Sue Butani, will be somewhat affected when the land behind their home is built on. The Hickocks, who live on the other side of the street, will be impacted very minimally ("view of the sunset"?). And the Owres, who live further down the street, adjoining my property, will not see the new development from their back yard at all, I believe.

It is the Butanis that are the drive behind this campaign to change the zoning of Fletcher Place. They have enjoyed the view and privacy of a large undeveloped lot behind their house for the 5 or 6 years they have owned their home. They must have known, though, when they bought their house that the lot behind it (owned by an 84 year old man) would someday very soon go to someone who would want to develop it. They are attempting to prolong and delay the process, since they cannot prevent it. They have told me this. A housing complex will be built there. At this point it is just a matter of size.

In contrast with the Butani's proposal to rezone all of our properties, there is another option on the table, and that is that the 1.3 acre parcel of wooded ravine (the property I am planning to sell to the von Turkovichs), the von Turkovich's back lot at 27 Fletcher Place and the property that UVM owns at 50 Fletcher Place be left as Institutional zoning and that just the other actual residences on Fletcher Place, including my house and yard (the parcel I would keep after a land sale) be rezoned to medium density residential. I believe this is a fair and logical option. When I consider my large wooded ravine, especially when I view it from an aerial map, the large "green space" seems like it fits more in an institutional zone. This amount of undeveloped land is not typical in residential neighborhoods. The steep slope woods is a valuable habitat for flora and fauna, but having the tax burden of this amount of undeveloped land on a home owner (myself) is not typical. I am wholeheartedly behind this option. I would prefer that the land I retain after selling the ravine land be re zoned residential.

Roughly 75% of my 1.5 acre property is bordered currently by institutions, UVM and Sisters of Mercy. One side of Fletcher Place is residential (mix of single and multi-family buildings) and the other side is half residential (mixed) and half institutional. Fletcher Place has been a partially institutional street since it was developed a century ago (unlike Nash Place, Latham Court and Thibault Parkway, which are entirely residential on both sides of the street). I can imagine this is why Fletcher Place was not included in the re-zoning that made Nash Place, etc. residential streets within the Institutional zone. Fletcher Place is entirely surrounded by large institutions, UVM, the hospital, Sisters of Mercy, and various medical buildings. It makes sense to me that if the acreage of my wooded ravine qualifies for density and lot coverage purposes for development that it should be in the IZ area. I trust that the city's exception for institutional zoning (allowing steep slope to be counted in density calculations) was made for good reason and that the City of

Burlington does not want to take up changing this ordinance just to please a small group of people at the expense of everyone else affected.

A development will go up behind the Butanis' house whether the property is subject to rezoning or not. It will be a matter of size, approximately 50 units vs. 70. The von Turkovichs have offered to "give" the Butanis (by easement) a parcel of land that would extend their back yard (which is very small at the moment, they can even build a fence) and has proposed a design to the development that has all the buildings placed at the farthest point from the Fletcher Place properties. It seems the Butanis are not willing to negotiate though. Ironically, they could end up looking at a 30 foot building (albeit a 50 unit complex) just off their property line without the von Turkovich's generous considerations.

It has been pointed out to me that the city zones certain areas Institutional because they WANT the land developed. I think building residential buildings in close proximity to the hospital and UVM is an excellent use of the land as these institutions employ so many people who could take advantage of being able to walk to work. And while I would absolutely want the von Turkovichs to design their housing complex to be attractive and beautifully landscaped as to fit nicely into our mixed (institutional and residential) neighborhood, I do not think they should be required to scale it back if they are able to adhere to the current Institutional zoning regulations.

Thank you very much for considering my views.

I would like to request that this communication be shared with all of the members of the Planning Commission.

Sincerely,
Nan Reid

Meagan Tuttle

From: Carolyn Bates <cbates@burlingtontelecom.net>
Sent: Sunday, May 08, 2016 3:21 PM
To: YvesBradley; Bruce Baker; Lee Buffinton; Emily Lee; Andy Montroll; Harris Roen; Jennifer Wallace-Brodeur; Meagan Tuttle
Subject: St Paul and PINE ST design changes throughout the Mall design.

Dear Planning commission

I thought you would like to notice the descreptancies on how St Paul and Pine St become

“open STreets...”

and how the parking garage extends all the way to the windows on the 3-4-5 floors.

cb

NOTICE st Paul St JOGS.

from where it enters from south and where it exits to the north.

the orange on the building exterior on bank st represents where the parking garage will be.

Silly. These should be office spaces with windows.

Notice the 948 parking spaces.all on one floor? but do note that the pine st arcade stops at the FreePress Bldg.
on same illustration

Yet on the two illustrations cross sections the pine st arcade goes through this building,
and the street illustration of Pine St arcade looks like it will go on into the light at the end of the street.

and the Pine St arcade has a water treatment roof top on the south end. so Pine St gets small in length as it goes
up in floors.

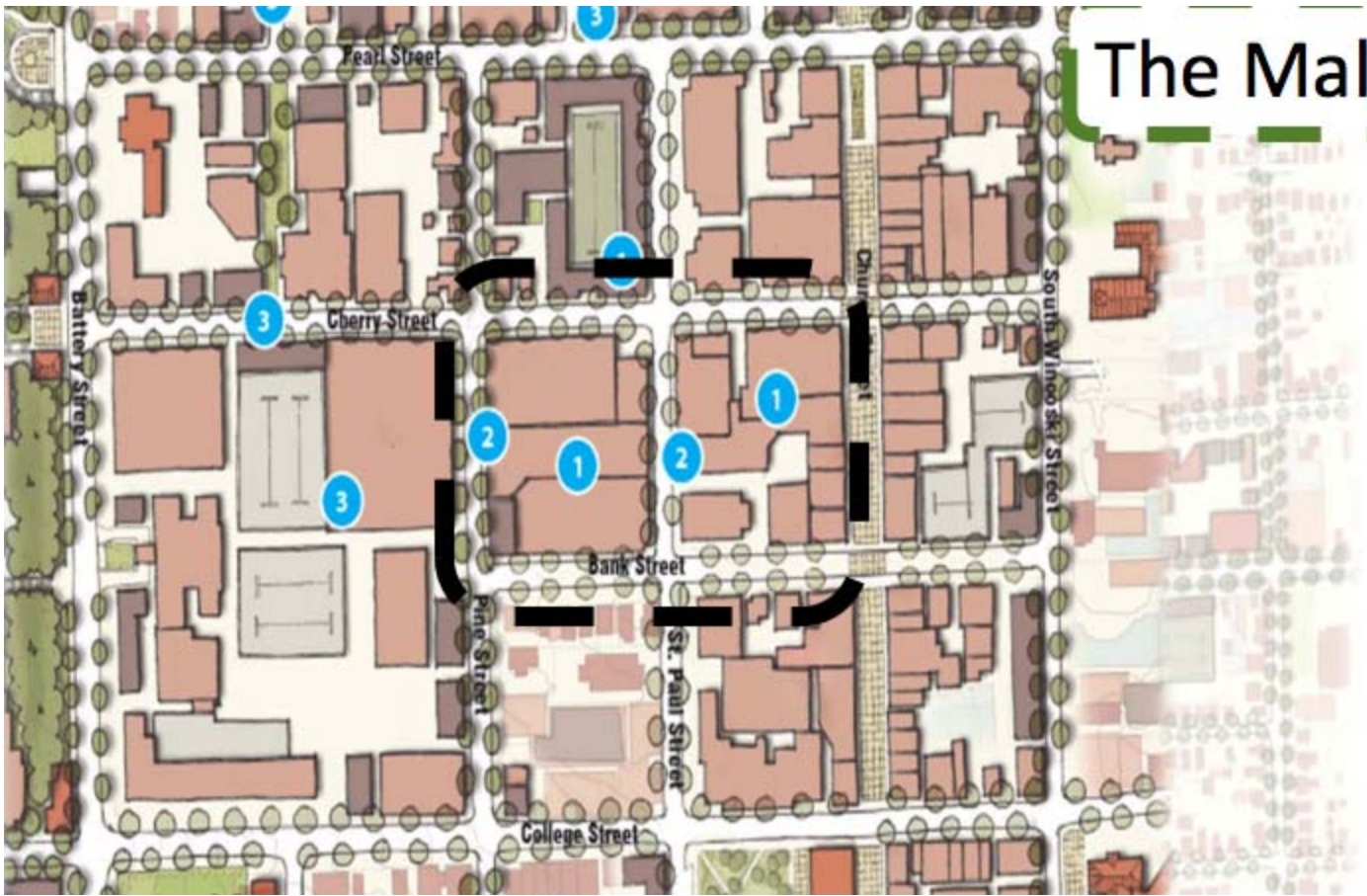
See the first overall illustration.

