

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)

www.burlingtonvt.gov/pz

Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Michael Gaughan
Emily Lee
Brynne Martin

Regular Meeting Burlington Planning Commission Wednesday, May 25, 2022, 6:30 P.M. Remote & Virtual Meeting via Zoom No In-Person Option Available

To Join the Meeting on a Computer

Link: <https://us02web.zoom.us/j/82754488061>

To Join the Meeting on a Phone

Number: +1 312 626 6799 Meeting ID: 827 5448 8061

AGENDA

I. Agenda

II. Public Forum See details on pg 3 of packet for participating remotely.

III. Chair's Report

IV. Director's Report

V. Proposed CDO Amendment: Public Art

The Commission will review a draft amendment to the *Comprehensive Development Ordinance* that is responsive to the request by the Planning Commission's Ordinance Committee to exempt public art from zoning permit requirements provided guarantees of safety, appropriateness, accessibility, urban design, compatibility with historic resources, and conformity with local and state ordinances. The items are included on page 8 of the agenda packet.

Staff Recommendation: Ask questions and provide feedback on the draft amendment. Approve warning of public hearing for June 28 meeting.

VI. Proposed CDO Amendment: UVM Trinity Campus Zoning

Staff will give a presentation to outline potential zoning changes that respond to a UVM request to enable greater infill within the Trinity campus. The items are included on page 21 of the agenda packet.

Staff Recommendation: Ask questions and provide feedback on the proposed zoning changes outline.

VII. Commissioner Items

- a. Upcoming Meetings will be hybrid/online unless otherwise noted – June 14, at 6:30 pm
- b. Committee Reports - none

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505. Written comments on items may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401, or at mtuttle@burlingtonvt.gov

VIII. Minutes & Communications

- a. The minutes of the May10 meeting are enclosed in the agenda packet on page 4.
- b. Communications are enclosed in the agenda packet on page 21.

IX. Adjourn

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Guidance for Participating in a Virtual Planning Commission Meeting

As social distancing measures to preserve public health and safety continue to be required to prevent the spread of COVID-19, or are recommended as a standard practice, the Office of City Planning will be supporting the Planning Commission to conduct their meetings online via Zoom. Here is information about how to join a virtual meeting, and what to expect while participating.

General Guidance for Public Participation

Please remember that in this digital meeting environment, meetings are open to the public and anyone may be watching or listening even if you cannot see them. Meetings will be recorded, and both the recording and chat content of the meeting will be maintained as a public record.

Please ensure your display photo and screen name are professional, such as using your first and last name. Please test your audio and video prior to the start of a meeting, and familiarize yourself with how to join a meeting by your chosen method. And finally, please be patient with us. Technology doesn't always work as planned, and we are all learning how to hold a successful virtual meeting!

How to Join a Virtual Meeting

Zoom allows participation via either computer or telephone. Each agenda for a meeting that will be conducted virtually will include details about how to join via either of these options, including a web address, phone number, Meeting ID, and password.

If you participate via computer, you have the option of seeing Commissioner videos and any presentation materials that may be shared. If you use either a standard phone or cell phone to call in, you will only hear the audio portion of the meeting. If you join via a smartphone, you may have the option to download the Zoom app, which will enable you to see and hear the meeting.

How to Participate in a Virtual Meeting

During meetings, only Planning Commission members and limited staff members will be viewed on video. Members of the public attending a meeting will be muted, except when invited to speak during public forum or a public hearing. Whether members of the public can speak at other times during the meeting is the discretion of the Chair.

If you want to speak during public forum, please take the following steps to assist us in making this process run as smoothly as possible:

- Email staff at mtuttle@burlingtonvt.gov by 5pm on the day before a meeting to indicate your interest in speaking. You do not need to provide your comments. Staff will enable your microphone as your name is called from a list of interested speakers.
- During a meeting, you can use the "Raise Hand" feature, or indicate in a chat message that you wish to speak during public forum. Staff will enable your microphone as your name is called.
- If you are interested in submitting your comments in writing instead of speaking during the meeting, you may do so by 5pm the day before a meeting, they will be forwarded to the Commissioners ahead of the meeting.

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Burlington Planning Commission

Tuesday, May 10, 2022, 6:30 P.M.

Remote Meeting via Zoom

Draft Minutes

Members Present	A Montroll, A Friend, E Lee, Y Bradley, B Baker, M Gaughan, B. Martin,
Staff Present	M. Tuttle, C. Dillard, B. Pine, J. Olson
Public Attendance	S. Bushor

I. Agenda

Call to Order	Time: 6:33pm
Agenda	No change

II. Public Forum

Name(s)	Comment
S. Bushor	Voiced reservations with the possibility of administrative approval for emergency temporary shelters. Asked how the concerns that arise from the neighborhood meeting(s) get resolved when the permit is administratively approved. Also asked how the public would be notified if their concerns were addressed in the administrative approval.

III. Chair's Report

A Montroll	No report.
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IV. Director's Report

M Tuttle	APA Planning Conference Recap New Planner, Sarah Morgan, starting in new role with the City of Burlington this week. M Tuttle will present at the Board of Finance next week to present the Planning Department's budget for FY23. All City Departments were asked to make budget cuts but these cuts should not affect the Planning Department's operations overall. The full presentation will be shared after this BoF meeting. Two new initiatives for FY23: Preparing the Historic Preservation Plan Preparing PlanBTV New North End Some projects, including the CDM Study, will carry over into the next fiscal year.
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V. 248a Waiver – Redstone Water Tower Rehabilitation

Motion by: A. Friend	Second by: E. Lee	Vote: 6-0
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Type: Discussion	Presented by: C Dillard, Jenna Olson (DPW), Hayley McClenahan (BCAO)
Commissioner discussion: • AT&T is requesting to waive a non-statutory 30 day comment period required in the 248a procedures order. • AT&T is seeking a certificate of public good because they have to move a large amount of telecommunication equipment off the Redstone Water Tower in order for DPW to conduct rehabilitation work on the Water Tower. • The waiver essentially removes the 30-day period where the public gets to weigh in on aspects of Act 250 requests. • The temporary tower is anticipated to be live for 3-6 months, depending on when the rehabilitation contractor is able to start their work. • Ultimately, the Mayor will sign the waiver, but the Planning Commission is being asked to approve a motion to grant the waiver. • This is being asked on an urgent basis to accommodate the rehabilitation work that needs to start this summer or it will be pushed back to summer 2023.	

VI. Proposed CDO Amendment: Burlington High School Zoning

Motion by: M. Gaughan	Second by: B. Baker	Vote: 6-0
Type: Discussion	Presented by: M Tuttle, J. Weith, R. Burnett	
Commissioner discussion:		
• Burlington High School is trying to amend zoning from RCO (Recreation Conservation) to Institutional Zone with Burlington High School specific overlay on top of that zoning. • The Design team (J Weith and R Burnett) are now ready with more details specific to the conceptual design of the high school. Three details have been modified: • Being asked to allow for buildings up to 60 feet in height and potentially up to 80 feet in height as you move 100 feet or more away from North Avenue. This helps address the sloped lot and the Ordinance requiring that building height be set in intervals. • Clarifying language asks that the Institutional Zone primarily promote school usage, K-12. The scope has been narrowed to include uses commonly associated with Burlington Technical Center or community use of school spaces. • The High school site spans two different parking districts. The School district requests that parking be calculated in a different way: to use parking district where majority of the site is located. • A Commissioner asked if the school cafeteria needed to be accessible to the public, does this language properly address a café use? Right now it's worded that a café is only allowed for educational use, which can be limiting. Planning proposed that language be modified to include "part of an educational program or located in a school facility" so it is more flexible for café use. • A Commissioner asked what happened with Option D for the conceptual design plan. Survey results found Options C and D were the most popular, but Option D was polarizing with negative feedback as well. Relocating the road and the cost associated with Option D were considered negative features of this plan. • Option C has a proposed future expansion piece with a footprint closer to North Avenue. • The designers decided on the 100 foot setback from North Ave before going up to 80 feet in building height based on the size of the lot and the layout decision to have BHS on East side of the building and the Tech Center on the West side. • The 100 foot setback also addresses future expansion concerns as it allows flexibility with adding another story to the building rather than having to expand onto the footprint of the lot. • The Commission decided to move forward with approving the report and warn a public hearing.		

VII. Proposed CDO Amendment: Interim Emergency Shelters

Motion by: E. Lee			Second by: A. Friend			Vote: 4-3, Gaughan, Baker, Bradley opposed		
Type: Discussion				Presented by: M Tuttle, Brian Pine				
Commissioner discussion:								
• CEDO took into account two areas of modified language • Removing Recreation and Conservation districts from the list of possible zones where temporary emergency shelters are allowed, with the exception to allow temporary shelters in the campground areas (potentially seasonally). • Adding a scheduled interval of community meetings to discuss challenges and opportunities between re-application periods. This must be included in any organization’s operational plan. • B Pine shared a draft of the community guidelines to be considered by the DRB. Standards include verbiage around smoking, weapons, guest policies, etc. • The emergency shelter definition is intended to be broad and allows for flexibility, i.e. a tent may be the most temporary while a pod could be used for a longer period of time. However, the key part of the definition is that the site is managed. • Commissioners raised concerns on a lack of community involvement with the decision on temporary emergency shelter site locations, a precedence for overwhelming administrative power, and the inclusion of City Parks, specifically the North Beach campground, in the zoning. • Because North Beach has been used for a similar use in the past, it was determined to keep that site as a potential location based on the existing infrastructure. • A Commissioner raised the point that because the definition is broad, this zoning can apply to other situations besides housing homeless people, like natural disasters. • Previously, emergency shelter was established at North Beach because of a Governor’s Emergency Order. Under City Ordinance, this (North Beach), and other locations like Sears Lane, were technically considered zoning violations without the Governor’s Order superseding those violations. • The 3 year benchmark for the “emergency” zoning was a result of the existing housing stock issues in Burlington. • A Montroll asked to either warn this for a public hearing, make changes and delay warning, or say no to the administrative approval. • E Lee made a motion to warn a public hearing and approve the report.								

VIII. Commissioner Items

• The next meeting is May 25 at 6:30pm
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IX. Minutes and Communications

Action: Approve the minutes and accept the communications		
Motion by: A Friend	Second by: B. Martin	Approved Unanimously
Minutes Approved: April 12, 2022 Communications Accepted: in the agenda packet and posted at https://www.burlingtonvt.gov/CityPlan/PC/Agendas		

X. Executive Session

Action: Approve motion to leave the Executive Session		
Motion by: E. Lee	Second by: A. Friend	Approved Unanimously

Tuesday, March 22, 2022

Communications Accepted: in the agenda packet and posted at https://www.burlingtonvt.gov/CityPlan/PC/Agendas
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XI. Adjourn

Adjournment	Time: 8:15pm	
Motion: M Gaughan	Second: E Lee	Vote: Approved Unanimously

DRAFT



City of Burlington, VT
149 Church Street, 3rd Floor
Burlington, VT 05401
Phone: (802) 865-7144

www.burlingtonvt.gov/plan

TO: Burlington Planning Commission
FROM: Charles Dillard, AICP, Principal Planner
Mary O'Neil, AICP, Principal Planner
DATE: May 25, 2022
RE: Proposed Zoning Amendment – Public Art

Overview & Background

Public art is an important element of Burlington's built environment and cultural identity. In fact, *planBTV* states that public art, "enhances the overall quality of the built environment," and that, "these creative expressions should continue to be encouraged." Consistent with the Plan, Burlington's longstanding support for and inclusion of public art in the built environment remains strong. However, following the adoption of the *planBTV Downtown Code*, the City currently operates with no standards governing or related to public art.

