

Burlington Planning Commission

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



Burlington Planning Commission

Regular Meeting

Tuesday, May 24, 2016 – 6:30-8:00 P.M.

****Public Works Conference Room, 645 Pine Street****

AGENDA

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

I. Agenda

II. Report of the Chair

III. Report of the Director

IV. Proposed CDO Amendment- NAC-Riverside Boundary (15 min)

The Planning Commission will discuss a request to reconsider the NAC-Riverside zoning boundary along Riverside Avenue. Materials related to this request are included in the agenda packet on pages 2-9.

V. Public Forum - *Time Certain: 7:00pm*

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

VI. Proposed CDO Amendment- Downtown Mixed Use Core Overlay

The Commission will discuss the proposed CDO Amendment to establish a Downtown Mixed-Use Core overlay. The purpose of this amendment is to facilitate the redevelopment of the Burlington Town Center and help the City to implement many of the central goals and objectives found in the *planBTV: Downtown and Waterfront Master Plan*. A staff memo and supplemental information to aid in the Commission's discussion of this amendment is included in the agenda packet on pages 10-47.

VII. Committee Reports

VIII. Commissioner Items

IX. Minutes/Communications

The Commission will review approve minutes from the April 26, 2016 and May 10, 2016 meetings which are provided on pages 48-58 of the agenda packet and communications on pages 59-79.

X. Adjourn

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

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Anita Wade, Zoning Clerk



TO: Planning Commission
FROM: Meagan Tuttle
DATE: May 24, 2016
RE: Rezoning request for 189-191, 199-215, 237-241, and 245 Riverside Avenue

In April 2015, the Planning Commission received a request from Mark Furnari, on behalf of the four property owners for the Riverside Avenue properties mentioned above, to restore the original General Commercial zoning to these parcels. Mr. Furnari asserts that the change from General Commercial to NAC- Riverside/ RCO- Conservation has restricted development to only the first 75 feet of these properties, when up to 150 feet could be reasonably developed, and has reduced potential residential density from 25-30 units/acre to 10-12 units/acre.

Parcels & Zoning district purpose

A map of these parcels is attached to this memo outlining the current zoning boundaries, overlays and other conditions which impact the properties.

Property	Current Zoning	Other Restrictions	Development on Site Today?
189-191 Riverside	RCO	Nearly all of property within NR Overlay	Yes- within first ~100 feet from property line
193 Riverside (not part of requested change)	RCO & NAC-Riverside	Except southwest corner, property in NR Overlay	Yes- within first ~85 feet from property line
199-215 Riverside	RCO & NAC-Riverside	All but first ~65 feet from property line in NR Overlay	Yes- within first ~100 feet from property line
237-241 Riverside	RCO & NAC-Riverside	Roughly $\frac{3}{4}$ of property in NR Overlay	Yes- within first ~75 feet from property line
245 Riverside	RCO & NAC-Riverside	Roughly $\frac{3}{4}$ of property in NR Overlay	No

NAC-Riverside: Purpose is to allow commercial development already predominantly built along this transportation corridor, but to encourage emerging mixed-use development and walkability. Zoning permits up to 2.0 FAR, 80% lot coverage and 20-35 ft building height by right. Bonuses may be granted up to 3.0 FAR, 90% lot coverage and 45 ft building height.

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RCO-Conservation: Purpose is to preserve the function, integrity and health of the City's significant natural areas; may contain passive recreation when these activities are compatible with the protection of natural features.

NR Overlay- Riparian and Littoral Conservation Zone: Purpose is to protect and preserve the city's surface waters and upland areas from encroachment by development and from sources of non-point pollution, and to assure that development occurs within flood/hazard areas in a way that minimizes or eliminates potential for flooding or loss/damage to life or property. This overlay applies within 250 feet of the Winooski River.

Buildable Area Calculation: This calculation applies to properties greater than 2 acres within the RCO, WRM, RM, WRL and RL zoning districts, for the purpose of protecting sensitive natural features, preventing overdevelopment of properties with sensitive and unbuildable areas, and ensuring that new development fits within the scale and intensity of an existing neighborhood. Land is considered buildable if it is not inundated by water at least 6 months of the year and if the slope does not exceed 30%. For properties with a slope of 15-30%, the DRB may approve a conditional use to allow development at up to 50% of the maximum density/lot coverage if it can be demonstrated that it does not negatively impact the criteria listed above.

Modification to the NAC-R boundary & district provisions

At the March 8, 2016 Planning Staff recommended an amendment to Map 4.4.2-1 Neighborhood Mixed Use Districts and Map 4.4.6-1 Recreation Conservation, Open Space Districts to extend the NAC-Riverside zoning district boundary to 125 feet from the street center line on the north side of Riverside Avenue. Currently, the boundary is 100 feet from the street center line. A map is attached to illustrate the change to the NAC-R boundary.

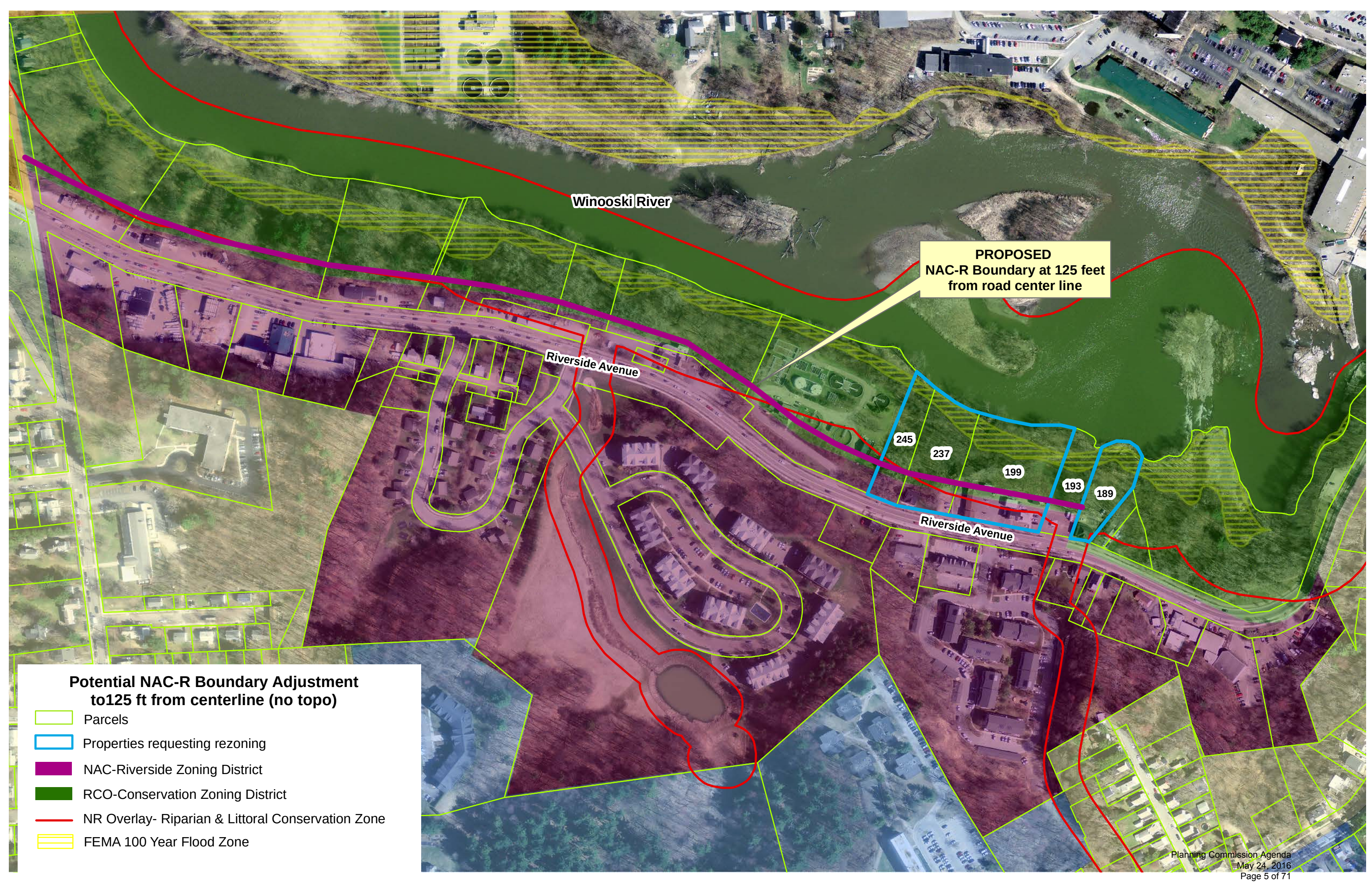
This modification includes a conservative increase in the developable area of all sites along the northern side of Riverside Avenue in order to achieve the NAC-R district's purpose of encouraging mixed-use development. This change would permit development on the properties from 193-245 Riverside Avenue that is generally consistent with where development is occurring on the properties today, and would continue to limit the extent of development along Riverside Avenue in order to preserve the integrity of the bank of the Winooski River and uphold the purpose of the RCO-C and NR Overlay districts. However, due to the increased intensity of the slopes along Riverside Avenue between Intervale Road and the City's Wastewater Treatment Plant, the Planning Commission asked staff to reconsider a scenario that better accommodates the topography.

To address the concern for the variation in slopes throughout the corridor, staff recommends the following changes to the NAC-Riverside zoning district:

1. Amend Maps 4.4.2-1 and 4.4.6-1 to extend the NAC-R boundary to 125 feet from the street center line on the north side of Riverside Avenue

2. Add a "Sec.4.4.2 (d) 2. C" to the NAC-R provisions, which applies a modified buildable area calculation to the NAC-R zoned portions of those properties on the north side of Riverside Avenue. The current buildable area calculation will continue to apply to the remaining portion of these properties zoned RCO. The proposed language for this section is included in the attached document.

The property located at 189-191 Riverside Avenue was included in the request to be rezoned. Unlike the other properties included in Mr. Furnari's request, the property is currently zoned RCO-Conservation, with no portion of the site currently zoned for NAC-R. Furthermore, nearly the entire site is located within the Natural Resource Protection Overlay: Riparian and Littoral Conservation Zone. Therefore, it is not recommended that the NAC-R boundary be extended to the east to include any portion of this property, or any properties further to the east.



Winooski River

Riverside Avenue

PROPOSED
NAC-R Boundary at 125 feet
from road center line

245

237

199

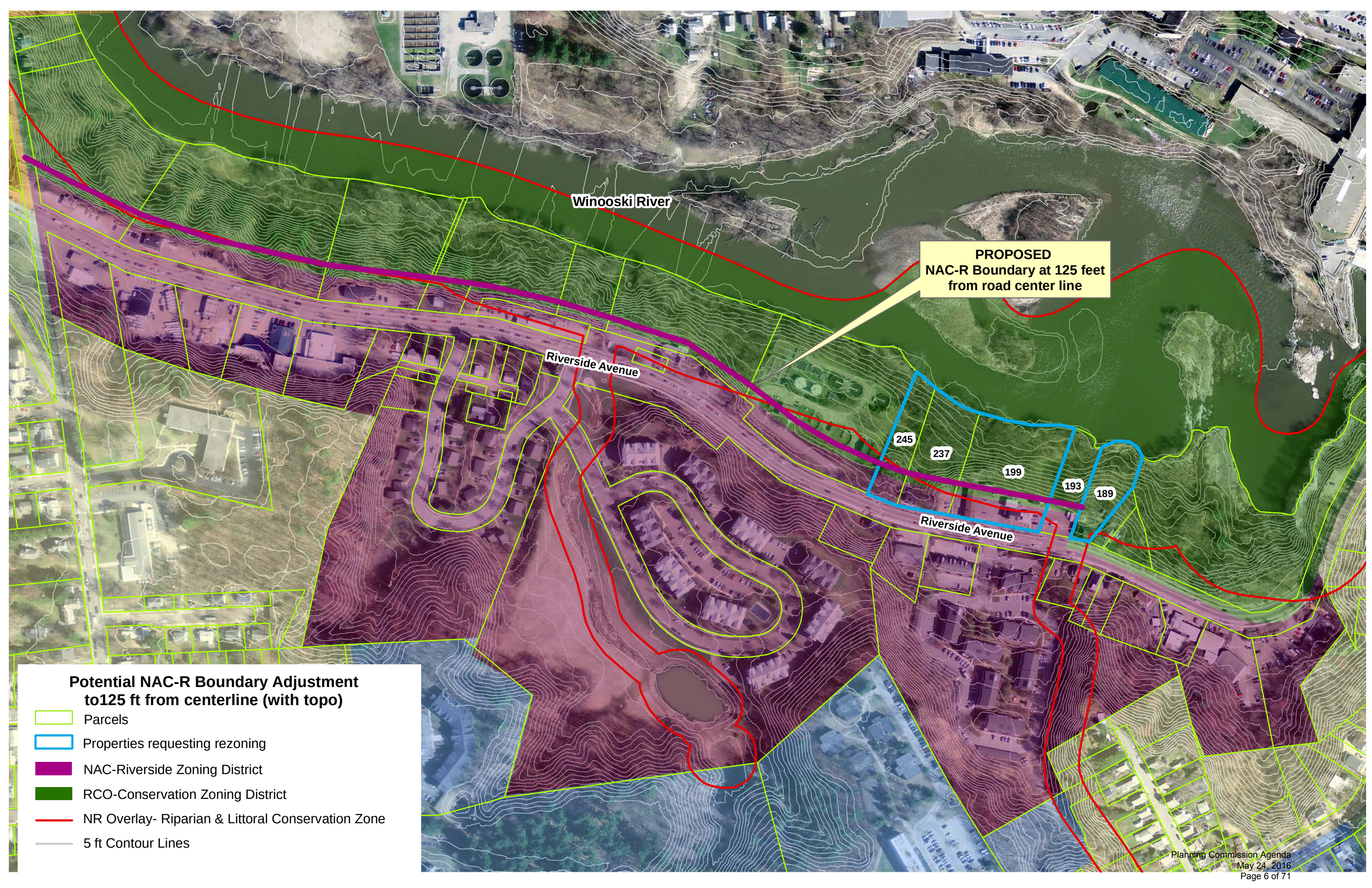
193

189

Riverside Avenue

**Potential NAC-R Boundary Adjustment
to 125 ft from centerline (no topo)**

- Parcels
- Properties requesting rezoning
- NAC-Riverside Zoning District
- RCO-Conservation Zoning District
- NR Overlay- Riparian & Littoral Conservation Zone
- FEMA 100 Year Flood Zone



Winooski River

PROPOSED
NAC-R Boundary at 125 feet
from road center line

Riverside Avenue

245

237

199

193

189

Riverside Avenue

**Potential NAC-R Boundary Adjustment
to 125 ft from centerline (with topo)**

- Parcels
- Properties requesting rezoning
- NAC-Riverside Zoning District
- RCO-Conservation Zoning District
- NR Overlay- Riparian & Littoral Conservation Zone
- 5 ft Contour Lines

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-16-??- NAC-Riverside Map Change & Buildable Area Calculation

DRAFT as proposed by Planning Staff for the PC Meeting May 24, 2016

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

Part 4: BASE ZONING DISTRICT REGULATIONS

Sec 4.4.2 Neighborhood Mixed Use Districts

(a) **Purpose-** *No Change*

(b) **Dimensional Standards and Density-** *No Change*

(c) **Permitted and Conditional Uses-** *No Change*

(d) **District Specific Regulations**

1. Ground Floor Residential Uses Restricted

In order to maintain an active streetscape for pedestrians and pedestrian-oriented businesses and activities, residential uses shall not be permitted within 25-feet of a public street right-of-way along the street-level frontage in the NAC District.

2. Exception to Maximum Lot Coverage in NAC District

The following exceptions to the maximum lot coverage standards for the NAC District of Table 4.4.2 -1 may be provided as follows:

A. Landscaping

Developments that provide landscaping within a parking lot may increase lot coverage above the allowable 80% maximum up to a lot coverage maximum of 85%. This additional lot coverage is limited to twice the landscaping area within a parking lot for each landscaped area of at least 125 square feet with a minimum width of 8 feet excluding curbs, and that include significant shade trees whose mature height is at least 35 feet. If more than two such trees are planted, they shall be 30 feet on center, linear.

In calculating lot coverage, sidewalks are not to be included that are shaded with significant shade trees whose mature height is at least 35 feet and are planted 30 feet on center, linear. A substantial tree must be at least 3 inches in caliper and planted in accordance with Section 11 of the city's "Burlington Street Tree Planting Plan" design and planting recommendations.

B. Housing

Developments that provide housing in addition to non-residential uses may increase lot coverage above the allowable 80% maximum by allowing an additional two square feet of lot coverage for every square foot of housing, up to a lot coverage maximum of 90%.

C. Buildable Area Calculation

For properties located on the north side of Riverside Avenue, the maximum building density or lot coverage shall be calculated using the buildable area only. Buildable area shall be deemed to include only those portions of a property that are 1) within the NAC-R zoning district, 2) not inundated at least six months per year by water including streams, ponds, lakes, wetlands and other bodies of water, and 3) lands with a slope not to exceed 30%.

The DRB may under conditional use criteria allow up to 50% of the maximum building density or lot coverage to be calculated on lands with a slope between 15-30% if the applicant can demonstrate that the density or lot coverage will not have an undue negative impact on sensitive natural features.