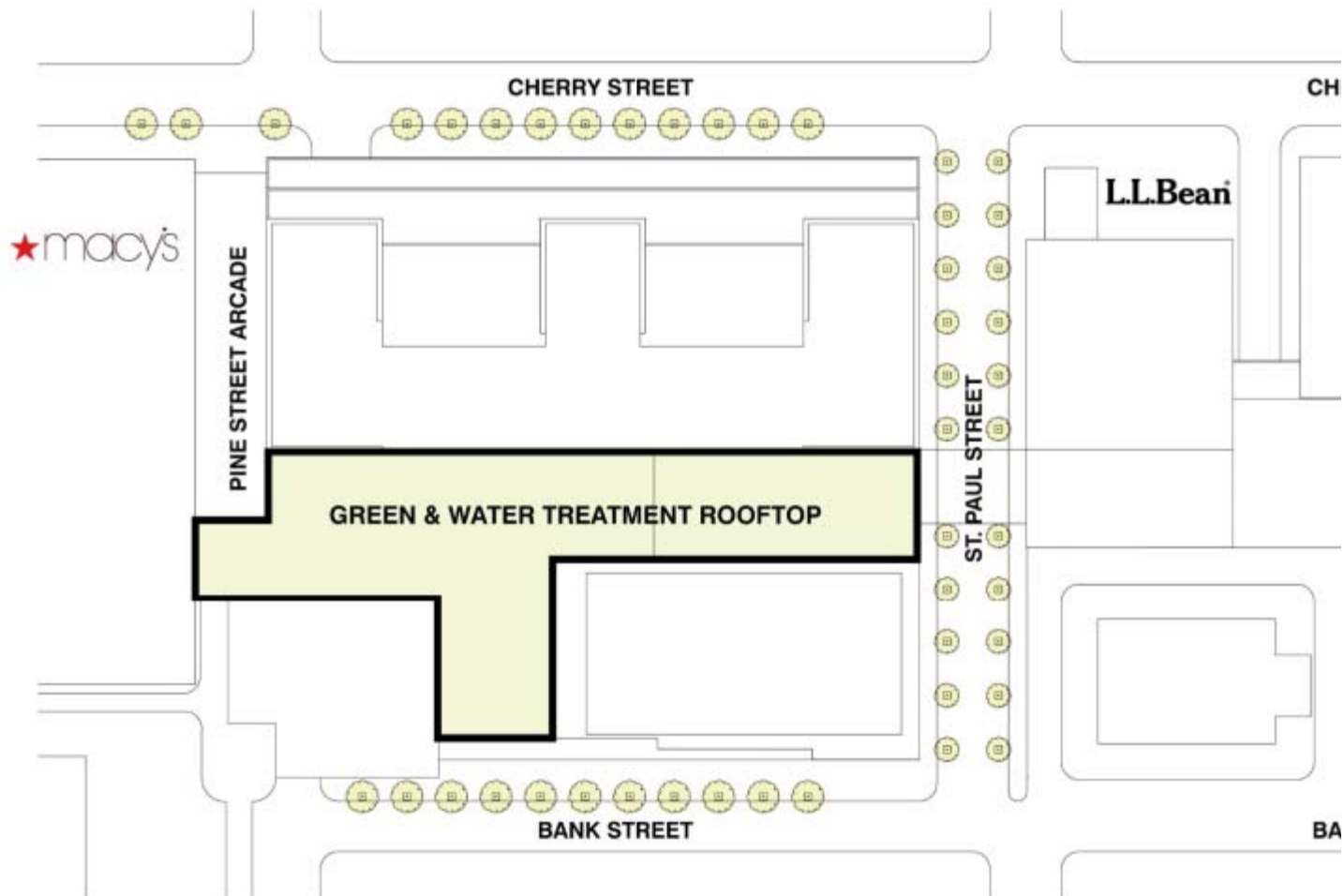
It shows Pine St going all the way through

Hmmmm

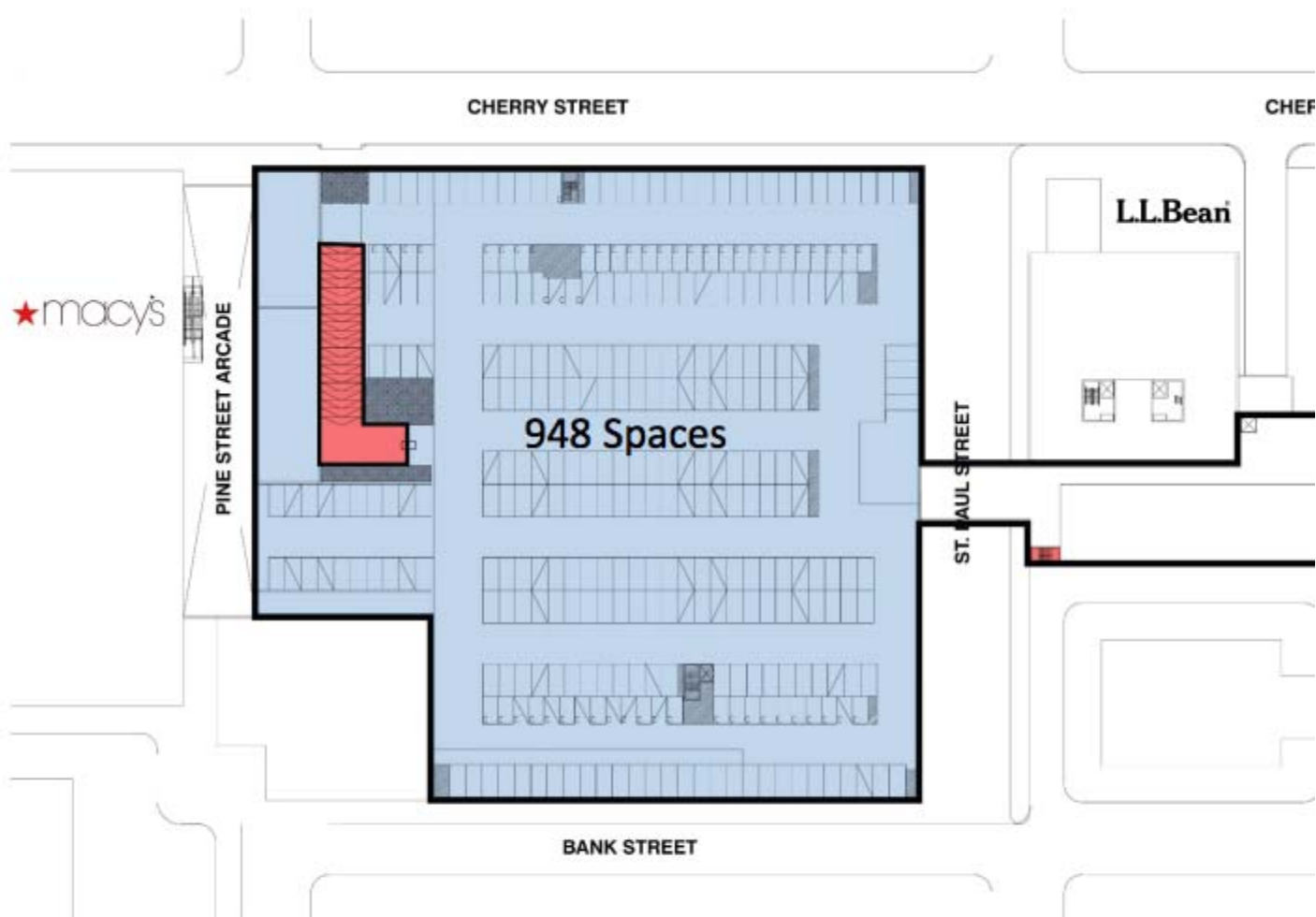
cb

The Mall





WATER QUALITY



ABOVE GRADE PARKING FLOORS 2-4



BANK STREET LOOKING EAST FROM PINE STREET



ST. PAUL STREET FROM BANK STREET



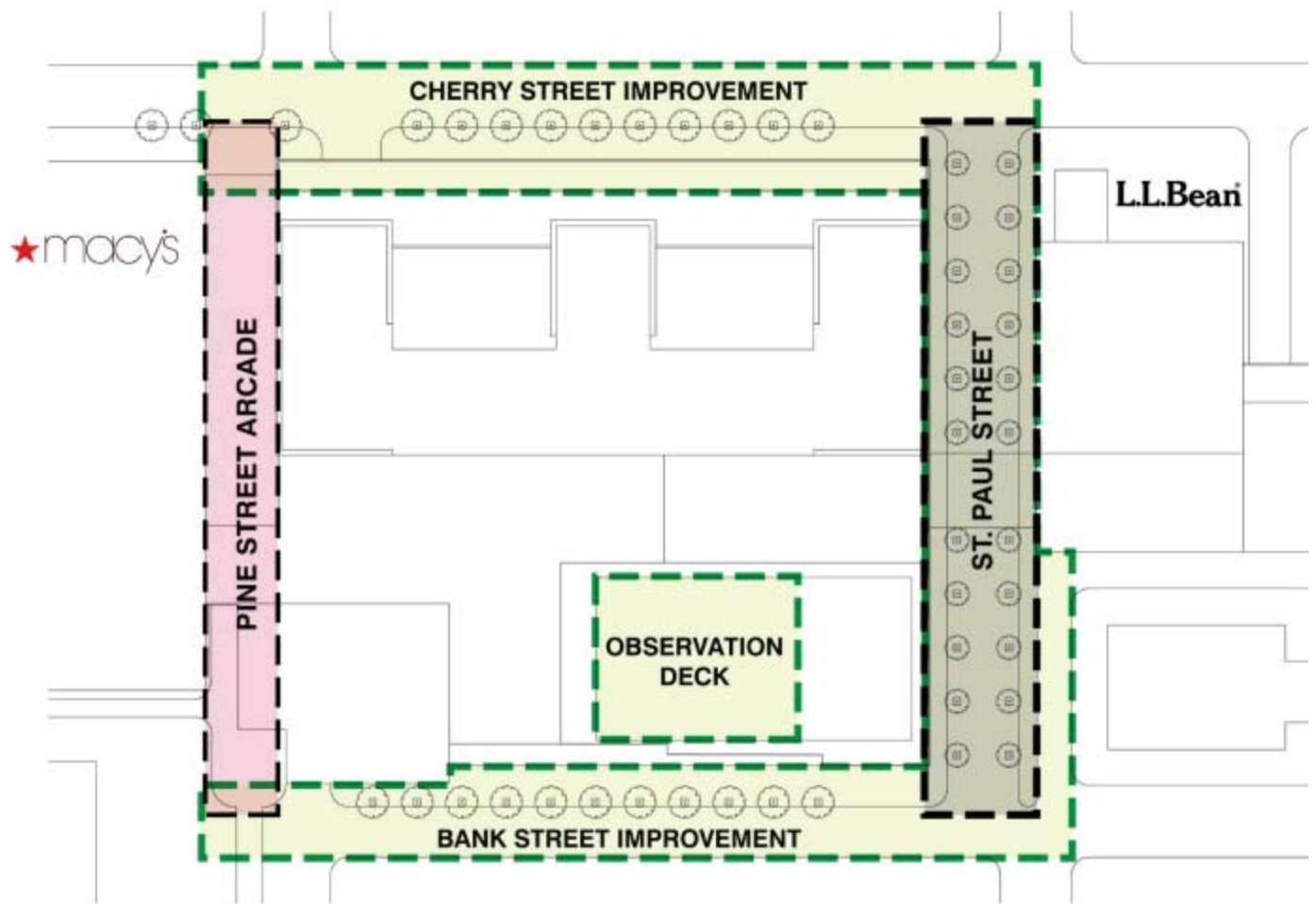
PINE STREET ARCADE



ST. PAUL STREET



BANK STREET AERIAL VIEW



PUBLIC AMENITIES



CONNECT STREETScape IMPROVEMENTS AND NEW TRANSIT CENTER



ST. PAUL STREET FROM CHERRY STREET

Carolyn L. Bates Photography

Email: cbates@carolynbates.com

ADDRESS: PO Box 1205, Burlington, VT 05402

Phone: (802) 238-4213

Web: [www carolynbates.com](http://www.carolynbates.com)

Meagan Tuttle

From: Carolyn Bates <cbates@burlingtontelecom.net>
Sent: Sunday, May 08, 2016 2:44 PM
To: YvesBradley; Bruce Baker; Lee Buffinton; Emily Lee; Andy Montroll; Harris Roen; Jennifer Wallace-Brodeur; Meagan Tuttle
Subject: the TOO Tall MALL that will Gobble up Burlington
Attachments: bank st height 2newsm.pdf; ATT00001.htm; church st height 2-811.pdf; ATT00002.htm; mall-oine st -16aiP1410308-2a.jpeg; ATT00003.htm

to all

I sure hope that you will walk around town, and turn around and around and really try to imagine the real mass and height of this mall, that has no feasibility study and only two renters, after 18 months of it being on the drawing boards. This is a people friendly town, as BED explained in the recent No Ave News.