Prior to the adoption of the Downtown form code, the *Comprehensive Development Ordinance* governed public art in the following ways:

- Bonus height provisions were offered in exchange for qualifying public art installations,
- Permitted public art as an acceptable encroachment in the required waterfront setback
- Provided standards and guidance on public art funding, location and maintenance

Recognizing public art's valued contribution to Burlington's built environment and residents, the Planning CDO proposes a zoning amendment to define public art in the CDO and amend the ordinance to exempt public art from zoning permit requirements provided six standards relating to safety, appropriateness, historic resources, urban design, accessibility and compliance with local and state law. In summary, the proposed amendment would provide needed transparent public art standards that encourage and facilitate public art.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

The purpose of this amendment is to define public art in the *Comprehensive Development Ordinance* and establish language exempting public art from standards requiring a zoning permit for its installation.

Proposed Amendments

The following amendments to the *Burlington Comprehensive Development Ordinance* are included in this proposal:

1. Define Public Art

Provides a new definition for public art that recognizes the broad applications and settings for these installations.

2. Establish public art as exempt from the requirement to obtain a zoning permit

Establishes six standards that must be provided for compliance with the zoning permit exemption. The six standards are summarized as follows:

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- Public Art shall meet applicable building code to protect public health and safety;
- No public art that is insulting, threatening, discriminatory, hateful, violent or personally insulting shall be installed;
- Public art installed on or near historic resources shall ensure the continued integrity and preservation of such historic structures;
- Public art shall not cause or increase non-conformity to required urban design standards;
- Public art shall be accessible and not obstruct any paths, ingress, or egress, and;
- Public art shall conform to local and state ordinances.

Begin proposed amendments

Section 13.1.2 Definitions

Public Art: Public art is a general term for forms of community expression. Public Art may be located in the public domain (rights-of-way), or on private property yet available for community viewing. Public art may be cast, carved, built, assembled, or painted, and include murals, sculpture, memorials, integrated architectural or landscape architectural work, painting, tapestry, mosaics, ceramics, stained glass, community art, digital new media, Earthworks, assemblage, installation art and performance. Installations may be transient or permanent.

Sec. 3.1.2 Zoning Permit Required

(c) Exemptions

The following shall be exempt from the requirements of this Ordinance and shall not be required to obtain a zoning permit:

1. 1-18 as written

19. Public art on private property

- The installation meets applicable building code for wind load, structural stability, mounting and any anchoring, to protect public health and safety;
- The specific installation shall not be insulting, threatening based on characteristics that are protected under antidiscrimination laws, represent hate, violence, or direct personal insults that are so offensive they are likely to provoke violence;
- If mounted on a historic structure, shall be installed so as to avoid damage to historic materials and shall be removable without causing permanent damage or diminish the integrity of the structure. If mounted to a masonry building, the fasteners shall penetrate mortar rather than masonry units so as to be repairable.
- Within the Form Districts, the proposed art may not cause or increase any non-conformity to required dimensional standard under Section 14.4.13, Urban Design Standards (including, but not limited to Façade voids, transparency of glazing) nor under Section 14.3.13 Shopfront (Ground floor façade voids.)
- Any public art installation shall not obstruct any path of ingress or egress, nor any identified ADA accessible route.
- Any public art installation shall comply with all standards and factors set forth in existing City Bylaws and city and state ordinances.

Relationship to planBTV

This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

Theme:	Dynamic	Distinctive	Inclusive	Connected
Land Use:	Conserve	Sustain	Grow	

Compatibility with Proposed Future Land Use & Density

Public art is an integral component of many land use types in Burlington, particularly to the extent that it supports and promotes Burlington's character as a cultural and arts center. As stated in *planBTV*, public art, "enhances the overall quality of the built environment." Further, the Plan promotes public art as, "personalizing the city and activating its streets, providing a sense of community, and offering seeds for contemplation and conversation." The amendment promotes public art that is consistent with a wide range of built environment types.

Impact on Safe & Affordable Housing

The proposed amendment has no impact on housing safety and affordability.

Planned Community Facilities

The proposed amendment has an important impact on the continued encouragement and facilitation of public art, a defining characteristic of the city as established in *planBTV*. One of the Plan's goals is to, "strengthen the city's role as a cultural and arts center, and supporting efforts to expand public art and placemaking within the built environment." Burlington City Arts also promotes public art at a variety of locations throughout the community. The proposed amendment provides necessary transparency to the development and installation of public art on both public and private property.

Process Overview

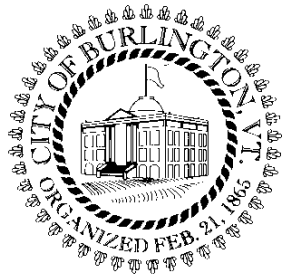
The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

Planning Commission Process				
Draft Amendment prepared by: Staff, upon request of PC Ordinance Committee	Presentation to & discussion by Commission 3/3/22 (OC), 4/7/22 (OC), 5/25/2022	Approve for Public Hearing	Public Hearing	Approved & forwarded to Council
City Council Process				
First Read & Referral to Ordinance Cmte	Ordinance Cmte discussion	Ordinance Cmte recommend	Second Read & Public Hearing	Council Approval & Adoption

Department of Permitting and Inspections

Zoning Division
149 Church Street
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Telephone: (802) 865-7188
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*William Ward, Director
Charlene Orton, Code Compliance Officer
Theodore Miles, Code Compliance Officer
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Vacant, Planning Technician
Celeste Crowley, Permit Administrator*



MEMORANDUM

To: Planning Commission Ordinance Committee
From: Mary O'Neil, AICP, Principal Planner
Date: March 3, 2022
RE: Public Art

Staff has recently received a communication from a city resident/DAB member with concerns about installed and proposed art installations around the City. His email came on the heels of a Burlington Free Press article announcing finalists for a downtown mural. The issue highlighted the absence of language relative to Public Art within the ordinance since the adoption of the Form Code.

Previously in the Comprehensive Development Ordinance, there existed bonus provisions that included Public Art; providing guidance on review, funding, placement and maintenance of any public art. With the adoption of Article 14 (Form Code), any language reference or regulations regarding Public Art are gone.

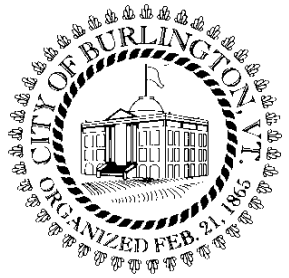
The Planning Commission Ordinance Committee is invited to consider the submission of Mr. Jay White, the existing absence of regulations within the Comprehensive Development Ordinance, and potential formulation of review standards for the installation of Public Art.

The language that previously addressed Public Art has been included for consideration, with the opportunity to utilize similar process and standards if deemed appropriate.

Department of Permitting and Inspections

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Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Joseph Cava, Planning Technician
Celeste Crowley, Permit Administrator*



MEMORANDUM

To: Planning Commission Ordinance Committee
From: Mary O'Neil, AICP, Principal Planner
Date: April 7, 2022
RE: Public Art

On March 3, 2022, the Planning Commission Ordinance Committee began a discussion of Public Art. The Committee ultimately disagreed with the Zoning Manager's assessment that omission from Article 14 was the equivalent of dis-allowance, and after discussion requested staff assemble language that would favor no zoning permit requirement, however implement requirements relative to public health and safety and typical restrictions related to discriminatory or inflammatory representations consistent with sign messaging.

The attached draft document attempts to coalesce those Committee directives, with the addition of a definition of Public Art and segregation between Art that is installed in the public domain and that on private property.

Staff submits these for comment and revision as necessary.



Burlington Planning Commission

Ordinance Committee Meeting Minutes

Thursday, April 7, 2022 @ 5:15 PM

Remote Meeting

Attendance

- **Committee Members:** Yves Bradley, Leo Sprinzen, and Bruce Baker
- **Absent:** Emily Lee, Caitlin Halpert
- **Staff:** Mary O'Neil & Scott Gustin (Permitting & Inspections)
- **City Planning:** Charles Dillard

1. Continued discussion of Public Art; its absence from the CDO since the adoption of the Form Code.

Mary O'Neil (staff) reviewed the prior discussion of March 3, 2022, and presented draft language for an exemption from permitting for Public art, given the refinements outlined in the last meeting. Mary also added the concern raised by Jay White relative to avoiding obstruction of any path of ingress/egress, which may relate to ADA access. Also in the PCOC packet are a draft definition of Public Art (intended for Article 13), and a memo overview of the March discussion.

The participating PCOC members initially discussed whether the 3 / 4 conditions under the proposed permit exemption might be covered in other parts of the ordinance. Mary suggested that those seeking information about the permit exemption might not otherwise be aware of compliance issues elsewhere in city regulation.

Leo raised concern about the potential for noise in a performance based installation. Scott indicated that the City has a noise ordinance, and added that a permit is typically for a physical alteration.

Bruce Baker suggested that language be added that would remind the property owner that nothing shall relieve them for compliance with any other applicable city or state regulation. The rest of the City Code of Ordinances would be applicable.

General discussion occurred about avoidance of the regulation of content but prohibition of "hate" speech, and identification of more succinct language to insert under the conditioned exemption from a zoning permit. Scott and Mary will review Article 7 for similar language as it pertains to Signs.

Bruce asked the revised draft(s) be forwarded to the Planning Commission for their review.

2. Adjournment

The Committee adjourned at 5:45 PM.

Where is Public Art mentioned in the Comprehensive Development Ordinance?

Article 4:

Section 4.4.1 Downtown Mixed Use Districts (FD6, FD5, and Downtown Waterfront Public Trust)

* Note! None of this section currently applies. It is provided for information purposes.

C. Permitted Encroachments

The DRB may approve one or more of the following within the required waterfront setback: structures such as walkways, planters, benches, fountains, public art, sitting walls and other improvements which will enhance the pedestrian environment and enjoyment of the waterfront; and public marinas, public recreational piers, ferry docks, lake excursion facilities, and open-air markets, provided pedestrian circulation is not unreasonably impaired.

4.4.1 5. D. Public Art (bonuses)

D. Public Art:

An additional 10 feet of building height and corresponding FAR may be permitted at the discretion of the DRB for the construction or rehabilitation of buildings that incorporates a commitment to public art.

(i) In order to qualify for the public art bonus, projects must:

- 1) include artworks that visually instigate pedestrian interest by reinventing the design of everyday functional elements (i.e. lighting, benches, pavement/hardscape), creating visual or thematic links to other artworks or design projects within 3 blocks, visually telling a story, and/or integrating texture, color, light, transparency or movement/activity into the design.
- 2) commit no less than two (2%) percent of their total construction costs, or \$40,000, whichever is greater, to the public art features per each 10 feet of height or 1.0 FAR allowance up to a maximum of 20 feet or 2.0 FAR. For the purposes of this bonus, total construction costs mean the sum of all construction costs shown on all building permits associated with the project. For projects involving the expansion and/or rehabilitation of buildings, total construction costs shall mean the combined costs of new construction and the costs of improvements to the property as shown on all building permits associated with the project.
- 3) attend a Pre-Application Conference with the City Arts Public Art Committee (CAPAC), where they shall present an Art Plan for CAPAC review. The Art Plan must:
 - a. Present a budget detailing the proposed expenditure of funds on the project's Public Art features relative to total construction costs.
 - b. Describe in detail the applicant's process for selection of artist(s) and artwork(s) and how that process will foster collaboration among artist(s)

and other building design team members.

- c. Identify the intended site(s), media, and materials of artwork(s).
- d. Describe the qualifying artwork, including artist concept drawings.
- e. Detail the schedule for the selection, fabrication and installation of the artwork.

No Pre-Application conference with CAPAC shall be held until the applicant has submitted a fee in the full amount determined by City Arts as part of that department's customary fee-setting process.

- 4) receive formal approval of the Art Plan by CAPAC, CAPAC's formal approval of the Art Plan shall be conveyed in a memo to the DRB, including any and all Public Art Conditions of Approval. The Public Art Conditions of Approval shall be accepted by the applicant and recorded in a Covenant between the applicant and the City.
- (ii) The installation of all Public Art features required as Public Art Conditions of Approval shall be complete before a Certificate of Occupancy is granted. Prior to receiving a Certificate of Occupancy, the applicant must submit a final written report to CAPAC, including visual documentation (slide, photos, etc.) of all Public Art features and a detailed statement of project expenses. Copies of contracts with art consultant(s) and artist(s) must be attached. No Certificate of Occupancy shall be granted without the issuance of a Final Approval Notice from CAPAC.