3. Development Bonuses/Additional Allowances

The following exceptions to maximum allowable base building height and FAR in Table 4.4.2-1 above may be approved in any combination subject to the maximum limits set forth in Table 4.4.2-2 below at the discretion of the DRB. The additional FAR allowed shall correspond to the proportion of the additional building height granted to the maximum available.

A. Inclusionary Housing:

Inclusionary housing units shall be provided, with applicable additional coverage and density exceptions, in accordance with the provisions of Article 9, Part 1. An additional allowance in the NAC and NAC-Riverside districts may be permitted at the discretion of the DRB for the provision of additional onsite inclusionary housing units.

A maximum of an additional 10-feet of building height, and corresponding FAR, may be permitted at the discretion of the DRB for an additional 5% inclusionary housing units provided onsite in excess of the requirements of Article 9, Part 1. The total gross floor area dedicated to the additional inclusionary housing shall be equivalent to the gross floor area resulting from the additional allowance.

B. Senior Housing:

A maximum of an additional 10-feet of building height, and corresponding FAR, may be permitted at the discretion of the DRB in the NAC and NAC-Riverside districts where no less than twenty-five per cent (25%) of the total number of onsite units are reserved for low-moderate income senior households as defined by state or federal guidelines, including no less than ten percent (10%) reserved for low-income households. The total gross floor area dedicated to the senior

housing shall be equivalent to the gross floor area resulting from the additional allowance.

C. Maximum Bonus:

In no case shall any development bonuses or allowances granted, either individually or in combination, enable a building to exceed the maximum FAR and maximum building height permitted in any district as defined below:

<i>Table 4.4.2 -2: Maximum FAR and Building Heights with Bonuses</i>		
	Maximum FAR	Maximum Height
NAC	3.0 FAR	45 feet
NAC-Riverside	3.0 FAR	45 feet

Map 4.4.2-1 Neighborhood Mixed Use Districts *(adjust to show new district boundary)*

Map 4.4.6--1 Recreation, Conservation, Open Space Districts *(adjust to show new district boundary)*

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TO: Planning Commission
FROM: Planning Staff
DATE: May 24, 2016
RE: Proposed Downtown Mixed Use Core Overlay (DMUC) Zoning Amendment

At its May 10, 2016 meeting the Planning Commission received a draft ordinance for the proposed Downtown Mixed Use Core Overlay zoning amendment, referred to herein as "DMUC." The overall framework for this proposed amendment, as summarized in Exhibit D of the Predevelopment Agreement, was approved by Council on May 2, 2016. The proposed DMUC amendment includes specific language consistent with this framework, and is recommended by Planning Staff in order to accomplish the following goals:

1. Guarantee that redevelopment projects in this part of downtown incorporate elements that have long been identified as important to the City through the *planBTV: Downtown and Waterfront Master Plan* and through public discussion around the redevelopment of the Burlington Town Center site.
2. Enable the redevelopment of the Burlington Town Center mall at a scale and mass that could not otherwise be built under the City's existing zoning regulations.

Planning Commission Review

The Planning Commission is asked to review the proposed zoning amendment and make a recommendation regarding the amendment to City Council as soon as possible so they can take action within 120 days (approx. Sept. 9, 2016) as outlined in the Predevelopment Agreement. While the proposed project, as referenced in the approved predevelopment agreement, may at times be looked to as an example of how the proposed ordinance language could be applied, it is important to distinguish that an evaluation of the proposed project is the purview of the DAB and DRB. The Planning Commission's role is to consider the policies set forth in planBTV and discussions that have led to the draft Form Based Code, and evaluate the appropriateness of the proposed ordinance amendment for this part of downtown.

An excerpt of the Predevelopment Agreement regarding the proposed change to Municipal Zoning is attached to this memo on page 13. Exhibit D, which includes the framework for the proposed amendment, is included on page 16, and the proposed zoning amendment language as recommended by Planning Staff is included on page 19. A chart of the key elements of the proposed amendment, along with staff notes and recommended actions follows on page 33.

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In addition to upcoming regular meetings, staff proposes that the Planning Commission schedule two special meetings to accommodate its review of the proposed DMUC Ordinance, as follows:

- **May 24: Regular Meeting**- Agenda to include extended opportunity for public input during the Public Forum, and Commission discussion of the schedule for consideration of the DMUC and requests for a model.
- **June 7: Special Meeting**- Worksession for Planning Commission DMUC – Planning Commission discussion only
- **June 14: Regular Meeting**- Agenda to include discussion of DMUC with opportunity for public input during the Public Forum. Proposed action will be to warn the Commission's required public hearing.
- **June 21: Special Meeting (*rescheduled June 28 Regular Meeting*)** - Agenda not anticipated to include DMUC but will anticipate opportunity for public input during the Public Forum
- **July 6: Special Meeting**- Public Hearing on the proposed DMUC. Proposed action will be to forward the Commission's recommendation and any comments to the City Council in anticipation of their July 11 meeting.

Consistency with Public Policy and Process

The public process to create a successful redevelopment concept for the Burlington Town Center mall site has its roots in *planBTV: Downtown & Waterfront*, where the City outlined a bold vision to transform the mall site and reconnect critical north-south streets. *planBTV: Downtown & Waterfront* was formally and unanimously adopted by the City Council in June 2013 and incorporated into the City's Municipal Development Plan. This vision evolved as the City invited the mall owner to take part in a public process to explore in more detail the community's desires for the site, and the feasibility of constructing a project which meets these goals. The City Council formally endorsed engaging in a partnership with the new mall owner and undertaking this community planning process in December 2014. The plans for the proposed project, which were included in the Predevelopment Agreement, are the result of over 18 months of discussion about the most important elements of a project in this location.

The proposed DMUC amendment follows years of public process, and seeks to codify those key elements that the community has identified as being important in both *planBTV* and the mall community engagement process. The proposed DMUC was drafted based on:

- the "Timeless Principles" for downtown development as articulated in *planBTV* (attached, page 40)
- the *planBTV* vision for a more densely developed, mixed-use mall site that restored the connectivity of the street grid (attached, page 44)
- key recommendations from the community & DAPAC throughout the mall's public process (page 36 and 37).

While the proposed project has served as an example of how these principles and community goals can be realized, the proposed DMUC amendment has been drafted with the intent that these regulations would guide redevelopment in the core of downtown in a way that meets the community's vision regardless of who is developing the site.

Proposed Project Background Information

Staff does not intend for presentations and discussions on the proposed DMUC zoning ordinance to include an evaluation or discussion of the proposed redevelopment project. Therefore, Commissioners who are interested in project specifics may want to revisit past presentations, studies and other evaluations of the proposed project in advance of the Planning Commission's discussion of the DMUC.

Revised plans, sun studies, the City's Technical Team analysis of urban design, an economic impact analysis, and more information is located on the City's website at the following link: www.burlingtonvt.gov/btvmall

housing) without the prior written approval of the City acting through the City Council. Owner additionally agrees that the Champlain Student Housing component of the Project will include not more than 80 units and shall either be managed by Champlain College, or it shall be appropriately managed either by Owner (or its affiliate) or by a property management company with experience and a proven track record managing student housing. Other than the Champlain Student Housing referenced above, all other forms of purpose-built or master-leased student housing shall be subject to the review and approval of the Burlington City Council. Nothing contained herein limits the availability of other housing units in the Project for occupancy by individuals, including, without limitation, those who may be pursuing full or part time higher education, seniors or work force members.

c. In addition to the affordable, or inclusionary, housing to be included as a component of the Project (as described in the Background section to this Agreement), Owner shall endeavor to develop some “workforce housing” as part of the residential component of the Project, “workforce housing being that which targets households with incomes between 80% to 120% of the median income for the Burlington/South Burlington MAS, adjusted for household size. The City agrees to use its diligent, reasonable and good faith efforts to support Owner’s efforts to apply for and obtain finance subsidies and Low Income Housing Tax Credits that are normally available from either the State of Vermont or the U.S. government to qualified Vermont development projects that include Affordable Housing and/or Work Force Housing, such as that which this Project intends to offer.

d. Owner agrees to revise the Plan Set to be consistent with the Revised Plan Sheets, and agrees that the plans submitted to support permit applications for the Project shall be consistent with the revised Plan Set, subject to the other provisions of this Agreement. Owner further agrees to revise the Plan Set to remove the aerial walkway depicted over St. Paul Street, provided that nothing herein shall constitute a waiver of Owner’s right to seek construction of an aerial walkway over St. Paul Street in the future, provided that Owner is able to obtain necessary permitting.

e. Owner agrees to use reasonable efforts to utilize Burlington Telecom residential and commercial services if such services are available to the Project on the time-line described herein and such services are available on terms and conditions that are competitive with other similar services on a commercial and residential basis.

f. The City acknowledges receipt and review of satisfactory three dimensional, 3D animated, and photo-realistic, simulated images and perspectives of the Project taken from various vantage points in and around downtown Burlington to facilitate the City’s assessment and evaluation of the Project height and massing that Owner has proposed, and the City reserves the right to further review such materials and to reasonably request additional materials for further evaluation.

3. Municipal Zoning.

a. The Parties acknowledge that as presently designed, the Project could not be

approved under the terms of the Zoning Ordinance because, among other things, it exceeds applicable height and setback limitations. In order to construct the Project, Owner will require an amendment to the Zoning Ordinance to establish a new overlay district within that portion of the City of Burlington that includes the Property, within which a Project that is consistent with the Plan Set could be developed without exceeding applicable height, setback and other requirements.

b. Owner and the City agree that the present Project design, as reflected on **Exhibits A and B**, needs further refinement to take into account the Parties' concerns regarding certain aesthetic aspects of the Project design, specifically including the uniformity of mass and of the skyline, façade articulation and design, and the location and design of vertical step-backs, and that Owner and the City are in the process of negotiating revisions to the Project design to address the Parties' concerns. The Parties acknowledge that the zoning amendment referenced above will include prescriptive design standards and requirements with regard to the uniformity of mass and skyline, façade articulation and design, the location and design of vertical step-backs, and primary and accent façade materials used in the Project. The Parties agree that the Project would conform with the Zoning Ordinance if the Zoning Ordinance were amended substantially in accordance with **Exhibit D** attached hereto and made a part hereof (the "Zoning Amendment Summary") and the Project design were modified to conform with the requirements of the Zoning Amendment Summary. Notwithstanding the foregoing, the Parties agree that the Project design reflected on **Exhibit A as modified by Exhibit B** is acceptable regarding the overall square footage and floor area ratio (FAR) of the Project, and that the uses described on Exhibit D are acceptable.

c. The City shall support an amendment to the Zoning Ordinance which will permit the lawful development and use of the Project, subject to standards and criteria to be developed in consultation with Owner including, without limitation, the design criteria set forth in the Zoning Amendment Summary. The City, acting through the Office of the Mayor, shall use diligent, good faith efforts to (i) submit, or cause to be submitted, in writing to the City Planning Commission such an amendment to the Zoning Ordinance within ten (10) days of execution of this Agreement and (ii) obtain final legislative approval of such an amendment to the Zoning Ordinance within one hundred and twenty (120) days following execution of this Agreement. **The Parties agree that if the City fails to amend the Zoning Ordinance on or before the one hundred twentieth (120th) day following the date of the execution of this Agreement in a manner that will enable the Project to obtain zoning approval, then Owner shall have the right, but not the obligation, to terminate this Agreement.**

d. The City, acting through the Office of the Mayor, shall use diligent, good faith efforts to facilitate the adoption of an amendment to the Zoning Ordinance to facilitate the Project, with the understanding that only the Burlington City Council and Planning Commission have the authority to adopt amendments to the Zoning Ordinance, which must be adopted in accordance with applicable laws, ordinances and regulations. Owner shall timely submit the materials and submissions to the level of completeness necessary for the City to process an amendment to the Zoning Ordinance so as to reasonably facilitate Owner's adherence to the Project Schedule. Without limiting the foregoing, the City agrees that so long as Owner timely submits the materials and submissions necessary to process an amendment to the Zoning Ordinance, the City's administrative personnel shall use diligent, good faith efforts to process such submissions in a

timely manner so as to reasonably facilitate Owner's adherence to the Project Schedule.

e. In consideration of the City's agreement to undertake efforts to support and facilitate such an amendment to the Zoning Ordinance, and in consideration of the funds expended by the City in support of the Project, Owner shall, subject to the application of the reimbursement provisions described in Section 4 of this Agreement, construct the Public Improvements as a component of the Property in the first phase of its construction of the Project. Owner covenants and agrees that prior to commencing the construction of any portion of the Project (it being understood that, as stated on the project schedule attached as Exhibit C to this Agreement, the commencement of construction includes the demolition of the existing improvements on the Property), it shall provide the City with (i) a copy of an executed construction contract that contains a guaranteed maximum price to construct the Public Improvements, together with payment and performance bonds for the City's benefit issued by a solvent and reputable bonding company in the amount of such guaranteed maximum price, consistent with the requirements of Section 3.2.10 of the Zoning Ordinance or such other security reasonably acceptable to the City and (ii) evidence that the obligation to construct the Private Improvements is subject to a guaranteed maximum price contract that is secured by payment and performance bonds for the benefit of the construction lender, a completion guaranty for the benefit of the construction lender, or another customary and commercially reasonable form of financial surety reasonably satisfactory to the City. Owner agrees that the City will not have an adequate remedy at law for Owner's noncompliance with the provisions of this paragraph and, therefore, the City shall have the right to equitable remedies, such as, without limitation, injunctive relief and specific performance, to enforce the foregoing covenant and agreement.

f. The Parties acknowledge that prior to constructing the Project, it will be necessary for Owner to obtain permits and approvals for the Project from the Burlington Development Review Board ("DRB"), that the DRB is an independent body not under the City's control, and that the City does not and cannot guaranty that the DRB will approve the Project even if the Zoning Ordinance is amended. During that zoning amendment process, the Owner shall make its best efforts to submit permit application materials at the earlier, legally permissible time to the level of completeness necessary for the DRB and other Boards to consider Owner's application for the permits and approvals necessary to develop and construct the Project so as to reasonably facilitate Owner's adherence to the Project Schedule. **The Parties agree that if Owner fails to obtain the necessary permits and approvals to develop and construct the Project prior to October 15, 2016, or such later date as may be communicated to the City in writing by Owner, then all of the Parties' rights and obligations under this Agreement shall terminate.**

g. Upon the City's request, Owner agrees to provide up to \$16,000 for the City to commission an industry quality physical 3D model or additional 3D computer simulated visualizations of the Project and its surroundings. Owner shall direct its architects and designers to provide the 3D model preparer with the necessary plans, specifications and other materials and information necessary to prepare such model.

4. Waterfront TIF District; Payment for Public Improvements.

Burlington Comprehensive Development Ordinance
PROPOSED Downtown Mixed Use Core Overlay

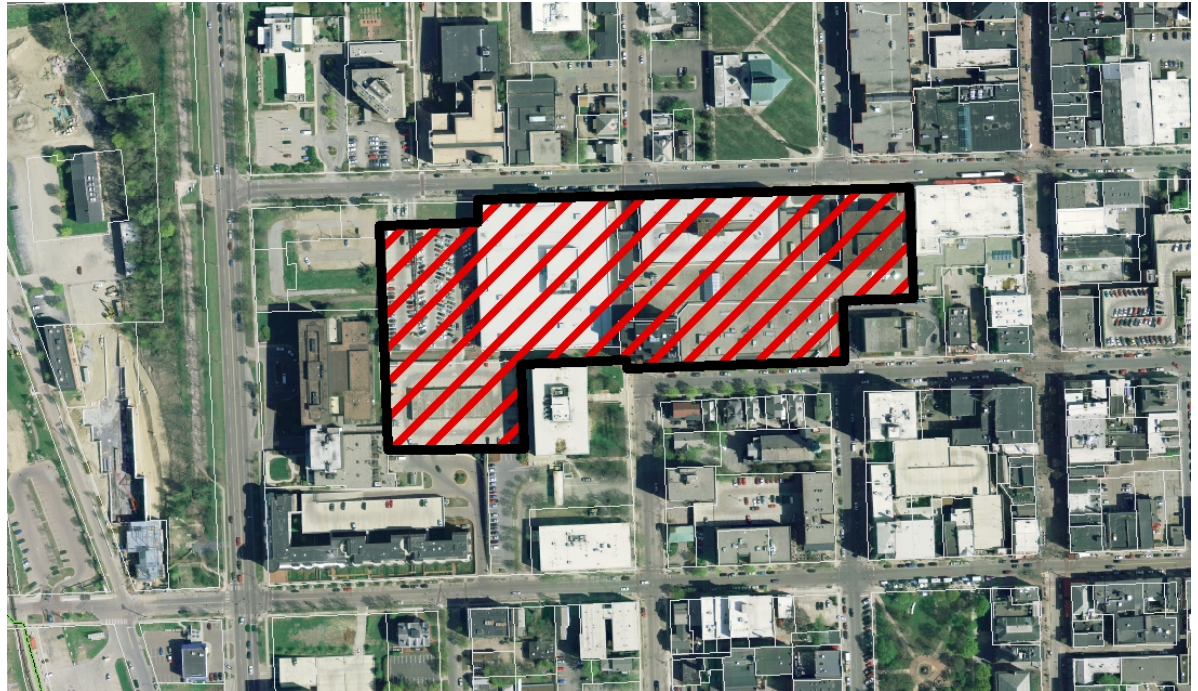
Purpose: The proposed amendment to the zoning ordinance is intended to facilitate new development in the downtown core, and in so doing substantially and significantly help the City to implement many of the central goals and objectives found in the *planBTV: Downtown and Waterfront Master Plan* unanimously adopted in June 2013 by the Burlington City Council to guide the future development and economic vitality of the downtown and waterfront area. The proposed zoning amendment will create an overlay district in the core of the downtown area to allow and encourage development of mixed use buildings, increased density, and enable taller building height without the necessity of a “bonus” from the DRB. It will also establish a number of urban design and building form requirements to ensure street-level activation and façade variation.