Will it still be when there is no longer any SUN on the streets????

We have spent years going over well thought out plans about the height and mass. And as a city it was put at 105'

And now city council and the mayor are tripping over each other to thank the mall developer for wanting to build something that is 160' tall. !!! Please Please do not repeat this act in your hopefully very wise and forward thinking Planning Commission.

Please please do NOT allow this to happen. If he goes away, so what! We can then get someone who is willing to work with our zoning codes. He is NOT the last and only HOPE for Burlington. We are doing just fine. It is his MALL that is outdated and horrible. Have you seen Bank St with its papered up windows and peeling paint on the entrance doors of the present day mall. This is how he is taking care of his property now. Do we really want him to stay around????

Furthermore, look at the real design of Pine St going underneath the FreePress Building. This is not replacing our open air former PineST. Is it??? And St Paul has to jog around LLBean, and it will have the loading dock on it too?

Otherwise where else will this go? It is not like our original St Paul. I sure like the idea of opening up our streets again, but this really cannot happen without a few buildings being removed, first. And \$22 million TIF money we have to pay to the developer, and yet still not own the streets again???

Only 50 low income housing units that are all one bedroom (families need places to live, too!) and all right above the parking garage.

The parking garage extends to the windows! Silly. Windows should have housing, office and retain. Not parking garages. It is 3-4 floors big, too.

See illustrations below and at least wait until the feasibility study and model are complete. OK.

I would appreciate hearing your thoughts from each of you.

Thank you

Carolyn Bates
resident since 1973.
May 8, 2016

Illustration of BANK St. as it is now with the mass of the new MALL DESIGN depicted.



Sizes are approximate.

Illustration of Church St. as it is now
with the mass of the new MALL DESIGN depicted.



Sizes are approximate.

NEW MALL
160 ft.

PINE ST



From: Carolyn Bates cbates@burlingtontelecom.net
Subject: Why do people travel to Church ST? I asked Trip Advisor.
Date: May 9, 2016 at 10:44 PM



To: Steven Goodkind bludriver@aol.com, Lynn Irmflowers@yahoo.com, Jennie Kristel jkristel61@hotmail.com, genese grill genesegrill1@gmail.com, Joanne Calhoun joannecalhoun63@gmail.com, Anne Brena anne.brena@gmail.com, Caryn Long carynlong@burlingtontelecom.net, Barbara Wynroth bwynroth@sover.net, Thomas DeSisto tdesisto@gmail.com, Mannie Lionni lml@05401.com, Cynthia Rubin alansuki@comcast.net, barbara heilman barbaraheilman@mac.com, Karla Ferrelli karla.ferrelli@gmail.com, John Bertelsen jo.bertel@gmail.com, Michael McCormick michaelbmccormick91@gmail.com, jmuratoriasaro@yahoo.com, Charles Simpson simpsochr@plattsburgh.edu, Charles Winkleman cwinklem@gmail.com, Lea Terhune leaterhune44@gmail.com, Tony Redington tonyrvt99@gmail.com, Eric Morrow emorrow2030@gmail.com, Carolyn Bates cbates@carolynbates.com, ibnaravilix@gmail.com, Diane.Gayer@uvm.edu diane.gayer@uvm.edu, Barbara Headrick vtdesign studio barbara.headrick@gmail.com, Ruby Perry evolution.ruby@gmail.com, wstuono@uvm.edu, bmcgrew@aol.com, Andrew Simon sanschagrins@gmail.com, fordham.monique@gmail.com, mjlong@burlingtontelecom.net, soverby@sover.net, raherentdeen@yahoo.com, carpediem@burlingtontelecom.net, Michael Nedell michael@localvoretoday.com, ned ned123@riseup.net, Jen Berger jb4pax@yahoo.com, Amanda Hannaford amandahannaford@yahoo.com, Charlie Messing amusia@myfairpoint.net, Jay Vos jamespvos@gmail.com, Michelle Sayles msayles4230@gmail.com, C. W. Norris-Brown conewango@gmail.com, caroline Pocock carolinespocock@gmail.com, Amey Radcliffe ameyradcliffe@gmail.com, Bea A. Bookchin bbookchi@uvm.edu, Sandy Baird sbaird@burlington.edu, Richard Herendeen raherentdeen@yahoo.com, Gloria Seidler glo4477@yahoo.com

Since some people want to muck about our marketplace

I thought we should see why people come here.

Everyone is WALKING THE PEDESTRIAN STREETS

and going to restaurants, shops, beer places along the way.

And LOVING THE STREET LIT UP SO WELL AT NIGHT like fairy land.

So everyone is paying attention ONLY to what they walk by.

There seems to be NO interest in going INSIDE anything but the small places right on the walking street.

So Charles, your idea of having more walking spaces is right in keeping with this mode

Tall Malls, seem to be of no significance, nor were there any wishes for one to be here.

The liked the quaint friendly atmosphere and sitting outside on the rocks (in the sun)

https://www.tripadvisor.com/Tourism-g57201-Burlington_Vermont-Vacations.html

I am a long time trip advisor

and I often look at places before I go to them and read what ordinary people, like me, say.

Most people gave 4-5 stars to Burlington. I looked at 8 recent pages of testimonials.

Here is what I found:

I also copied the lists I read, below. In case you want to tally each item. The several mentions in very recent ones about the homeless need to be addressed.

LOVE ABOUT CHURCH ST marketplace

funky

locals

shops

restaurants

one of a kind shops

great variety of shops and restaurants

walking/strolling with NO CARS was a big hit.

night lights a bit hit

street vendors

name brand sports stores

side street music

art galleries

rocks to sit on

outdoor cafes a bit hit

beer

historic

welcoming

close to bike trails and Lake Champlain

leisure to visit

tiny places

architecture

people watching

warm, friendly

shopping

eating

walking

sunshine

cobblestones

odd shops

coffee

fun events

lake champlain chocolates

keep vermont funky

keep vermont funky
street musicians and theater

mall

only 2-3 people said there was a mall, but NO mention of going into it except one, who said it was a sad place with a little place to eat

negative

pricey
parking meters
homeless

odd as there was no mention going to the flynn center

https://www.tripadvisor.com/Tourism-g57201-Burlington_Vermont-Vacations.html

Church Street Marketplace, with its early 1900s architecture, great restaurants, live entertainment, one-of-a-kind shops and well-known stores, is the focal point of the downtown area.

"A pleasant Vermont being place"

A cool happening place. Teaming with funk. A fine place to be and enjoy. Always a pleasure. Folk friendly but different somehow. Worth the trip!

farmers market

["Burlington, Vermont: A Pleasant Vermont Being Place"](#)

["Best downtown little city in the USA,"](#)

Church St Marketplace has a 5 block walking street packed with outdoor cafes, music, street vendors, trees, rocks, flowers, and benches to sit on. Lots of restaurants, clothing stores, shoe stores, outdoor gear, locally made chocolates, theater, park, art galleries, office lofts, soaps, jewelry, kitchen supplies, and side street music. Hidden treasures.

And it is only a 4 block walk to Lake Champlain, bike trails, waterfront park, ECHO, and the Sailing Center. 11 mile bike walk along the lake is accessed right here.

[Great to walk around"](#)

Reviewed 5 days ago

NEW

A really nice avenue of shops and cafes with no car traffic. There were different people playing music and a lot of friendly dogs on the street as well. Perfect for a sunny day.

Visited April 2016

Visiting Burlington? Stop at Church Street Marketplace. Whether dining, shopping, or people watching - or all of the above - it is a quaint, terrific stop.

We enjoyed the Church Street Marketplace quite a bit. It has a very nice and historic, yet welcoming feel to it. There are plenty of shops, and it's easy to spend half a day there! However, I did feel a little awkward about the amount of homeless people / loiterers in the area. There was also a police officer patrolling the area. I did not feel unsafe, just awkward.

Otherwise, this was a great place to shop, eat, and take in what Burlington is all about! Also, Keep Vermont Weird was our favorite store, as it is the tiniest store I've ever seen and they're all local. The woman running it was lovely! Highly recommend stopping in there.

loved the whole area Church street smoke free and friendly many bars cafes places to eat hang out. many interesting shops..walk down the lake.

Try it all you'll understand. The decor, the storefronts, the buildings all of them are amazing for any kind of leisure visit. A day or two or even more, always lots of stuff going down there.

Visited January 2016

I have enjoyed walking on the Church Street Marketplace for many years. There are plenty of places to stop for a cup of coffee or a drink along the way or close by.

It's too bad that the shops along the street, with only a few exceptions, are too pricey to do more than go in and browse. But at least there's a good variety. (Home Port) On a nice sunny day, go and enjoy the street performers. Every year the acts get more imaginative.

What does get old are the constant presence of either panhandlers or just obnoxious

what does get old are the constant presence of either panhandlers or just obnoxious people hanging around on the rocks because they have nothing better to do. But even with all of that, it's a great place for alone time or a stroll with your honey or good friends at any time of the year.