If the CAPAC determines it impossible for the applicant to complete installation of all required Public Art features prior to granting the Certificate of Occupancy, a Conditional CO may be granted. In such an event, the Conditional Certificate of Occupancy shall be granted only when the applicant posts a performance bond in the full amount dedicated for the Public Art. In addition, CAPAC must approve, in writing to the Building Inspector, a timeline for completion of the Public Art project.

- (iii) The following City of Burlington Public Art Standards shall guide the CAPAC's and DRB's review of all applications seeking to utilize the Public Art Bonus. These standards are basic principles that help clarify the nature of Public Art as it relates to the comprehensive development ordinance of the City of Burlington. They are a series of concepts about reviewing Public Art Bonus proposals, and about designing new, or maintaining, repairing, or replacing existing Public Art Bonus eligible or permitted features through the design review process.

1) Eligible Art Expenditures

Eligible art expenditures include: The work of art itself; design fees for artists invited to submit proposals; selected artist(s)' operating costs; travel related to the integration of the art with the project; transportation of the work to the site; installation of the artwork; identification plaques and labels, frames, mats, mountings, anchors, containments, pedestals, or

materials necessary for the installation, location or security of the artwork(s); photographs of completed works.

2) Ineligible Art Expenditures

Ineligible art expenditures include: Art exhibitions and educational activities; architect's fees; land costs; utility fee associated with electrical, water, or mechanical services used to activate the works of art; and, in connection with the works of art, registration, dedication, unveiling, security and publicity after selection.

3) Location of Art

Maximum visibility of the art is of primary concern. Art must be sited on the exterior of the building and/or at locations(s) clearly visible and freely accessible by the public from the sidewalk during daylight hours. The applicant will guarantee public access to the artwork(s). The art is a permanent part of the development and must remain in place for the life of the building. Works may be portable, as well as fixed, as long as the art is always at or adjacent to the site and accessible to the public.

4) Maintenance

Art must be maintained and repaired as necessary in accordance with accepted curatorial standards set forth in the Public Art Conditions of Approval by CAPAC. Stolen or vandalized art must be replaced or repaired as close as possible to its original form. So far as practical, in the event repair of a work is required, the responsible artist(s) shall be notified and given the opportunity to complete the repair for a reasonable fee. If the original artist is not available, a qualified professional, such as an art conservator, shall conduct any necessary repairs. Installation, future preservation, maintenance, and replacement if necessary, of the public art provided within this bonus program, or replacement Public Art features that have undergone the same process outlined in this ordinance, is assured for, through the covenant with the City, for as long as the building or buildings should stand.

The City Council may supplement this provision with regulations implanting it which may promulgate from time to time by Resolution. Such regulations must be consistent with the requirement of this provision.

Article 7 Signs

Section 7.1.3 (Exemptions)

- (j) Murals: Non-commercial artistic expression in the form of a unique hand-produced work of visual art which is tiled, painted directly upon, or otherwise affixed or placed directly onto an exterior wall of a building or structure provided that the Mural:
1. does not contain any advertising copy, symbols, lettering, logos or other such recognized branding related to products or services provided on the premises where the mural is located except where otherwise permitted and incorporated into a permitted Sign Type as provided in Secs. 7.2.2 through 7.2.14 Sign Types;
 2. is placed on a Secondary Frontage or non-street-facing side or rear elevation of a Building or Structure; and,
 3. is not illuminated.

Article 14 (States Section 4 of Article 4 doesn't apply)

14.1.3 -APPLICABILITY

This planBTV Downtown Code shall be applicable to all lands within the Downtown and Waterfront District as mapped or described on the Burlington Regulating Plan ([Section 14.2](#)), as such may be changed from time to time, pursuant to [Section 14.2](#) - Regulating Plan. Any and all subdivision of land, development, and construction or modification of all Improvements, land, Buildings, and Structures in the Downtown and Waterfront District shall occur only in accordance with this Article 14 planBTV Downtown Code as in effect on the date of acceptance of the completed application for approval of the applicable Project Plan submitted pursuant to [Section 14.7](#) Administration and Procedures.

To the extent applicable, and not otherwise in conflict with this Article 14-planBTV Downtown Code, the following sections of the *Burlington Comprehensive Development Ordinance* (CDO) shall also continue to apply:

- a) Article 1 - General Provisions
- b) Article 2 - Administrative Mechanisms;
- c) Article 3 - Applications, Permits and Project Reviews, Parts 1, 2, 3, 5 and 6;
- d) [Article 4 - Zoning Maps and Districts, Parts 1, 2, 3, and Part 5 Sec. 4.5.4;](#)
- e) Article 5 - Citywide General Regulations, Parts 1, 2, 3, Sec. 5.4.7, Sec. 5.4.8, and 5;
- f) Article 7 - Signs
- g) Article 9 - Inclusionary and Replacement Housing;
- h) Article 10 - Subdivision Review;
- i) Article 12 - Variances and Appeals; and,
- j) Article 13 - Definitions.

[In each case, the standards and requirements applicable to the Downtown and Waterfront District Regulating Plan and this Article 14 shall take precedence without limitation over any duplicative or conflicting provisions of the other Articles of the *Burlington Comprehensive Development Ordinance* \(BCDO\).](#)

If there is any conflict between the provisions of this Article 14 and any provisions of any other existing City codes, ordinances, regulations or standards (the "Existing Local Codes"), the provisions of this Article 14 shall take precedence over such conflicting provisions except for City and state Building, Fire, Health and Safety Codes.

Email from Jay White, 1.10.2022:

Hi Mary,

Would you have a few minutes tomorrow before or after the DAB meeting when we could discuss a few design issues and how I might get involved with resolving them? I'm willing to volunteer to write letters on behalf of the City in these matters if it would help.

The issue is added items on projects that were not in the approved design and how these issues should be addressed:

77 Pine has several 6" diameter, 20' high angled bright yellow pipes acting as a "sculpture" of some kind in the front walk. Please drive by and look at it on your way in tomorrow. I was not on the committee when 77 Pine was approved, but I find it difficult that these sloping bright yellow pipes would have been approved, or that they meet seismic structural or ADA standards. Blind people will hit their heads on them. I think the City should require these tall, sloping yellow pipes to be removed or included in a new permit if they were not in the approved design.

Arts Riot indicated they would remove their ugly cow-watering troughs they used as planters with their tall 6x6 posts coming out of the "planters" when they came before DAB and showed their new wood elevations that we approved. Instead of removing them, they put them all on the sidewalk, blocking needed pedestrian space. Last summer they were still using them as planters (although mostly with weeds) and the cow watering troughs are conflicting with the newly approved wall dividers and are blocking needed pedestrian access. Drive by that project too. They look terrible and add clutter. Can the City ask that they be removed or that they apply for a permit to keep them?

The State Arts Council is sponsoring what I think I remember is a \$20,000 "Art in Public Buildings" project on the **John Zampieri Courthouse** on the Cherry Street side. But they are treating it as an Arts **On** Public Buildings.

Finalists include: 2-story wall sculptures: one with about six, 10 foot high vertical signs projecting signs on the east wall near Cherry Street advertising a dozen or so social programs — and the other one with several bright 3-foot diameter "flowers" made of three dimensional fiberglass combined with brightly painted lime green "leaves" and "stems" painted directly on the red bricks and concrete bands, "growing" nearly all the way to the roof on the left side of the Cherry Street entrance — to new stained glass walls blocking off both major alcoves. Lots of clear glass in that one that will kill hundreds of birds if it wins the competition.

Doesn't this kind of "graffiti" have to go through DAB before this landmark building is seriously and permanently damaged? The original architect of the Zampieri Building would be aghast. And as you know as a preservationist, paint on red brick is not reversible.

I love Burlington and how strong our permit system is with your team's significant skill.

But I think some areas are in distress and some important areas are needing stronger control to reduce unnecessary clutter and with little regard for historic preservation or design consistency with the surrounding character of historic neighborhoods. I'm not sure what to do about it, so I'm asking for help so I perhaps can become less frustrated about it and the sense of uncontrolled clutter can get more tame with more class.

Jay White, AIA
(DAB Member)

TO: Planning Commission
FROM: Meagan Tuttle, AICP, Director
DATE: February 1, 2022
RE: UVM Presentation of Trinity Campus Plans

Background

In December 2021, Mayor Weinberger announced the ["10 Point Housing Action Plan"](#) to serve as a roadmap with two main goals: to double the rate of housing production within the city over the next 5 years, and end chronic homelessness in Burlington. The action plan includes a number of financial investments, resource expansion, and zoning policy changes to achieve these goals. The plan continues to build on nearly a decade of work to address housing availability and affordability—including many policy reforms the Planning Commission has previously been engaged in. In particular, the plan builds on and expands objectives from the 2015 Housing Action Plan and the 2019 Housing Summit.

The 2021 plan identifies three major zoning policy amendments to support its overarching goals, including "opening new on-campus University of Vermont (UVM) student housing opportunities by rezoning the former Trinity Campus to reduce UVM's pressure on the housing market."

Reviewing the applicability of the Trinity Campus overlay zoning district for this part of UVM's campus has been discussed periodically in recent years. [planBTV: Comprehensive Plan](#), updated in 2019, identifies the institutions' campuses and the major thoroughfares that function as the city's eastern gateways as [special growth areas](#). [planBTV](#) states that these areas are an essential focus for the growth of the institutions within their campuses, particularly to create new and additional housing options for students. [planBTV](#) also notes this area of campus as being important to help "better balance on-campus housing opportunities between the north and south of the core academic areas of campus."