The proposed zoning amendment is intended to accomplish, without limitation, the following goals:

1. Enable the redevelopment of the Burlington Town Center at a scale and mass that could not otherwise be built under the City’s existing zoning regulations, consistent with the scale and mass described and depicted on Exhibits A and B of the Predevelopment Agreement to which this Exhibit D is attached.
2. Guarantee that many of the elements of the Burlington Town Center redevelopment project long identified as important to the City in the *planBTV: Downtown and Waterfront Master Plan*, and through the public discussion around the redevelopment of the Burlington Town Center site, are incorporated in any final project that may be proposed, specifically including:
 - activation of Bank and Cherry streets to offer a better pedestrian experience;
 - re-establish north-south connectivity for pedestrian, bicycles, and vehicles where possible;
 - redevelopment and co-operative operation of onsite parking facilities;
 - thoughtfully designed vertical expansion to add much desired retail, office, housing and other uses; and,
 - demonstrating stormwater mitigation pilot projects on both public and private property.

Key Elements:

- Creates a new Overlay District, known as the **Downtown Mixed Use Core (DMUC)** Overlay District (the “DMUC District”), within which greater development density and higher building heights, as well as expanded uses will be permitted.
 - o The DMUC District will be limited in area consistent with the *planBTV: Downtown and Waterfront Master Plan* and Joint FBC Committee discussions regarding where additional height is acceptable and in accordance with all applicable laws regarding zoning to insure the new Overlay District achieves the desired goals of the City and benefits all the property owners that fall within the DMUC District.



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

The DMUC District will allow larger scale development than is typically found in the underlying district, and development with larger and taller buildings. Development should be designed to support a diverse mix of uses, to activate and enrich the streets and sidewalks for pedestrian activity, and to encourage mobility throughout the District and adjacent districts for pedestrians and bicyclists with reduced reliance on automobiles.

- New development in the DMUC District will be exempt from seeking building height bonuses from the DRB pursuant to BCDO Sec. 4.4.1 (d) 7; instead, the DMUC District will establish the following new, by-right height and massing limits and requirements:
 - o 3 stories minimum, 14 stories not to exceed 160 ft. maximum overall height, with an allowed variation of 5% of the total allowable height (but no additional stories) to account for grade changes.
 - o Maximum FAR of 9.5.
- New developments in the DMUC District will be exempt from the existing upper story setback requirement pursuant to BCDO Sec. 4.4.1 (d) 4 A; instead, consistent with the maximum height and FAR limitations of the DMUC District, new prescriptive design standards will be used to ensure good urban design, façade articulation and especially street activation, including but not limited to:

- Façade Articulation.
 - Finer-grained surface relief within the façade plane (use of material changes, balconies, belt courses, columns, lintels, etc.).
 - Creation of architectural bays to provide regular and strong vertical changes in the horizontal plane of a façade, particularly within the lower 3-5 stories.
 - Horizontal changes in the vertical plane of a façade (articulated base, step-backs of upper stores, and clearly defined top).
 - Street Activation at the ground floor.
 - Location, frequency and operability of primary entrances.
 - Proportion of and distance between voids (doors and windows).
 - Transparency of glazing.
 - Visual access within spaces.
 - Acceptable primary and accent façade materials.
-
- Projects within the DMUC District will be required to participate in the emerging downtown parking initiatives being developed under the newly adopted *Downtown Transportation and Parking Plan*, provided that private owners of parking lots or parking structures shall not be required to participate in any parking initiatives to the extent that such initiatives impose or result in any material obligation or cost to the such owners.
 - Mixed use projects within the DMUC District will be required to develop a Master Sign Plan subject to DRB approval, taking into account the nature of the uses featured within the District.
 - The zoning amendment to establish the DMUC District will also establish, by right, that projects subject to the DMUC District overlay that include property fronting Church Street may be improved such that the portion of any structure fronting Church St. does not exceed 4 stories, or a maximum height of 45 ft., provided that the overall height of such structures may be increased to the maximum height permitted within the zoning district so long as there is a 10-foot upper story setback for every 10-feet of height above 45 ft.
 - The zoning amendment to establish the DMUC District will expand the Official Map to include 60-ft. wide extensions of St. Paul Street and Pine Street between Cherry and Bank Streets.
 - The Zoning Amendment will include an amendment to the City's Official Map to re-establish St. Paul Street and Pine Street between Cherry and Bank streets as public streets, each with a right-of-way measuring sixty (60) feet in width, to accommodate pedestrians, bicycles and vehicles, substantially in accordance with the depiction of St. Paul Street and Pine Street on Exhibit B to the Predevelopment Agreement to which this Exhibit D is attached.

Burlington Comprehensive Development Ordinance

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

As proposed by the Planning staff – May 4 2016.

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

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

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

Sec. 4.2.1 Authority and Purpose

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

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

Sec. 4.2.2 **Downtown and Waterfront Core Official Map Established**

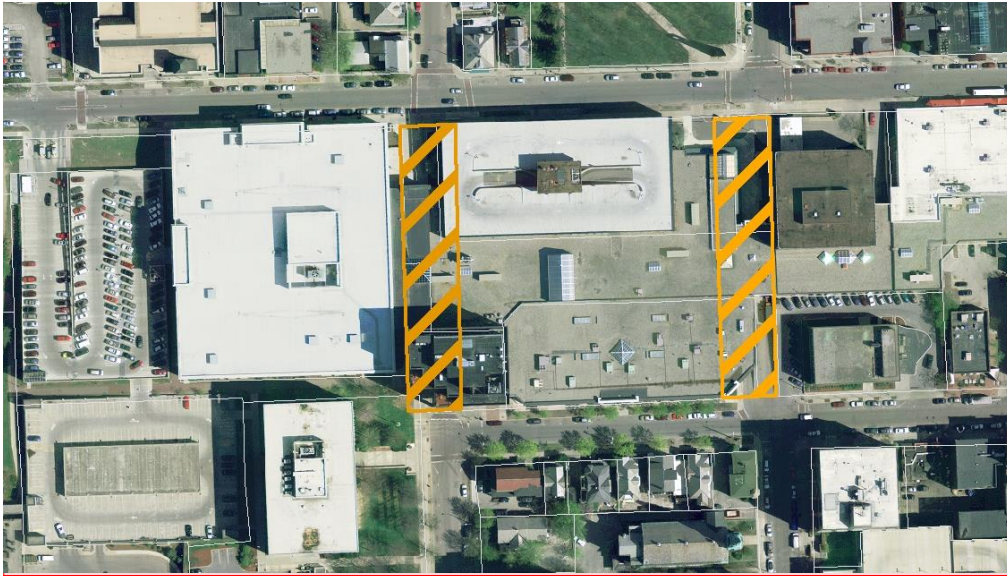
A map entitled “The Official Map of the **Downtown and Waterfront Core**” **and as depicted on Map 2.2.2-1 below** is established as part of the Official Map established above, ~~is to be dated as of the effective date hereof, is to be located in the department of zoning and planning and is incorporated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

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

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

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



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

(temporary illustration of the proposed addition)

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

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

Sec. 4.3.2 Overlay Districts Established:

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

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

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

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

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

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

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

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

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

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

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

Sec. 4.4.1 Downtown Mixed Use Districts

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

A. - unchanged

B. **Church Street Buildings:**

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

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

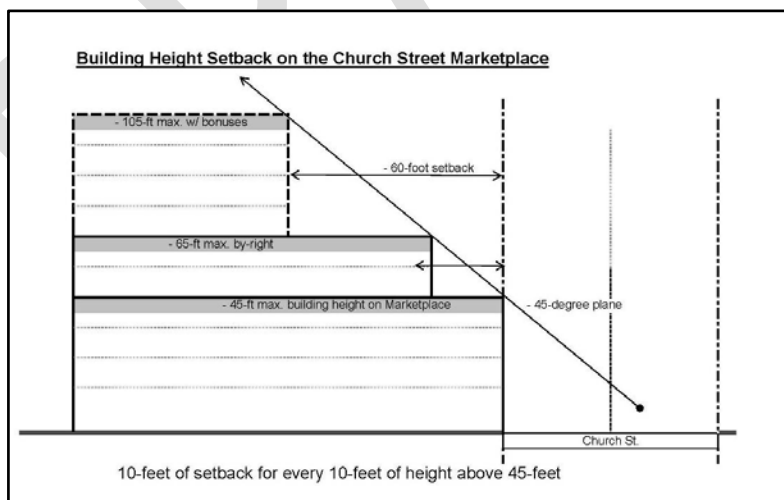


Figure 4.4.1-2 Measuring Height Limits for Church Street Buildings

C. - unchanged

DRAFT - 5/4/2016

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

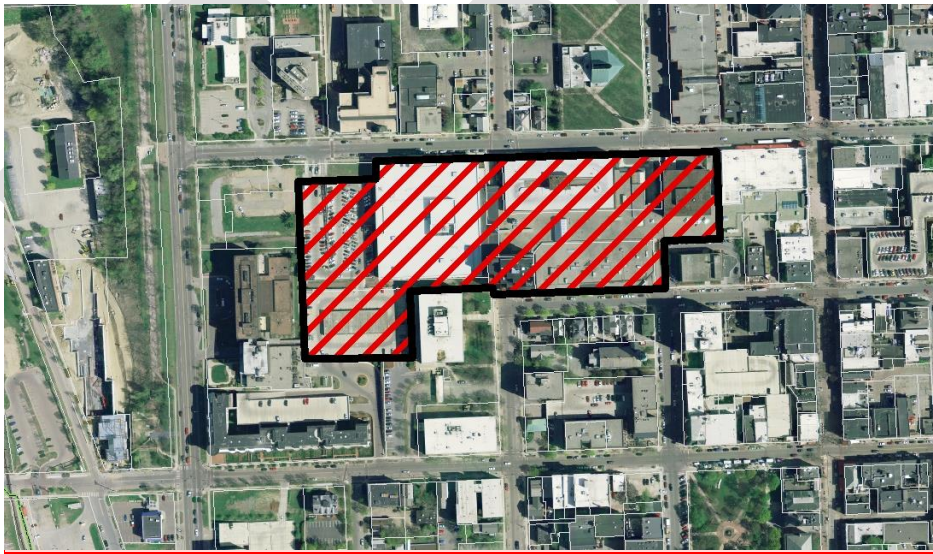
(a) Purpose:

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

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

(b) Areas Covered:

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



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

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

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

1. Dimensional Standards:

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

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

Table 4.5.8-1 Downtown Mixed Use Core Overlay (DMUC) District Dimensional Standards

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

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

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

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

2. Urban Design Standards:

The following urban design standards shall apply to all Buildings in the DMUC Overlay, and the DRB shall make a final determination regarding strict compliance with these standards except as provided for in E below. These standards and requirements shall take

Comment [DEW5]: This is important to compliance with the Pre-DA

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

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

Comment [DEW8]: The gradual reduction on upper floors is done to ensure that taller buildings are tapered as they go taller. May also want to include a minimum separation between individual towers – 60'?

Comment [DEW9]: See footnote regarding Pervious Area as a preferred alternative to lot coverage limitations. BTC project is proposing ~36% (39,405 sf) of upper floor greenspace by comparison

Comment [DEW10]: These come directly out of the proposed form based code

Comment [DEW11]: These come directly out of the proposed form based code

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

precedence without limitation over any duplicative or conflicting provisions of Article 6, and compliance with Article 6 shall be presumed where a Building is in compliance with these design standards as determined by the DRB.

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

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

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

- i. Building facades shall incorporate surface relief through the use of elements such as bay windows, cladding materials, columns, corner boards, cornices, door surrounds, moldings, piers, pilasters, sills, belt courses, sign bands, windows, balconies and/or other equivalent architectural features at least three (3) of which must either recess or project from the average plane of the facade by at least four (4) inches.
- ii. Buildings with facades between seventy-five (75) feet and one hundred and fifty (150) feet in width shall include vertical changes through the horizontal plane of the Façade by dividing the facade into a series of architectural and/or structural bays between six (6) feet and sixty-five (65) feet in width involving up to a minimum of 50% of the height of the façade.
- iii. Buildings with facades greater than one hundred and fifty (150) feet in width must include a more substantial change in the horizontal plane of the façade where for every one hundred and fifty (150) feet in facade width, one (1) or more architectural bay as required above must either recess or project by at least four (4) feet involving the full height of the façade from the average plane of the street wall portion of the facade. Such bays shall occur no closer than fifty (50) feet from the Buildings corner.
- iv. Required Building Height Setbacks pursuant to Sec 4.4.1 (d) 4 shall not be applicable. Instead, upper stories of any primary and secondary street-facing Building facades exceeding six (6) stories in height shall be setback as follows:
 - a. An upper story setback at least ten (10) feet from the primary plane of the façade below shall occur within the first 60-ft of Building height at either

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

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

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

the 3rd, 4th, or 5th story in order to provide a change in the vertical plane of the façade. Such a change shall involve the full width of the Building façade, but does not have to occur in the same story. Additional upper story setbacks may occur in order to provide additional terraces, taper and visual interest to taller Buildings.

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

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

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

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

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

- v. Where visible, the raised foundation or basement of a Building must be visually differentiated from the stories above by a horizontal expression line and change in color, material, and/or pattern of fenestration;
- vi. The lower one to five stories of a Building must be visually differentiated from the stories above by a horizontal expression line, belt courses, banding, sign band, cornice and/or equivalent architectural feature, and include a change in color, material, and/or pattern of fenestration across a majority of the façade; and,
- vii. The top one to five stories of a Building must be visually differentiated from the stories below by a horizontal expression line, belt courses, banding, sign band, cornice and/or equivalent architectural feature, and include a change in color, material, and/or pattern of fenestration across a majority of the façade
- viii. The top of a Building must have a cornice, parapet, pitched or shaped roof form and/or other equivalent architectural feature involving a projection from the average plane of the facade by at least six (6) inches to serve as an expression of the Buildings top.

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

- i. Buildings shall have one or more principal entrances for pedestrians at street level that are clearly identified as such along the primary street frontage or at a corner where a corner lot.
- ii. The linear distance along the primary street frontage between ground floor entries shall not exceed 60-feet, and such doors must be open and operable by residential occupants at all times and non-residential occupants and customers during business hours.

Comment [DEW18]: define

iii. Building entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, canopies, awnings, transoms, sidelights and/or other design elements appropriate to the architectural style and details of the Building as a whole. Bays including a principal entrance should be expressed vertically, and may have little or no horizontal expression required below any required upper story setback.

iv. Requirements regarding voids and the transparency of glazing in a primary and secondary street-facing Building facade shall be as follows:

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

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

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

D. Materials:

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

i. Primary Materials: Not less than 80 percent of each street-facing Facade shall be constructed of primary materials comprised of high quality, durable, and natural materials. For Facades over 100 square feet, more than one primary material shall be used. Changes between primary materials must occur only at inside corners. The following are considered acceptable primary materials:

- a. Brick and tile masonry;
- b. Native stone;
- c. Wood – panels, clapboard or shingles;

- d. Glass curtain wall; and
 - e. Cementitious siding;
 - ii. Accent Materials: The following accent materials may make up no more than 20% of the surface area on each Façade. Accent materials are limited to:
 - a. Pre-cast masonry (for trim and cornice elements only);
 - b. External Insulation Finishing System - EIFS (for upper story trim and cornice elements only);
 - c. Gypsum Reinforced Fiber Concrete (GFRC—for trim elements only);
 - d. Metal (for beams, lintels, trim elements and ornamentation, and exterior architectural metal panels and cladding only);
 - e. Split-faced block (for piers, foundation walls and chimneys only); and
 - f. Glass block.
 - iii. Alternate Materials: Alternate materials, including high quality synthetic materials, may be approved by the Planning Director after seeking input from the Design Advisory Board. New materials must be considered equivalent or better than the materials listed above and must demonstrate successful, high quality local installations. Regionally-available materials are preferred.
 - iv. Other:
 - a. The use of recycled and/or regionally-sourced materials is strongly encouraged.
 - b. With the exception of natural wood siding or shingles such as cedar or redwood intended to gradually weather with time, all exposed wood and wood-like products (e.g. fiber-cement) shall be painted or stained. Exterior trim shall be indistinguishable from wood when painted.
 - c. Any synthetic siding and finish products shall be smooth-faced with no artificial grain texturing.
- E. **Alternative Compliance:** Relief from any non-numerical standard above, and any numerical standard with the exception of building height and FAR by no more than 20% of such requirement, may be granted by the Development Review Board. In granting such relief, the DRB shall find that:
 - i. the relief sought is necessary in order to accommodate unique site and/or Building circumstances or opportunities;
 - ii. the relief if granted is the minimum necessary to achieve the desired result;
 - iii. the property will otherwise be developed consistent the purpose of this ordinance, the intent of the underlying Zoning District and this Overlay District, the intent and purpose of the section that the relief is being sought, and all other applicable standards;
 - iv. the relief if granted will not impose an undue adverse burden on existing or future development of adjacent properties; and.

- v. the relief if granted will yield a result equal to or better than strict compliance with the standard being relieved.

