

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
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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

Regular Meeting

Tuesday, May 10, 2016 – 6:30-8:00 P.M.

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

AGENDA

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

I. Agenda

II. Public Forum - Time Certain: 6:35 pm

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

III. Report of the Chair

IV. Report of the Director

V. Proposed CDO Amendment: 15 Year Statute of Limitations (30 min)

The Commission will discuss the proposed amendment regarding the 15 Year Statute of Limitations. Information related to this proposed amendment is included in the agenda packet.

VI. Proposed CDO Amendment- Fletcher Place Rezoning (20 min)

The Commission will discuss a proposed map change to rezone properties along Fletcher Place from Institutional to Residential Medium Density (RM). Maps showing two options for rezoning parcels to RM are included in the agenda packet.

VII. Proposed CDO Amendment- Off-site Parking (20 min)

The Commission will discuss a proposed amendment to the CDO regarding off-site parking provisions. The purpose of the amendment is to clarify existing provisions for off-site parking, and to address the shared use of parking facilities after-hours and during weekends. Information related to this proposed amendment is included in the agenda packet.

VIII. Proposed CDO Amendment- Downtown Mixed Use Core Overlay (10 min)

The Commission will receive a brief update on Council's May 2, 2016 approval of the Predevelopment Agreement for the Burlington Town Center, and an overview of 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

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.

planBTV: Downtown and Waterfront Master Plan. Staff will present the draft ordinance to the Commission in anticipation of discussion at the May 24, 2016 meeting. Information on this proposed amendment is included in the agenda packet.

Commissioners who wish to review recent presentations regarding the project can do so via the City's website. The Predevelopment Agreement and other supporting materials are available online here:

<https://www.burlingtonvt.gov/CEDO/BTV-Mall-Redevelopment-Process>

IX. Committee Reports

X. Commissioner Items

XI. Minutes/Communications

The Commission will review approve minutes from the April 26, 2016 meeting.

XII. Adjourn

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The Commission will discuss the proposed amendment regarding the 15 Year Statute of Limitations.

Information related to this proposed amendment is included on pages 3-5 of the agenda.

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planBTV: Downtown and Waterfront Master Plan. Staff will present the draft ordinance to the Commission in anticipation of discussion at the May 24, 2016 meeting. A summary of this proposed amendment is included on pages 13-15 of the agenda and a preliminary draft of the proposed ordinance is included on pages 16-29.

Commissioners who wish to review recent presentations regarding the project can do so via the City's website. The Predevelopment Agreement and other supporting materials are available online here:

<https://www.burlingtonvt.gov/CEDO/BTV-Mall-Redevelopment-Process>

IX. Committee Reports

X. Commissioner Items

XI. Minutes/Communications

The Commission will review approve minutes from the April 26, 2016 meeting which are provided on pages 30-34 of the agenda packet.

XII. Adjourn

Section 2.7.11 Enforcement Period of Limitations

Pursuant to 24 V.S.A. §4454 and the terms of this section, the Administrative Officer shall not institute a zoning enforcement action under Section 2.7.7 where the alleged violation first occurred more than 15 years ago, has continued, and the violation was known to the City. This period of limitations pertains to all zoning violations, including but not limited to “use” violations (except those violations identified in subsection (b)(7) and (b)(8) below) so long as the violation has been continuous for 15 years or more, the City has known of the violation for at least 15 years and not taken action to correct it, and the violation is not a matter of health or safety. A zoning violation that meets the requirements of this section will be considered “stabilized.” The use, dimension, structure, function, or other condition that causes the property to be in violation of current zoning regulations will be referred to throughout this section as “the violation.”

(a) Burden of Proof

- (1) The burden is on the property owner to demonstrate the first two elements: that the violation has occurred continuously for 15 years or more and that the violation was known to the City for at least 15 years without corrective action.
- (2) To prove that a violation was known to the City, the property owner must be able to point to written city records within the City’s Department of Planning and Zoning, Code Enforcement Office, Inspection Services Division of the Department of Public Works or Assessor’s Office that show that the referenced City departments knew that the condition underlying the violation existed at least 15 years ago and the City has taken no action to correct the violation. If City records in the referenced departments conflict, the Administrative Officer shall determine whether the City knew of the condition based upon the preponderance of the evidence.
- (3) If the City identifies a health or safety concern with the violation, the burden is on the property owner to demonstrate that the violation does not violate any City health or safety standards.

(b) Determination and Effect

- (1) Property owners may seek a written determination from the Administrative Officer that a property is in a stabilized status if the property owner can meet the above burden. This determination, while not a permit, shall be processed the same as a request for administrative approval, including but not limited to notice, appeal rights and notice in the land records.
- (2) A stabilized status for a violation, whether use, dimensional or otherwise, is not a pre-existing legal non-conformity (also known as “grandfathered”).
- (3) No change, alteration, or enlargement that would otherwise require a zoning permit shall be permitted for stabilized violations.