Visited April 2016

[“No autos allowed”](#)

Reviewed 1 week ago

A great place to walk and shop, although the shops are quite trendy-which equals pricey. We did get some good deals in Banana Republic, but for the most part it's fun to look. Great foodie stops and beer selections along the way. We liked the rock outcropping along the street for sitting or a good place to people watch. There were some pan handlers but they never approached anyone, try going to Asheville NC panhandler city USA. No one ever approached us for money, there is a police presence around and everyone seemed happy to be out on a beautiful spring day. It was accepted student weekend at the local university so the streets were bustling with people.

We were here visiting Burlington with our 23&21 year old sons for a birthday celebration, Trip Advisor should really implement a category to reflect traveling with older children and not just (young children) & (teens). I chose couples for the visit

Visited April 2016

_____ May 2016

We enjoyed walking along market place the three days we were here Ate at several restaurants Nice atmosphere Allot of homeless

[“Great shopping”](#)

Reviewed 2 weeks ago

Great shops. Lots of choices of both chains (North Face, Burton, Pier 1) and local awesome shops, galleries and restaurants. A hit with both tourists and locals

[“if you like watching”](#)

Reviewed 2 weeks ago

people watching, drinking, shopping, smoke shops, fashion. freindly encounters, brick after brick of piled consumerism at it's best. you'll fit right in, everybody does.

[“Many unique shops, and eateries”](#)

Reviewed 2 weeks ago

We always peruse Church Street with the many shops and eateries. So each trip we have certainly helped the economy of VT 😊

[“Amazing shops and atmosphere!”](#)

Reviewed 2 weeks ago

Wonderful shopping street with boutique type shops of all kinds. The people are so warm and friendly in Burlington!

Beautiful cobblestone street closed off to traffic. Nice way to spend a day shopping. And at night, it is lit up beautifully____

Great place to people watch and enjoy a meal at anyone of the dining establishments on/off Church Street.

Four blocks of sights, sounds, and smells! Oh and shopping too. A lot of high end stores but something should catch your wallet. We enjoyed a relaxing walk up and down the marketplace. There were some nice street performers also.

Neat shops, fantastic people watching, Saturday is the best for a great stroll. Lots of bars and restaurants, Stop by for a favorite beer "Switchback" and you will be happy

Church street marketplace is a great place for a day trip. Lots of little shops, restaurants, and fun events. Very unique and fun place to visit.

[“A weekend getaway favorite ”](#)

Reviewed 3 weeks ago [via mobile](#)

We started going to VT regularly several years ago and it has become our favorite getaway spot. Church Street is a beautiful pedestrian only street home to numerous shops and restaurants as well as the Burlington mall. We usually begin in the morning at one end and down the other, meandering in and out of and each shop, stopping occasionally for a quick bite to eat or drink. Throughout the day and evening you will be treated to a variety of street performers and in spring and summer, live music. Many of the shops are eclectic and local as well as a smattering of chains. The food is great, with every conceivable cuisine and dining option available. From Church Street you can wander the side streets of Burlington to discover more hidden gems as well as find your way to the shores of Lake Champlain. Wonderful place for families or a romantic weekend and any season, though we prefer spring through fall. At night the street is lit up and looks beautiful and that is especially true during the Christmas season. Regardless of time of day it is always full of people and if you enjoy people watching, while sitting outside on a summer day, listening to live music and drinking a top shelf local craft brew, this is a place to go. BTW in July or August there is a blues festival with almost non stop music at multiple venues and every weekend from spring through fall there is a huge outdoor farmers market on the Commons selling an array of VT made goods and food. Really fun.

Visited March 2016

[“Overrated”](#)

Reviewed 4 weeks ago [via mobile](#)

Nice centralized area of businesses w/no car traffic, but nothing great. Too many local homeless peeps hanging around, too.

Our family loved Burlington. And it started with the Marketplace. You have good restaurants all around, shopping and Ben And Jerry's.

Visited May 2015

[“Awesome pedestrianized mall!”](#)

Reviewed 4 weeks ago

Smack bang in the middle of town! A must for all tourists! Looks amazing at night when all the fairy lights are lit up!

Visited March 2016

We kept finding ourselves heading back here for each meal while we were in town. The kids loved climbing on the large rocks that were placed throughout Church Street. Great shops. Beautiful lights at night. Enjoyed this part of town.

[Lovely](#)

Reviewed April 3, 2016 [via mobile](#)

Nothing better than a big Street dedicated to pedestrian traffic only. Very charming, clean and picaresque. Enjoyed shopping and browsing. Lots of variety available for both shopping and eating. Such a great place

Visited March 2016

[“Need outdoor stuff? This place has many brand names for you.”](#)

Reviewed March 29, 2016

Right in the heart of Burlington, this is like a miniature version of the Pearl St. Mall in Boulder CO. Uh-oh, did I slander the locals?! I hope not. Just to say, it's a mall on a smaller scale, which often is just fine. When we visited, between end of winter and early spring there were no flowers, no leaves, nothing! Just empty streets and college boys and girls. Still, this is an enjoyable pedestrian mall with

many types of stores and restaurants. Visit Lake Champlain chocolates (I'm not s spokesperson, just a happy customer for over 20 yrs buying mail order...so fun to see their retail store.

Visited March 2016

Best place in town. Plenty of shops, restaurants, Bars... Great place to relax and actually mingle with locals. No cars allowed, which is good. reminds me of Fanuiel Hall in boston

Funky and fun! Church St. is the place to go for for taking a walk, shopping at both independent or chain stores and having your choice of many fine and diverse restaurants. Any time of year is the right one to visit this Burlington hot spot!

Church Street Marketplace not only offers a range of dining options, many local and national stores, beautiful artwork, but gives you a real experience of the locals because all of us go there. Some go to drink coffee at several great coffee places - The Uncommon Grounds is a personal favorite, some go shop for locally made gifts, others prefer the street carts for food and gifts. Everyone enjoys the many entertainment options offered on a regular basis on the Street. It is the earliest example of a pedestrian shopping street in the country and should not be missed!

Visited March 2016

["A Burlington Jewel"](#)

Reviewed March 23, 2016

There are very few downtowns in the world that can beat the Church Street Marketplace **on a sunny day**....it's just a wonderful public space with such an incredible variety of offerings. Localvore restaurants, local brewers, local coffee roasters, local shops mixed in with Starbucks, Old Navy and Macy's. An international crowd walks up and down, past many outdoor cafes, watering holes, and craftspeople. Musicians, clowns, acrobats, magicians -- you name it -- entertain up and down the pedestrian-only thoroughfare. A terrific place to people watch, meet friends, take out of town family...just a splendid gathering place in all.

Visited March 2016

If you come to Burlington, You have to go to Church Street! Fun, one of a kind shops and restaurants. More interesting places on the side streets too!

it is a street filled with shops, restaurants, pubs. it is so nice to walk around with family and friends during weekends.

Visited March 2016

Best place in Burlington to spend a day or afternoon walking, shopping, looking, eating. Beware the parking meters.

Visited March 2016

Very cool part of downtown. It's shops along a pedestrian walkway and a **mall** as well, right in the middle of downtown. Close to the waterfront as well.

["Fairly typical, nothing jaw dropping"](#)

Reviewed March 15, 2016

There was nothing overly great about this area. Good mix of restaurants, bars, chain retail stores (GAP, Macy's, LLBean, etc) as well as some smaller local shops.

Visited March 2016

It was nice to walk up and down Church Street. Each time we needed to walk into or through the town we always made sure Church St was part of the plan. If you're into people watching, want to grab a bite or a drink, or shopping, there's something there for you.

They have some really awesome shops some that are just about everywhere and other specific to the state. Very calm and relaxing, nice people.

["Great place!"](#)

Reviewed March 11, 2016 [via mobile](#)

A really nice street, lots of thought has gone into this. A beautiful Church to look at the end of it and nice shops. music broadcast out to the street, good little restaurants, just a great place.

Nice shopping and good location, we were able to walk to most everything we wanted during our stay. Wonderful to have a walking Street and not really have to worry about traffic!

Loved how cars were blocked off, my toddler was able to wander the streets. Lots of interesting looking restaurants and stores.

["Great place for a stroll !"](#)

Reviewed March 8, 2016

We pulled into town in the evening and spotted this very well lit and beautifully decorated several blocks of pedestrian only shopping. The evening lighting is exceptional !

It was a perfect place to go for a stroll with my wife. All of the stores, coffee shops, history, water fountain designs, and architecture makes it a great place to visit. (and get out of your car !!!)

Visited March 2016

We enjoyed the "street fair" atmosphere, variety of restaurants, retail and other establishments. Easy walking distance to the waterfront

I don't know why I have never visited here, before this trip! It is a traffic free shopping experience! There are many different shops, to meet the tastes of different shoppers.

Visited February 2016

Plenty of shops, bars, local restaurants to really make it a day spot in nice or fall weather. Just make sure to watch your meter for parking!

Visited April 2015

A beautiful place to experience both during the day and at night when lit up with some of the most amazing decorative lights. The street is full of unique little shops, restaurants, bars, a **mall** and even entertainment on the street. A peaceful and relaxing place with lots of friendly people.

Visited April 2015

Even though it was a cold day in February, this pedestrian street mall was a great place to visit. There were plenty of shops to duck into to get warm. There was a nice variety of types of stores. There was also a great selection of restaurants. The scenery was quaint and although we didn't walk there due to the weather, Lake Champlain is very close by.

Visited February 2016

Church Stree Marketplace is a beautiful spot with lots of dining and shopping options. We loved it and Burlington.

Visited February 2016

Specialty shops from athletic specialty stores to jewelry stores. If you can't find it here, you haven't looked hard enough. Can't forget the good eats and specialty sweets and coffees places. A place to enjoy for all ages!

Visited February 2016

Visited December 2015

Had a great time on church street with all the shops and restaurants. Homeport favorite store. View at night is unbelievable Sucj a peaceful and relaxing place to be.

Visited February 2016

Me and my wife go here a few times a year. We like to grab lunch somewhere and take a walk by the lake. The street vendors are interesting and the shops have anything you need from shoes to furniture!