5. **Parking**

- i. All onsite parking shall be provided either underground, setback a minimum of 20-ft behind the façade of building at the ground level, or above the ground floor, and shall participate in any Downtown Parking and Transportation Management District.
- ii. Entrances to parking areas and structures shall be located along a secondary street frontage where available.
- iii. The paved portion of vehicular entrances to parking areas and structures shall not exceed 24-ft clear width, and entrances to parking structures shall not exceed 16-ft clear height at the street frontage.
- iv. At least one pedestrian route from all parking areas and structures shall lead directly to a street Frontage (i.e., not directly into a Building).
- v. Any surface parking not within a parking structure shall be setback a minimum of 5-feet from any side or rear property line.
- vi. All structured parking with frontage on any portion of a public street shall be screened as follows:
 - a. The required setback between the parking and the public street at the ground level must be occupied by an active use (such as, but not limited to, residential, retail, office, recreational or services). This requirement shall not apply to parking along a secondary street frontage or located either entirely below-grade or above the ground floor where parking may come right up to the building's perimeter.
 - b. Where upper stories of structured parking are located at the perimeter of a building, they must be screened so that cars are not visible from ground level view from adjacent property or adjacent public street right-of-way.
 - c. All floors of a parking structure fronting a public street must be level (not inclined), and any sloped ramps between parking levels must be setback a minimum of 20-ft from the street-facing building façade and shall not be discernible along the perimeter of the parking structure.
 - d. Architectural and vegetative screening shall be used to articulate any street-facing building façade, and to hide parked vehicles and shield overhead lighting and vehicle headlights from the street and adjacent properties. Ground floor facade treatment (building materials, windows, and architectural detailing) must be continued on upper stories.

Comment [DEW19]: Do we still want/need this?

6. Signs

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

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

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

i. Projecting Signs: One projecting sign may be permitted for each ground floor use provided such sign:

- a. does not exceed 8 square feet in area;
- b. does not project more than 4 feet from the building façade on which it is attached;
- c. has its lowest edge at least eight (8) feet above any pedestrian way;
- d. has its highest edge no more than eighteen (18) feet above any pedestrian way; and
- e. Any encroachment into the public right-of-way must also be approved by the City Council.

ii. Marquee Signs: One marquee sign per primary street frontage may be permitted provided such sign:

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

iii. Canopies and Awnings:

Comment [DEW20]: Consistent with Church Street Marketplace and proposed FBC. Currently limited to only 4 sf.

Comment [DEW21]: This remains incomplete...

7. Green Buildings

New development in the DMUC Overlay shall be built to the standard of LEED Gold Certification as evidenced by the submission of a completed LEED checklist by a LEED AP at the time of application, and shall use all reasonable efforts to obtain such final certification upon project completion. New development in the DMUC Overlay shall also strive to achieve the energy reduction goals outlined in the “Architecture 2030 Challenge” as evidenced by...

Comment [DEW22]: This remains incomplete

Sec. 5.2.6 Building Height Limits

(a) *unchanged*

(b) Exceptions to Height Limits

1. Additions and new construction on parcels created prior to January 1, 2008 that contain a non-conforming existing structure-Principal Building exceeding thirty-five (35) feet the maximum permitted Building height as of January 1, 2008 may exceed the maximum permitted Building height of the zoning district thirty-five (35) feet subject to the design review provisions of Art. 3 and 6, but in no event shall exceed the height of the existing non-conforming Principal Buildingstructure.
2. In no case shall the height of any structure exceed the limit permitted by federal and state regulations regarding flight paths of airplanes.
3. Greenhouses, garden sheds, gazebos, rooftop gardens, terraces, and similar features are exempt from specific height limitations but shall be subject to the design review provisions of Art. 3 and 6.
4. Ornamental and symbolic features of buildings and structures, including towers, spires, cupolas, belfries and domes, where such features are not used for human occupancy or commercial identification, are also exempt from specific height limitations and shall be subject to the design review provisions of Art. 3 and 6.
- 4.5 Stairs, Elevator Towers and Mechanical Equipment shall be allowed to encroach beyond the maximum building height by no more than 10-feet and provided they do not exceed 20% of the roof area.
Exposed mechanical equipment shall be fully screened on all sides to the full height of the equipment, and positioned on the roof to be unseen from view at the street level. Screening may consist of parapets, screens, latticework, louvered panels, and/or other similar methods.
Where incorporated into and hidden within the roof structure, or a mechanical penthouse setback a minimum of 10-ft from the roof edge, no such area limit shall apply.
5. The footprint of such architectural features shall not exceed ten percent (10%) of the total roof area.

6. All forms of communications equipment including satellite dish antennae shall not be exempt from height limitations except as provided in Sec 5.4.7 of this Article.
- ~~6.7.~~ The administrative officer may allow for up to a 10% variation in the maximum building height to account for grade changes across the site. In no event however, shall such additional height enable the creation of an additional story beyond the maximum.

Comment [DEW23]: Important changes to screening requirements for rooftop equipment and flexibility in amount and numerical building height limits. This is duplicated in the NAC-STJ amendment as well – see which gets adopted first.

DRAFT

DMUC Overlay – PC Action Items

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

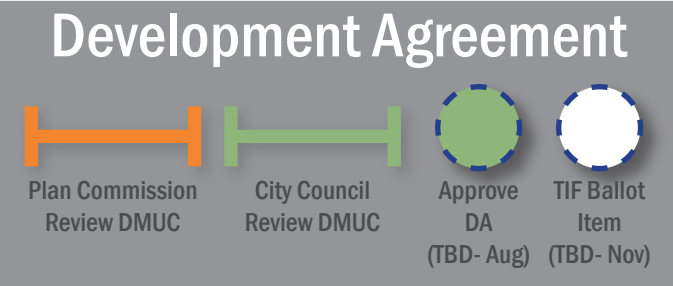
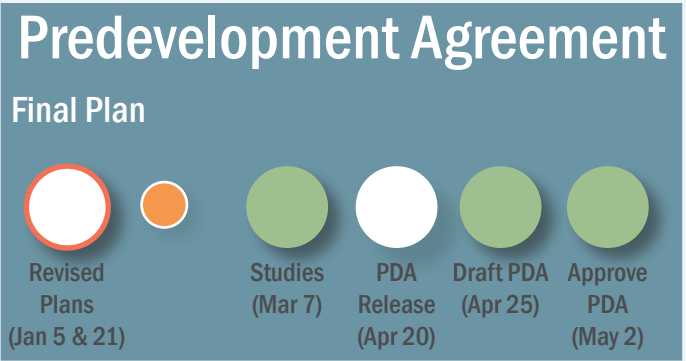
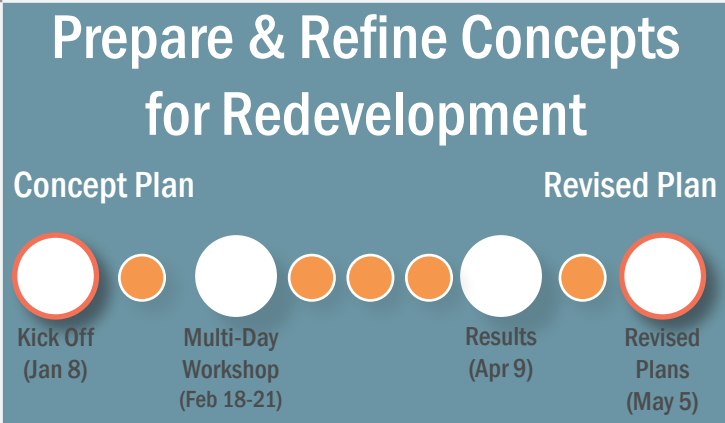
<u>Key Elements:</u>	<u>Staff notes & comments:</u>
4 stories not to exceed 45-ft max on Church Street, with a 10-foot upper story setback required for every 10-feet of height above 45-feet	Comes from the proposed standards found in the current draft of the FBC. Staff notes that the City Council has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

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

Burlington Town Center Public Process Timeline (Nov 2014-Nov 2016)

Nov-Dec 2014	Jan - May 2015	June - Dec 2015	Jan - May 2016	May - Nov 2016
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Initial Steps
Council authorized City to enter Development Agreement process & launch public process



Public Events & Milestones

- Special Public Event
- New/ Revised Plans Presented at Public Event
- DAPAC Public Meeting
- City Council Public Meeting
- Future Milestone, Date TBD

DAPAC: Development Agreement Public Advisory Committee PDA: Predevelopment Agreement DA: Development Agreement DMUC: Proposed Downtown Mixed Use Core Overlay Zoning Amendment TIF: Tax Increment Finance

BTV Mall Public Process Summary and Key Recommendations

Updated May 19, 2016

The owners of the Burlington Town Center Mall and the City of Burlington have partnered to seek meaningful citizen input into the redevelopment of the mall property. Guided by a public process approved by the City Council in December 2014, public engagement and input has been gathered through a variety of public outreach efforts spanning nearly 18 months. This document summarizes the public engagement process and the ways in which the proposal for the project have evolved to respond to key recommendations for the public.

Scope of Public Engagement

Information has been shared and input has been received about the project in a number of ways. Throughout the 18 month public process, there have been dedicated public presentations, a multi-day workshop/charrette, multiple City Council and other board and commission meetings, presentations at NPA meetings, comment boxes and a City website. Additionally, a joint committee (DAPAC) of the City Council, Planning Commission, and staff was formed to provide oversight on matters related to public participation and key recommendations from this process. It is estimated that well over 1,500 people have been directly engaged in this planning process.

- Public Process Mall Website: www.burlingtonvt.gov/btvmall
- January 8, 2015 Kick-off presentation and public forum
- NPA Presentations to Wards 1&8, 2&3, 5 and 6.
- Comment boxes distributed at 14 locations throughout the City including ONE, NNE, South End and Downtown
- Presentations at public meetings of City Committees
 - Planning Commission, Accessibility Committee, Youth Council
- February 18-21, 2015 Public Planning Workshops
 - Kick-off workshop, 6 design workshops, 4 open houses, closing workshop
- April 9, 2015 Public Review of Workshop Results
- May 5, 2015 Presentation of Revised Plans & City Review of development concept
- January 5 and 21, 2016 Presentations of Revised Plans & Development Agreement Framework
- March 7 and 21, 2016 City Council Meetings
- April 20, 2016 Public Release of Draft Predevelopment Agreement
- April 25 and May 2, 2016 City Council Public Forums
- May 2, 2016 City Council approval of Predevelopment Agreement
- City Council Executive Sessions
- Development Agreement Public Advisory Committee (DAPAC), 12 meetings from February 2016 to February 2016

Key Recommendations from Public Input and DAPAC

Based on community and Development Agreement Public Advisory Committee (DAPAC) input through the process outlined above, the City has continuously advocated for modifications to the proposed plans in order to meet these key recommendations from the public:

- **Create clear north/south and east/west connections through the mall**—Initial designs for the project showed only St. Paul St. re-opened to traffic. After much public interest, and the subsequent urging by the City, the proposed project now includes full public streets at St. Paul and Pine Streets.
- **Include a diversity of housing types (price points, targeted demographics, size) in the project**—Inclusion of a significant amount of housing has been one of the City's and public's highest priorities. 20% of the units will be permanently affordable, 30% of the units will be master leased by Champlain College, the remaining 50% will be available at market rate, including a mix of unit sizes from studio to 3 bedroom. Further consideration of "workforce housing" and ownership opportunities are still ongoing.
- **Build public green space with a view of the water**—An earlier iteration of the project included a rooftop park; however, residents and the City did not feel that it would be an effective community space that the public should help pay for. Now, the project includes a smaller rooftop green space that will benefit the project's tenants, and instead includes a green roof system which will significantly improve stormwater management in this part of downtown. Also, based on great interest by the public, the proposed project now includes a rooftop observation deck that will be accessible to the public with views of the Lake.
- **Activate Cherry and Bank Streets with street level uses**—The mall owner has indicated that the proposed plans "turn the mall inside-out," with retail uses lining Bank and Cherry streets. Additionally, the proposed Zoning Amendment includes language that requires street level activation, entrances and windows at defined intervals, and high quality design that enhances the pedestrian environment.
- **Create a parking plan that shares parking and integrates the city-wide parking management plan**—Parking demand has been calculated using shared-parking calculations, and the proposed 925 space parking structure has been designed accordingly. Additionally, the proposed Zoning Amendment includes language requiring the property to participate a downtown parking management program should one exist.
- **Provide retail options that are diverse and include affordable options, both national and local**—The owner has indicated an intent to include a mix of retail options, but the programmatic pieces are still unknown to an extent. Thus far, the owner has demonstrated an ability to work well with local businesses, and also attract national companies like L.L. Bean.
- **Include civic spaces and public spaces available for events, rentals, etc.**—In addition to the publicly accessible rooftop observation deck, the proposed plans include a ± 5,000 Sq.ft. public space.
- **Incorporate walking and biking infrastructure in all elements of the plan**—The public streets at St. Paul and Pine will incorporate walking, biking and vehicular modes of transportation. The

Predevelopment Agreement indicates that the proposed project will include covered bike parking, and the owner has been working with Local Motion to incorporate recommendations on how this project can serve as a bicycle hub for downtown.

WHAT WORKS

Lessons learned from Burlington and other traditional cities.

TRADITIONAL

TOWNS AND CITIES WERE LAID OUT AND DESIGNED FOR PEOPLE. DESPITE EXTREME CHANGES IN COMMERCE, TRANSPORTATION, HUMAN

BEHAVIOR, AND THE STRUCTURE OF SOCIETY,

HISTORIC CENTERS HAVE

CONTINUALLY ADAPTED,

AND AFTER MORE THAN 150

YEARS, THE COMPLEX FABRIC

OF TOWNS AND CITIES HAS

ENDURED.

PHOTO BY MAX TRUMAN



oday, cities and towns across New England are experiencing a renaissance, with an upswing in residents who want the benefit of an urban lifestyle. The creative class, entrepreneurs, and baby boomers are moving into cities, sacrificing privacy, personal space, and their automobiles, in exchange for convenience, entertainment, and social interaction.

In addition to attracting residents, traditional communities have also become centers of place-based tourism. Travelers visit historic places because they feel good and have appeal at a very basic level.

Over the past 20 years, urban designers and new urbanists have been studying historic centers to learn what makes them so adaptable, vibrant, and livable. What we have discovered is a set of critical characteristics that most loved places possess. These principles, including walkability, connectivity, density, scale, diversity, and mixed uses, are described here in more detail.

[Walkability]

The term “walkability” has become a buzz word in recent years without much effort to provide definition. As a result, it is often misunderstood to mean a place that would be pedestrian-only. In fact, the term describes an environment where there is balance between many modes of transportation. Most importantly, it describes an environment in which people feel comfortable walking. In Burlington, there is a greater emphasis than in most communities on the importance of walking and biking, with a significant portion of the population sharing an interest in living sustainably and minimizing individual carbon footprints.

The constituent elements of walkability are referred to as “The 3 D’s”: Distance, Destination, and Design. When each of these elements are addressed, people are more likely to walk.

Destination.

People will tend to walk more if they have somewhere meaningful to go. Meaningful destinations include civic spaces, schools, meeting halls, and commercial areas like neighborhood or town centers where daily or weekly shopping needs can be met. Often these destinations, when centrally located, become the “heart” of the community. In Burlington, Church Street acts as the center for both locals and visitors, with the waterfront, the universities, and smaller neighborhood centers serving as additional destinations.

Distance.

The average pedestrian is willing to walk up to one-quarter of a mile (1320 feet) or roughly five minutes to a destination. This ¼ mile walk from a neighborhood to a meaningful destination at the center is called a “pedestrian shed”. For most Americans, distances requiring more than a five minute walk will typically be made in a car rather than by walking. This walking versus driving threshold is locally calibrated. In Burlington, because of a culture of auto-independence, residents are likely to walk longer than the ¼ mile distance.

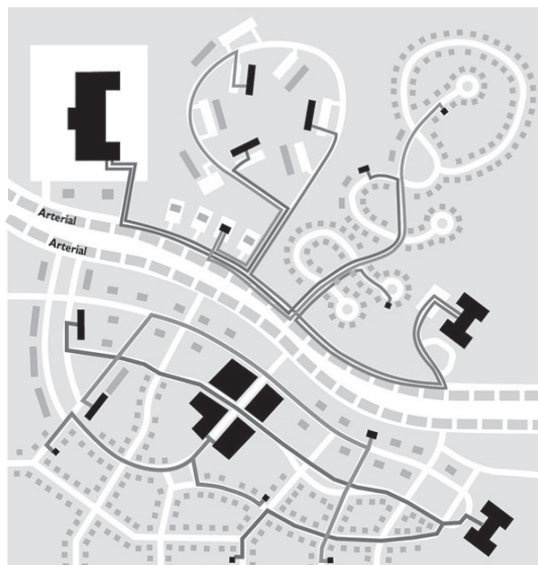
Design.

An interesting streetscape and pedestrian safety and comfort are critical for a walkable environment. Narrow travel lanes, street trees, and on-street parking all act as effective psychological cues, helping to slow automobiles and, in turn, enhance pedestrian comfort. The design elements of the building themselves also provide visual interest and diversity of experience along the way. In Burlington, most urban streets feel comfortable for walking, with the exception of a few of the higher speed streets.

