

## Burlington Planning Commission

149 Church Street  
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www.burlingtonvt.gov/planning

Yves Bradley, Chair  
Bruce Baker, Vice-Chair  
Lee Buffinton  
Emily Lee  
Andy Montroll  
Harris Roen  
Jennifer Wallace-Brodeur  
Holly Ransom, Youth Member



## Burlington Planning Commission

### REGULAR MEETING

**Tuesday, June 9, 2015 - 6:30 P.M.**

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

### AGENDA

Note: times given are approximate unless otherwise noted.

- I. **Agenda**
- II. **Public Forum** - Time Certain: 6:35 pm  
The Public Forum is an opportunity for any member of the public to address the Commission on any relevant issue.
- III. **Report of the Chair – Yves Bradley (5 min)**
- IV. **Report of the Director – David White (5 min)**
- V. **Residential Parking Study (30 min)**  
Nicole Losch from DPW will provide an update on the Residential Parking Study currently underway.
- VI. **Downtown Parking Study (30 min)**  
Nathan Wildfire from CEDO and Chapin Spencer from DPW will provide an update on the Downtown Parking Study currently underway.
- VII. **Assistant Administrative Officer Appointment Recommendations (15 min)**  
The Commission will consider recommendations regarding the appointment of Chief and Assistant Administrative Officers for final consideration by the City Council.
- VIII. **Committee Reports (5 min)**
- IX. **Commissioner Items (5 min)**
- X. **Minutes/Communications (2 min)**  
The Commission will review communications and approve minutes from the May 26, 2015 meeting.
- XI. **Adjourn** (8:00 p .m.)

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

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## Department of Planning and Zoning

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David E White, AICP, Director  
Ken Lerner, Zoning Administrator  
Sandrine Thibault, AICP, Comprehensive Planner  
Jay Appleton, GIS Manager/Planner  
Scott Gustin, AICP, Senior Planner  
Mary O'Neil, AICP, Senior Planner  
Anita Wade, Planning & Zoning Clerk  
Elsie Tillotson, Administrative Assistant



### MEMORANDUM

**TO:** Planning Commission  
**FROM:** David E. White, AICP, Director of Planning & Zoning  
**DATE:** June 4, 2015  
**RE:** Assistant Administrative Officer Appointment Recommendations

With the pending retirement of Ken Lerner at the end of this month after 28 years of service to the City it is necessary to appoint a new Chief Assistant Administrative Officer, at least on an interim basis, to oversee the implementation, administration and interpretation of the *Burlington Comprehensive Development Ordinance (CDO)*.

In my role as the Director of Planning & Zoning I serve ex officio as the City's Zoning Administrative Officer, and am responsible for making recommendations to the Planning Commission regarding the appointment of a Chief Assistant and any Assistant Administrative Officers pursuant to state statute and Sec. 2.3.2 of the CDO. As part of making such appointments, it is also my responsibility to specify any delegation of the duties and authority. These responsibilities fall into three general categories:

- **Development Review:** the acceptance, review, and referral/action on zoning permit applications and related determinations pursuant to Sec. 2.3.4, 3.2.5, 3.2.7 and 3.2.9 of the CDO.
- **Compliance:** issuance of Certificates of Occupancy upon successful completion of work conducted pursuant to a zoning permit pursuant to Sec. 2.3.6 and Sec 3.2.11 of the CDO. This work is done in collaboration with the City's Code Enforcement Office.
- **Enforcement:** Enforcement actions including the issuance of Notices of Violations, imposition of fines and related legal actions pursuant to Art 2, Part 7 of the CDO. This work is also done in collaboration with the City's Code Enforcement Office.

As such, my recommendation for appoints are as follows:

| Appointee                                                        | Appointment                                    | Delegation Responsibilities                                                                                                                                        |
|------------------------------------------------------------------|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Scott Gustin, Senior Planner                                     | Interim Chief Assistant Administrative Officer | All of the authority and duties of the Zoning Administrative Officer pursuant to Art 2, Part 3 of the CDO                                                          |
| Mary O'Neil, Senior Planner                                      | Assistant Administrative Officer               | Authority and duties of the Zoning Administrative Officer pertaining to: <ul style="list-style-type: none"><li>• Development Review</li><li>• Compliance</li></ul> |
| William Ward, Code Director<br>Jeanne Francis, Zoning Specialist | Assistant Administrative Officer               | Authority and duties of the Zoning Administrative Officer pertaining to: <ul style="list-style-type: none"><li>• Compliance</li></ul>                              |

The role of the Planning Commission in this process is to make a final recommendation to the City Council regarding these appointments.

With these appointments in place at-least on an interim basis, our office will next be undertaking a restructuring of positions and responsibilities to make more efficient and productive use of the skills and experience we already have in-house. With change comes tremendous opportunity, and our staff is already engaged in using this opportunity to advance the capacity and capability of our office to the next level. As a result, we will not be looking to fill Ken's position immediately, and will come back to the Commission in the coming 4-6 weeks with a restructuring proposal for your consideration.

I look forward to discussing these further with you at your next meeting. Thank you.

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## Burlington Planning Commission Minutes Tuesday, May 26, 2015 - 6:35 pm

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

**Absent:** Y Bradley

**Staff:** D. White, E Tillotson

Meeting begins 6:45, Bruce Baker, acting Chair.

### I. Agenda

No changes.

### II. Public Forum

No one to speak.

### III. Report of the Chair

- The Chair is absent.
- The Vice Chair has nothing to present.