Visited February 2016

We visited Burlington, Vermont in February and spent some of our time walking the pedestrian open air mall called Church Street Marketplace. It was chock full of shops, bars and restaurants. At dusk the lights that were strung across the mall were lit and it was really quite pretty. Would recommend seeking this out when in Burlington.

Visited February 2016

This is a must visit if in town. The street is full of shops, restaurants, bars, a mall and even entertainment on the street. There's something for everyone! We went during the holidays and it was absolutely stunning. And yes it's true, the street gets a little weird at dark. Nobody really bothered us though.

Visited November 2015

A great pedestrian walkway with lots of local food, stores and fun. Visit the Keep Vermont Funky store to remind you of the attitude. Visited a kitchen store and finally found the perfect loose tea holder for brewing. Also went to a terrific yarn store with wonderful yarns. I try to buy yarn from every place I visit - weird - but knit them in to shawls for friends.

Visited June 2015

MALL Never thought of Burlington as a city after living in much larger places and this pedestrian walk is considered the center of what there is. Enough shop variety to make it interesting but until they decide on the **Burlington Mall future (major high rise with offices, condos and shops or not) there's a blot on the landscape with empty stores and sad littl eating area downstairs**. Ample eating options from Paneras to haute cuisine. Saturday morning on market days during summer is at its best.

Visited February 2016

This is an enjoyable place all around, good variety of shops and restaurants, many non-chain. Great people-watching, too.

Visited February 2016

Reviewed February 3, 2016

Worth the trip to Burlington just in itself. From excellent restaurants and bars to the dumpling lady street vendor. Wine tasting store, oil store, funky consignment, tattoo parlors, head shop, candy store and outdoor exchange for all kinds of high end, great sales and great consignments. Every trip there you find something new - street performers, events, etc..

This is a really nice place to walk around at night during the holiday season with all the Christmas lights. Lots of people, and stores, and restaurants.

Reviewed January 23, 2016

January 20, 2016

You'll go here and you'll enjoy it. Whether or not you're there to shop you'll become engulfed by the greatness that is Burlington... the people, the places, the action! Don't forget to check it out at night in the colder months to see it lit up in all it's splendor.

January 17, 2016

I came here with my boyfriend and it was a relatively relaxed area for a holiday Sunday. We went through the different shops: Outdoor Gear Exchange, the bookstore, and the Uncommon Trail coffee shop. It was a nice distraction for the morning and it was a great way to see the Burlington vibe.

Reviewed January 14, 2016

If you are there in the non slushy months it is a fabulous stroll and where everything is celebrated from Mardi Gras to the World Cup championship. In 2004 people were climbing street signs and for New Years they climb the mountains of snow. It is a small city for sure and if you come during a college break it is a ghost town comparatively. The children playing leapfrog is a classic with a sandwich at the Red Onion and a white hot chocolate at Muddy waters. You wont be disappointed unless you dont like good food.

Visited August 2015

Take a stroll summer or winter. In the summer you can stop at one of the many restaurants and eat out side and enjoy the views. In the winter it's a winter wonderland gull of lights topped off by a huge Christmas tree at the top of Church St

Visited December 2015

Reviewed January 15, 2016

Quaint, New England design out door plaza with boutiques, cafes, bistros, pubs, something for everyone, students, families, couples and singles withing walking distance of Lake Champlain,

Carolyn L. Bates Photography

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Meagan Tuttle

From: Carolyn Bates <cbates@burlingtontelecom.net>
Sent: Tuesday, May 10, 2016 11:47 AM
To: YvesBradley; Bruce Baker; Lee Buffinton; Emily Lee; Andy Montroll; Harris Roen; Jennifer Wallace-Brodeur; Meagan Tuttle
Subject: Info on Don Sinex.

there are 12 vacancies in the mall and bank st side of the mall has doors with peeling paint and windows covered in white paper. Looks terrible to people walking by.
I do not like the way he is doing maintenance on the present mall. The windows could have cool photos in them of the new mall. And look exciting. Not like they do now.

There is only 1 vacancy on church st.

Here is his website from which I took the following notes:

<http://www.devonwoodinvestors.com/>

We are a private Investor/Operating Partner for opportunistic real estate debt and equity transactions in which it can add significant value for itself and its US and international investors.

Devonwood Investors, LLC was founded in 1997 as a private real estate development and investment firm. The firm has successfully continued to successfully pursue these activities in a wide variety of undervalued assets in both up and down markets.

Right now Church St Town Center Mall is his ONLY investment on the books
And there is NO other item or project listed in his website, or that I could find online that he has done since 1997 when he started his company

And he has only one person working with him: Mr. Nicholas J. Principe,
Director nprincipe@devonwoodinvestors.com

He has a law and business degree.

He worked with JMB Realty handling large projects similar to the town center here. It appears that he left on good terms and give him a reference.

Info from this website: http://www.prime-finance.com/prime_finance_recent_transactions.html
shows the purchase price

Burlington Town Center

\$23,000,000

Five year floating rate First Mortgage loan

A 371,579 SF regional mall and 5-story office building located in Burlington, Vermont

From various notes:

Jeff Williams at Prime-Factor owns the mortgage on BTC
and he said they will loan Sinex \$100 mil to improve BTC

They have quite a collection of loans to big places usually worth \$10 mil. each, like wal-mart and hotels but nothing like BTC

In summation.

I do not like the fact that all the money comes from one place

I think it is rather ODD that his company has no information about any other real estate transactions since its formation since 1997

The mall is undervalued and under used. Therefore he stands to make a huge profit here. The money he makes will go OUT OF THE STATE It is not local money

He can and should make his design fit Burlington city codes and not demand that we change to fit his design.

And the buildings are massive in size. One city block long, 14 stories tall.

Thank you for reading.

Carolyn Bates

May 10, 2016

Carolyn L. Bates Photography

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Meagan Tuttle

From: Jennie Kristel <jkristel61@hotmail.com>
Sent: Sunday, May 08, 2016 3:41 PM
To: ybradley@vermontrealestate.com; Bruce Baker; Lee Buffinton; Emily Lee; Andy Montroll; Harris Roen; Jennifer Wallace-Brodeur; Meagan Tuttle
Subject: The Mall Development

Dear All;

I have to say, I am stunned and dismayed at how quickly this mall is getting voted on and passed. WITHOUT any Feasibility studies or scaled model for the community to look at? Without a thorough and thoughtful city wide plan?

I agree that the mall needs an overhaul. It is in disastrous shape. It is outdated. It also needs better care. This is how he is taking care of his property now.

I find it hard to believe that the developers will stop at one box building. Or that the council thinks that one is all that will happen and be enough.

The plan is ugly. UGLY. Big boxes. I might as well be in any city USA. Is that what you really want for Burlington?? Seriously? Every building that has gone up in the last five years has been one model of siding that is straight, boring and ugly. Metal sided and glass. It causes eye stress as it has no beauty at all.

I sure hope that you will walk around town, and turn around and around and really try to imagine the real mass and height of this mall, that has no feasibility study and only two renters, after 18 months of it being on the drawing boards. This is (or used to be) on the top ten places to go as it was friendly, beautiful, and a large town rather than a city. I have been told by people who visited me this week, that Burlington would become just like every other place and not as interesting. With a box building smack in the middle of town I agree with them. What about keeping with historical lines? What about having a human oriented building?

There have been THOUSANDS of housing units built in Burlington, South Burlington, and Winooski during the past decade alone. This has not alleviated the so-called "Housing Shortage", nor lowered rents.

Furthermore, residential housing in general has been shown to be money-losing to a town/city from a tax situation by several academic studies. The demand for services, infrastructure, sewer, traffic mitigation, pollution, etc. never lower the tax burden.

Will it still be when there is no longer any SUN on the streets? This box is HUGE! We already have issues with lack of sunlight in Burlington. This WILL make it worse.

We have spent years going over well thought out plans about the height and mass. And, in 2010, as a city it was put at 105'.

And now city council and the mayor are tripping over each other to thank the mall developer for wanting to build something that is 160' tall. Please Please do not repeat this act in your hopefully very wise and forward thinking Planning Commission.

Furthermore, look at the real design of Pine St going underneath the FreePress Building. Will we need to pay a toll as it is owned by a developer? This won't really be public access will it.

And St Paul has to jog around LLBean, and it will have the loading dock on it too? Otherwise where else will this go? It is so confusing. I sure like the idea of opening up our streets again, but this really cannot happen without a few buildings being removed, first. And \$22 million TIF money we have to pay to the developer, and yet still not own the streets again???

Only 50 low income housing units that are all one bedroom (families need places to live, too!) and all right above the parking garage. As a mental health clinician, asking families to be in a one bedroom is a recipe for disaster. How real is this really?

Having lived on the Hill by Champlain, and seen what having students in that neighborhood was like and seeing Sinex say that 300 students would live in this building with mixed income.... Im not sure what to say to that. It seems highly improbable as a working model.

The parking garage extends to the windows! . Not parking garages. It is 3-4 floors big, too.

The idea to have a vote in August on the TIF of 22 million dollars is disheartening as well. on a vote that important that we as taxpayers would probably have to pay for Why wouldn't you wait until November when most people are likely to be here? I have to say this seems rather slimy as August is a month many vacation and are away.

Lastly- Why hasn't there been a conversation about using 22 million gone into improving our high school school which is woefully out of compliance with ADA and needing a overhaul?? 22 million would take care of an awful lot and would certainly help students and families from all backgrounds.

**Please wait until the feasibility studies are done and a working model of what this will entail.
I look forward to hearing from you.**

Jennie

Please be advised that the confidentiality of this communication cannot be guaranteed since it is transmitted electronically.

Jennie Kristel, MA, REAT, RMT APTT
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Registered Expressive Arts Therapist
Reiki Master /Teacher
Accredited Playback Theatre Practitioner/Teacher

"Be the Change that you want to see in the world"
Mahatma Gandhi

14 story, 160 foot high buildings were not envisioned by PlanBTV

To: Burlington Planning Commission

Planning Commission Meeting, May 10, 2016, 6:35pm public forum

From: Solveig Overby

I am here to ask you as you work on the zoning changes proposed by the Burlington Town Center redevelopment, to respect the decisions made by Burlington citizens as reflected in the often cited June 2013 PlanBTV document.