Connectivity

All streets should be connected to other streets, maximizing the number of routes to and from a destination. By avoiding dead ends and cul-de-sacs, and instead creating a street network, drivers, cyclists, and pedestrians can choose from a number of different options. Having greater connectivity allows for traffic to disperse, minimizing congestion by providing multiple ways to get from point a to point b. An interconnected thoroughfare network also increases life safety by providing alternative routes for emergency service vehicles so that they may avoid congested or blocked streets.

Connectivity is also beneficial to pedestrians by increasing pedestrian access throughout a community, along streets, sidewalks, paths, and trails. By increasing the number of routes through a community, pedestrians are provided alternatives and a more interesting pedestrian experience.



The suburban street system that requires traffic to move from local street, to collector, to arterial causes congestion and limits options for pedestrians as well as vehicular traffic and emergency services vehicles.

An interconnected networks of streets alleviates congestion by dispersing traffic and offering alternative routes for pedestrians, making for a more interesting walking experience.

Density

Developing in a dense pattern, where multiple story buildings are located closely together, can minimize air and water pollution, preserve open space, and enhance social interactions and a sense of community. There is an increasing recognition nationwide that density is integral component to the creation of neighborhoods that offer convenience, value and a high quality of life. In addition, more compact development patterns are likely to reduce Vehicle Miles Traveled (VMTs) by enabling more people to walk or bike to work or to run errands. Density can also produce reductions in energy consumption and CO2 emissions both directly and indirectly.

Scale

Scale relates to the size of buildings in relation to ourselves and the world around us. Human scale is what feels comfortable to people. Both short and tall buildings—like those pictured here—can be human scale, and having this variation is important. The proportions of doors and windows, the height of each story, and the relationship between details of the building all impact whether a building is at a scale that feels right to a person. It is important in the design of walkable places to create a sense of enclosure and human scale by pulling buildings closer to the street and minimizing large expanses of asphalt that can make a pedestrian feel exposed and out of place.





Accommodating a diversity of people, in different stages of life and with varying incomes, requires a range of housing options. Commercial blocks, live work units, small cottages houses, and rowhouses reflect additional building types that could be provided in Burlington to meet the needs of young professionals, students, entrepreneurs and retirees.

Diversity

Demographic diversity of people in age, income level, culture, and race provides a sense of interest and vitality within the most loved cities in the world. In order to attract this type of diversity to a community, the physical form must be conducive to the varied lifestyles of these groups. A key component to creating an environment where diversity thrives is the provision of a mix of housing options. There should be many different types, sizes and price points intermingled in close proximity, with a range of living experiences from urban to more rural.

The variety of dwelling types should include: different sizes of detached single family houses, rowhouses, apartments, and live-work buildings. In addition, small ancillary buildings with a living space above the garage should be permitted within the rear yard of each principal building for extended family, tenants, guests or students to stay or live. Residential units should be available either for leasing or for ownership. This allows young and old, singles and families, and residents having a range of income levels to find a dignified home that suits their preferences and lifestyles. An additional benefit of a mix of housing types is that workers can live within walking distance of offices and retail establishments, requiring less dependence on the automobile.



Mixed-Use

Whenever possible, neighborhoods should include a mix of commercial (retail, restaurants and offices), residential, recreational, and civic uses. This mix should be well-balanced, incorporating both vertical and horizontal mixed-use within the neighborhood, the block, and the building. An ideal mix would allow residents to meet all of their daily needs within a short walking distance. When this occurs, the number of automobile trips per household is substantially reduced. This mix of uses is optimized when commercial establishments have residential dwelling units above to help promote active streets.

THE MALL



The Burlington Town Center Mall occupies much of the downtown between the northern waterfront and Church Street. The large superblocks created by its original layout can be punctuated and activated in order to enable pedestrian and vehicular flow, thereby restoring the urban grid.

ELEMENTS OF THE PLAN

1 DOWNTOWN HOUSING

There is a significant unmet demand for housing throughout the city (as discussed in the Housing Nut). This is particularly true for affordable and moderately-priced housing downtown. Downtown workers, young professionals, and empty-nesters all want to live close to where they work, shop and recreate. With undeveloped air space above the mall, and a relatively high and flat area of the City that has little impact on prominent views, this quadrant of the downtown is well suited for larger residential structures. The plan suggests the addition of larger residential, mixed-use buildings by redeveloping underutilized parcels, essential for addressing citywide housing needs, reducing traffic congestion and parking demand, and supporting the continued vitality of our downtown economy.



Ensure that zoning regulations render the development of housing easier, reducing barriers and costs.



Planning & Zoning Department

2 RESTORING CONNECTIVITY OF THE URBAN GRID

The large, contiguous footprint of the mall is out of character with the intimate and finer grained urban fabric of the City. When it opened in 1982, the Burlington Town Center Mall clipped both Pine Street and St. Paul Street, inhibiting north-south movement in this quadrant of the City. The Mall acts as a barrier that forces additional vehicular traffic onto Battery and South Winooski, which lessens their attractiveness to pedestrians and bicycles. Today, older malls around the country are redefining themselves by embracing the surrounding urban environment and becoming less insular. In Burlington's case, this presents an opportunity to open the street level of the mall at Pine and St. Paul streets to create a public plaza and re-establish north-south traffic flow for pedestrians and bikes. These spaces could become activated by street-level retail and cafes, as well as community events with pop-up stages for Discover Jazz or Festival of Fools. Additionally at Pine Street, the underground ramp that provides access to the Burlington Town Center (BTC) parking garage could be continued through to Cherry Street, thereby re-establishing north-south traffic flow for vehicles and reducing congestion on Battery and Winooski.



Amend the Official Map to re-establish those connections in the street grid.



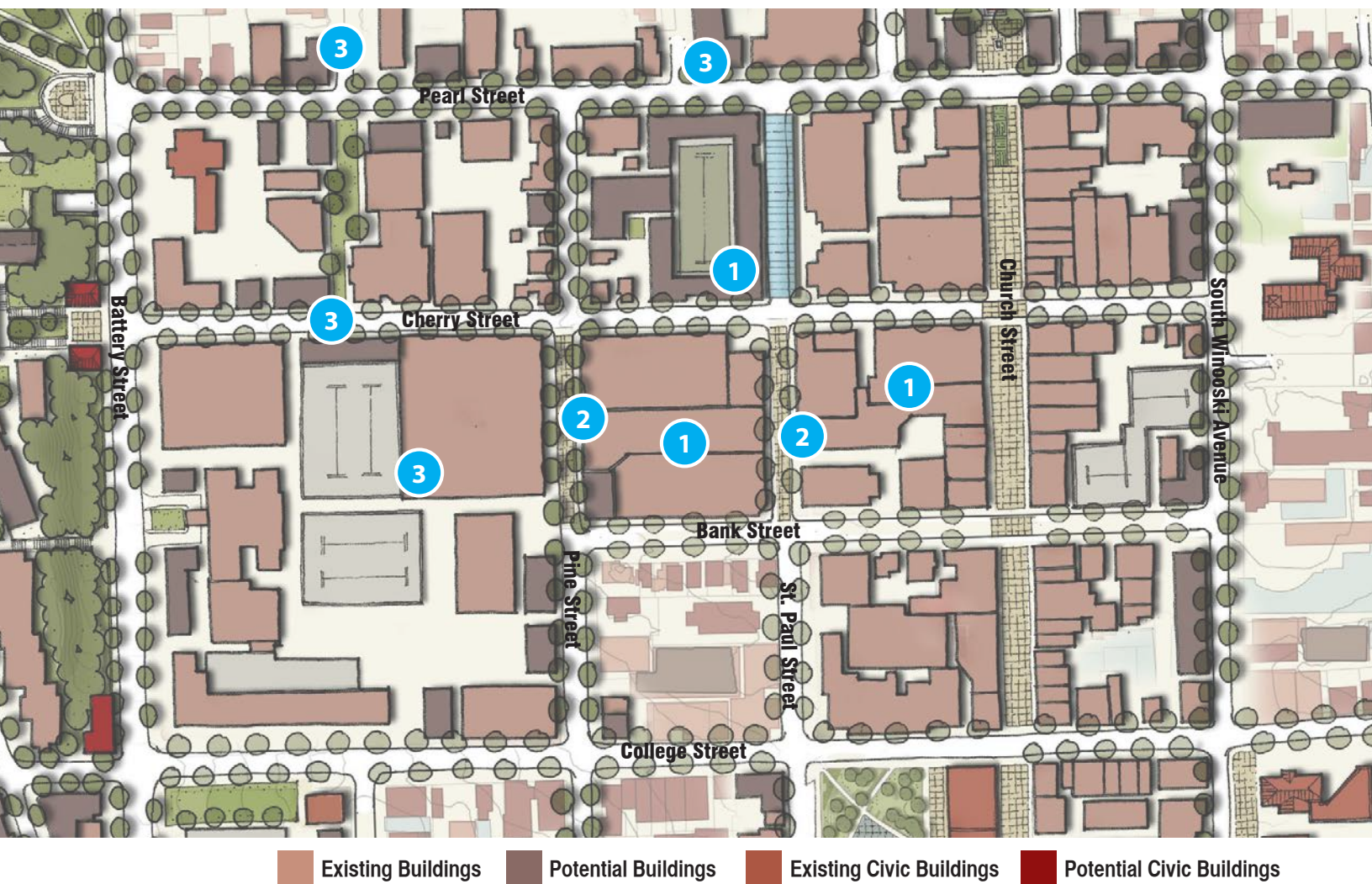
Planning & Zoning Department



Work with Burlington Town Center to re-imagine how the potential design intervention can work.



Planning & Zoning Department



Existing Buildings

Potential Buildings

Existing Civic Buildings

Potential Civic Buildings

3 STRATEGIC URBAN INFILL AND LINER BUILDINGS

The BTC occupies a significant footprint in this quadrant of the City. Yet numerous opportunities exist for strategic infill and liner buildings along Cherry, Pine and Pearl Streets. Such structures should be designed to reinforce the urban street wall and provide active ground floor uses to promote a vibrant streetscape.



Develop zoning regulations that emphasize building form, facilitate infill, and activate the streetscape for pedestrians.



Planning & Zoning Department

4 STREET LIFE

Walking along Cherry Street and parts of Bank Street between Church and Battery Streets, you may have experienced a sense of urgency and desire to move quickly past the desolate, bland, and non-inviting building facades and dark unprogrammed spaces. All along Cherry Street there are numerous opportunities for activating the street by turning the mall inside out and bringing retail and other activity back to the street. Strategic infill development, innovative building renovations, and streetscape improvements (such as trees and outdoor seating) would make for a more inviting, vibrant, and safer-feeling street. Expanding the Church Street experience to the side streets and the rest of the downtown and waterfront will ultimately help generate additional economic vitality, create new jobs, and draw more visitors to Burlington.



Continue to implement the Complete Streets Design Guidelines adopted as part of the 2011 Transportation Plan.



Develop zoning regulations that emphasize building form, facilitate infill, and activate the streetscape for pedestrians.



Department of Public Works



Planning & Zoning Department



EXISTING

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



POTENTIAL

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



PHOTO BY BRIAN DROUERR PHOTOGRAPHY

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

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



Burlington Planning Commission

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



Burlington Planning Commission DRAFT Minutes

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

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

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

Absent: L Buffinton

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

I. Public Forum

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

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

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

II. Report of the Chair

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

III. Report of the Director

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

IV. Agenda

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VI. Proposed CDO Amendment: 15 Year Statute of Limitations

This item was deferred to a future meeting.

VII. Proposed CDO Amendment: Off Site Parking

This item was deferred to a future meeting.

VIII. Proposed CDO Amendment: Fletcher Place Rezoning

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

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

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

Approved by the Planning Commission on XX, 2016

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IX. Proposed CDO Amendment: Bakeries in the Institutional Zone

Removed from agenda.

X. Committee Reports

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

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

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

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

XI. Commissioner Items

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

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

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

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

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

XII. Minutes/Communications

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

XIII. Adjourn

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



Y Bradley, Chair

Signed: _____, 2016



E Tillotson, Recording Secretary

Burlington Planning Commission

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



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

MINUTES

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

Absent: Y. Bradley

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

Agenda

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

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

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

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

I. Public Forum

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

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

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

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

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

As approved by the Planning Commission on .

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

II. Report of the Chair

Chair absent, no report.

III. Report of the Director

Given interest of time, no report.

IV. 15 Year Statute of Limitations

H Roen: Addressing public questions, what constitutes proof?

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

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

As approved by the Planning Commission on , 2016.

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

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

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

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

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

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

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

E Lee: Parking is a lightning rod issue.

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

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

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

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

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

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

V. Fletcher Place Rezoning

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

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

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

H Roen: Uncomfortable not following the property lines.

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

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

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

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

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

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

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

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

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

VI. Off Site Parking

No action taken.

VII. Downtown Mixed Use Core Overlay

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

H Roen: The Commission does have statutory authority.

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

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

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

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

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

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

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

E Lee: It is important to see that.

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

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

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

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

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

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

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

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

VIII. Committee Reports

No reports.

IX. Commissioner Items

None.

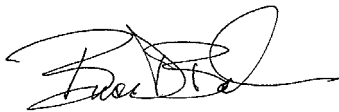
X. Minutes/Communications

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

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

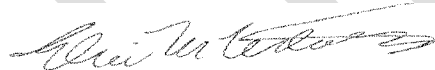
XI. Adjourn

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



B Baker, Vice Chair

Signed:



E. Tillotson, Recording Secretary

Meagan Tuttle

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

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

There is only 1 vacancy on church st.

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

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

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

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

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

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

He has a law and business degree.

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

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

Burlington Town Center

\$23,000,000

Five year floating rate First Mortgage loan

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

From various notes:

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

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

In summation.

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

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

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

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

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

Thank you for reading.

Carolyn Bates

May 10, 2016

Carolyn L. Bates Photography

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Meagan Tuttle

From: Carolyn Bates <cbates@burlingtontelecom.net>
Sent: Wednesday, May 11, 2016 1:15 PM
To: YvesBradley; Bruce Baker; Lee Buffinton; Emily Lee; Andy Montroll; Harris Roen; Jennifer Wallace-Brodeur; Meagan Tuttle
Subject: Why people come to visit Church St MarketPlace
Attachments: Why do people travel to Church ST I asked Trip Advisor .pdf; ATT00001.htm

I spent several hours researching this and found TripAdvisor where I have submitted advice for 10 years, and use it myself

was the best place to go.

So here is a long list of almost every post submitted within the last few months.

I would appreciate it if you all read this.

And really thought about this mall as a whole, as well as the zoning laws you have been asked to change, the height

and the student housing....let them stay on campus and let this place before people who want to live and work right downtown. OK

and act 250 re housing where you get to by pass it if you only put in 274 units of housing.

This mall HAS TO GO THROUGH ACT 250

Thank you for all of your time. I am sorry I forgot to say that last night.

Carolyn Bates

resident in BTV since 1973, when we walked down church st in our hiking boots and levis, and knew everyone who owned stores and the banks

everything was LOCAL.

Meagan Tuttle

From: Carolyn Bates <cbates@burlingtontelecom.net>
Sent: Wednesday, May 11, 2016 10:53 PM
To: YvesBradley; Bruce Baker; Lee Buffinton; Emily Lee; Andy Montroll; Harris Roen; Jennifer Wallace-Brodeur; Meagan Tuttle
Subject: Competing with Burlington for most sustainable city is Boulder, CO

http://www.dailycamera.com/news/boulder/ci_27862501/boulder-gives-final-approval-height-limit-ordinance

The Boulder City Council gave final approval Tuesday night to a moratorium on taller buildings in many areas of the city for the next two years.

The ordinance required an unusual fourth reading to add a provision that would allow developers to ask for taller buildings in the most intense downtown zones north of Canyon Boulevard after the completion of new downtown design guidelines.

A voter-approved charter amendment caps building height at 55 feet in Boulder, with the exception of Twenty Ninth Street, which received an exemption from the voters due to slope issues and a desire to see the former Crossroads Mall site redeveloped.

Zoning caps building heights at 35 feet in most of the city, 38 feet downtown and 40 feet in most industrial areas. Property owners can request a height modification up to 55 feet — but until April 2017, the city will only consider those requests in certain areas.

Boulder, CO and surrounding area is 250,000 or so
They have controlled heights to save their views of the mountains.

A lot of it looks like just like church st. The Church St I would like to maintain and keep. And not tear up and destroy by massive structures hiding the lake, cutting off our sunlight, and ruining our unique smallness. The prospective 160 Feet is way out of proportion to our generally 3 story high city, The mass being almost a block square filled with buildings 160 feet tall between Pine. Bank. St Paul and Cherry and a 1/3 of a block in mass 90 feet tall between Church, St Paul, Bank and Cherry, is just way beyond anything we should be putting into our unique town.

I want our downtown to grow like Boulder Co where the maximum height is 35-55 feet. We have some tall buildings, around 100 feet but they are scattered around town and do not form a solid mass.

Please Please Please, do not rush this process city council has kicked the can down to you.
Instead, I believe that this zoning change is so far beyond anyone's imagination, or knowledge, being used to the 35 foot church st. average, when I talk to them

they point to Hotel VT, which is 6 stories high, and think that is 160 feet, that this change must be put before a town vote in Nov or March. The concept is beyond the citizens understanding. I charge you to go ask people in town what they think of two blocks with 160 ft buildings. And ask them which buildings in town are like that now....

Here is Boulder.

Usually no 1, but almost always in the top 10 of any city contest with other cities.

Don't we want Burlington to remain in the top 10, too.

Remember, we do NOT have to pass this zoning change.