- (4) If the violation is discontinued for more than ninety (90) days, it has ended. The violation is no longer considered “stabilized,” and the violation may not be reactivated or re-occur. An extension to this time limit may be granted by the Administrative Officer if sufficient documented evidence is presented to show that there was a continuous good faith effort to maintain the condition underlying the violation, such as repair and maintenance being done to the property that caused a temporary discontinuance of use. If an occurrence or event destroys at least 50% of a stabilized structure, in the judgment of the city’s building inspector, no reconstruction of the stabilized structure shall be permitted, except to become a conforming use, structure, or lot. If the structure is a pre-existing legal non-conformity, the provisions of Article 5, Part 3 apply.
- (5) No violation that has been determined to be stabilized may be used to count towards the requirements for a new zoning permit (i.e., a “stabilized” parking space, while it will not be enforced, is not legal and cannot be used toward the parking requirements for a new zoning permit).
- (6) Nothing in this section shall prevent any action, injunction, or other enforcement proceeding by the city under any other authority it may have, including, but not limited to its authority under 24 V.S.A. §4470(b) pertaining to DRB and court decisions and/or Title 18 of the Vermont Statutes Annotated (abatement or removal of public health risks or hazards). If a property does not comply with any related health and safety requirement, it may not claim any stabilized status and shall be required to come into full conformance.
- (7) Enforcement of an occupancy violation for occupying a dwelling unit in a residential district inconsistent with the “family” definition under Section 4.4.5(d)(5)(C) is exempt from this period of limitations and, therefore, may not be stabilized. Unless the inconsistent occupancy is deemed to be a pre-existing legal nonconformity, such a violation may be enforced at any time.
- (8) Except as limited by 24 V.S.A. §4454, as interpreted by the courts, enforcement of a parking violation is exempt from this period of limitations and may not be stabilized. Unless the parking is deemed to be a pre-existing legal nonconformity, such a violation may be enforced at any time.

Section 2.7.142 Administrative Appeal

As written.

PART 3: NON-CONFORMITIES

Sec. 5.3.1 Purpose

These regulations are enacted for the purpose of governing all aspects of nonconformity, regardless of whether it is a use, a structure or a lot. As defined under Article 13, nonconformity means a use, structure or lot that was legal at the time it was constructed or laid out, but would not be lawful under the requirements of this ordinance as currently in effect. This Part will also address “Bianchi-controlled Situations”, in which a zoning violation may not subject to enforcement under the standards set forth by the Vermont Supreme Court in the case entitled *Bianchi v. Lorentz* and later codified in 24 VSA Sec. 4454. In combination, these standards are intended to establish the property rights of individuals and organizations in a manner consistent with the overall goals of zoning and to promote the City's general health, safety, and welfare.

