



Burlington City Council Ordinance Committee

6/6/2019

City Council Ordinance Committee – Thursday June 6, 2019,

Community Room, Burlington Police Department

MINUTES

Members Present: Councilor Chip Mason (Chair), Councilor Sharon Bushor, Councilor Adam Roof

Staff Present: Kim Sturtevant (Assistant City Attorney), David White (Planning & Zoning)

Others in Attendance: Mike Trombley, Allan Hunt, Jonathan Farrell, Bart Keinath, Ilona Blanchard, James Perras

Meeting called to order at 6:47 PM.

1. Agenda

1.01 Motion to adopt/amend agenda

Motion to adopt agenda as written.

Motion by Councilor Bushor, seconded by Councilor Roof

Final Resolution: Motion Passes

Yes: Councilor Adam Roof, Councilor Chip Mason, Councilor Sharon Bushor

1. Public Forum

i. Public Forum





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Allan Hunt: Explained that he owns 2 properties on Maple Street and that neither are directly impacted by the proposal, but he is vested in the neighborhood and wanted to give the Committee a little background. In the early 1980's the neighborhood was pretty run down, most important then were the Chicken Bone and the Sheik, neither had great impacts in the neighborhood. Agreed needed to invest. Neighborhood was and continues to be one of the lowest income neighborhoods in the State. A lot of positive things have happened there. Designated a historic district sometime in 1980's, a positive impact. A lot of investment, but not significantly displace lower income. Still stuck with traffic issues. Don't believe parkway will have a positive impact on that. The only glimmer of hope is the railroad enterprise, but nothing happening there. Don't have strong opinion, except if allow bars and restaurants to come in, may push out residential. Understand there may be some flexibility with height, not there now (may be Champlain College). Concern with types of buildings being built now, not attractive. Hope everyone going in with open eyes and handling delicate areas.

Mike Trombley: Owns Advance Music. Interested in this as currently residential. Goal to hand off to kids, would like to see rest of building be zoned as mixed use. New trend in big cities is open office environment, could almost see that there. Advance there since 1994, use first and second floor, currently third and fourth used for storage.

Ilona Blanchard: Lives on South Champlain Street. Moved away and came back. Purchased house here about 5 years ago because it is an affordable neighborhood. Home was built at least 1830, part of Captain White Place originally. If look at neighborhood a lot of historic buildings. CHT has done a great job preserving many buildings. Meets a lot of people because of the garden across from her house. Certainly residential. East side of South Champlain almost all owner occupied residences. Business that exist are very conducive to residential way of life. Worry about more commercial. Great proximity, but still residential. Understand RH, not as concerned with density, but a large building is not inviting.

Jonathan Farrell: COTS Facility Director. One of their buildings is 189 Church Street--The Wilson. They would welcome the opportunity to be included in FD5.

Close public forum at 7:00 PM

1. Minutes

- i. Approval of Minutes of 11/20/18

Motion to approve by Councilor Bushor, seconded by Councilor Mason.

Councilor Bushor questioned whether it was okay for her to vote no on 2 parcels but then moved slate forward. Kim Sturtevant indicated that it was.



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Final Resolution: Motion Passes

Yes: Councilor Bushor and Councilor Mason, Councilor Roof not participating.

1.
 - i. Approval of Minutes of 12/11/18

Councilor Bushor noted that there was one typo.

Motion to approve by Councilor Bushor, seconded by Councilor Mason.

Final Resolution: Motion Passes

Yes: Councilor Bushor and Councilor Mason, Councilor Roof not participating.

1.
 - i. Approval of Minutes of 5/14/19

Motion to approve by Councilor Bushor, seconded by Councilor Roof.

Final Resolution: Motion Passes

Yes: Councilor Bushor and Councilor Roof, Councilor Mason not participating.

1. **Other Business**
 - 4.01 COMPREHENSIVE DEVELOPMENT ORDINANCE- Form District 5 Boundaries ZA #18-08

Councilor Mason described the process and status of the amendment to date. Noting communications/ concerns raised and the amendment expiration date of June 12, 2019.

David White also described the process. Reviewing each property at staff level, Planning Commission level and Ordinance Committee level. Look at each parcel and surroundings and evaluate whether appropriate for FD5. Biggest difference with FD5 and other areas nearby is the allowance of mixed use. FD5 doesn't allow for substantially larger/taller buildings, but a different use. Form Code not look at density of dwelling units, can put in as many as want in building envelope.

Councilor Mason wants to revisit parcels 15, 16, 17, 18. Have heard a lot about those. Would like to remove those.



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Councilor Bushor indicated number 16 is King Street Youth Center, 15 is a multi-family. She asked what the concern is—height and/or use?