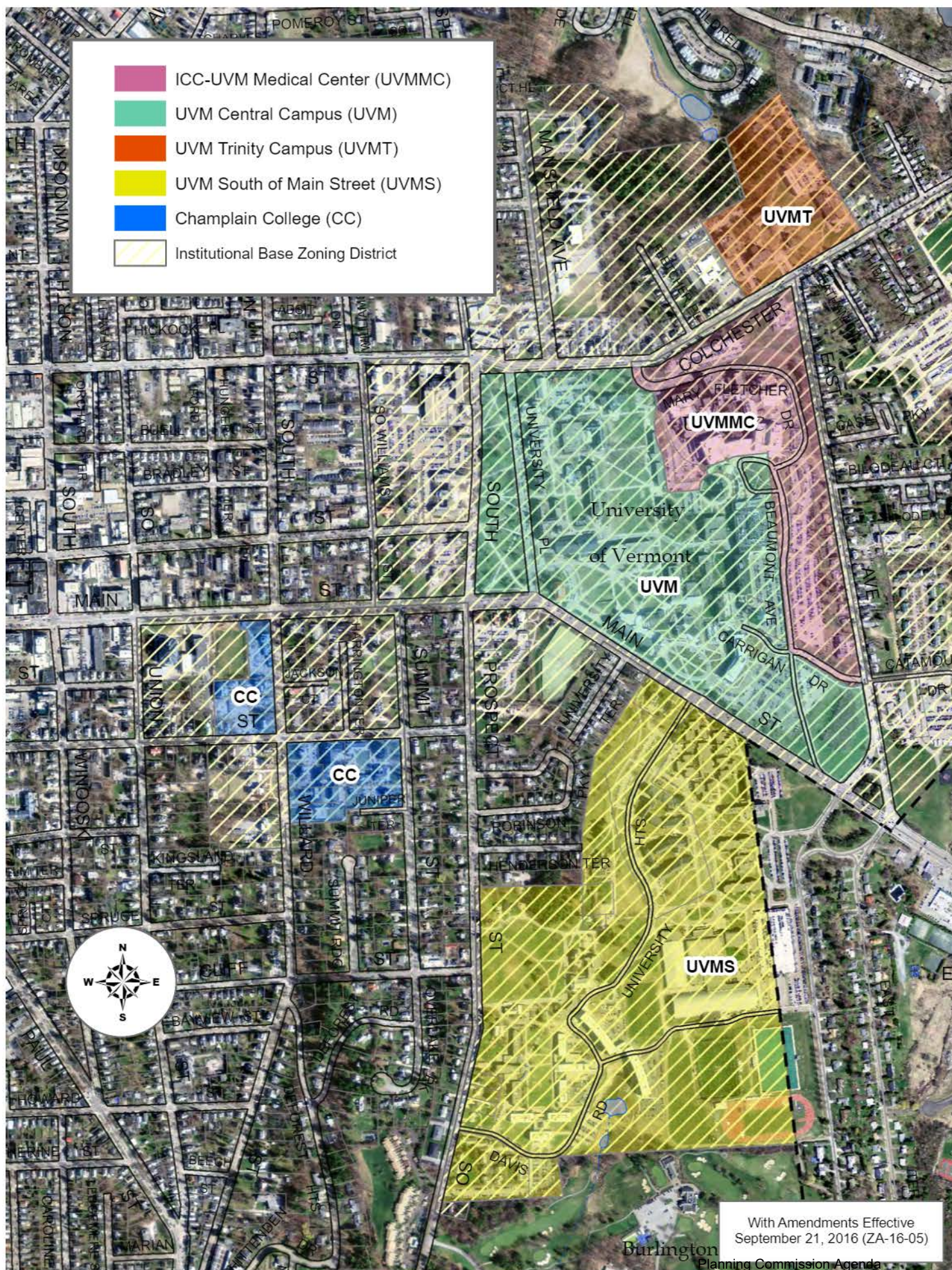
Trinity Campus Overlay Zoning District

The *Burlington Comprehensive Development Ordinance (CDO)* includes five Institutional Core Campus Overlay Districts, which apply to sub areas of the Institutional zoning district. These overlay districts are intended to provide for growth within the core of the institutions' campuses, by allowing an increased development intensity than would typically be found in the underlying zoning district, and providing transitions between sections of campus and the surrounding neighborhoods.

The UVM Trinity Campus (UVMT) overlay zone applies to a parcel on UVM's campus along Colchester Avenue on the north side of the intersection of Colchester and East Avenues. A map of the current Institutional Core Campus Overlay zones, and the existing *CDO* standards that apply to this part of campus are attached to this memo.

The parcel is currently home to a number of UVM [residence halls](#) such as McAuley and Mercy Halls. UVM intends to create additional graduate and undergraduate beds in the vicinity of these existing residence halls, and has identified a number of limitations under the current UVMT overlay zone.

UVM representatives will attend the Planning Commission meeting to provide background on campus housing trends, plans for the Trinity Campus, and specific requests for the Planning Commission's consideration regarding the UVMT overlay district.



7. Uses:

Within the ICC-UVM District, Schools - Post-secondary and Schools -Community Colleges shall be treated as permitted uses.

(e) District Specific Regulations: UVM Trinity Campus (ICC -UVMT):**1. Lot Coverage**

Lot coverage within the ICC-UVMT district shall not exceed 40% except as may be allowed under the inclusionary housing provision of Article 9, Inclusionary Housing.

Maximum lot coverage shall be applied to the aggregate of all lots owned by a single entity and located within the ICC-UVMT district.

2. Setbacks:

Development in the ICC-UVMT shall be subject to the setback requirements as specified under the provisions of the underlying zoning district.

Minimum side and rear yard setbacks shall not be applicable between parcels under the same ownership within the ICC-UVMT district, but shall apply along the perimeter of the district.

Colchester Avenue Buffer. Within the ICC-UVMT no development of new surface parking or new structures, except for ancillary structures no larger than 200 square feet, shall be permitted within a setback of 115 feet from the front property line on Colchester Avenue.



3. Surface Parking

No new outdoor surface parking spaces shall be permitted in the ICC-UVMT district unless the number of the new outdoor surface parking spaces is offset by the corresponding removal of outdoor surface parking spaces in the ICC-UVMT district existing as of January 1, 2002 and the Development Review Board has approved such offset in issuing a certificate of appropriateness.

4. Height:

Additions and new construction may be built to a height that does not exceed the greater of thirty-five feet (35') or the height of existing structures located on the same parcel within the ICC-UVMT district, but in no instances shall any building exceed fifty-five feet (55') in height as measured from finished grade.

5. Density:

In the ICC-UVMT district, the restrictions on residential density set forth in the underlying zoning district, and in Article 9 (Inclusionary Housing) shall apply to all development, including changes in use.

Unless replaced on site no housing unit in a residential structure located within the ICC-UVMT shall be demolished or converted to a nonresidential use, except for housing units that are exempt from the provisions of Article 9, Part 2 - Housing Preservation and Replacement/Demolition and Conversion.

6. Uses:

Within the ICC-UVMT, only the following uses shall be permitted or conditionally permitted:

<u>Permitted Uses:</u>	<u>Conditional Uses:</u>
<u>Residential</u>	
Assisted Living	
Attached Dwelling(s) – Mixed-Use	
Attached Dwellings - Multi-Family	
Attached Dwellings – Duplex	
Boarding House	
Convalescent /Nursing Home	
Single Detached Dwelling	
<u>Non-Residential</u>	
Bed and Breakfast,	Bakery – Retail
Community Center	Bank
Daycare – Large, Daycare - Small	Café
Dormitory	Convenience Store
Health Care Hospitality	Credit Union
Health Club	Dental Lab
Health Studio	Dry Cleaning Service
Historic Inn	General Merchandise/Retail – Small <4,000sqft

<u>Permitted Uses:</u>	<u>Conditional Uses:</u>
Hostel	Grocery Store – Small ≤10,000sqft
Office – General	Medical Lab
Office - Medical, Dental	Pharmacy
Park	Research and Development Facility
Performing Arts Studio	Research Lab
Record and Document Storage	Restaurant
School - Post-Secondary & Community College	
School - Preschool	
Worship, Place of	

All non-residential uses are Permitted Uses within buildings existing as of January 1, 2002; and are Conditional Uses if located within a new building to be constructed after January 1, 2002.

No permitted or conditional use in the ICC-UVMT District may include drive-through facilities, gas pumps or canopies.

7. Parking:

Parking for all uses and structures shall be in accordance with the provisions of Article 8, Part 3 Institutional Parking Plans.

8. Review Requirements:

Within the ICC-UVMT, any new construction or any change in use of 15,000 square feet or more (including any cumulative change of use or new construction of 15,000 square feet or more within a twelve month period) shall be subject to the conditional use major impact review criteria (Article 3).

(f) District Specific Regulations: UVM South of Main Street Campus (ICC - UVMS):

1. Lot coverage

Maximum lot coverage shall be applied to the aggregate of all lots located within the ICC -UVMS District. Lot coverage shall not exceed 60%.

2. Setbacks

Side and rear yard setback requirements as stipulated in the underlying zoning district shall be applicable only along the perimeter of the ICC -UVMS District.

A front yard setback defined by the existing building line as of January 1, 2008 shall be maintained along the South Prospect Street and Main Street frontages of the ICC - UVMS District.

3. Development Buffer

No new structures or surface development shall be permitted within the designated ICC-UVMS Development Buffers as delineated on Map 4.5.2-5 below. These areas shall be maintained as open greenspace, however landscaping, outdoor lighting, street

UVM Housing Update

Presentation to Burlington Planning Commission

Richard Cate, UVM Vice President of Finance and Administration

February 8, 2022

Agenda

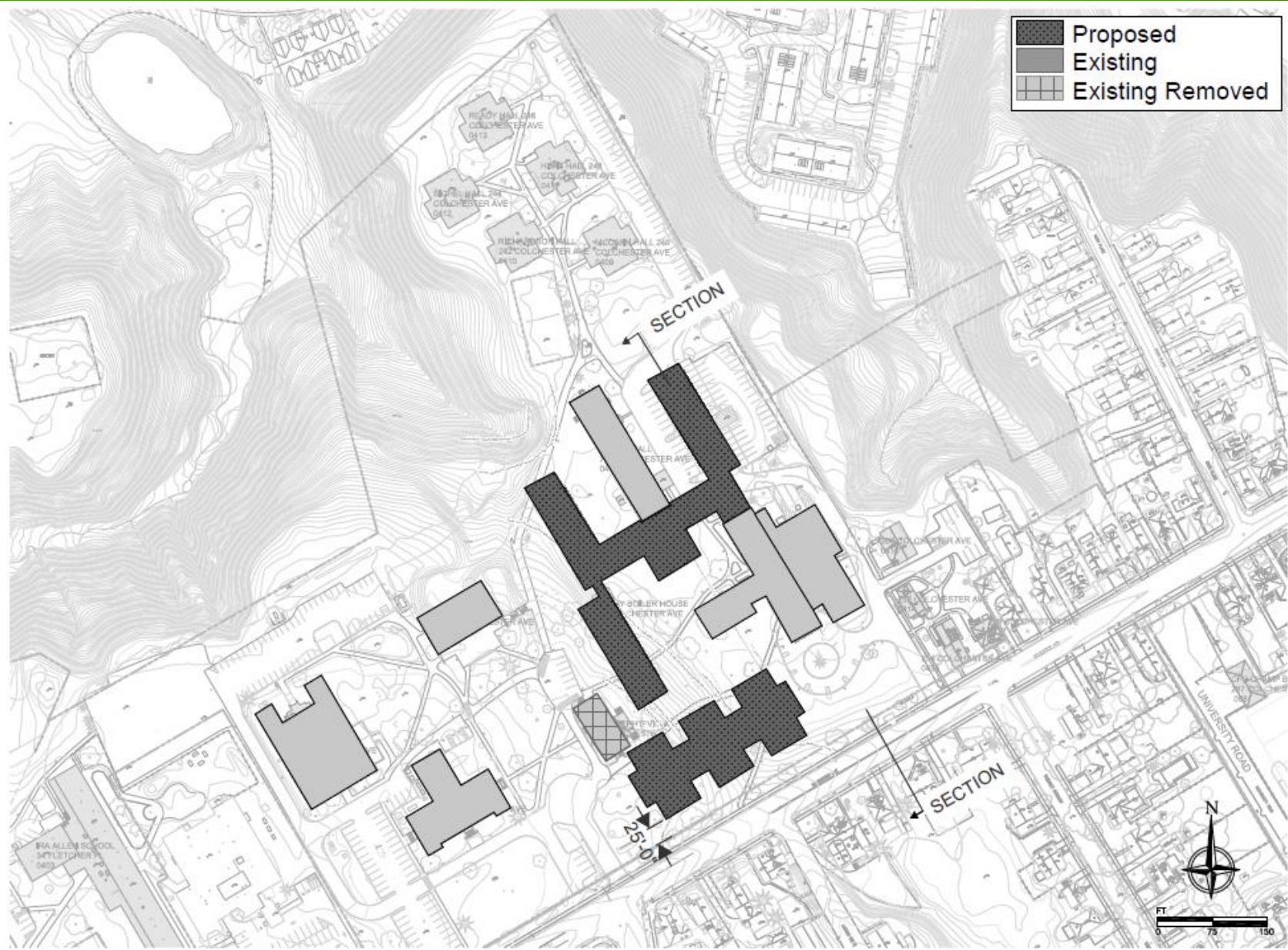
- ▶ Review of UVM Housing Goals
- ▶ Review of UVM's commitment to housing its students
- ▶ Current Zoning Restrictions on Trinity Campus
- ▶ Proposal for Housing Expansion and Enhancement on Trinity Campus
- ▶ Discussion