Contrary to representations heard frequently, PlanBTV adopted June 2013, does not contemplate downtown core development containing 14 story/160 foot tall buildings.

In fact, the "FD6 Downtown Core" district form-based code posted on Nov. 25, 2014, a year and some months after adoption of PlanBTV, specifies building heights with a minimum of 3 stories and a maximum of 10 stories. I have provided you with copies of pages 110-111 of plan BTV and the associated pages from the November 25, 2014 FD6 Downtown Core district document.

Prior to the May 2, City Council Meeting, I provided City Councilors with a photograph of an example of a twelve story/110 foot tall condominium building in a vibrant downtown core Washington, DC neighborhood. I have provided you with a new photo of that building and have provided you with the zoning regulations associated with it for your review.

I ask you to respect the will of the citizens of Burlington. PlanBTV did not contemplate downtown core development in Burlington containing 14 story/160 foot tall buildings.

Thank you.

770 HEIGHT OF BUILDINGS OR STRUCTURES (C)

770.1 Except as provided in this section and in Chapters 17 and 20 through 25 of this title, the height of a building or structure, not including a penthouse, in a Commercial District shall not exceed that set forth in the following table:

ZONE DISTRICT	MAXIMUM HEIGHT (Feet)	MAXIMUM HEIGHT (Stories)
C-1	40	3
C-2-A	50	No Limit
C-2-B,C-3-A	65	No Limit
C-3-B	70	6
C-2-B-1	75	No Limit
C-2-C,C-3-C	90	No Limit
C-4	110	No Limit
C-5(PAD)	130	No Limit

770.2 The height of buildings or structures specified in § 770.1 may be exceeded in the instances provided in §§ 770.3 through 770.9.

770.3 Spires, towers, domes, pinnacles or minarets serving as architectural embellishments, penthouses, ventilator shafts, antennas, chimneys, smokestacks, or fire sprinkler tanks may be erected to a height in excess of that which this sections otherwise authorizes. This section shall not be interpreted to bypass otherwise required special exception reviews.

770.4 In the C-4 District, a building or other structure may be erected to a height not exceeding one hundred thirty feet (130 ft.); provided, that the building or other structure shall face or abut a street not less than one hundred ten feet (110 ft.) wide between building lines.

770.5 In the C-5 (PAD) District, a building or other structure may be erected to a height not exceeding one hundred sixty feet (160 ft.); provided:

- (a) The height of the building or structure shall be measured only from the Pennsylvania Avenue curb at the middle of the front of the building or other structure to the highest point of the roof or parapet exclusive of any structure on the roof; and
- (b) That portion of the building or other structure that exceeds one hundred thirty-five feet (135 ft.) in height shall be set back a minimum of fifty feet (50 ft.) from the building line along Pennsylvania Avenue.

District of Columbia Municipal Regulations

(<http://dcoz.dc.gov/resources/regulations.shtm>)

- 770.6 A penthouse may be erected to a height in excess of that which this section otherwise authorizes but shall not exceed the height, as measured from the surface of the roof upon which the penthouse is located, in the following table:

ZONE DISTRICT	MAXIMUM PENTHOUSE HEIGHT	MAXIMUM PENTHOUSE STORIES
C-1, C-2-A	12 ft. except 15 ft. for penthouse mechanical space	1; second story permitted for penthouse mechanical space
C-2-B, C-3-A	12 ft. except 18 ft. 6 in. for penthouse mechanical space	1; second story permitted for penthouse mechanical space
C-2-B-1, C-3-B	20 ft.	1; second story permitted for penthouse mechanical space
C-2-C; C-3-C; C-4; C-5	20 ft.	1 plus mezzanine; second story permitted for penthouse mechanical space

- 770.7 [REPEALED].

- 770.8 [REPEALED].

- 770.9 The height permitted for a building eligible for the additional density permitted pursuant to § 771.4 shall be that permitted by the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6-601.09).

SOURCE: §§ 5201.1, 5201.2, and 5201.3 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 27 DCR 2226, 2227 (May 23, 1980); as amended by Final Rulemaking published at 33 DCR 3975, 3978 (July 4, 1986); as amended by Final Rulemaking published at 36 DCR 1509, 1523 (February 24, 1989); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8409-10 (October 20, 2000); as amended by Final Rulemaking published at 55 DCR 34 (January 4, 2008); as amended by Final Rulemaking published at 57 DCR 3492 (April 23, 2010); as amended by Final Rulemaking published at 62 DCR 5190 (April 24, 2015); as amended by Final Rulemaking published at 63 DCR 390 (January 8, 2016).





EXISTING

The above rendering shows a view looking southeast of Burlington as it exists today, with the Burlington Town Center Mall in the center of the image. City Hall is in the top center of the rendering and Battery Street in the foreground. Currently Pine Street and St. Paul Street dead end at the mall, forcing traffic onto Battery Street and South Winooski Avenue. The mall superblock also makes it difficult for cyclists and pedestrians to navigate through this area.



POTENTIAL

Aerial photograph
of Town Center
Mall looking
southeast, with
City Hall Park in
the distance.



PHOTO BY BRIAN DROUVR PHOTOGRAPHY

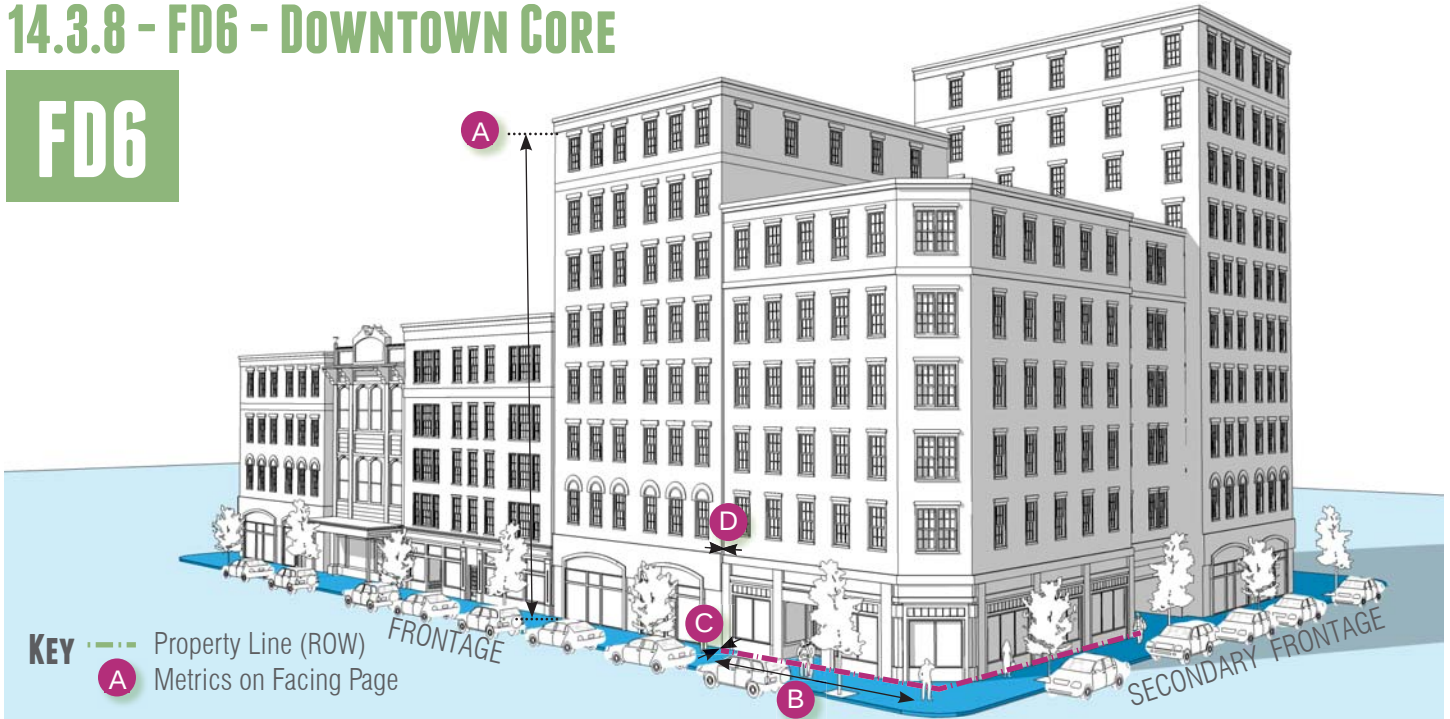
The illustrative plan for the mall area suggests reopening Pine Street and St. Paul Street, preferably as complete streets that would accommodate all modes of transportation and parking, repairing the street grid and relieving pressure from Battery Street and South Winooski. In lieu of the complete street option, the mall could be more surgically modified to allow for a plaza to pass through that would be open to pedestrian and bicycle traffic. Both alternatives would greatly enhance the connectivity within the City while also updating the mall to more actively interface with the City and benefit from the additional visibility.

The rendering also shows redevelopment and infill within the urban renewal area, which is an area of the City where the pedestrian realm could be greatly enhanced by filling in large gaps in the street wall.



14.3.8 - FD6 - DOWNTOWN CORE

FD6



THE DIAGRAM ABOVE IS FOR ILLUSTRATIVE PURPOSES ONLY. METRICS SHOWN THEREON SHALL HAVE REGULATORY EFFECT.

14.3.8-A- INTENT

To enhance the vitality of the urban core with a variety of high density building types. Provide locally and regionally serving office, retail, service, hospitality, entertainment, Civic functions, as well as a wide variety of urban housing choices. This district also aims to reinforce the walkable nature of the urban core of the city.

Attached buildings

Small to large footprint

Building at the frontage line

No side Setback

3 to 10 stories

Outbuildings not common



14.3.8-B- ALLOWED BUILDING TYPES

BUILDING TYPE	STANDARDS
Rowhouses	Section 14.4.7
Multi-Family: Large	Section 14.4.9
Mixed-Use	Section 14.4.11
Perimeter	Section 14.4.12
Civic	Section 14.4.13

14.3.8-C- BUILDING FORM

HEIGHT

Principal Building	3 Stories min. 10 Stories max. ¹	A
Outbuilding Backbuilding	2 Stories max. 1 Story max.	

¹ Subject to Regulating Plan Special Requirements - Map 2.

