



Burlington City Council Ordinance Committee 6/7/2017

BURLINGTON CITY COUNCIL ORDINANCE COMMITTEE

Wednesday, June 7, 2017

Fletcher Free Library Community Room

235 College St., Burlington, Vt.

5:30 p.m. – 7:30 p.m.

****MINUTES ****

Present: Chair Chip Mason (CM), Sharon Bushor (SB)

Absent: Jane Knodell (JK)

Other City Staff: Gene Bergman (GB) (Staff Attorney), Scott Gustin (SG) (PZ)

Public: Marcy Esbjerg (CEDO), Pat Burns, Erin Ahearn

CM called the meeting to order at 5:37 p.m.

1.01 Agenda: SB moved the agenda, CM seconded and it was adopted unanimously.

2.01 Public Forum: none

3.01 Approval of OC Minutes of 5/16/17: SB moved the May 16, 2017 minutes with one amendment: an Item 4.02 edit on second to last paragraph, page 2. CM 2d and they were approved unanimously as amended.

4.01 Proposed Amendments to Comprehensive Development Ordinance re ZA #17-08, Food and Beverage Processing

CM asked SG to walk through the amendment. SG said it started as an amendment to remove the preclusion of cafes as an allowable use for a micro-brewery. When it was looked into more closely, it was discovered that food is required for liquor licensed establishments. Then PZ looked at the specific distinctions between types of food and beverage processing uses and decided that it did not make sense to keep the distinctions. This amendment proposes to have a single use for food and beverage processing.

CM asked if any food processing use is being expanded and SG said no, the existing distinct uses are being melded into a single category. A size limit is being established.



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SB asked about the consolidation. She focused on the bakery use and whether the baking has to remain on-site. Prior to this amendment, processing was both allowed on or off site; should that be explicitly stated? Why was it removed? SG said the definition of bakery is intended to have baking happen on site. CM suggested the on or off site language be returned to the ordinance and SB agreed that on line 14, the definition of bakery, that the words "on or offsite" be inserted between "the" and "preparation."

SB asked about the bakery retail use being a conditional use instead of not being permitted in the RCO district as listed in the Use Table. SG agreed that it was a mistake and SB and CM agreed to have that fixed too by deleting the CU and inserting N in the Bakery use for the RCO-A zone.

SB said that in the neighborhood NAC-RC there is no limit on size and asked why. SG said it was due to Koffee Kup bakery on Riverside. SB asked how the food and beverage end products are dealt with and if there will be an impact on the adjacent properties by the disposal. SG said there would not be. SB asked about the link to the link with DPW's Water Resources Division. SG & GB explained this.

Action: On CM motion and SB second, the committee approved the proposal as amended (the line 14 and use table changes) and referred it to the Planning Commission for statutory comments and the City Council for second reading, Public Hearing, and adoption.

4.02 Proposed Amendments to Comprehensive Development Ordinance re ZA #17-11, Emergency Shelters

CM asked SG to explain the amendment. SG said it has been on the "to do" list for a while. There are a lot of shelters in town but the zoning ordinance does not have a definition for them and so they use the "community house" category, which is what these shelters really are. PZ worked with housing groups and CEDO to come up with the proposal to establish standards and conditions for shelters. It doesn't cover all existing shelters but they are pre-existing uses so they will be able to continue.

SG said the conditional use requirement is not needed in the downtown transitional district. CM asked why; he said there may be an issue in making it a permitted use in that district and the mixed use downtown zone. SG said that was a policy choice by the Planning Commission and they were unanimous about that. SB asked about whether or not there were any limits to numbers of shelters and SG said the policy decision was no.

SB said the goal is laudable but she's having a problem with how it could be played out. She questioned if the community would feel ok if many contiguous properties were bought at the same time and turned into shelters. She asked if the intent is that as long as you don't exceed 6 people that you can have a row or street of shelters.



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CM asked why there is a distinction between community houses and shelters. CM also asked for more public input before pushing it through. Marcy Esbjerg (CEDO) said there has been a 3 year effort to put in a warming shelter in the city; when they tried to create the shelter years ago, they found out that they had to use the community house use but that use is not exactly what they are doing with a shelter. Marcy said that no one wants to see shelters all around town but until there are enough beds to offer people we will need shelters. The existing shelters are always full now. When it was before the Planning Commission 10 homeless people testified in favor of it. SB said she doesn't want to slow this amendment down and she knows that there are differences between community houses and shelters but she wants to have us think about how the need will develop. She wonders why not change the permitted use to a conditional use in the downtown zone. She thinks this proposal should be started more slowly. CM asked how making the change to conditional use would affect availability. SG said it'd create a process. CM agreed that it adds process. SB asked how long it would extend the time for a project. SG said it is a difference of from 3-4 weeks to approve a permitted use to 3-4 months for a conditional use. Erin Ahearn of the Community Health Center said the lag time increase would make it much harder to establish a shelter; that said, she added, they want to be good neighbors that blend into the neighborhoods. SB said her experience is that there is a great backlash when there is no process and a project comes in and the neighborhood feels there are negative impacts.

CM asked about the shelter at 179 S. Winooski Ave and when it might be forced to close due to the sale of the building. Marcy said it is good for another year. She suggested leaving the shelter use as a permitted use and if there is a problem then making it a conditional use. SB said that the downtown is the only place where the short process would be in effect. CM said he wants more process to make sure the public has the right to weigh in on this proposal; he suggested PZ and CEDO and supporters reach out via the NPAs and other means. SB asked SG for dates when the Planning Commission discussed it so she can read the comments and SG said he'd get them this information.

Action: On CM's motion and SB's second, the committee tabled the amendment to its next meeting.

4.03. Proposed Amendments to Comprehensive Development Ordinance re ZA #17-12-Technical Corrections

CM asked SG to explain the amendments. SG went through them one by one: The first one brings in the solar collector language from the state statute. The second fills in blanks in the neighborhood mixed use district table. The third adds a reference to the table that should be but isn't there. The fourth adds the statutory exemption for agricultural structures. The next corrects a typo. The next eliminates the Conditional Use requirement for things that have express limits already. SB found a typo in the catchline on line 98 ("and Conditional" should have also been deleted), which SG acknowledged and said he'd fix. The next moves the clear sight triangle section into article 5. The next eliminates a conditional use review. The next removes the clear sight triangle from article 6. The next, a change to appendix A, footnote 8, eliminates it where it is inappropriate. The last deletes appendix B because the appendix is inaccurate

Action: On CM motion and SB second, the committee approved the proposed ordinance amendments with the one technical change in the catchline on line 98 and referred it to the City Council for second reading, Public Hearing, and adoption.



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4.04. Proposed Amendments to Comprehensive Development Ordinance re ZA #17-13-Signage Illumination in ELM

SG said the proposal is to allow lighting for parallel, freestanding and projecting signs. Pat Burns of City Market said it would allow a sign to go on the new market. SG said the table needs to be fixed because the amendment as introduced leaves out requirements that are not being proposed to be delete; he was not sure why that happened. The committee agreed to that amendment.

Action: On CM motion and SB second, the committee approved the proposal as amended (replace the table with the correct, complete one) and referred it to the Planning Commission for statutory comments and the City Council for second reading, Public Hearing, and adoption.

5.01 Any Other Business - Next Meeting and Items to Review: None

6.01 Adjournment: 7:10

Committee Members: Councilor Chip Mason, Chair
 Councilor Sharon Bushor
 Council Pres. Jane Knodell

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