We do NOT need Sinex. but, He needs US, a healthy city for his failing mall awful mall.

Why oh why is city council and the mayor bending down and giving away our healthy city to prop up his disaster.

We can build the streets back again, and keep them. Do not sell them to Sinex

cb





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

Meagan Tuttle

From: Carolyn Bates <cbates@burlingtontelecom.net>
Sent: Tuesday, May 10, 2016 10:51 PM
To: Meagan Tuttle
Subject: say NO to ZONING CHANGES GRANTED TO THE DON SINEX MALL.

Meagan

Please ask all of the planning commissioners to
say NO to ZONING CHANGES GRANTED TO THE DON SINEX MALL.
Thank you

cb

Carolyn L. Bates Photography

Email: cbates@carolynbates.com
ADDRESS: PO Box 1205, Burlington, VT 05402
Phone: (802) 238-4213
Web: [www carolynbates.com](http://www.carolynbates.com)

Meagan Tuttle

From: Carolyn Bates <cbates@burlingtontelecom.net>
Sent: Wednesday, May 11, 2016 1:15 PM
To: YvesBradley; Bruce Baker; Lee Buffinton; Emily Lee; Andy Montroll; Harris Roen; Jennifer Wallace-Brodeur; Meagan Tuttle
Subject: Why people come to visit Church St MarketPlace
Attachments: Why do people travel to Church ST I asked Trip Advisor .pdf; ATT00001.htm

I spent several hours researching this and found TripAdvisor where I have submitted advice for 10 years, and use it myself

was the best place to go.

So here is a long list of almost every post submitted within the last few months.

I would appreciate it if you all read this.

And really thought about this mall as a whole, as well as the zoning laws you have been asked to change, the height

and the student housing....let them stay on campus and let this place before people who want to live and work right downtown. OK

and act 250 re housing where you get to by pass it if you only put in 274 units of housing.

This mall HAS TO GO THROUGH ACT 250

Thank you for all of your time. I am sorry I forgot to say that last night.

Carolyn Bates

resident in BTV since 1973, when we walked down church st in our hiking boots and levis, and knew everyone who owned stores and the banks

everything was LOCAL.

Meagan Tuttle

From: Emer Feeney <emer.feeney@gmail.com>
Sent: Wednesday, May 11, 2016 10:17 AM
To: Meagan Tuttle
Subject: the tall mall - a native Burlington homeowner's opinion

Dear Meagan Tuttle,

I am a Burlington native, new homeowner who has raised two children in Burlington. I have worked downtown for over 25 years, first in retail, then for the last 8 years for the city of Burlington at the library. I know Burlington, and I know downtown Burlington specifically.

During my childhood, my father was a clothing retailer in Winooski through the Mill renovation boom and bust cycle, then a local real estate agent. My mother was a low-income housing developer in Burlington. My step-father was the city clerk of Burlington. I appreciate the many sides of the Sinex development issue, and am in general support of development, commerce, and growth in Burlington.

I trust, however, that you and the Planning Commission will see that this 14-story zoning change would be a disastrous one for the downtown Burlington we know and love. Not only would it open the door to the currently-debated outsized and short-sighted mall complex development, but it would mean future developers could also build to that scale. This is a terrible idea which I have a hard time understanding was allowed to get this far in process. Please nip this insanity in the bud before more time and energy is out toward it.

People move to Burlington in droves because it is different, not like the shining cities that they seek to escape. We win accolades for our coziness, our intimacy, the way it feels like a small town but has all the arts and amenities. I hear new Burlingtonians describe it all the time when they come to sign up for library cards; they moved here because it feels more real, relaxed, supportive, because the emphasis is on kindness and people and not acquisition of status and things.

I've never once heard anyone complain that it would be so much better if we just had a massive monolithic piece of "stunning" architecture dominating and overshadowing the entire downtown. Please. Let's be sensible and shake this madness off. Fourteen stories is too high. It's too damn high. If we are going to go up in Burlington, it needs to be by a realistic amount.

Look at Winooski's recent "renovation". That's what, an eight-story building block in the middle of town? A few years later, it still feels congesting, blockish, too tall in contrast with the buildings it flanks. It's "bigness" really matters. And they struggle to fill it. A success story? Kind of. Not really. A more sensible design would have been better.

But once you make the wrong choices with this level of development, you can't go back. We cannot afford to rush things. People love downtown Burlington as it is far more than they ever loved downtown Winooski. Yes, change and development is needed. The 14 story scale is not appropriate, however.

We just bought a home in Burlington a few years ago, a lifelong dream of mine. This mall design, which appears to be railroading through the city processes like a bull on fire, and in which the Sinex group is being given an inordinate amount of power (in which our city's future is being posed as a kind of "hostage" which they will only give back if we cede to their demands), makes me question whether we will truly have a voice in

the future development of the city. Frankly, we don't want to live somewhere where thoughtless, wasteful decisions are made with our tax money.

Fourteen stories is too tall for downtown Burlington. It's too tall. Let's not destroy downtown in order to save it. If Sinex can't come up with something more reasonable, more Burlington-scale, with a more reasonable scale of zoning change, then we should not make this enormous gamble with them.

Please let me know if you would like to speak further on this topic.

Thank you,
Emer Pond Feeney

802-503-7408
emer.feeney@gmail.com

Meagan Tuttle

From: maggie severance <maggieseverance@gmail.com>
Sent: Wednesday, May 18, 2016 9:57 AM
To: YvesBradley; Bruce Baker; Lee Buffinton; Emily Lee; Andy Montroll; Harris Roen; Jennifer Wallace-Brodeur; Meagan Tuttle
Subject: stop the 14 story mall

Hello, I am a native Vermonter, and have lived in downtown Burlington for 38 years. As such, I request that steps be taken to continue our current city zoning heights, and that steps be taken to prevent the building of a mall that exceeds our zoning. Thanks, Maggie Severance

Which do you
prefer to walk by
and shop next to?

3 Story Church St. as is
14 Story New Mall



city hall May 2, 2016 Jay Vos's model of the proposed mall height

Meagan Tuttle

From: Carolyn Bates <cbates@burlingtontelecom.net>
Sent: Thursday, May 19, 2016 1:39 AM
To: YvesBradley; Bruce Baker; Lee Buffinton; Emily Lee; Andy Montroll; Harris Roen; Jennifer
Subject: Wallace-Brodeur; Meagan Tuttle
re mall

Church St Market Place zoning height is 38 feet Mall wants 8 stories + solar panels or 9 stories or 90FT++ which is 53 ft above zoning height.

The rest of the downtown that is within the mall area is 65 feet. They are at 160 Ft are 95 feet above zoning permitted height.

So why are we letting City Council set new potential zoning so far above what is the LAW?????

See below.

Thank you

cb

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Article 4: Zoning Maps and Districts

Article Last Updated: July

Table 4.4.1-1 Dimensional Standards and Intensity

Districts	Max. Intensity (floor area ratio ¹)	Max. Lot Coverage	Min. Building Setbacks (feet) Front ⁵ Side ^{2, 4} Rear ^{2, 4}			
Downtown						
D	5.5 FAR	100%	Greater of 0' or 12' from curb	0	0	
Church St. Marketplace	Same as Downtown					
Downtown Transition District						
DT		100%	Greater of 0' or 12' from curb	0	0	
A. North of Buell St.	4 FAR	Same as Downtown Transition				
B. South side of Main St.	5.5 FAR	Same as Downtown Transition				
C. South of Buell St.	4 FAR	Same as Downtown Transition				
D. South of Maple St.	2 FAR	Same as Downtown Transition				
Downtown Waterfront						
DW		100%	Greater of 0' or 12' from curb	0	0	
A. North of Pearl - East	4 FAR	Same as Downtown Waterfront				
B. Pearl to Bank - East	4 FAR	Same as Downtown Waterfront				
C. Pearl to Bank - West	2 FAR	Same as Downtown Waterfront				
D. Bank to College - East	3 FAR	Same as Downtown Waterfront				
E. Bank to College - West	2 FAR	Same as Downtown Waterfront				
F. South of College	2 FAR	Same as Downtown Waterfront				
Downtown Waterfront – Public Trust						
A. North of Pearl - West	2 FAR	Same as Downtown Waterfront				
B. Lakeshore ⁴	2 FAR	Same as Downtown Waterfront				
Battery Street Transition						
BST	3 FAR	100%	Greater of 0' or 12' from curb	0	0	

Meagan Tuttle

From: Hannah Faesy <faesyyy@gmail.com>
Sent: Thursday, May 19, 2016 3:36 PM
Subject: Stop the 14-Story Mall

Hello,

I am writing as a life-long Vermonter, and long time Burlington resident. I am asking you to please not change the Burlington zoning to accommodate this new, massive building. A new mall is one thing, but this is not something that I, as a community member, stand behind in any way.

I hope you consider the voices of the city as you move forward into a decision.

Best,

Hannah Faesy

Meagan Tuttle

From: joey corcoran <joeycork@burlingtotelecom.net>
Sent: Friday, May 20, 2016 3:49 PM
To: YvesBradley; Bruce Baker; Lee Buffinton; Emily Lee; Harris Roen; Jennifer Wallace-Brodeur; Meagan Tuttle
Subject: Burlington Mall
Attachments: greg e wood on Burlington mall 2016.docx

Dear Planning Commission members,

I'm writing to you as a concerned Burlington resident. I'm taken aback by the high rise that is about to loom over Church St., radically changing its human scale. I'm wondering about the possibility of re-visiting the option of having the parking underground and thus bringing the height of the building down to a level that is more integrated with the surrounding buildings. Please see Greg Epler Wood's carefully thought out solution attached.

I also wonder why our property taxes will be incrementally increased to provide housing for Champlain College students. I understand that the rationale is that this will free up rental housing in the North End for Burlington residents who are planning to work and reside in the area. But with the increases that the College is proposing in its student population this seems like a false premise as there will continue to be a demand for housing that exceeds the current housing stock for the City. It seems to me that Champlain College could purchase and develop their own housing project as they have done with Spinner Place and Eagles Landing. They are a private institution. I don't believe it is ethically correct to use public dollars from resident taxpayers to support their development. Am I not understanding the tax situation correctly?

Please consider there concerns at your next Planning Commission meeting on May 24. I will try to attend if I'm not working. Could you let me know the time and whether it is open to the public?

Thank you,
Joey

Mindful Rest Counseling & Classes
20 West Canal Street, Suite C/2
Winooski, VT 05404
802-654-7600, ext. 4

www.mindfulrest.com

Meagan Tuttle

From: Carolyn Bates <cbates@burlingtontelecom.net>
Sent: Saturday, May 21, 2016 10:54 AM
To: YvesBradley; Bruce Baker; Lee Buffinton; Emily Lee; Andy Montroll; Harris Roen; Jennifer Wallace-Brodeur; Meagan Tuttle; Nancy Plunkett
Subject: FYI Don Sinex

I honestly think you should get more details than I can find online about Don Sinex and his supposed "deep pocket friends" before we go any further with this zoning change. I have asked the Mayor for more info and his secy sent me his website. I asked her again, and she said they are "working on it." So even the mayor has no info.

In City Council when asked about his past work he apparently said something like "Trust me" on this.

Here are some "notes" I found on Don Sinex.

1. seven days story in 2014 NB what he says he will do for mall. what jobs he held before and that he has friends with deep pockets to help him fund the mall.

<http://www.sevendaysvt.com/vermont/burlington-progs-put-mall-man-through-the-paces/Content?oid=2488212>

... these are the jobs he told you about in 2014 when asked...see Seven Days above
they were all done prior to 1997 for JMB realty
<https://assets.documentcloud.org/documents/1381947/sinex-cv-project-list-references.pdf>

3. His Business since 1997
NB The only item on here is Burlington Town Center.

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

205 42nd st. 19th fl. NY 10017
101 Cherry ST, Suite 440 Burlington
info@devonwoodinvestors.com

Mr. Sinex was an executive vice president and a managing director of JMB Realty Corporation, one of the largest commercial real estate investment firms in the United States at the time. During his career, Mr. Sinex acquired more than \$6.5 billion in real estate assets mostly in New York, Washington, D.C and Boston.

4. News on his website is only about burlington mall starting in nov 2014

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

5. Buys mall in 2013 nb he says he will have it preleased 85-90 prior to completion in 2019
<http://www.devonwoodinvestors.com/project/burlington-town-center/>

In 2013, Devonwood acquired the Burlington Town Center, a 40-year old, single story, 250,000 sf retail shopping center covering 5.5 acres on the pedestrian-only Church Street Marketplace in the heart of the Burlington Vermont for the purpose of developing a 1,340,000 sf regional mixed-use commerce center which **includes 378,000 sf of office space, 274 residential and student housing units, a future upscale hotel and spa, restaurants and retail space, together with parking facilities for over 1000 cars. This important project is expected to be 85%-90% pre-leased prior to the completion of construction in 2019 with an expected completed value of over \$400 Million.**

6. investors: only one I can find: with Jeffery Williams went to UVM

Who actually owns the loan on the mall.

<http://www.prime-finance.com/>

Burlington Town Center

\$23,000,000

Five year floating rate First Mortgage loan

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

See loan (above). He has a variable rate for 5 years. HE bought mall in 2013 which means in 2018 he has to pay or refinance. This maybe why he is in such a hurry to get our mall built and have tenants asap and TIF money available so he will look good to Jeff Williams. This way Don can get the loan Jeff said he would give to Don of up to \$100 mil.

7. references:

NB 4. Jeff Williams

**who holds the mortgage on Town Center
and is willing to lend him up to \$100mil**

<https://assets.documentcloud.org/documents/1381947/sinex-cv-project-list-references.pdf>

PROFESSIONAL REFERENCES

1. Neil Bluhm: Founder and CEO at **JMB Realty** Corporation and Senior Manager–Partner at Walton Street Partners, Chicago, Illinois. Neil owns, manages, and oversees more than \$15 billion in real estate assets.

2. John Schreiber: Managing Partner at Blackstone Reality Advisors, Blackstone Investment Banking Corporation, New York City and Lake Forrest, Illinois. John oversees, manages, and owns more than \$45 billion in real estate assets.

3. John Kukral: CEO Northwood Investments, New York City. John oversees, manages and owns more than \$2 billion in real estate assets.

4. Jeff Williams: Managing Director at Prime Finance, LLC, New York City. Jeff made the first mortgage loan to Mr. Sinex to acquire the BTC and oversees more than \$2 billion in real estate assets. Jeff has expressed serious interest in providing up to \$100 million in financing for the first phase of the BTC project, subject to underwriting standards.

Thank you for taking the time to read this.

Carolyn
May 21, 2016

Carolyn L. Bates Photography

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ADDRESS: PO Box 1205, Burlington, VT 05402

Phone: (802) 238-4213

Web: www.carolynbates.com

Meagan Tuttle

From: TONY Redington <tonyrvt99@gmail.com>
Sent: Saturday, May 21, 2016 7:43 PM
To: YvesBradley; Bruce Baker; Lee Buffinton; Emily Lee; Andy Montroll; Harris Roen; Jenni Wallace-Brodeur
Cc: Meagan Tuttle
Subject: Mall and Zoning Change

This is a signed final message replacing the premature one just sent.

Good Day:

As an initial supporter of the concept and approach on the Sinex proposal my view has turned 180 degrees on beginning to grasp how out of scale it is and, perhaps most important, how going outside normal channels of development community interests can be not only lost but actually betrayed by our business and political leadership.

Specifically, I strongly oppose a retroactive change in the current zoning of 65 feet for Bank and Cherry Street to almost triple, 160 feet. This betrays both the spirit and content of both past lengthy processes by our Planning Commission which set the 65 feet limit over about a two year period, and the various public judgements about scale for the downtown (most viewed our downtown scale compatible with the zoning at 65 feet).

There are many other specific deficiencies in the Sinex proposal but 14 stories, exposed parking, lack of any evidence that a project in line with current zoning is infeasible leaves this aspect first and foremost.

We have just seen how development in Burlington an unforeseen truly agonizing results as a process that tried to save Burlington College through housing development in effect destroyed the college itself. At the very least we owe our citizenry an open, thorough--and yes lengthy--process of a major change in our downtown. This is a project for the next four decades in the heart of our City and as such requires an continuous upfront transparency. For a zoning change to proceed when there is no market study, a developer with no vetting, no commitment to a high energy (how crazy is that!), no transportation study, etc.-- in a word with no project reasonably shaped, formed, and legitimate--leaves one wondering on what foundation you as Commissioners can move forward at this point in the process.

Yours truly,

Tony Redington
20 North Winooski Ave. Apt 2
Burlington, VT 05401
@TonyRVT08

Champlain Parkway: Stop! Re-Evaluate! Re-Imagine!
Pine Street

Coalition: https://www.facebook.com/groups/861721857283979/?inviter_id=842495720&is_new_user=0

Meagan Tuttle

From: John and Rebecca Grimm <vtgrimms@burlingtontelecom.net>
Sent: Saturday, May 21, 2016 8:48 PM
To: vesBradley; Bruce Baker; Lee Buffinton; Emily Lee; Andy Montroll; Harris Roen; Jennifer
Subject: Wallace-Brodeur; Meagan Tuttle
Mall Project

Dear Planning Commission Members:

Thank you for your service to the community. I live on Drew St with my family where we have been for 15 years. I love living in Burlington and value the character of our community. I am writing connected to the current proposed mall development project. I am concerned by what I am hearing regarding this project and how it appears things are moving quickly with little public discussion. I urge you to not approve any zoning variances for this project without a thorough public discussion and vetting. Please, let's not lose sight of the value of true democracy, especially in the face of such potentially radical changes to our community and its character. Thank you again for your service and please insist that our zoning continues to reflect a community set of values and is not solely driven by developer's proposals.