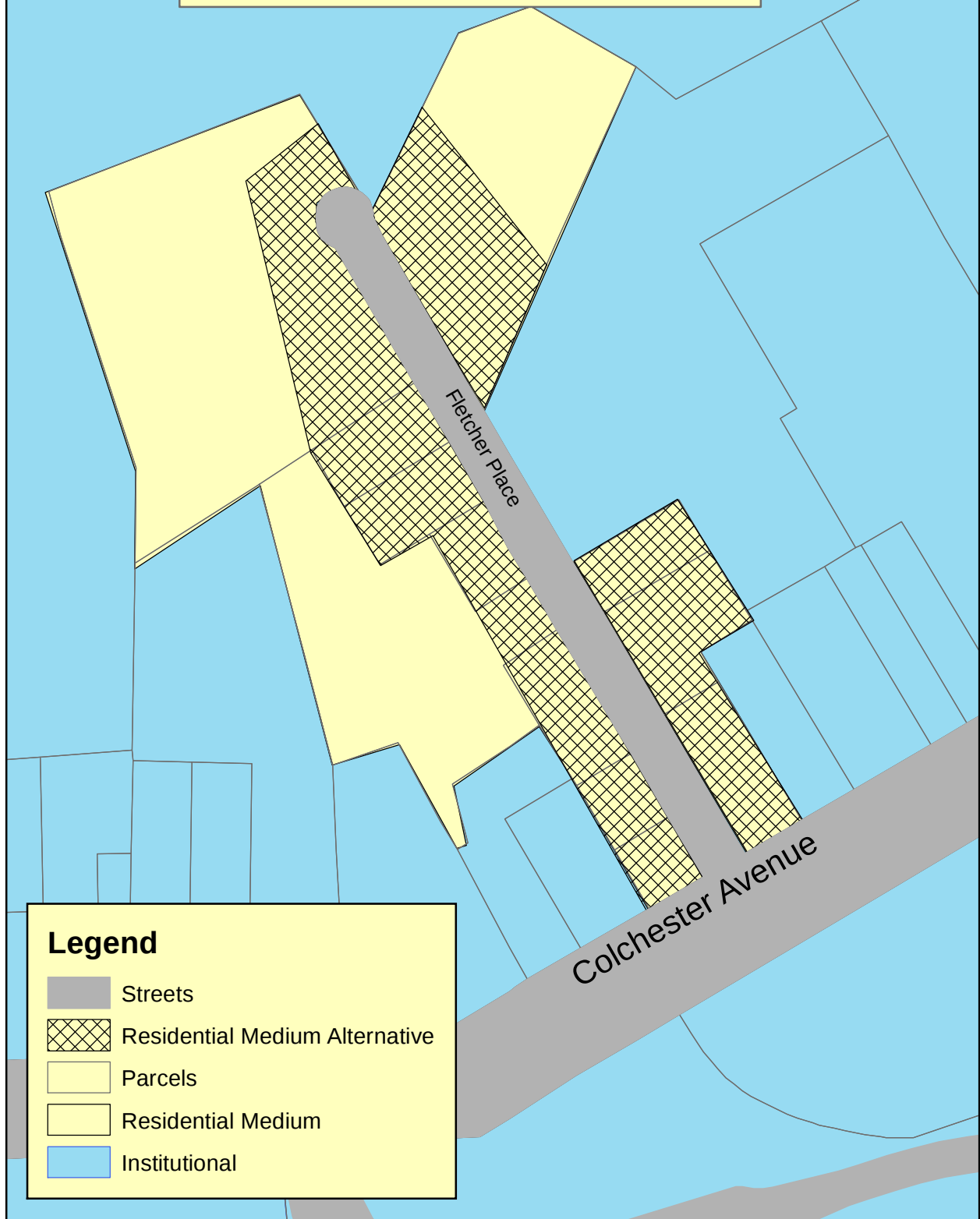
Sec. 5.3.2 “Bianchi” controlled uses, structures, and lots.

~~Although not subject to enforcement action pursuant to Article 2, uses, structures, and lots which are deemed to be controlled by the *Bianchi* decision, and the subsequent enactment of 24 VSA Sec. 4454, shall be considered violations that are not considered legal to any extent and shall in no event be granted the consideration or allowances of nonconforming structures, uses, and lots. Thus, no change, alteration, enlargement, and reestablishment after discontinuance for more than sixty (60) days or reconstruction after an occurrence or event which destroys at least 50% of the structure in the judgment of the city's building inspector shall be permitted, except to a conforming use, structure, or lot.~~

Comprehensive Development Ordinance

Fletcher Place Rezone

Zoning Map Revision - Excerpt Residential - Medium Density District



0 20 40 80 Meters

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Comprehensive Development Ordinance

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Zoning Map Revision - Excerpt Residential - Medium Density District



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Department of Planning and Zoning

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Ryan Morrison, CFM, Associate Planner
Anita Wade, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Planning Commission
FROM: Scott Gustin
DATE: April 8, 2016
RE: Off-Site Parking Amendment to CDO

The purpose of this amendment is to clarify the existing zoning provisions for off-site parking and to provide for efficient and effective use of parking facilities generally. The amendment establishes additional parameters for what constitutes acceptable off-site parking facilities and also strengthens provision for off-site parking used for required parking. Reference to the design review standards of Article 6 is also inserted.

Following an initial approval by the Planning Commission Ordinance Committee, the amendment was further revised to include provision that directly addresses shared use of parking facilities after-hours and during weekends. City policy encourages shared use of existing parking areas, including those on private property (i.e. such as office use during the day, but public parking during nights and weekends). Present zoning standards arguably preclude doing so. This amendment has been expanded to include additional provision for parking management plans to enable after-hours shared use of parking facilities.

On April 7, 2016, the Ordinance Committee voted to send this amendment along to the full Planning Commission for consideration. Their suggested revisions are included in the language below.

Proposed CDO language is below. New language is underlined red, and deleted language is ~~crossed out~~.

Sec. 8.1.12 Limitations, Location, Use of Facilities

(a) Off-Site parking facilities:

Except for single and two-family dwellings, required parking facilities may be located on another parcel of land. The off-site parking area shall be within the same zone as the use it serves or is in a zone that allows parking lots or parking garages as primary uses. Parking that serves any use located outside a residential zone shall not be located within a residential zone. Off-site parking spaces shall be subject to the site plan design standards of Article 6: Part 2. The maximum parking limitations of Section 8.1.9 apply. Off-site parking facilities shall be as follows:

1. Neighborhood Parking District: No more than 50% of the total required parking shall be provided at a distance greater than 600 feet from the use it is intended to serve. For residential uses, a minimum of 1 space per unit shall be provided on-site.
2. Downtown and Shared use Parking Districts: Any off-site parking shall be provided within 1,000 feet of the use it is intended to serve unless such parking is provided as part of a Parking Management Plan pursuant to Sec. 8.1.15 approved by the DRB.