MISCELLANEOUS

The linear distance at the Frontage between ground floor entries shall be no more than 60'.

Any buildings wider than 150' must be designed to read as a series of two or more separate buildings.

Buildings with continuous Façades of 60' or greater in width shall be vertically articulated with projecting or recessed offsets not less than 4' deep, and at intervals of not greater than 50'

14.3.8-D- LOT OCCUPATION & BUILDING PLACEMENT

Block Perimeter	2,000 ft max.
Lot Coverage	100% max.
Frontage Buildout ¹	100% max. along Principal Frontage
	80% max. along Secondary Frontage

¹In the absence of a Building Facade along any part of a Frontage Line, a Streetscreen shall be built on the same plane as the Facade. A Streetscreen shall be between 3.5 and 8 feet in height and may be no longer than 20 feet or 20% of the Frontage, whichever is less.

BUILDING DISPOSITION	STANDARDS
Sidyard	Section 14.6.3
Rearyard	Section 14.6.3

14.3.8-D- LOT OCCUPATION & BUILDING PLACEMENT

SETBACK (DISTANCE FROM ROW/LOT LINE)

Front		C
Principal Building	0' min.; 6' max.	
Outbuilding	In third Lot Layer	
Side		D
Principal Building	0' min. - 12' max.	
Outbuilding	0' min. or 3' min. on secondary frontage	
Rear		
Principal Building	0' min. or 15' from rear Alley centerline	
Outbuilding	0' min. or 15' from rear Alley centerline	

MISCELLANEOUS

Fence materials shall not include barbed or razor wire. Chain link and wire fencing shall not be used along any Frontage Line. Woven cable fencing is allowed.

14.3.8-E- PARKING, LOADING & SERVICE

REQUIRED SPACES

No on-site parking is required.

See Section 14.6.8 - (Supplemental to Form Districts - Parking, Loading, Service and Driveways) for parking specific requirements and Section 14.6.9 for bicycle parking standards.

LOCATION ON THE LOT

Parking Areas shall be located in the Third Lot Layer.

Garages shall be located in the Third Lot Layer. Garages may be located in the second Lot Layer if located below-grade or above the first Story.

MISCELLANEOUS

At least one pedestrian route from all Parking Lots and Parking Structures shall be directly to a Frontage Line (i.e., not directly into a Building).

14.3.8-F- ENCROACHMENTS - REQUIRED SETBACKS

ENCROACHMENT TYPE	REAR
Steps to Building Entrance	A
Other Architectural Features	3' max.
Landscaping	A
Fences or freestanding walls	6' max. height
Driveways, Walkways	A
Utility Structures	A
KEY	
Encroachments Allowed:	A
Encroachments Not Allowed:	-

14.3.8-G- ENCROACHMENTS - PUBLIC RIGHT-OF-WAY

(Along Principal and Secondary Frontages)

ENCROACHMENT TYPE	PUBLIC ROW
Frontage Type	
Shopfront: Awning ¹	15' max.
Officefront: Awning ¹	15' max.
Other Architectural Features	3' max.
Signs	A ¹

¹ May Encroach into the ROW subject to the limits set forth in Section 14.6.10 (Supplemental to Form Districts - Sign Standards).

14.3.8-H- SIGNS

Maximum total number of Signs per Frontage Type	6
Maximum total number of Signs per Secondary Frontage	2
ALLOWED SIGN TYPES	STANDARDS
Awning & Canopy Sign	14.6.10-C
Band	14.6.10-D
Blade	14.6.10-E
Freestanding ¹	14.6.10-F
Marquee	14.6.10-G
Nameplate	14.6.10-H
Outdoor Display Case	14.6.10-I

14.3.8-H- SIGNS

Wall	14.6.10-J
Window	14.6.10-K
¹ 14' height max.	

MISCELLANEOUS

See Section 14.6.10 (Supplemental to Form Districts - Sign Standards) for specific requirements.

14.3.8-I- USE TYPE

FD6

Uses not specifically listed in a use table, and that are not similar in nature and impact to a use that is listed, are not permitted in the Form District.

RESIDENTIAL - GENERAL

Multi-Family	P
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RESIDENTIAL - SPECIAL

Assisted Living	P
Boarding House ¹	P
Community House (Sec. 14.6.7.d)	P
Convalescent /Nursing Home	P

LODGING

Bed and Breakfast ¹	P
Historic Inn (Sec. 14.6.7.b)	P
Hotel, Motel	P
Shelter	P

RETAIL - GENERAL

ATM	P
Convenience Store	P
Fuel Service Station ² (Sec. 14.6.7.c)	P
General Merchandise/Retail	P
Auto/Boat/RV Sales/Rentals ³ (Sec. 14.6.7.c)	P

RETAIL - OUTDOOR

Open Air Markets	P
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OFFICE & SERVICE

Animal Grooming	P
Beauty Salon/Barber Shop/Spa	P

14.3.8-I- USE TYPE**FD6**

Car Wash	P
Crisis Counseling Center (Sec. 14.6.7.g)	P
Office – General	P
Dry Cleaning Service	P
Funeral Home	P
Health Club/Studio	P
Laundromat	P
Mental Health Crisis Center	P
Office – Medical	P
Tailor Shop	P

HOSPITALITY/ ENTERTAINMENT/ RECREATION

Aquarium	P
Art Gallery/Studio	P
Arts Incubator (Sec. 14.6.7.j)	P
Bar, Tavern	P
Billiards, Bowling & Arcade	P
Café	P
Cinema	P
Club, Membership	P
Community Center	P
Conference/Convention Center	P
Marina	P
Museum	P
Performing Arts Center	P
Performing Arts Studio	P
Recreational Facility - Indoor	P
Restaurant	P
Restaurant – Take Out	P

MANUFACTURING/ PRODUCTION/ STORAGE

Dental Lab	P
Food Processing	P
Machine/Woodworking Shop	P
Manufacturing	P
Manufacturing – Tour Oriented	P
Medical Lab	P
Production Studio	P

Photography Lab	P
Printing Plant	P
Research Lab	P
Warehouse/Storage ²	P
Warehouse, Self-Storage ²	P

EDUCATION & DAY CARE

Day Care – Adult	P
Daycare – All (Sec. 14.6.7.a)	P
School – Post-Secondary & Community College	P
School – Primary	P
School – Secondary	P
School, -Trade, or Professional	P

CIVIC

Courthouse	P
Fire Station	P
Library	P
Park	P
Police Station	P
Post Office	P
Worship, Place of	P

TRANSPORTATION & UTILITIES

Recycling Center – Small ³ (2,000 sf or less)	P
Public Transit Terminal	P
Operations Center – Taxi/Bus ³	P
Parking Structure ⁴	P

KEY

Permitted Use	P
Conditional Use	CU

END NOTES

¹Must be owner-occupied.

²Automobile sales not permitted as an Accessory Use

³Exterior storage and display not permitted.

⁴Parking Structures shall be located behind a Perimeter Building (see Section 14.4.13).

Burlington Planning Commission

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Bruce Baker, Vice-Chair
Lee Buffinton
Emily Lee
Andy Montroll
Harris Roen
Jennifer Wallace-Brodeur
vacant, Youth Member*



Burlington Planning Commission Minutes

Regular Meeting

Tuesday, June 14, 2016 - 6:30-9:00 P.M.

Burlington Police Dept, Community Room, One North Avenue

Present: B Baker, L Buffinton, E Lee, A Montroll, H Roen, J Wallace-Brodeur

Absent: Y Bradley

Staff: D White, M Tuttle, E Tillotson

I. Agenda

No changes.

II. Report of the Chair

B Baker acting Chair.

III. Report of the Director

Deferred in the interest of time.

IV. Proposed CDO Amendment – DT/RH Zone Transition Line at George Street

John Alden: Presents a proposal to modify the zoning boundary line between Downtown Transition and Residential High Density at corner of Peal and George Streets. Showed a massing and buildout study (3 versions) of existing buildings, merged lots under existing residential zoning, and the proposed rezoning.

L Buffinton: There are two historic structures adjacent, could they be demolished?

J Alden: The district may be historic but perhaps the specific buildings are not.

D White: Explains possible reasons for demolition and that the decision is up to the DRB.

E Lee: Would the DRB consider demolition by neglect?

D White: The zoning question is if the buildings were to be removed, which scenario would be best for the site. Under proposal, move boundary, examples show fairly large buffers between nearby uses.

J Alden: The proposed development is not out of scale with the Pearl Street corridor. With bus station development across the street, seems appropriate. Opportunity to do some great housing, improved with flexibility of coverage and height. There is a plea from housing authorities to create more units.

E Lee: How would FBC affect this property?

D White: Assuming FBC is adopted, properties would be subject to that review; however, some of these properties are currently in RH zone so unless the boundary changes, it would not apply to those.

E Lee: It doesn't seem that green space is actually required. What is the proposed lot coverage?

J Alden: This is proposed with parking underground and would retain two areas of green space.

D White: Presently there is a required 15 foot buffer between zones. This is not necessarily an actual proposal.

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L Buffinton: Is not seeing consideration of neighbors to north affected by shading. Four and five stories is too big, it dominates everything around it. Suggests a hybrid approach.

J Alden: He is not saying the buildout will be this large, this is just an illustration of possible massing.

J Wallace-Brodeur: It seems as if it would be better to retain scale of the RH district.

E Lee: Doesn't support this.

The Commission approved a motion by E Lee, seconded by L Buffinton, not to entertain the proposed change, and to retain the present zoning for these sites. Commissioners Buffinton, Lee, Montroll, Roen and Wallace-Brodeur voted in favor, Commissioner Baker opposed.

V. Proposed CDO Amendment – Article 10: Administrative Authority & Public Standards

D White: The purpose of this amendment is to establish administrative authority which affects subdivided land, often not actual development. Five lots or less are considered a minor subdivision. Also includes a reference to the standards of the city engineer for new infrastructure.

B Baker: Vestigial alleys in the city are a good example.

D White: If a property line is moved now, the permit application has to go to the DRB.

A Montroll: Could staff approve a subdivision of a property into four lots?

D White: If it is just a creation of lots with no development proposed.

E Lee: Couldn't this type of application just be on the DRB's consent agenda?

D White: It's about timing and complexity; for something so minor, it takes a long time.