John Grimm



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Meagan Tuttle

From: Yves Bradley <YBradley@vermontrealestate.com>
Sent: Monday, May 23, 2016 6:02 PM
To: bbaker@cdbesq.com; David E. White; Meagan Tuttle; andym@montrolllaw.com; l.buffinton@gmail.com; emilyannicklee@gmail.com; roen@burlingtontelecom.net; jwb@burlingtontelecom.net; Kimberlee Sturtevant
Subject: Fwd: Burlington Town center project

Sent from my iPhone

Begin forwarded message:

From: Ernie Pomerleau <EPomerleau@vermontrealestate.com>
Date: May 23, 2016 at 8:54:31 AM PDT
To: Yves Bradley <YBradley@vermontrealestate.com>
Subject: Burlington Town center project

Dear Yves
Emailing in your capacity as Chair of the planning commission..

To the planning team:

You will hear opposition to ANY project – would remind all of us....as a member of the original Marketplace Advisory committee we heard lots of argument against removing traffic from church – best thing we ever did!
When Mall first was proposed – much argument against it creating competition etc...again great for BTV!!
We have a dozen examples of opposition of economic development that have become backbones of our economy– I support this project 100%!!

With 4 Decades of devotion to Burlington -born here/live here/business here- believe this project must go
Through for the long term viability of downtown.

....New Jobs/Taxes/Housing/Retail/Offices -advances our community
....Height – Burlington as largest City in Vermont – is BEST place for Height –
- Height reduces sprawl/Height creates better utilization of downtown/concentrated student housing gets
Students OUT OF NEIGHBORHOODS/still be lowest “Highest” building of any state in US!!

Do not be afraid of change if we are not moving forward we are going backward....our city is unique – if we miss this chance – the Mall will likely perish and that will be a travesty for BTV not the height!...
Thank you for what you do for our community
Ernie

Ernie Pomerleau

Meagan Tuttle

From: Joan Shannon <jshannon@burlingtonvt.gov>
Sent: Tuesday, May 24, 2016 12:22 PM
To: Lee, Emily A - BURLINGTON VT; Yves Bradley; Bruce Baker; Jennifer Wallace-Brodeur; Harris Roen; Lee Buffinton
Cc: David E. White; Meagan Tuttle
Subject: Tonight's Mall discussion

Dear Planning Commissioners,

I am sorry I am unable to make your meeting tonight, but I did want to weigh in on the discussion of the downtown overlay zoning and would appreciate it if this brief email could be read into the record.

I am fully supportive of rezoning to accommodate development that would facilitate the opening up the City grid and the many public benefits associated with doing so. I do have a few concerns about how that is done which I hope you will consider in your deliberations:

1. **Church St.** Existing zoning requires a 100' setback from Church St to reach the height of 105'. The new proposal is unclear about what the setback is from the centerline of Church St. to the height of 105'. Shadow impacts on Church St. are critically important to the public. **I ask that you confirm the new proposal is maintaining the current 100' setback for 105' buildings and adjust the other step backs accordingly.** Changing the height limit on Church St. at all should only be done with thoughtful consideration of shadow impacts. **While the request is modest, I do not think changing Church St. zoning is necessary to accommodate the mall, and would prefer it remain as is.**

2. **Public Benefits** The public has expressed concern that there would be no public benefit in exchange for increased height, in contrast with our existing zoning. Converting an existing mall which would not be allowed to be built under today's zoning, into a mixed use development also has great public benefit. Eliminating a monolithic mass that offers no stormwater retention or treatment and replacing it with one that meets LEED Gold standards and treats stormwater also has great public benefits. Most of all, restoring our City grid, will greatly enhance our downtown experience. While the pre-development agreement asks you to come forward with zoning that is by-right rather than by a DRB bonus process; **I ask that you consider including many required public benefits in order to get to the maximum proposed height by right.** The above proposed benefits should be requirements for anyone in the overlay district to get the increased height. I believe Andy Montroll is going to bring forward a proposal along these lines and I am very supportive of the concept.

3. **FAR Calculations** I am told that the mall proposal we have looked at, when the massing was adjusted downward is an FAR of 9.5. In addition, I believe we have been told that only 40% of the building will reach the maximum allowed height. I am no expert on FAR, but **I would like verification, that the pictures we have been shown are in fact a FAR of 9.5 and that the proposed lot coverage at different floor levels also equals an FAR of 9.5.** The table that described the lot coverage by floor looked acceptable to me, but I would want to be sure it is not in conflict with the 9.5 FAR.

4. **Overlay District Boundaries** When we discussed the boundaries of a height overlay district in the Form Based Code Committee, my recollection is that it did not include the **Chittenden/Peoples Bank site and I request that it be removed from the proposed overlay district.**

Thank you for your careful consideration of this proposed zoning change.

Sincerely,
Joan Shannon
South District City Councilor

Meagan Tuttle

From: Carolyn Bates <cbates@burlingtontelecom.net>
Sent: Tuesday, May 24, 2016 12:34 AM
Subject: I love the idea or rebuilding the mall BUT....

to all:

I love the idea of the streets being put back...but Pine really can't be
I love the idea of getting that awful basement mall out of town. I hate it. I have used it less than 10 times in its entire existence. I hated every time I went there.
I love the idea of having Church st extended around a potential 1000 linear feet of street with small unique places to explore and use.
I love the idea of having the 2-3-4 ext floors with lively office, retail, art galleries.
I simply LOVE that idea.
But Sinex and his plans just do NOT FIT. They are massive and ugly. Homogenous for 1000 linear feet.

The RUSH is horrendous and really taking a toll on all of us.
This is a huge commitment to triple, quadruple the space of this area.

He is rushing us because he has a 5 year mortgage taken out in 2013. He has no personal money, and the biz/Jeff Williams is part of (Prime Financing) owns this mortgage. (\$23 mil) And will give him \$100 mil more
but I know Sinex has to prove to Jeff, that he can pull this off. So he NEEDS our \$22mil TIF and he needs the hospital and college as tenants in order to get more financing.
He has NO Friends with DEEP Pockets as he suggested in 2014.
And I am sure that they have decided to go for 14 floors to get even more money out of little Burlington. Sinex's website claims he will make his \$200mil become a \$400 mil building...
BIG PROFIT here that goes back to NYC and his investors.
And he has this mall, now listed as a 5 story mall, with Prime Financing!!!

but does he need 1.3 million sq ft

to make this a go?

or can he make it with less...

that is the question feasibility study would show us.

I bet he can build with less and stay within our zoning ordinances that we have carefully studied and planned.

We should not let him dictate to us what the size and mass of the proposed mall is. We need to hold to our zoning plans.

And get the parking back underground, where it belongs, and not on the 2nd 3rd 4th floors of the entire Pine/Bank/Cherry/St Paul of over 1100 linear feet of boring

homogenous designs with NO WINDOWS. No where else in the entire downtown have we allowed this. WHY are you doing this NOW?

I am sure other developers will say yes to this. That it is a grand idea.

But what about local owners of buildings and businesses who are in it for long term? What do they say? Do they like the size? The Mass?

We found out that some of the biz owners who had said "yes" to Redmond, never saw plans or the size and mass of the mall. They just said yes to the IDEA, and are now horrified at what is proposed.

The hospital is going everywhere for space. The mall is just one more building they seek. But if they don't in there, they have lots of other options.

It is not a specific need of the hospital to be IN the MALL. Nor is it any feather in Sinex's cap to have gotten the hospital to sign in.

That was almost a given to happen. Ditto with Champlain College.

I do not see him bringing in any unique person.retail. office. etc. so far.

We want people who want to be downtown because they have something specific to contribute directly downtown. That will bring people downtown because they want to visit this place, buy something, try something. And are open 7 days a week. And many of them open in to the evening when people come downtown to eat, party, go to the theater. The hospital is boring and should not be downtown in my opinion. It brings employees for m-f 9-5 only.

Maybe a small space for sick people to go to would be good.

Or an educational center

Maybe a realtor

or a place where you can make/design something

Perhaps we can do a survey of what people would like downtown, instead of dictating to them what they will have like it or not.

Interesting that Sinex has not done this.

Well

I guess I have some of my myriad of thoughts spelled out.

I thank you for your time.

Carolyn

May 24, 2016

12:21 am

Carolyn L. Bates Photography

Email: cbates@carolynbates.com

ADDRESS: PO Box 1205, Burlington, VT 05402

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

Meagan Tuttle

From:

Carolyn Bates <cbates@burlingtontelecom.net>

Sent:

Tuesday, May 24, 2016 9:10 AM

Subject:

Lets Buy the Mall from Sinex and build it our way. Not his way. And reject the zoning request for 14 stories NOW.

This is what I plan to say tonight.

Is it possible to speak in the beginning. I will be there early.

As you might want others to respond to this.

Please advise.

Thank you

cb

Thank you commissioners for your time.

I am Carolyn Bates, Burlington resident, business owner since 1973.

Lets Buy the Mall from Sinex and build it our way. Not his way. And reject the zoning request for 14 stories NOW.

2013 Sinex took a \$23mil loan from Prime Finance to buy the Town Center.

He tells us he will spend \$200mil and needs 14 stories to make the "mall work."

He tell us to rush rush rush.

According to his website, the completed value of our mall will be \$400 mil

Quite a tidy profit!

I ask Burlington Business Association, pool your money and buy this dilapidated mall from Sinex TODAY

Return it to Burlington where we can keep the profits here.

Open up Pine and St Paul.

Build lots of unique small buildings, each with a different architect.

Add the housing needed,

offices for the hospital,

Keep Burlington a model city for others to follow.

The TIF we were getting was for almost \$22 Mil. Can we use this to buy back the mall???

Lets all be finished with Sinex and get back to healthy city business.

Carolyn Bates

May 24, 2016

Carolyn L. Bates Photography

Email: cbates@carolynbates.com

ADDRESS: PO Box 1205, Burlington, VT 05402

Phone: (802) 238-4213

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

Meagan Tuttle

From: Yves Bradley <YBradley@vermontrealestate.com>
Sent: Tuesday, May 24, 2016 2:01 PM
To: Meagan Tuttle
Subject: Fwd: Burlington Town Center

Sent from my iPhone

Begin forwarded message:

From: "Seaver, Michael" <Michael.Seaver@peoples.com>
Date: May 24, 2016 at 10:26:46 AM PDT
To: "'ybradley@vermontrealestate.com'" <ybradley@vermontrealestate.com>
Subject: Burlington Town Center

Dear Yves,

I understand that the Planning Commission will be taking public comment on the recently announced Predevelopment Agreement for BTC at tonight's meeting. I will be unable to attend as I'll be hosting the United Way spring celebration tonight. I would like you to know that I am very supportive of the proposal, both as a city resident and as Vermont President of an adjoining property owner, People's United Bank.

I think that we all agree that our community needs additional housing and that the current mall must be repositioned if it is to survive and thrive over the next 20 years or more. I know that some of the aspects of the current proposal are not considered ideal by all of our constituents. You have a challenging task in front of you as you consider the plan and balance various input from the community. Economic feasibility must be a consideration for the community and the developer, and the requested density/height is critical to the project's success due to the high costs associated with needed infrastructure, including parking. We have a limited supply of land in the city and increasing the tax base helps to moderate higher tax rates, which is needed if we are to attain the goal of improved affordability. The core downtown business district is the appropriate place for buildings of this height.

Thank you for taking the time to read my perspective and good luck in your deliberations.

Regards, Michael

Michael L. Seaver
President, Vermont
People's United Bank
Two Burlington Square
Burlington, VT 05402-0820
Michael.Seaver@peoples.com
Phone 802-660-1348
Fax 802-660-1577



Meagan Tuttle

From: Yves Bradley <YBradley@vermontrealestate.com>
Sent: Tuesday, May 24, 2016 2:02 PM
To: Meagan Tuttle
Subject: Fwd: Overlay district

Sent from my iPhone

Begin forwarded message:

From: "Peterson, Bob" <Robert.Peterson@peoples.com>
Date: May 24, 2016 at 9:07:58 AM PDT
To: "ybradley@vermontrealestate.com" <ybradley@vermontrealestate.com>
Subject: Overlay district

Hi Yves -

I just wanted to drop you a quick note to let you know that I support the overlay districts that Don Since is proposing and being voted on tonight. Personally and professionally I think it is critical to the revitalization of that area of downtown Burlington. Thanks for listening.

Bob Peterson
VP Real Estate Services
People's United Bank
Burlington VT

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Meagan Tuttle

From: Yves Bradley <YBradley@vermontrealestate.com>
Sent: Tuesday, May 24, 2016 1:59 PM
To: Meagan Tuttle
Subject: Fwd: Mall re-development project

Sent from my iPhone

Begin forwarded message:

From: Vicky Smith <vicky@kingstreetcenter.org>
Date: May 24, 2016 at 8:14:21 AM PDT
To: ybradley@vermontrealestate.com
Subject: Mall re-development project

Hello Yves,

Please accept this email in support of approval of the zoning overlay district for the Burlington Town Center redevelopment project. Our Board stands behind this project.

The proposed height and massing of the project is appropriate for this location in downtown Burlington. It supports the inclusion of all of the important uses proposed in the project. This plan supports Burlington's environment goals by increasing density and following LEED GOLD standards.

The project's plan to utilize TIF financing to reconnect St. Paul and Pine Streets will bring much needed vitality and walk ability to downtown. It will greatly improve the streetscape experience.

Thank you for considering. We simply must move ahead!

My best,
Vicky

Vicky Smith
Executive Director
King Street Center
87 King Street
PO Box 1615
Burlington, VT 05402
802 862-6736 ext 101
www.kingstreetcenter.org

Meagan Tuttle

From: Yves Bradley <YBradley@vermontrealestate.com>
Sent: Tuesday, May 24, 2016 1:59 PM
To: Meagan Tuttle
Subject: Fwd: Burlington Town Center

Sent from my iPhone

Begin forwarded message:

From: Doug Stewart <dougs@skirack.com>
Date: May 24, 2016 at 8:02:54 AM PDT
To: ybradley@vermontrealestate.com
Subject: Burlington Town Center

Dear Yves,

I'm doing my part as a good BBA member!

Please accept this email in support of approval of the zoning overlay district for the Burlington Town Center redevelopment project.

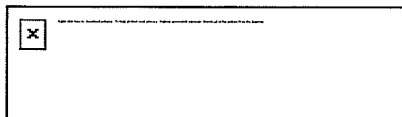
The proposed height and massing of the project is appropriate for this location in downtown Burlington. It supports the inclusion of all of the important uses proposed in the project. This plan supports Burlington's environment goals by increasing density and following LEED GOLD standards.

The project's plan to utilize TIF financing to reconnect St. Paul and Pine Streets will bring much needed vitality and walk ability to downtown. It will greatly improve the streetscape experience.

Thank you for considering this, and being a great Skirack customer. Maybe the new parking garage could be high enough for bikes on top of cars?☐

See you around,

Doug Stewart



Meagan Tuttle

From: Yves Bradley <YBradley@vermontrealestate.com>
Sent: Tuesday, May 24, 2016 1:59 PM
To: Meagan Tuttle
Subject: Fwd: Support for the Zoning Overlay District for BTC redevelopment

Sent from my iPhone

Begin forwarded message:

From: Sarah O Donnell <sarahhasnomiddlename@gmail.com>
Date: May 24, 2016 at 8:01:30 AM PDT
Subject: Support for the Zoning Overlay District for BTC redevelopment

Dear Planning Commission Members,

I would like to offer my support for the approval of the zoning overlay district for the Burlington Town Center redevelopment project.

This project offers an important opportunity for the city of Burlington to remain the economic and cultural center of Vermont. The project would provide badly needed housing, office and retail space for downtown Burlington while adding to the grand list and creating new jobs and economic vitality for Burlington.

As a young professional I hope to stay in Burlington but myself and my peers struggle to enjoy the quality of life Burlington offers when faced with the high costs of living here. This project offers the opportunity to build new housing in the greenest way possible- through dense downtown development, as opposed to the continuous building and sprawl that's happening in surrounding areas of Chittenden county.

Thank you for considering,

--

-Sarah

www.sarahodonnell.com
www.overnightprojects.com

Meagan Tuttle

From: Yves Bradley <YBradley@vermontrealestate.com>
Sent: Tuesday, May 24, 2016 2:02 PM
To: Meagan Tuttle
Subject: Fwd: BTC Redevelopment

Sent from my iPhone

Begin forwarded message:

From: The Optical Center <opticalcenter@myfairpoint.net>
Date: May 24, 2016 at 9:10:42 AM PDT
To: <ybradley@vermontrealestate.com>
Subject: BTC Redevelopment

Hello Yves,

Please accept this email in support of approval of the zoning overlay district for the Burlington Town Center redevelopment project.

The proposed height and massing of the project is appropriate for this location in downtown Burlington. It supports the inclusion of all of the important uses proposed in the project. This plan supports Burlington's environment goals by increasing density and following LEED GOLD standards.

The project's plan to utilize TIF financing to reconnect St. Paul and Pine Streets will bring much needed vitality and walk ability to downtown. It will greatly improve the streetscape experience.

We strongly support this project and do hope that you will as well.

Thank You!