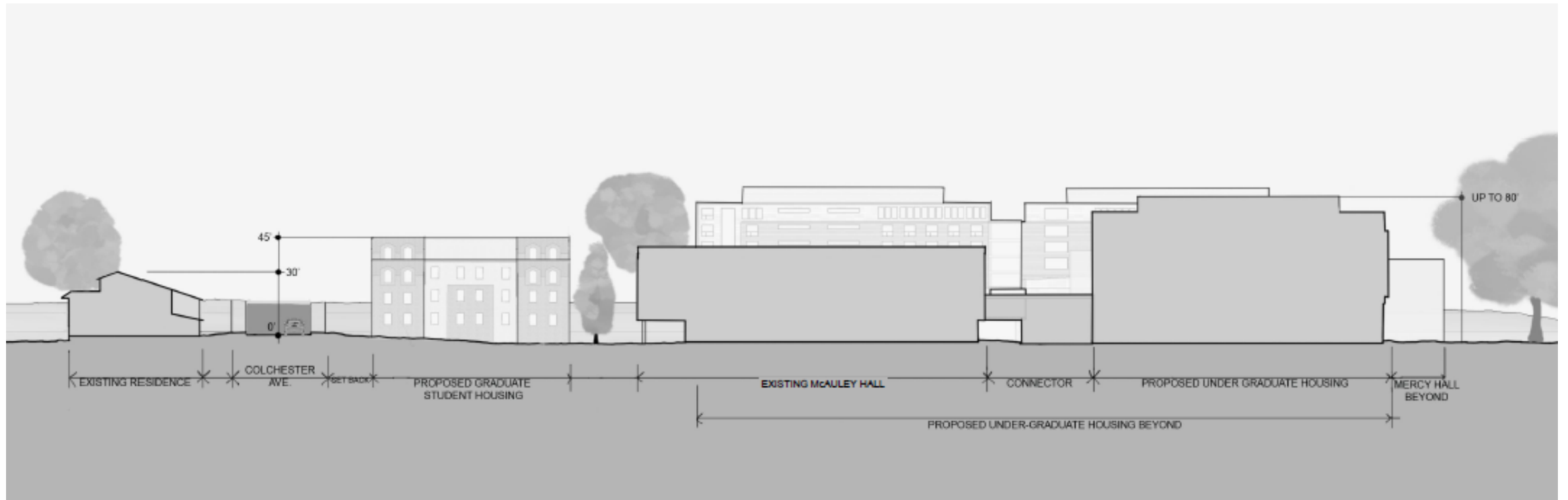
UVM Housing Goals for Trinity Campus

- ▶ Build new undergraduate residence halls
- ▶ Build new graduate apartments
- ▶ Upgrade some existing residence halls
- ▶ Expand dining hall
- ▶ Enhance sense of community on the campus
- ▶ Secure zoning changes from the City in order to accomplish the above goals

Trinity Campus Zoning Constraints

Current Zoning Allowances	Requested Zoning Allowances
40% lot coverage within ICC (current lot coverage ~38%)	60%
115' Colchester Avenue Buffer Setback (15' for neighboring properties)	25' setback
55' Height Limit	45' within 115' of Colchester Ave 80' beyond 115' (Mann Hall to the north)







Google Earth



From: Barbara Headrick <barbara.headrick@gmail.com>

Sent: Tuesday, May 24, 2022 10:44 AM

To: Andrew Montroll <amontroll@burlingtonvt.gov>; bbaker@burlingtonvt.gov; Yves Bradley <ybradley@burlingtonvt.gov>; Alexander Friend <afriend@burlingtonvt.gov>; Michael Gaughan <mgaughan@burlingtonvt.gov>; Emily Annick Lee <elee@burlingtonvt.gov>; Brynne Martin <bmartin@burlingtonvt.gov>; Meagan Tuttle <mtuttle@burlingtonvt.gov>

Subject: Comments regarding zoning amendments for Trinity Campus

[WARNING]: This email was sent from someone outside of the City of Burlington.

Planning Commissioners,

Please, I ask that you consider the following comments in the context of potential zoning amendments for UVM's Trinity Campus.

1. Please have the zoning amendments specifically state that they apply only to the Trinity Campus and not to other parts of the university campus. Setbacks and height allowances along Colchester Avenue may be adverse for other parts of the UVM Campus. For example, the Redstone Campus is a designated historic area and in a residential historic district. Setbacks, heights and uses need to consider the nearby environment.
2. In the Uses section, the list of allowable uses should allow University Dining Halls (more than one so there is some dining choice). Students will want to have convenience and a choice of different dining halls on the Trinity Campus. If that's not available, they will not want to live on the Trinity Campus and will choose to live off-campus.

Example: Cornell University's west campus is only 10 acres but houses about 2000 students. The buildings are designed to provide suite style units. The west campus also includes 5 dining halls and a high quality/spacious fitness center. This is a very popular choice for student housing.

3. The setback from the sidewalk for all Trinity Campus buildings and parking should be at least seventy (70) feet and preferably 115 feet. Reasons:

(A) People will be living in these buildings. They need quiet for sleeping and clean air for their health. To create a desirable place to live, the building front (and all parking) needs to be set back at least 70 feet from Colchester Road (Highway 7) in order to reduce the residents' exposure to noise and vehicle exhaust fumes.

- (B) Pedestrians will not have an enjoyable experience if they feel crowded because of too little open space between the residential buildings and a very busy 4 lane highway. The Trinity Campus will not be an appealing place to live or walk to/from if there isn't a feeling of lush open and green space between the buildings/sidewalk/street. The goal is to make Trinity a very appealing place to live so that students will choose to live there instead of off-campus.
4. Taller buildings are fine but they should be located deeper within the lot and not within 115 feet of the sidewalk. The tall buildings should not be easily visible along the streetscape.
 5. On page 32 of UVM VP Cate's PDF is a diagram showing the proposed setback. If you look at the size of the person in the distance who is walking towards the buildings, you can tell that the buildings are about 200 feet from the sidewalk. This UVM pictogram is not accurately representing a 45 foot setback.
 6. To create a more appealing and safer pedestrian experience, and to change a very ugly Colchester Avenue/ Trinity Campus streetscape into an attractive streetscape, the greenbelt needs to be widened to 15 or 20 feet (like on Mansfield Avenue), the sidewalk needs to be widened to 15 feet because there will be a lot more pedestrian traffic and the current 5-foot wide sidewalk and its proximity to the street does not encourage walking. The Trinity Campus building setback needs to use these wider sidewalk and greenbelt measurements.
 7. A row of trees that will grow very tall needs to be planted in the greenbelt. A row of like trees need to be planted on the north side of the sidewalk (the front edge of the Trinity Campus). This will create a green canopy over the sidewalk and a green barrier (safety and aesthetics) between the pedestrians and the two lanes of westbound traffic on Colchester Avenue. A five foot hedge should be planted behind the trees that line the north side of the sidewalk. Please include some greenery requirements for the Trinity Campus.
 8. All of the existing buildings on the Trinity Campus should be torn down - - they are old and in poor condition, have asbestos and other chemical exposure issues, and house people in antiquated and unappealing ways. The existing buildings should be replaced with new suite style residential halls that are attractive and students will want to live in. Keeping the existing buildings and attaching new buildings to them or building around them is limiting the quality and appeal of what can be achieved on Trinity's 20 acres.
 9. The proposed 450 new beds is just barely enough to make UVM in compliance with its current student population size. (UVM currently houses only 58% on campus. See an analysis I sent to you earlier.) If UVM adds only 450 beds, it will not be satisfying its commitment to house at least 60% of its students on campus because the Fall 2022

class is even larger than this year's freshman class. As a city we need UVM to house more than 60% of its students on campus because UVM's student population size is growing each year in order to bring in more tuition dollars and reduce the UVM budget deficits. The Planning Commission should have UVM for a plan that houses 2000 to 4000 students on these 20 acres at the Trinity Campus before giving UVM any zoning amendments to allow for just 450 new beds. UVM should also share all of its tentative housing plans with the City and public before any concessions are granted for the Trinity Campus.

10. Please google Cornell University's west campus housing for an excellent example of what could be achieved.

Thank you for considering these suggestions.

Barbara

Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.

From: Sharon Bushor <sfbushor@gmail.com>
Sent: Monday, May 23, 2022 11:10 PM
To: Meagan Tuttle <mtuttle@burlingtonvt.gov>
Subject: Rezoning Trinity Campus

[WARNING]: This email was sent from someone outside of the City of Burlington.

To the Planning Department and Planning Commission

Good evening,

Since this proposal was expedited as part of the Mayor's Housing Agenda, I have spent time on my own and then in the company of neighbors and City Councilor Gene Bergman looking at the existing campus and then going down South Prospect Street looking at Redstone Campus and the addition of the Lofts by Redstone Development to that location.

In this communication, I plan to cover the Rezoning request. In addition, I plan to touch on the dilemma of creating housing versus creating affordable housing and how this proposal is not actually addressing or significantly helping to solve the problem of the availability and cost of off campus housing.

Let me begin with this Trinity Campus affords the University of Vermont a unique opportunity to expand that campus with the addition of housing and perhaps a discipline focused experience with classrooms and research/ technical support. I hope the University will spend time creating a vibrant Master Plan for this site. I am concerned that this zoning request has only considered obvious spaces where a large structure can easily be erected without a Master Plan that may yield a more cohesive design.

When UVM came before you with their proposal for housing, they initially asked for a 15 foot setback to mirror the setback of the small single family homes that populate both sides of the street. I will note on the opposite side there is one larger structure (not over 35 feet) that resembles a triplex and has a dentist office in it. Another building similar in size has 6 small apartments. This is a perfect working class neighborhood; apartments, single family homes sprinkled with size appropriate local businesses (Kampus Kitchen, flower shop, dentist, Indian restaurant). Across the street was a small college that reached out to their neighbors informing them and including them in proposed changes. Trinity College even shared their space for NPA meetings. Our neighborhood has always seen the value in higher education. Neighbors are diverse in age, occupation (some in the workforce, some in school, some doing both, some retired), socioeconomic status, nationality and race. We all understand the crisis we face in housing and support creating more.

When you look at the height and massing of the proposed structure with a now 25 foot setback, visually it is clearly out of scale with the surrounding structures and creates a high wall blocking any sight of trees and green space within the campus.

In comparison, now travel down South Prospect Street and view the Lofts. They are setback at least 45 feet from the sidewalk and are about 35 feet tall and separated to resemble individual houses from the street. Their orientation, size, color (dark brown), are an attempt to replicate the smaller single family homes on that side of the street. I will also call to your attention, dorms of

greater height and massing are set WAY back from the residential homes and not along the streetscape. I believe Ward 1 is deserving of this same consideration.

NOTE: Most neighbors do not have concerns about structures built behind Mercy Hall and agree height and massing can occur there and in other internal locations.

REQUEST: PLEASE CONSIDER A SETBACK OF 45 FEET AND A HEIGHT LIMIT AT THIS SETBACK OF 35 FEET. I ALSO REQUEST A REQUIREMENT FOR A DESIGN ELEMENT THAT BREAKS UP OR SOFTENS THE MAGNITUDE OF LARGE STRUCTURES THAT FRONT THE STREETScape. ONE LIKE THE DESIGN ELEMENT USED BY THE LOFTS AS EXPLAINED ABOVE.

NOTE: If urgency is driving this zoning request, why not build on one of the sites that already can accommodate housing.

A Planning Commissioner suggested one such location on South William's currently used as a parking lot. In 2019, UVM referenced a process they were undertaking to identify on campus locations that could accommodate housing. Other sites may be known to them.

Why am I suggesting this? To allow time for a Master Plan to be fully vetted.

I am aware that the Planning Commission has no control over the price UVM charges for housing. Students will tell you one motivation to move off campus is the cost of on campus housing. I, like you, am also aware that increased freedom ranks right up there. Therefore if undergraduate housing is created, no one can guarantee more students will choose to remain on campus. Unless the affordability of UVM housing is discussed in earnest, this most likely will not yield the desired outcome of retaining students or bringing them back to on campus housing. Housing for graduate students may have a very different outcome and may help to either allow them to REMAIN ON CAMPUS OR RETURN TO CAMPUS. Often these students have access to grants or work study that offer monies for housing. Trinity may also be a great location to house Medical Students.

REQUEST: PLEASE ASK THE QUESTION ABOUT GUARANTEEING OCCUPANCY AND IF APPROPRIATE GENERATE A LETTER TO THE ADMINISTRATION TO DISCUSS WITH UVM AFFORDABILITY OPTIONS FOR THE HOUSING BEING CREATED.