### IV. Report of the Director

The Director presented the following report:

- Staff continues to work on planBTV South End. June 16th and 17<sup>th</sup>, the release of draft will occur at a public event. Staff is currently reviewing a second draft.
- FBC Joint Committee meets tomorrow.
- The Principal Planner position has closed. There were many good candidates, a good field to choose from.

### V. Capital Improvement Plan

The LRPC (Long Range Planning Committee) met last week and discussed the ten year capital improvement plan with M Keenan. There are notes in the packet highlighting the main points. The LRPC offered a communication from the Planning Commission to take back to the City Council.

H Roen: The focus of the CIP is to create balance. M Keenan, the administrator, is confident that funding will occur from deep examination.

D White: M Keenan is recommending that a phased but fully funded budget be adopted.

L Buffinton: Has three specific thoughts on the matter: (1) It is important to agree on an approach for this year; (2) It is necessary to prioritize projects with the focus on taking care of what we already have first; and, (3) User fees should be paying a higher percentage of support and taxpayer funding should be a last resort.

H Roen: E Lee's comments speak to looking at needs and fee structures.

D White: This is the most robust examination of capital needs that has occurred in a long time.

E Lee: Was encouraged that just having the process in place improves the City's bond rating.

A Montroll: M Keenan's grasp of planning is good.

L Buffinton: There is a need to build up reserves.

B Baker: Is concerned about the long term care of City properties, the Moran building for instance. What City entity is responsible for long term care?

A Montroll: The foundation in front of City Hall needs leakage repair.

H Roen: Would like to support the CIP as presented.

E Lee: Understood that the greatest concern was more about the FY 2016 budget.

J Wallace-Brodeur: User fees are key, and there must be care to define what funds each department has available.

L Buffinton: Raising rates based on usage will help build up City reserves.

B Baker: The City Council approves rate increases.

D White: The Municipal Development Plan specifically speaks to the 3 points L. Buffinton raises as important City policy regarding community facilities and services.

**On a motion by A Montroll, seconded by H Roen, the Commission voted unanimously to recommend the proposed budget to the City Council.**

## **VI. Major Impact Discussion**

D White: This discussion came to the full Commission quite some time ago. Parts of the package have been acted on, and now the major impact portion is circling back for discussion. Right now, the formula is one size fits all. Provided a clean copy of the proposed regulations as well as the zoning map.

Four categories of zoning districts are proposed:

- Downtown, Mixed used, Institutional core, are the areas designated for significant development.
- Neighborhood mixed use, Institutional, Enterprise and Residential high density.
- Medium and low density residential.
- All of the RCO districts including the urban reserve.

Four groups, all have different thresholds to trigger major impact review. In the current Ordinance, the first two columns don't exist. The Director has tried to simplify the table. The ultimate concern is how much development is taking place? And is it measure in the number of units, or mass?

In the first column, the committee recommendation is that it be made exempt since it is the zone where development is supposed to occur. This would be red on the accompanying map. The second group thresholds at 25 res units and is shown in pink.

E Lee: It seems that two columns of residential districts should go together. The unit number is very high removing the possibility for neighborhood influence. Is FBC going to be logical, is it going to keep consistency?

B Baker: Individual comments about the proposals should be collected.

D White: Neighborhood character and input are important, but not specifically a factor under Major Impact Review. The criteria all relate to environmental and infrastructure impacts. Neighborhood character suggests a different lens on the process. He would encourage us all to think more creatively, perhaps there is something missing.

A Montroll: Major impact review at present, is not very meaningful in Burlington. The concern is mostly to do with utilities. The real impact and concern is the neighborhood impact, not infrastructure.

E Lee: Going through the process often improves projects. The Grove Street development is useful as an illustration.

J Wallace-Brodeur: We are saying the trigger should match the actual concerns in neighborhoods.

D White: The use, bulk and design standards of the CDO are constructed to address concerns regarding character-types of impacts. For the next meeting he will provide the major impact criteria.

J Wallace-Brodeur: The policy idea is to encourage more intense development or to identify where the infrastructure is in better condition/capacity?

D White: The purpose is to utilize both of these.

A Montroll: Suggests that the map colors could be improved to make more distinct observations.

D White: Will have that for the next meeting.

## **VII. ZA-15-06 – Performing Arts Centers in ELM Zone**

D White: The Planning Commission needs to take action to warn a public hearing on this proposed zoning amendment.

**On a motion by L Buffinton, seconded by E Lee, the Commission unanimously voted to warn this amendment for public hearing.**

## **VIII. Committee Reports**

H Roen: Reported on an open space and parking meeting held a few weeks earlier. The public were passionate, and didn't feel as if they were being heard. People need an opportunity to be heard. Both the large group and the smaller group discussions are important. Small groups are better for exchange of ideas. A good moderator is crucial.

E Lee: Attended a very interesting talk on housing and how in NYC new housing development is not providing community needs.

D White: That is the purpose of Inclusionary Zoning - to ensure that affordable units get built too. But we are getting any new housing built, we also aren't getting any new inclusionary units built.

## **IX. Commissioner Items**

- LRPC: This report is in tonight's packet.
- FBC Joint Committee will meet tomorrow at 7:00 pm.

## **X. Minutes/Communications**

L Buffinton: In the April 28<sup>th</sup> minutes the reference to Y Bradley's Wednesday evenings should be corrected to Tuesday evenings. And in the May 12<sup>th</sup> minutes, on page 3, the reference should be to the utilities on the front of the building.

**On a motion by J Wallace0Brodeur, seconded by A Montroll, the Commission unanimously approved the minutes with the above noted corrections.**

## **XI. Adjourn (8:06 pm)**

**On a Motion by L. Buffinton, seconded by J Wallace-Brodeur, the Commission unanimously vote to adjourn the meeting.**