Gary and Cynthia King
The Optical Center
107 Church Street
Burlington, VT

Meagan Tuttle

From: Yves Bradley <YBradley@vermontrealestate.com>
Sent: Tuesday, May 24, 2016 2:02 PM
To: Meagan Tuttle
Subject: Fwd: Burlington Town Center - the Linchpin

Sent from my iPhone

Begin forwarded message:

From: Tom Brassard <tbrassard@paw-prints.com>
Date: May 24, 2016 at 9:00:01 AM PDT
To: ybradley@vermontrealestate.com
Subject: Burlington Town Center - the Linchpin

Dear Yves:

Please accept this email in support of approval of the zoning overlay district for the Burlington Town Center redevelopment project.

Having just attended the VT Futures Project at Champlain College yesterday, the population demographics and [no] growth data for both Vermont and Burlington continues to be very sobering and does not bode well for Vermont's or Burlington's future – economically, demographically, quality of life, or sustainability.

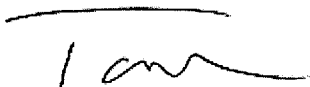
Simply put, both the state and it's largest economic asset opportunity, the city of Burlington, need more people to keep from retracting further into a defensive posture that only rewards the most fittest who are able to survive.

The proposed height and massing of the BTC redevelopment project is a significant step towards adding the high-density housing and workforce opportunities to help shift this tide. This project is appropriate for this location in downtown Burlington, it supports the inclusion of all of the important uses proposed in the project, and it supports Burlington's environment goals by converting commuters into more walkers and bikers.

The project's plan to utilize TIF financing to reconnect St. Paul and Pine Streets will bring much needed vitality and walk ability to downtown. It will greatly improve the streetscape experience.

This project forms the linchpin opportunity for the successful actualization of Plan BTv.

Thank you for considering.



Tom Brassard
Owner
Paw Print & Mail
12 Gregory Drive Suite 8
South Burlington, VT 05403
ph 802-865-2872 | f 802-862-5508
tbrassard@paw-prints.com
DESIGN | PRINT | MAIL | WEB

Meagan Tuttle

From: Yves Bradley <YBradley@vermontrealestate.com>
Sent: Tuesday, May 24, 2016 2:03 PM
To: Meagan Tuttle
Subject: Fwd: Go for the environmental best option...

Sent from my iPhone

Begin forwarded message:

From: Dan Cox <dancox@coffee-ent.com>
Date: May 24, 2016 at 7:50:31 AM PDT
To: "ybradley@vermontrealestate.com" <ybradley@vermontrealestate.com>
Subject: Go for the environmental best option...

Hi Yves,

I support the plan to increase the height regulation to allow for buildings that will exceed the existing regulations. It's more environmentally and economically viable to go up in height versus sideways in expansion.

I'd be happy to discuss this with you anytime.

Dan Cox

President
Coffee Enterprises & Coffee Analysts

Meagan Tuttle

From: ameymanny@gmail.com on behalf of Amey Radcliffe <ameyradcliffe@gmail.com>
Sent: Tuesday, May 24, 2016 3:21 PM
To: YvesBradley; Bruce Baker; Lee Buffinton; Emily Lee; Andy Montroll; Harris Roen; Jenn
Subject: Wallace-Brodeur; Meagan Tuttle
No zoning change, please.

Dear Planning Commissioners,

To keep it short and sweet, I believe we should respect the process that went into the CDO document and the associated height limits and bonuses to max out at 105 feet - no more. In essence, do not mess with our current zoning.

To try to streamline or sideline procedure with a "by-right" overlay is not good planning. Take the time to do this right. If there is really a desire to change zoning to allow more height, it should be done with time and care and with public input. In planBTV the majority of those polled expressed satisfaction with the current scale of buildings... "human scale. I don't believe a jump from 65 to 160 is what the public had in mind.

Form-based code is not adopted at this time, nor should it's by-right permitting. We are still under our current zoning regulations and they should be followed. If a taller than 65 foot building is to be considered, the developer must "earn" the height bonuses with public good efforts.

This plan does not do enough for the public good. Only 50 units of affordable housing while our city is in a housing affordability crisis. Meanwhile valuable housing real estate is being given to Champlain College. The city has to pay to rebuild the roads and then the developer owns them? For a reason that I do not understand there seems to be a desperation to make this plan a reality, despite its many flaws. What if the current mall structure becomes all housing. Forget the shopping and the nightclub and the college kids. Create housing for seniors and low income folks from the current envelope. This would cost less and do more for the public good. If the city is prepared to pay for opening the streets, make that plan a priority and the city will continue to own the streets.

The city does not need to scramble for this flawed plan.
Step back. Let cooler heads prevail. We have good planning policy in place already. Let's use it not ignore it.

Thanks,
Amey Radcliffe
Burlington business owner for over 26 years

Meagan Tuttle

From: David E. White
Sent: Tuesday, May 24, 2016 3:26 PM
To: Charles DesLauriers
Cc: Andy Montroll; bbaker@cdbesq.com; David E. White; Emily Lee (emily_lee@ml.com); Emily Lee (emilyannicklee@gmail.com); Harris Roen (roen@burlingtontelecom.net); Jennifer Wallace-Brodeur (jwb@burlingtontelecom.net); Lee Buffinton; Meagan Tuttle; Yves Bradley (ybradley@vermontrealestate.com)
Subject: RE: Lakeview Garage Zoning

Thanks Chuck – I will share this with the Commission

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

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

From: Charles DesLauriers [mailto:chuck@deslauriersco.com]
Sent: Tuesday, May 24, 2016 2:25 PM
To: David E. White <DEWhite@burlingtonvt.gov>
Subject: Lakeview Garage Zoning

Good afternoon David: The owners of Hotel Vermont would like to express our support for the Burlington Town Center redevelopment but at the same time share our opposition to any change in the zoning of Lakeview Garage.

You may recall the development of Hotel Vermont began 15 years ago with the Westlake Project. When we were awarded the RFP to develop the City owned property between Cherry Street and the Lakeview Garage, our design was predicated on representations made by the City of Burlington that the Lakeview Garage could not be expanded and would not be expanded. It was with this confidence and existing zoning conditions that we orientated the hotel with south facing rooms over the garage. Any expansion or redevelopment of the Lakeview Garage encouraged by a significant zoning change would be seriously detrimental to the economic viability of Hotel Vermont and contrary to representations made by the City of Burlington.

Fortunately excluding the Lakeview Garage from the proposed re-zoning boundary will not impact the feasibility of the Burlington Town Center re-development.

We would like to have the opportunity to briefly express our position during the public comment session at the evening's Planning Commission meeting. Please add Jay Canning and/or Joe Carton representing Hotel Vermont Holdings to the list of speakers.

Thank you for your consideration,

Chuck DesLauriers
Managing Member, Hotel Vermont Holdings

--

Charles DesLauriers
DesLauriers Companies
25 Cherry Street
Burlington, VT 05401
802-863-1333 o
802-734-1777 m
802-862-1179 f

Meagan Tuttle

From: Yves Bradley <YBradley@vermontrealestate.com>
Sent: Tuesday, May 24, 2016 4:57 PM
To: Meagan Tuttle
Subject: Fwd: Voicing my support for the BTC Redevelopment

Sent from my iPhone

Begin forwarded message:

From: Owen Brady <owen.brady@outlook.com>
Date: May 24, 2016 at 1:51:51 PM PDT
To: Yves Bradley <YBradley@vermontrealestate.com>
Subject: Voicing my support for the BTC Redevelopment

Yves,

I, unfortunately, will not be able to attend the Planning Commission meeting this evening to voice my support for the BTC redevelopment project so I hope that you will accept this email in lieu of my presence.

The BTC redevelopment represents an extremely rare opportunity for the City of Burlington. Not since Bill Truex put forth the concept of the Church Street Marketplace has there been such a forward-looking proposal to revitalize the Queen City while supporting the values that make it special: community engagement, sustainability, economic growth, and mindful development. Don Sinex and his team have done a tremendous job engaging with the community and working to make this project one that will help Burlington evolve.

It's true that the skyline will rise, but with it will come new opportunities for urban living, mixed-use space, and community resources. Furthermore, an investment of more than \$200 million into Burlington, or any part of Vermont, is practically unheard of. Letting this opportunity pass us by would be a mistake. If we make it clear that Vermont is not interested in outside investment, even when it comes in the form of someone who lives in VT and wants to honor the wishes of the community, we will set ourselves on a destructive economic course. We are all aware of the challenges we are facing as a state. There are a lot of passionate people who are working to overcome them. This project will provide a much needed boost to our efforts to recruit and retain young professionals and to signal to the rest of the country that Burlington is a city that is willing to adapt.

I wrote an opinion piece for the Free Press last year (<http://www.burlingtonfreepress.com/story/opinion/my-turn/2015/06/18/opinion-millennials-growth-bad-word/28945399/>). In that piece, I referenced the need for "sensible, sustainable development that will provide Vermont with the diversity it needs to succeed." This project is a perfect example of that sort of development. Many will argue that 14 stories in a city the size of Burlington is not sensible, but I believe that it is. Not only is it only slightly higher than buildings that are already in downtown Burlington such as the Masonic building at the top of Church

Street, but it meets a need that has been demonstrated by the market. The vacancy rate in Burlington hovers around 0%, existing buildings prevent redevelopment due to a variety of factors, and the costs for real estate are so high that those that wish to live in downtown Burlington are often unable to afford it. This project allows us to think in three dimensions, which will help to ease this tension while keeping our green fields green and our city thriving.

There are some who worry about an outside developer coming in to "change" the character of the city. This is actually history repeating itself. According to the history of the Church Street Marketplace, the original developer for the Urban Renewal Project that led to its birth was Donohoe Associates of Philadelphia

(<http://www.churchstmarketplace.com/about/history/birth/the-urban-renewal-project>). Without the efforts of this developer and the visionary leaders of Burlington at that time, we would not have one of "America's Great Public Spaces" as the jewel of our Queen City. The time has come for us to recognize opportunity when it knocks and to be the stewards of Burlington's next chapter. For the good of our economy, people, city, and future, I urge you to support this project.

Regards,
Owen Brady

Burlington Planning Board
May 24, 2016

Comments on the Downtown Mixed Use Overlay District

Planning Board Members:

Here are some thoughts on the proposed overlay district:

1. (p. 13 on my screen) The 80 units of student housing (160 real people; or more) are described as "purpose built" and centrally managed by CC, the owner, or a management company. This gets us closer to the legal definition of a "dorm" which is exempt from taxation on new construction value. You can be sure CC will ask for it if the mall owner doesn't. It also clusters the apartments and, if not a dorm, could be in violation of equal access to housing rules.
2. (p. 13) The language of height bonuses for a public good--senior housing, additional affordable housing, public art, the creation of new jobs, the provision of public parking--in existing zoning is eliminated and the new rules apply "by-right" to this or any other developer of the site. The reference to "work force housing" is without teeth.
3. (p. 13) There may well be an aerial bridge over St. Paul St., a decision deferred to the future. What are the sun impacts of that? Recall the above-Pine St. children's play space.
4. (p. 13) the city isn't demanding a physical model.
5. (P. 14) the zoning is designed to fit the project, not the reverse, and the mayor's office will take the lead in helping the developer achieve the needed zoning changes. Is this why we pay a mayor and a planning department?
6. (p. 16) Thus the 160ft. maximum is by-right and can't be questioned by the DRB.
7. (p. 17) This overlay district, said to include only the mall west and including LL Bean, also includes Macy's, so either of these buildings could go to 160 ft. While this is Planning's way of evading the "spot zoning" charge, it also widens the can of worms.
8. (p. 17) There's also a 5% increase allowed above 160 ft for 'grade changes', and an FAR of 9.5, Upper story setback requirements now in place are scrapped.
9. (p. 18) While there's lots of seeming detail about the facade articulation and materials, it seems to ignore the 3 stories of proposed above ground parking, which is handled later. The participation in "shared area parking agreements" is only if it doesn't cost the developer anything, so is entirely optional.
10. (p.20) There's a map line that extends well beyond the overlay district but changes height limits there. This is slight of hand. Exiting 38 ft. height on Church goes up to 45 ft. and after 45 ft it can go up to 105 ft. with 10 ft. set backs in increments above the 45 ft. limit. Thus all property owners on Church have an interest in supporting this legislation so that they participate in the new higher potential building heights. Builders can go to 105 ft. at 60 ft. from the edge of Church St.
11. (P. 20) The document makes much of St. Paul and Pine becoming public streets with no details on the limits to this: the mall owner's ability to close those streets at will; his storage tanks for storm water under the streets; or the fact that these streets--some portion of which will go under existing buildings--serve primarily the developer himself.
12. (p. 24) Repeats the "by-right" aspect of the new limits, exempt from DRB approval. For the first 5 stories, the buildings can occupy 100% of the lot thus have no setbacks at ground level or above.
13. (p. 25) Here the upper stories are required to provide "a rich visually interesting experience...with surface relief". How does that work with three stories of parking?
14. (p. 25) Setbacks need not begin until the 5th floor and then need only have 10ft of set back in the first 60 ft. of height. This sounds like an oppressive overhang to me.
15. (p. 27) They seem to have responded to Eric Morrow's critique of the window minimums.
16. (29) Above ground parking allowed as is ground level parking on secondary streets. This is crazy. Such ground level parking need have no setback from the street. But hey, upper level parking must be "hidden". (Spot Wally!

Spot Burlington's hidden parking!) Here the principles of wrapping parking around occupied facades which is in Plan BTV and ordinances is entirely thrown away.

17. (p. 31) Here's my favorite. Buildings will be required to respect federal aviation rules respecting the flight path of aircraft. That a relief.

18. But wait. Remember that 5 ft. above the 160 ft. that might be allowed given slopes? Well, there's another 10ft allowed for mechanicals, up to 20% of the roof floor area, up from 10% in previous codes.

For all the effort to pretend that this zoning is 1) consistent with Plan BTV and 2) is really already authorized by Council in its particulars, this is a con job.

Charles Simpson, Ward 6

Meagan Tuttle

To: Yves Bradley
Subject: RE: Burlington Building height

Meagan E Tuttle, AICP
Comprehensive Planner
City of Burlington, VT
802.865.7193

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

From: Yves Bradley [<mailto:YBradley@vermontrealestate.com>]
Sent: Tuesday, May 24, 2016 2:04 PM
To: Meagan Tuttle
Subject: Fwd: Burlington Building height

Sent from my iPhone

Begin forwarded message:

From: Jeff Nick <jeff@jeffnick.com>
Date: May 24, 2016 at 5:37:46 AM PDT
To: "Yves Bradley (YBradley@vermontrealestate.com)" <YBradley@vermontrealestate.com>
Subject: Burlington Building height

Yves,

I measured the height of the 1897 Masonic Temple building at One Church Street. Based upon the reading from our Bosch laser the building height is approx.. 125 feet to the top of the slate roof. A measurement from our drone confirmed the measurement. (see attached photo)

The street elevation of upper Church St. is 228 ft. while the elevation on Bank St. between St. Paul and Pine St. is 206 ft. (Google Earth)

Thus a 160 foot tall building on Bank St. would only be 14 feet taller than the Masonic Temple.

Of course the Masons built their building before zoning regulations became the law.

Hope this is helpful for tonight's planning commission meeting

Jeff Nick

NAI JL Davis Realty
29 Church Street, 3rd Floor
Burlington, VT 05401
Telephone: (802) 876-6923
Email: jeff@jeffnick.com



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

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



Burlington Planning Commission Minutes

Regular Meeting

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

Public Works Conference Room, 645 Pine Street

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

Absent: Y Bradley

Staff: D White, M Tuttle, E Tillotson

I. Agenda

No changes to the Agenda.

II. Report of the Chair

B Baker chaired meeting; no report.

III. Report of the Director

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

IV. Proposed CDO Amendment: NAC-Riverside Boundary

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

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

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

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

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

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

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

H Roen: Should do a site visit.

M Tuttle: Will coordinate outside of this meeting.

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

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

V. Public Forum

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

M Tracey: Will not vote for the ordinance as proposed. Student housing is a negative, the developer needs to do a lot more at a moral level. FBC transect is from less dense to more dense and more height. The conversation tonight is a strong indication that there is need for more conversation. Need 3 D model. This feels like a choice-less choice.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VI. Proposed CDO Amendment – Downtown Mixed Use Core Overlay

D White: Commission has a nearly complete proposed ordinance amendment, including a map for where additional height would be worthy of consideration. Commission's role is to judge the community's attitude about building height. Have set up a number of meetings in June to get something back to City Council by early July. City Council has said they are conceptually supportive of this proposal. Upcoming meetings include a work session June 9, a meeting June 14 and another meeting to make a recommendation to Council on July 6.

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

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

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

D White: Distributed handout regarding model. Important element is to consider what the utility of the model will be. 3D models are done for a variety of reasons. Model would look very different if it were to show a

proposed building within its existing context, versus current zoning versus proposed zoning. What is most relevant to the Commission is a model of zoning buildout. Public is asking for a model of the proposed project. We are looking for someone who can get a model developed, but not sure can get that done during the Commission's review. Commission can help advise on what extent for a model.

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

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

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

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

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

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

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

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

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

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

VII. Committee Reports

Deferred to next meeting.

VIII. Commissioner Items

No Commissioner Items.

IX. Minutes/Communications

Deferred to next meeting.



B Baker, Vice Chair

Signed: 08.15. 2016



E Tillotson, Recording Secretary