The last item I want to mention is one that the Ward 1/8 NPA also struggled with.

UVM'S enrollment has grown significantly over the past few years. The City has an agreement that for every student over the agreed upon % housed, UVM must create a bed. Annually, UVM comes before the Council with their report and show they have complied. The problem for the City is if enrollment continues to grow, the number of students moving off campus at the end of their sophomore year increases. As enrollment grows, our housing crisis grows.

I bring this to your attention because some in attendance at the NPA meeting wanted this zoning amendment denied until enrollment was capped and additional students be required to live on campus.

I am aware the only topic under your direct purview is the zoning amendment. To not further explain the relevance of affordability and increased enrollment as factors that create a

neverending increase in the number of students moving off campus each year would ignore the interrelated complexity of this housing issue. An issue that needs more than a zoning amendment to solve.

Thank you for your time.

Sharon Bushor

Ward 1 Resident

Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.

May 24th, 2022

Dear Burlington Planning Commission,

We would like to provide some background to the UVM Trinity Campus discussion on your 5/25 agenda. UVM came to the City last year to discuss rezoning Trinity campus to build new student housing. The council discussed this in executive session in the winter. At this point, we can share that a majority of Councilors made it clear that it was very important to us that this would mean that fewer students would be housed off campus and that UVM commits, in a tangible way, to this concept. This response was reiterated publicly in January when Richard Case, UVM VP of Finance and Administration, presented to the council. To date, UVM has not signaled their willingness to agree to this. Their response seemed to indicate their feeling that UVM is already doing more to house students than other comparable institutions, and that therefore Burlington should not, and could not, expect more from UVM. However, the neighbors around UVM and the City Council do expect UVM to be a better partner in finding other housing options for off-campus students.

This is the first opportunity the city has had in years to hold UVM to being a better housing partner. Instead of showing interest in moving forward with stronger partnerships, UVM has retreated. They maintain that they are not planning on increasing enrollment while refusing to commit to saying they won't increase the off-campus student population. At the same time, UVM faculty and staff have shared that UVM is looking to increase their PhD student base and to obtain their Research 1 designation. This means separating undergraduate and graduate students, which almost always means increasing enrollment to cover the costs of the increase in courses.

With this coming to the Planning Commission, we wonder if UVM is ignoring the requests of their neighbors and are forging ahead. So, we are bringing up our request at this stage, again. We ask that you join us in requesting that UVM tangibly commit to a maximum number of off-campus students, both in your discussion on Wednesday and beyond.

Zoraya Hightower, Ward 1 City Councilor (P) – represents Trinity Campus

Joe Magee, Ward 3 City Councilor (P)

Sarah Carpenter, Ward 4 City Councilor (D)

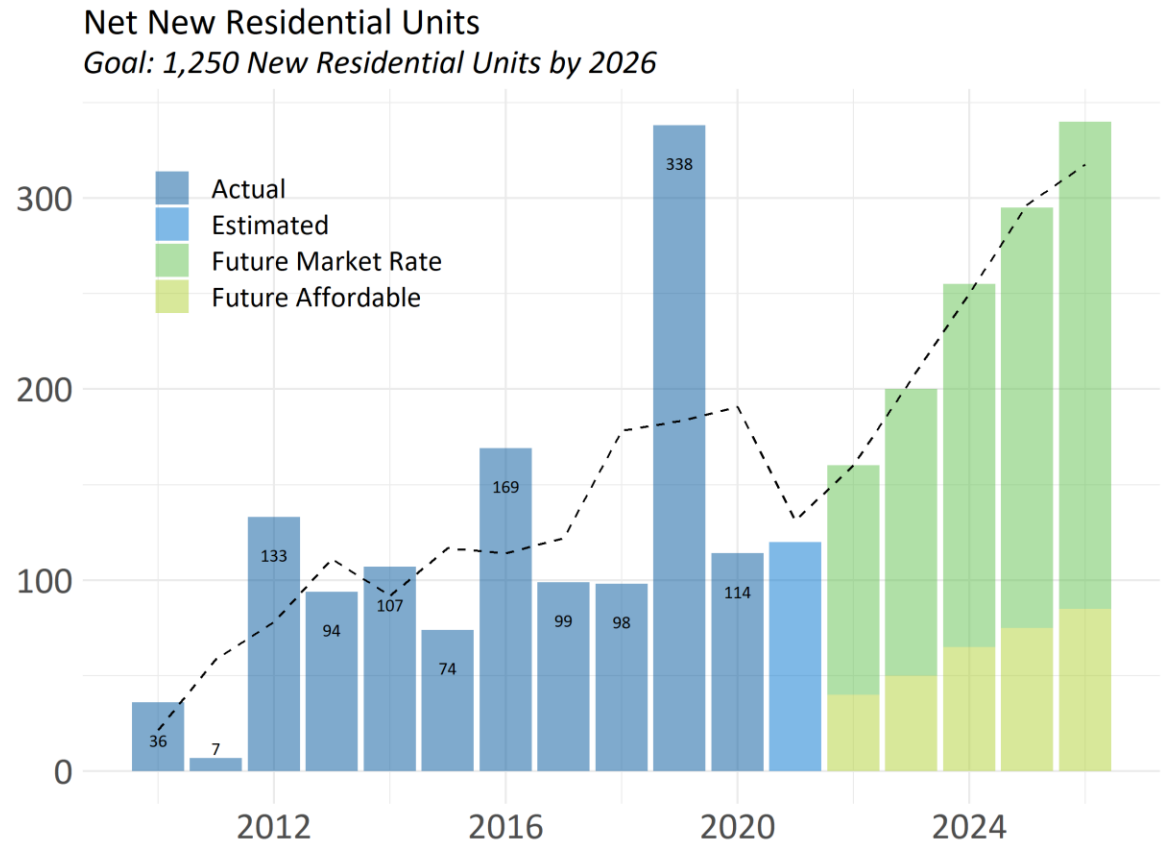
Ben Traverse, Ward 5 City Councilor (D)

Jack Hanson, East District City Councilor (P) – represents Trinity Campus

December Housing Action Plan

Establishes a goal for Burlington's share of the regional Building Homes Together campaign's target of 5,000 new housing units in next 5 years:

- Support the creation of 1,250 new homes, including 312 (25%) permanently affordable by end of 2026
- Support the creation of 78 new homes for formerly homeless residents (25% of the permanently affordable goal) through partnership with affordable housing developers



December Housing Action Plan

This plan included a number of strategies related to the goal to end chronic homelessness:

- Invest at least \$5 million of ARPA funds:
 - \$3 million has been designated to initiatives to end homelessness
 - \$1-2 million additional to build new permanently affordable housing invested through partners
- Fully fund Housing Trust Fund to voter-approved levels in FY2023
- Create a Special Assistant to End Homelessness position in CEDO, single point of accountability for expanded community efforts
- New investments to strengthen the Chittenden County Coordinated Entry team's progress towards "functional zero" with a comprehensive, real-time data effort
- Invest in approx. 30 shelter pods and related infrastructure to create a new low-barrier facility for 2022 (CEDO)

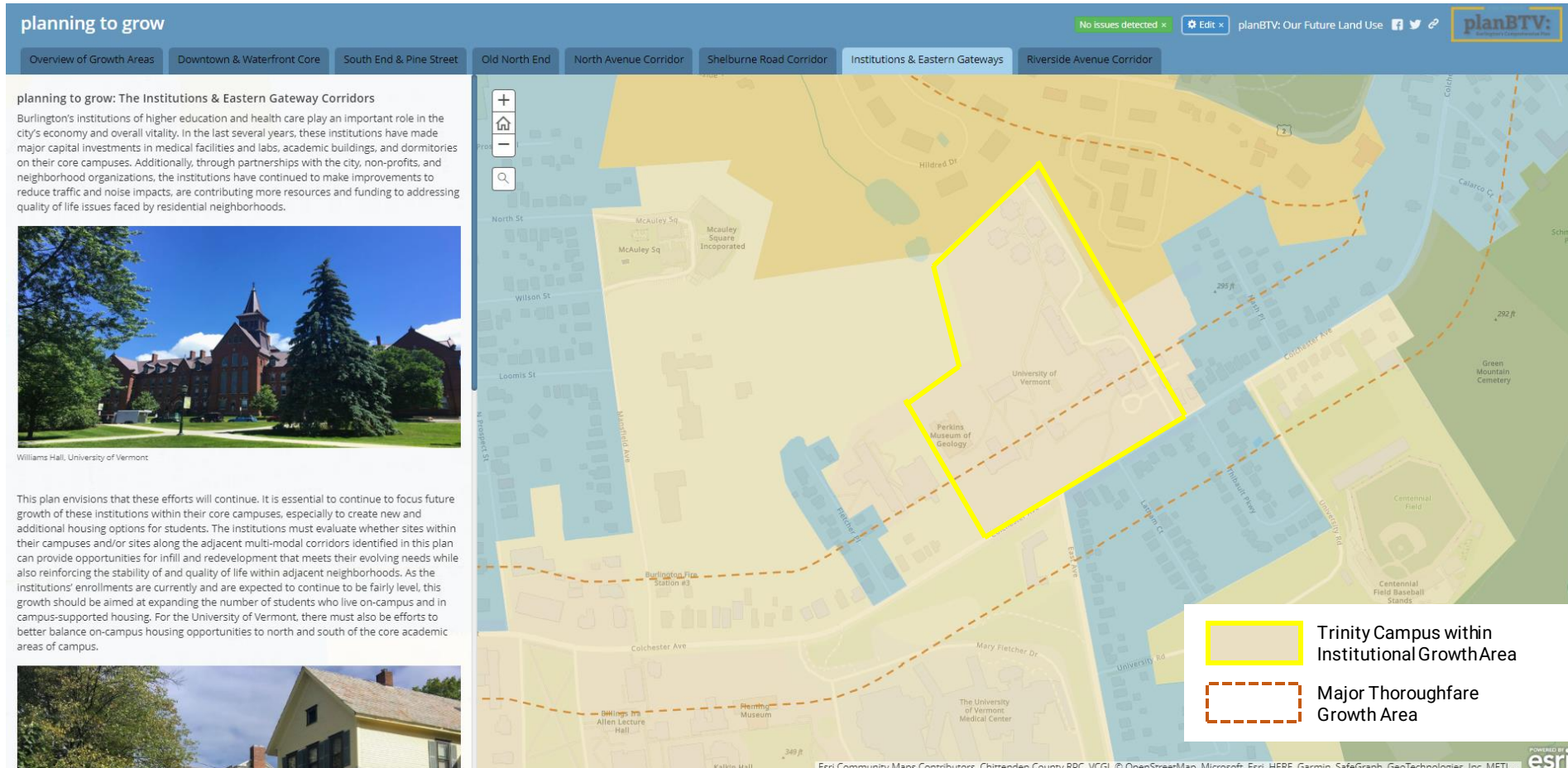
December Housing Action Plan

Items that have been on Planning Dept. & Commission's work plan are a big part of this plan and complement to these specific efforts:

- *New on-campus UVM student housing opportunities through zoning changes for UVM's Trinity Campus*
- Consider housing opportunities as part of the creation of an Innovation District in a portion of the South End Enterprise Zone
- Expand opportunities for new homes in every neighborhood in ways that reflect the character of these parts of the city through "missing middle" zoning reforms

Relationship to planBTV

***planBTV* identifies the Trinity Campus and Colchester Avenue Corridor in Institutional and Major Thoroughfare growth areas:**



Online Future Land Use Map: <https://burlingtonvt.maps.arcgis.com/apps/MapSeries/index.html?appid=338ab1215f9c4526b79cc6596fcc9674>