Councilor Mason responded that it was both height and use, and it was currently residential.

David White indicated that without the proposed change, the height limit is 45 feet. Proposal leaves the height the same.

Councilor Bushor described that the goal is to listen to constituents. She questioned whether, if the committee removed number 16, the King Street Youth Center would be left as nonconforming?

David White responded that there would be no impact, explaining that a previous zoning amendment had addressed the non-conforming issue with that parcel.

Allan Hunt asked what happened to historic properties under the FBC?

David White responded that historic properties are treated differently under standards for historic properties. The amendment does not effect this.

Councilor Mason received affirmation that there was agreement by the other Councilors to remove parcels 15, 16, 17, 18 from the amendment.

Councilor Mason then indicated that he wanted to discuss parcels 27, 28 and 29. He described the parcels, stating that his constituents gave strong concerns for them, noting that the proposed amendment may change some density requirements and use.

Councilor Bushor described her prior statements from the November 20, 2018 minutes and stated that she was still concerned.

Councilor Mason said that the properties identified were the end of his list, all he heard from constituents.





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Ilona Blanchard asked why the Sheik building was not included?

Councilor Mason responded that going down King Street it is more consistent. Looking at from King, not So. Champlain.

Ilona Blanchard described the buildings in the area.

David White identified the building, new with parking lot.

Councilor Mason noted that it had been commercial and has been nonconforming so moving to FD5 may allow some commercial. Would like to see residential on the Dinse lot.

Ilona Blanchard stated that the new business coming in has hours until 10:00 pm and seating outside. She noted that she would feel terrible if she lived across from that. Potential conflict in residential area.

David White noted that nonconforming preexisting use, business coming in would try to keep nonconformity.

Motion by Councilor Mason to (1) remove parcels identified as numbers 15, 16, 17, 18, 27, 28 and 29 from the amendment, (2) approve the ordinance amendment as amended and refer to the Planning Commission to have a public hearing on a new and identical proposed amendment and (3) recommend that if such a proposed new and identical amendment is recommended by the Planning Commission to suspend the rules and have a first and second reading and public hearing at City Council with a recommendation of adoption.

Councilor Bushor seconded the motion.

Councilors Bushor and Mason discussed prior action on numbers 21 and 24.

Councilor Bushor raised numbers 1, 2, 3 and 4.

Councilor Mason discussed concerns of public present at the meeting.

Allan Hunt asked if in FD5, but historic, can box be built and what about parking?





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David White responded that as long as meet all requirements of the code then can build, parking does not change. Urban design standards in code for larger buildings to help make sure not monotonous, could do brick, metal, glass.

Allan Hunt questioned that there was no input of public to looks of building.

David White responded that the standards were in the regulations, only if the proposal goes outside of regulations and seeking relief then going to DRB.

Allan Hunt indicated that he sort of understand the intent, his concern is ending up with buildings with no oomph.

David White noted that the concern was to make more objective and codify typical standards we try to put in.

Councilor Bushor asked how much experience the City had now in utilizing the FBC?

David White responded a lot with properties seeking minor changes. A couple now with new development. For example, the proposed Bove's development is part in FBC and RH. Former YMCA will be first complete new project under FBC. Standards were all applied to BTC.

Councilor Bushor questioned traffic review.

David White noted it was in the regulations.

Final Resolution: Motion Passes

Yes: Councilor Bushor, Councilor Mason and Councilor Roof

1. 4.02 COMPREHENSIVE DEVELOPMENT ORDINANCE- Parking Changes (Article 8) ZA #19-03





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Councilor Mason identified changes from last version of amendment reviewed by the Committee.

Kim Sturtevant clarified the change from last time was clean up to prevent unintended consequences.

David White identified the specific changes.

Councilor Mason moved to approve the amendment as revised and refer it back to the full Council for public hearing with a recommendation for approval. Motion seconded by Councilor Roof.

Councilor Bushor stated a concern about eliminating the reference to the winter parking ban and front yard parking.

Final Resolution: Motion Passes.

Yes: Councilor Chip Mason, Councilor Adam Roof, Councilor Sharon Bushor.

1. **Any Other Business**

5.01 Next Meeting and Items to review

-Signs and Tree amendments anticipated after June 17 City Council meeting

-IZ will be at the PC on June 25

-No amendments from Neighborhood Project at this time

1. **Adjournment**

6.01 Motion to Adjourn

Motion by Councilor Roof, seconded by Councilor Bushor.

Final Resolution: Motion Passes.

Yes: Councilor Chip Mason, Councilor Adam Roof, Councilor Sharon Bushor.

The Ordinance Committee meeting adjourned at approximately 7:55 pm.



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