L Buffinton: Perhaps we could scale back slightly to three or more lots, it seems as if we are raising the bar for staff approval.

D White: We can already do a lot line adjustment, but this proposal addresses when a new lot is created.

A Montroll: Not sure if comfortable with subdivision of lots being administrative. Subdivisions seem more significant, process should be more intensive.

J Wallace-Brodeur: Uncomfortable with staff approval if this would be creating developable lots. Would be helpful to have examples.

H Roen: We might want to consider monumentation, we might want to have some flexibility with this issue.

D White: Suggests advancing the portions of the amendment tied to subdivision and infrastructure standards and monumentation. Admin approval for subdivisions can be reconsidered.

The Commission unanimously approved a motion by J Wallace-Brodeur, seconded by L Buffinton, to warn an amendment for public hearing to include the changes to subdivision and infrastructure standards and monumentation.

VI. Public Forum: 7:15 pm

L Martin: Want more explanation on how the city benefits from the use of TIF for public streets and streetscape enhancements. Seems that it benefits the development.

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K Devine: Appreciative of the Commission for their efforts. BTC Mall site needs new life. There will be several steps when the project returns to City Council, but it can't move forward without the PC sending it on. Please move this ahead.

E Morrow: Request the PC to make a formal motion and recommendation to Council that the zoning amendment not be adopted until a physical model is in place.

J Carton: Represents the owners of Hotel VT. 100% behind development on mall site, but not of the rezoning of the Lakeview garage, which creates an economic concern for the hotel.

K Backus: Against height of building. This zoning change would lead to more upward pressure on downtown development. Where will they put all of the traffic? There is not a good mix of people in the building, maintenance would be a problem. Eventually the less wealthy will be pushed out of the city's center.

A Hannaford: Supports redevelopment of mall, does not support a change to building height.

A Lavin: Fourteen stories is beyond anything this City has done. It will not happen.

L Terhune: Understands there is a push, developers want certainty, but residents deserve loyalty by upholding zoning. In the past DRB backed our community and was able to say no to an inappropriate plan. Don't change zoning so dramatically, the community has spent years forming the CDO. Just vote against this proposal.

Resident: Against the proposed height.

C Baker: Supports density downtown. Analysis points to the most important thing to sustain, is to increase density in the central city. There is a need for housing, it is a regional issue and this is the place to do it.

Resident: Supports good planning, but the proposed is a ridiculously high building. She is acquainted with several architects, all of whom have said the project is not well-designed. There is a need for something visual, doesn't understand why a model cannot be built in time.

B Headrick: In conversation with architects, set back at higher levels is important. If three towers are erected in three areas, it will create a solid cement presence. Residences on the hill will be looking into cement towers. The City Council looked at higher height limits in 2009 and refused to approve it.

M Manghis: The mall needs help, but it is important to speak to the town's personality. She has had a similar experience in a different state. The developers ran out of money and now there is an ocean front building going to ruin. The municipality is now admitting that the project is too big. We are jeopardizing the next generation who will be stuck with the bill.

M Bushey: Strongly supports the downtown overlay district and reconnecting the street grid. There is an opportunity to do that now. As the Chair of DAB, look at scale and mass, bring projects into compliance. There is sketch plan review today and there will be two more reviews. The DAB will work with the applicant to improve articulation of the façade. Frustrated by misleading information being distributed. Feeding on negative connotations, giving false impressions to public. Asks PC to approve and let project move forward.

G Grill: Asks PC if they believe they are charged with representing the view of the citizens. The overlay is not just raising height, it's what is received in exchange for height. The Commission Chair is a developer and has suggested that we stop asking things of developers. The Mayor is trying to do away with affordable housing. Very uncomfortable that a physical model is not available.

M Long: During sketch plan, the Boards work with an applicant to comply with the ordinance. This project works to bring the ordinance in compliance with developer's wishes. The Zoning ordinance is supposed to shape the development. It is necessary to have a broad discussion. He agrees with many things in planBTV.

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M Wallace: Urges the Commission to listen to the community. It is always a temptation to think that we know what the community needs. We need to slow down the process and listen to the community. Growth, rapid and uncontrolled is cancer. We do not want this process to be a betrayal of a contract with the community.

J Dagget: Zoning regulations exist for a reason and should be maintained.

A Petraca: Now is not the time for this establishment politics or economics. This process is rigged to benefit the 1%.

C Messing: Don't ask a barber if you need a haircut. Skyscrapers in NYC which were supposed to provide housing have had no effect on housing. If the Commission is sincere about public input, microphones and sound system should be provided at these meetings.

A Radcliffe: It is lip service to call this project a housing solution. Don't fall into the too big to fail mindset; consider a smaller scale and don't give up on a model.

C Bates: planBTV says eight story buildings. One Burlington Square is 100 feet tall and about 100 feet wide. Consider if that were repeated three times in each direction and add 60 feet on top.

VII. Proposed CDO Amendment – Downtown Mixed Use Core Overlay

D White: Model is in process. A physical model, covering about 46 acres, five by three blocks, with terrain, existing buildings and the proposed project. Will take about another month, but expected in time for Council to consider it.

E Lee: What is the time frame for the zoning amendment? Is it possible that it could come back to us after the model arrives?

D White: 120 days for zoning amendment is about September 12, if the Commission forwards the amendment to the City Council for the July 11 meeting. If City Council makes a substantive change, it must come back to the Planning Commission. This is opportunity for feedback. The Commission can participate and provide input to the City Council at their ordinance committee meetings.

L Buffinton: To understand true impact, we would need to see the maximum build out in a model. Should slow the process and get all of the visuals.

D White: The digital model M Tuttle created shows maximum build out.

J Wallace-Brodeur: We need to compare apples to apples in a model. Building to building, zoning to zoning. Are there any changes in the text of the amendment that was in this packet?

D White: Yes, to section regarding screening proposed parking and green buildings.

A Montroll: We are asked to take action to warn tonight for July 6th. Can the Commission provide a series of comments? Not ready to say yes or no.

D White: Yes.

E Lee: Physical model needs to show existing buildings with the maximum massing of this area because there are many buildings that may not build to the max. Don't want to live in a Burlington of the maximum build out. If Commission recommended not to pass the amendment, can the Council still move forward?

D White: Yes.

E Lee: There is inadequate time.

J Wallace-Brodeur: Most important issues are street level engagement, parking screening, building articulation. It would be helpful to identify in the draft where that language is. The Commission needs to weigh in on these to make it better.

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D White: When the proposal is warned, you can continue to discuss the proposal.

L Buffinton: There are way bigger issues, height, spot zoning, concern for precedent, height increase without benefits to the public. The proposed is a huge change to city policy, we need to look at the big picture. 160 feet is the single biggest hurdle.

D White: There is a multi-step test that the State Supreme Court has established to determine spot zoning. This proposal does not meet these requirements. It fits the kind of development in planBTV; it's not out of context.

B Baker: It is important to look at the tradeoffs and what we gain as a City.

D White: The current ordinance related to bonuses has not been effective. Since 2008, we have not seen many developments take advantage of them and provide buildings over 65 feet or housing. Zoning reconfigures what height looks like, what it does, and distributes it in a different way.

L Buffinton: Current zoning would require more setbacks.

M Tuttle: Setbacks are replaced by much more prescriptive standards for where the massing of a building could be.

A Montroll: It would be helpful to see something between the two examples. Height seems to be major concern. The Mall needs good redevelopment, but mindful that Burlington is not ready for buildings that high. We need a height more compatible with more peoples' visions.

J Wallace-Brodeur: As much as there is concern about the height, massing is a bigger concern, issues that are critical for us to weigh in on. Setbacks, engaging with the street, assurance that massing is appropriate.

H Roen: Comparisons under current and proposed zoning would be helpful.

L Buffinton: Should be thinking bigger picture. This could be a launching point to get into finer points of zoning. Look at alternatives. It will result in a better and stronger project.

J Wallace Brodeur: We have done a lot of thinking about how buildings interact with the street through FBC. Height is important, but design issues, massing, parking, street interaction are bigger.

A Montroll: FBC work on street level, interaction between building and street, worried we will lose a lot of that by pushing up so high.

E Lee: Our job is to make a recommendation about height. If we don't make a decision who will? The Commission should make a non-political decision about what is right for Burlington.

J Wallace-Brodeur: Height is not a separate issue—the massing and design points are related.

H Roen: Agree with redeveloping site with more density, but a little uncomfortable with the limited time we have to do this.

D White: After looking at regulations through FBC for last several years, not uncomfortable about height, don't think it is grossly out of scale. Comfortable with design standards in the proposed ordinance. Regulations will require more vertical articulation and attention to relationship to streetscape.

B Baker: Maybe we should focus on massing and design questions, and then decide of height is right.

J Wallace-Brodeur: We need to identify sections that are the most important to focus on. We should pass on signs, and spend time on urban design standards for street articulation, parking, building design. These should lead to a conclusion about height.

D White: Design standards require articulation, vertical orientation. Require a first floor of 14 feet. Parking garage designed in unity with the rest of the building.

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E Lee: We have spent a lot of time talking about improved parking requirements.

D White: What are specific things that the Commission wants to talk about?

L Buffinton: Next meeting we should go through the actual ordinance.

A Montroll: We have a whole series of issues with this, not sure with time allowed that we can come to resolution with this.

J Wallace-Brodeur: Maybe Commission should develop a memo identifying areas where language doesn't succeed, and list priorities and issues.

A Montroll: Dedicate the next meeting to identification of issues for City Council.

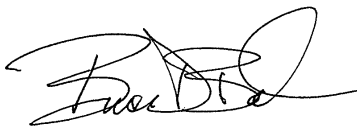
The Commission unanimously approved a motion by E Lee, seconded by A Montroll, to warn the proposed amendment for a public hearing.

B Dunkiel: For the Commission's next discussion, it seems that Sections 2, 3, & 4 represent 95% of what the project is about and seem to be the items of concern to the Commission.

L Buffinton: The proposal for the mall is at DAB for sketch plan review.

VIII. Adjourn

The Commission unanimously approved a motion by L Buffinton, seconded by J Wallace-Brodeur, to adjourn at 9:14 pm.



B Baker, Vice Chair

Signed: August 15, 2016



E Tillotson, Recording Secretary