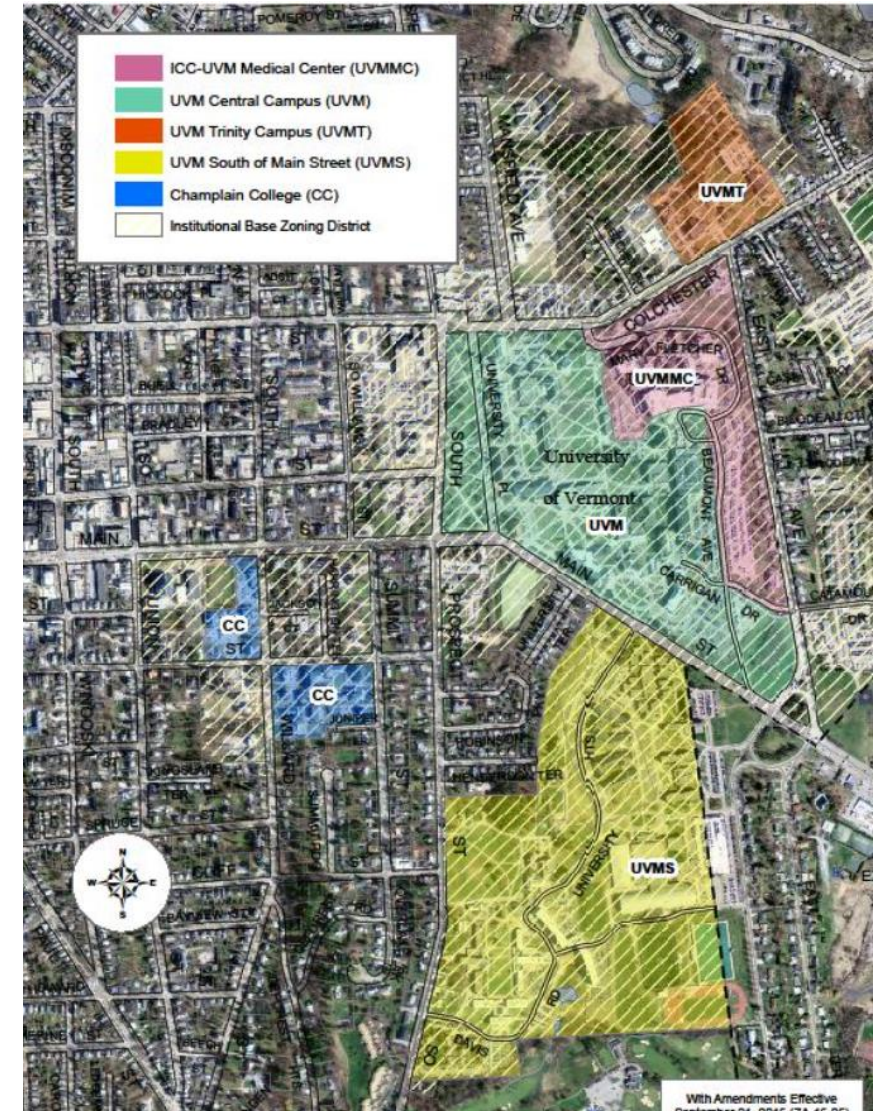
Goals for Trinity Campus Rezone

- Facilitate the greatest number of student beds as can be responsibly developed
- Mix of uses that provides neighborhood commercial amenities, and creates a vibrant residential community to attract interest from a range of students
- Reorganize buildings and open spaces to activate campus public space, synergy with City's planned walking & biking improvements on Colchester Avenue
- Minimize parking on the campus, ensure adequate bike facilities
- If new parking created, focus on structured parking that may also provide community benefit
- ***UVM's request also included goals to:***
 - Build new undergraduate residence halls, as well as graduate apartments
 - Upgrade some of the existing residence halls on the Campus and expand dining hall
 - Enhance sense of community on the campus

Background on Campus Overlays

What are Institutional Core Campus Overlays?

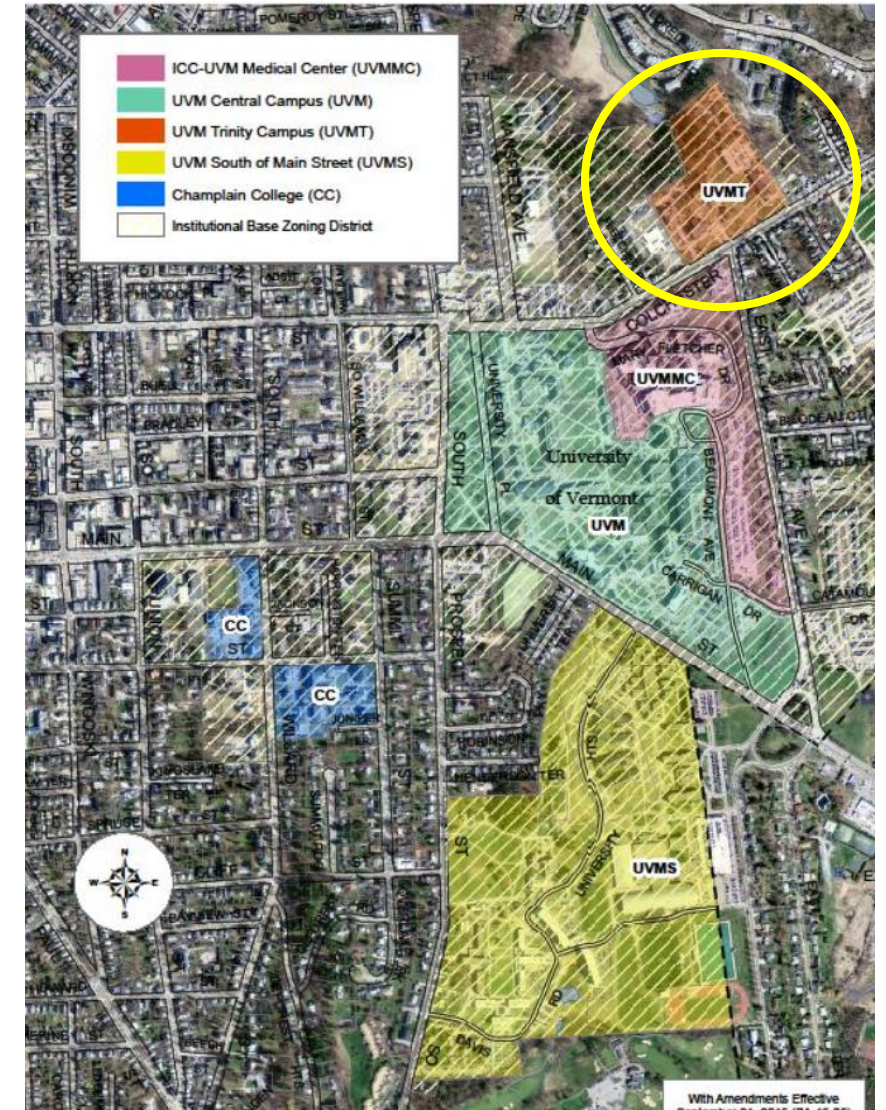
- Apply to portions of the Institutional Zoning district
- Differ based on the purpose and role of the part of campus
- Include varied standards for height, density, setbacks, lot coverage, etc.
- Range from enabling the most intense development (in UVM Core Campus & UVMMC) to providing lower intensity development and neighborhood transitions



Background on Campus Overlays

Significant portion of Trinity Campus in overlay:

- Trinity Campus Overlay created in 2001 following closure of the college; UVM acquired campus in 2003
- Provide future neighborhood/community serving mixed-use & collegiate use of the campus without further intrusion into surrounding neighborhoods
- Overlay does not apply to The Cottages, 50 Fletcher Place, Ira Allen School, or BSD Admin Office
- Despite some discussion in 2009, largely the same provisions since the overlay was first created

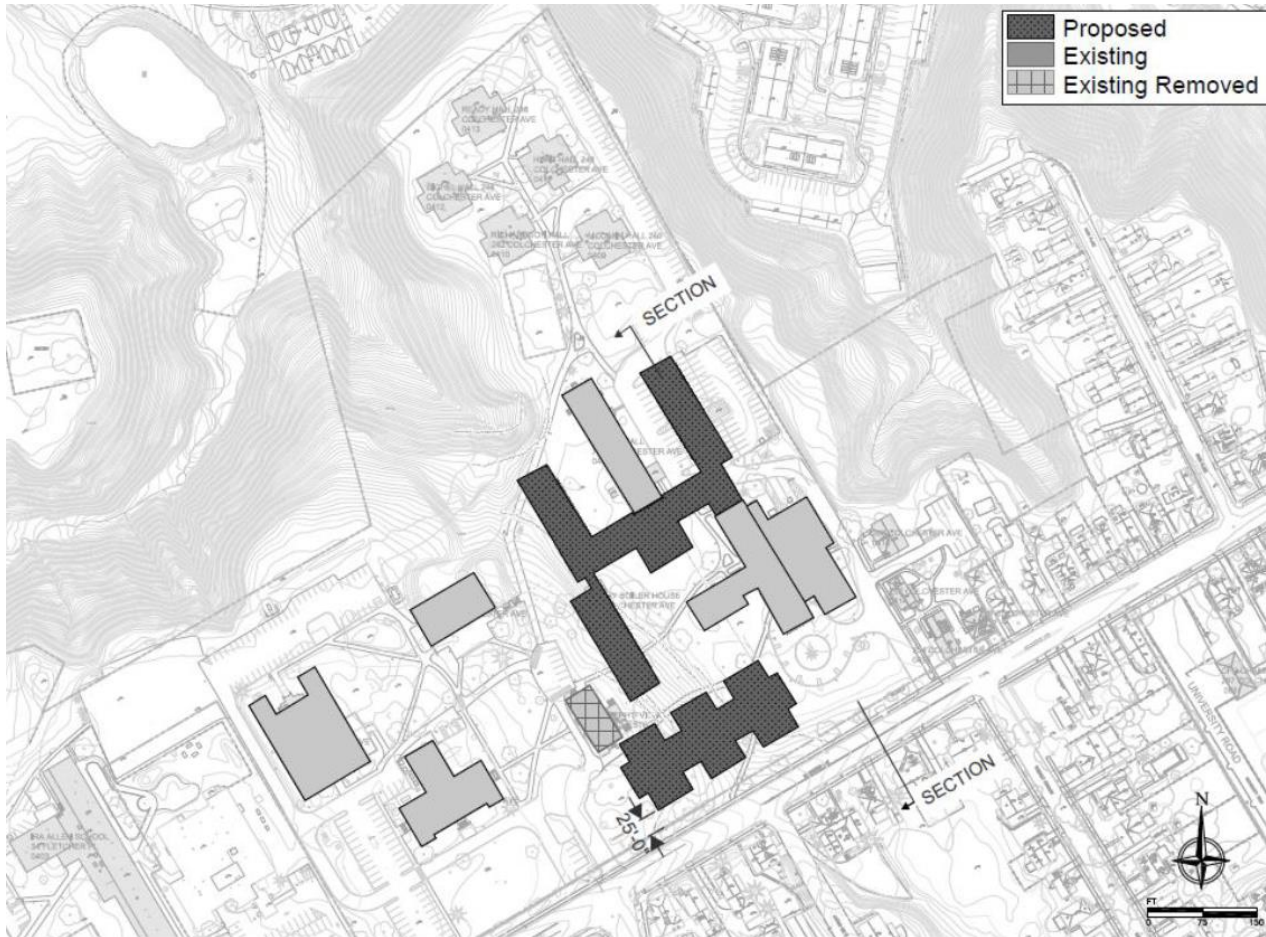


Trinity Overlay- Existing Standards

- **Building Height:** 35 ft or tallest existing structure (55 ft max)
- **Lot Coverage:** 40%
- **Density:** 20 units/acre
- **Setbacks:** special 115' setback from Colchester Ave (200 sq.ft. bldg. max)
- **Parking:** no new surface parking, otherwise part of JIPMP
- **Uses:** Allows for mix of uses, but non-residential only permitted if in bldg. built before 2002; otherwise conditional use
- **Process:** development greater than 15,000 sq.ft. requires Major Impact Review



UVM Requested Zoning Changes



Infill Concept & renderings for Trinity Campus courtesy of UVM February presentation



UVM Requested Zoning Changes

In February, UVM presented request to modify zoning provisions:

- **Height:**
 - 45' within the setback from Colchester Ave
 - 80' beyond (i.e. Mann Hall to north)
- **Lot Coverage:**
 - increase to 60%
- **Setbacks:**
 - 25' setback for buildings 45' or less
 - allow buildings closer than 115' from Colchester Ave



Relationship to Pending CDO's

There are two pending amendments that have a relationship to development at Trinity Campus:

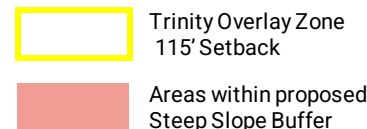
Pending ZA-22-04: Steep Slopes Overlay

- Buffer including and 50' upland of steep slopes
- Require geotechnical analysis of development suitability
- Back of Trinity Campus along ravine, goal to move development from sensitive areas
- Slope considerations + buffer from Colchester Ave reduces potential buildable area



Pending ZA-22-07: Maximum Parking & TDM

- Eliminate minimum parking requirements city-wide
- Maintains Parking Management Plan as a requirement for major institutions
- Requires approval of a Plan as a prerequisite to issuance of a zoning permit or certificate of occupancy
- Makes clear that failure to submit Annual Report is a zoning violation
- Minor changes to clearly identify which data to include in both the 5-Year Plan & Annual updates



Additional Considerations

Shared goals for Campus infill may be further limited by some of standards in the Trinity Overlay:

- Other Campus Overlays do not apply a density limit to enable institutions to maximize their anticipated growth within their campus areas.
 - *Trinity Zoning maintains the base Institutional Zone density limit- should this be modified?*
- Limited range of non-residential uses limited to existing buildings, or conditional use.
 - *Should the Overlay zone enable these uses within new developments planned for the campus?*
- In Neighborhood Mixed Use & Institutional zones, Major Impact threshold is 20,000 sq.ft. footprint or 40,000 sq.ft. gross area
 - *Should the threshold for Major Impact just on Trinity Campus remain at 15,000 sq.ft.?*

Additional Considerations

Goals for campus infill impacted by some of the permitting limitations in the Trinity Overlay:

- Continued interest in overall growth plans for the Institutions, and how specific zoning request fits into this overall vision.
 - *Is there a role for a campus master plan requirement that acts as a complement to Parking Management Plan process?*

Additional Considerations

- Trinity Overlay as a pilot for other sub-area master plans:
 - A conceptual plan for part of campus that links anticipated developments and Joint Institutional Parking Management Plan process in a holistic vision
 - Provide community advanced notice of development plans for major institutions/portions of institutions' campuses
 - Give guidelines and standards on which institutions can rely for future long-term planning and development (i.e. how does this site relate to the questions on the previous slide)
 - Allow the City and institutions to anticipate and plan for public/capital/programmatic needs, potential future impacts that can be mitigated in advance
 - *Focus on location and capacity of planned improvements- both residential and non-residential*
 - *Provide a complement and linkage to JIPMP information/process*

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*Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Michael Gaughan
Emily Lee
Brynne Martin*

Burlington Planning Commission

Wednesday, May 25, 2022, 6:30 P.M.

Remote Meeting via Zoom

Minutes

Members Present	A Montroll, A Friend, E Lee, M Gaughan, B. Martin,
Staff Present	M. Tuttle, C. Dillard, S Morgan
Public Attendance	S. Bushor, B Headrick

I. Agenda

Call to Order	Time: 6:33pm
Agenda	Add Agenda item 6.5, Reappointment of Planning Director, Meagan Tuttle

II. Public Forum

Name(s)	Comment
S. Bushor	Sent a detailed communication about Trinity Campus rezoning and hopes the Commissioners had a chance to review her concerns. Thanked B Martin for her time on the Planning Commission. Appreciated her perspective, participation, and saddened that her voice will not be included in the Commission.

III. Chair's Report

A Montroll	Also thanked B Martin for her time on the Planning Commission and expressed that she will be missed.
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IV. Director's Report

M Tuttle	Welcome to Sarah Morgan, the newest Planner, who started May 11. She will be moving to Burlington in mid-June. Her previous work in Ohio includes environmental justice and GIS. Charles Dillard, who is also new to the team, will be moving to Burlington in early June.
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V. Proposed CDO Amendment: Public Art

Motion by: E. Lee	Second by: A. Friend	Vote: 5-0
Type: Move to Public Hearing	Presented by: C Dillard and S Gustin	
Commissioner discussion:		

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505.

- A recent update to the form code removed regulating language of public art. A member of the public came forward with a concern and took it up with the Ordinance Committee, which then came up with some regulating language.
- The Ordinance Committee has proposed to exempt public art from requirements to get a zoning permit, but came up with 6 standards that public art should adhere to: shall meet public health and safety, shall not be insulting, shall ensure integrity of historic resources, shall not cause or increase non-conformity, shall not obstruct accessibility, shall conform to local and state laws.
- These regulations are intended to help facilitate public art since this is a big part of Burlington's culture.
- Changes also include a new definition that is purposefully broad and intends to cover all types of public art that might exist.
- A Commissioner asked what the governance is on accessibility. An example was provided of a sculpture blocking the middle of a walkway.
- A Commissioner asked whether City Council reviewed this and whether it is consistent with existing regulations.
- Speech is federally regulated and the City cannot pass laws that would limit people's free speech. A request was made to double check this item with the City Attorney's office.
- A Montroll asked who decides whether public art is insulting or not.
- Interpretation would happen more on a complaint basis since, in this proposal, public art does not need a permit request.
- A point was raised about art as a form of free speech on private property.
- A consensus was made that the Commission should be prepared to have answers regarding the language on insulting and free speech when this item is brought forward to a public hearing
- E Lee motioned to move this item forward to a public hearing
- M Gaughan asked for more clarity and review on "Part b" of the zoning amendment and the Commission agreed that changes can still be made after the public hearing.

VI. Proposed CDO Amendment: UVM Trinity Campus Overlay

Motion by: E. Lee	Second by: A. Friend	Vote: 5-0
Type: Move to Public Hearing	Presented by: M Tuttle	
Commissioner discussion:		
• M Tuttle provided a presentation on December Housing Action Plan and how it relates to the Trinity Campus Rezoning • PlanBTV Land Use Plan supports the facilitation of growth within Institutions and the Colchester Ave corridor • The Planning Department's goals for Trinity Campus Rezoning include: Greatest number of student beds; Mixed use of commercial amenities; Reorganize buildings and open spaces; Minimize parking on campus; Make Colchester Ave more accessible for walking and biking; and if new parking is created a plan should focus on structured parking. • UVM has additional goals, including: Build new undergrad residence halls and graduate apartments; Upgrade existing halls; and Enhance overall atmosphere. • Current Institutional Core Campus Overlays include varied standards for height, density, setbacks, lot coverage, etc. • Trinity Campus is between Ash Place and Fletcher Place and the overlay zone only applies to most central portion • The overlay zone was created in 2001 to support future neighborhood use. • Currently, the overlay zone includes the following standards: Building height of 35 ft or tallest existing structure of 55 ft max; Lot coverage density of 40%		

- Existing overlay zone has lower building height, limits uses, etc. and special setback rules than similar campus overlay zones.
- There is also a unique threshold on the permitting process. Institutional zones typically require a major impact review for development 40k square feet or more. The Trinity overlay zone only has a threshold of 15k square feet or more.
- M Tuttle shared some of the images UVM has provided to reimagine Trinity campus, including site plan and design images.
- Consider different height limit, different setback, and different lot coverage
- Two pending amendments also relate to the considerations for Trinity Campus: Steep slopes Overlay and Maximum parking/TDM.
- M Tuttle specifically asked the Planning Commission to consider the following: Should there be a density limit? Should there be a limited range of non-residential uses? Should the overlay zone major impact threshold remain at 15k square feet?
- Discussion:
- S Bushor- Previously, there was a plan to have a neighborhood activity center for mostly commercial use, wondering what happened with this plan? Appreciate the steep slope and the limited potential of the rear of the property. Agree with being more safe and conservative with setbacks and building setbacks, i.e. more breathing room. Would like to see the UVM Master Plan, especially in regards to parking.
- E Lee mentioned concerns she has heard from neighbors surrounding the net housing number and whether this proposed project will genuinely create student housing. The university is potentially not increasing net housing number because it will relieve "triples" in other dorms. Is there a mechanism to ensure a true increase in housing?
- The Planning Commission was previously involved in the joint process with City Council. There was discussion about institutions providing a housing benchmark for campus overlay zones, but ultimately an outside agreement was made with UVM and the City.
- L Kingsbury (UVM) noted that residential life currently does not house any grad students, so there would be a net increase there. The undergraduate housing will provide wiggle room to sustain fluctuations in enrollment. Enrollment in Northeast is going down
- A Commissioner asked whether there is potential for a development agreement between the Administration and UVM as neighbors on adjacent streets have complained about the lack of on-campus student housing.
- M Gaughan compared this proposed overlay zone with JIPMP whether there could be a plan that looks out every 5 years or so at changes in enrollment and employment to consider how to manage that growth. Is there a role in a campus master plan that is a complement to JIPMP?
- A Commissioner raised the point that UVM needs to do more to respond to the economic pressures of the City, especially considering the recent re-appraisal process with property tax increase.
- Joe (UVM) added that UVM appreciates the reappraisal process and pressure on housing in Burlington. Desire to share plans with neighbors and feels that the zoning amendment would help facilitate this.
- L Kingsbury (UVM) added that 2009 was an example of when plans were shared with neighborhoods. UVM has not updated master plan since 2006 and is in the process of updating it.
- A Commissioner suggested a "beds available versus students on campus" analysis could be regularly presented to some body.
- Two points were raised about the language in the proposed zoning amendment: Single detached dwellings not in the overlay but that language is included in the zoning amendment and there is no specific language about dining hall in conditional use, but perhaps should be more clear in the language

Wednesday, May 25, 2022

- There was some consensus that the City should allow additional permitted uses.
- M Gaughan offered that at some point there will be a more urban-looking feel to campus to accommodate the housing needs and the 25 foot setback helps address this.
- This particular overlay zone would establish a 25 foot setback from behind the sidewalk, not the street or greenbelt.
- The rendering from UVM shows distinguishable façades with broken up parts and different setbacks, which could help with the look and feel in regards to setbacks and building heights.
- A discussion was raised about the major impact study requirement and whether keeping the 15k square foot threshold decreases development.
- M Tuttle offered that from a staff perspective it is not good to lift a major impact study. Perhaps a Master Plan could help us understand these impacts.
- A Commissioner asked, what is our ability to regulate the zoning change based on a commitment from an outside actor (UVM)? This did not get adopted in 2009 with some references to legality.
- M Tuttle offered that agreements like this have historically been handled outside zoning ordinance.
- M Gaughan suggested that a major impact study could be replaced by an institutional housing management plan with a 5 year plan of students on campus.

VI.5 Re-appointment of Planning Director

Motion by: E. Lee	Second by: A. Friend	Vote: 5-0
Type: Submit to the Mayor, the re-appointment of Meagan Tuttle as Director of Planning	Presented by: n/a	
Commissioner discussion: • M Gaughan provided praise for M Tuttle’s leadership and previous experience working in a college town. • M Tuttle thanked the Commissioners for their support and collaboration.		

VII. Commissioner Items

• The next meeting is a Public Hearing on June 14 at 6:30pm.
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VIII. Minutes and Communications

Action: Approve the minutes and accept the communications		
Motion by: A Friend	Second by: M. Gaughan	Approved Unanimously
Minutes Approved: May 10 • M Gaughan asked for two changes to the previous minutes: include the point raised about the 3 year length of time associated with the temporary emergency shelter and attribute the point about a focus on permanent affordable housing to him. Communications Accepted: in the agenda packet and posted at https://www.burlingtonvt.gov/CityPlan/PC/Agendas		

IX. Adjourn

Adjournment	Time: 8:20pm	
Motion: E. Lee	Second: B. Martin	Vote: Approved Unanimously