3. The distance from the off-site parking to the associated use shall be measured in walking distance along a sidewalk or other pedestrian path separated from street traffic from the nearest parking space to the principle pedestrian entrance to the building housing the use. Such off-site parking shall not reduce the required parking for any other use utilizing the property on which it is located unless such shared use is approved by the development review board. The right to use the off-site parking to meet the minimum parking requirements of Sec. 8.1.8 must be guaranteed for the duration of the use as evidenced by a deed or ~~lease, easement, or similar written instrument~~ as may be approved by the City Attorney and recorded in the Burlington land records. Use of off-site parking for parking spaces in excess of the minimum parking requirements of Sec. 8.1.8 may be secured by lease or similar written instrument.

(b) Downtown Street Level Setback:

As written.

(c) Front Yard Parking Restricted:

As written.

(d) Shared Parking in Neighborhood Parking Districts:

As written.

(e) Single Story Structures in Shared Use Districts:

As written.

(f) Joint Use of Facilities:

As written.

(g) Availability of Facilities:

As written.

(h) Compact Car Parking:

As written.

Sec. 8.1.15 Waivers from Parking Requirements/ Parking Management Plans

(a) Parking Waivers

The total number of parking spaces required pursuant to this Article may be reduced to the extent that the applicant can demonstrate that the proposed development can be adequately served by a more efficient approach that more effectively satisfies the intent of this Article and the goals of the municipal development plan to reduce dependence on the single-passenger automobile.

Any waiver granted shall not exceed fifty percent (50%) of the required number of parking spaces except for the adaptive reuse of a historic building pursuant to Sec. 5.4.8 and ground floor retail uses in any Mixed Use district which may be waived by as much as one hundred percent (100%). Waivers shall only be granted by the DRB, or by the administrative officer pursuant to the provisions of Sec. 3.2.7 (a)7.

In order to be considered for a waiver, the applicant shall submit a Parking Management Plan that specifies why the parking requirements of Sec. 8.1.8 are not applicable or appropriate for the proposed development, and proposes an alternative that more effectively meets the intent of this Article. A Parking Management Plan shall include, but not be limited to:

- (a) A calculation of the parking spaces required pursuant to Table 8.1.8-1.
- (b) A narrative that outlines how the proposed parking management plan addresses the specific needs of the proposed development, and more effectively satisfies the intent of this Article and the goals of the Municipal Development Plan.
- (c) An analysis of the anticipated parking demand for the proposed development. Such an analysis shall include, but is not limited to:
 - 1. Information specifying the proposed number of employees, customers, visitors, clients, shifts, and deliveries;
 - 2. Anticipated parking demand by time of day and/or demand by use;
 - 3. Anticipated parking utilizing shared spaces or dual use based on a shared parking analysis utilizing current industry publications;
 - 4. Availability and frequency of public transit service within a distance of 800-feet.
 - 5. A reduction in vehicle ownership in connection with housing occupancy, ownership, or type; and,
 - 6. Any other information established by the administrative officer as may be necessary to understand the current and project parking demand.
- (d) Such a plan shall identify strategies that the applicant will use to reduce or manage the demand for parking into the future which may include but are not limited to:
 - 1. A telecommuting program;
 - 2. Participation in a Transportation Management Association including methods to increase the use of mass transit, car pool, van pool, or non-auto modes of travel;
 - 3. Implementation of a car-share program;
 - 4. Development or use of a system using offsite parking and/or shuttles; and,
 - 5. Implementation of public transit subscriptions for employees.

Comment [SG1]: Change (a) to 1, etc.

Prior to any approval by the DRB pursuant to this section, the means by which the parking management plan will be guaranteed and enforceable over the long term, such as a contract, easement, or other means, and whether the city should be a party to the management contract or easement, shall be made acceptable to the city attorney.

(b) Shared Parking for Off-Site Use

Onsite parking spaces may be made available for use by off-site users subject to review and approval of a Parking Management Plan by the DRB.

The Parking Management Plan must include the following:

- 1. A calculation of the parking spaces required pursuant to Table 8.1.8-1 and a calculation of those parking spaces to be shared for off-site parking use.

2. Information specifying the actual onsite demand for required parking by day, time of day, and by use and also information specifying when and how much parking would be made available to off-site users.
3. A narrative that outlines how the proposed parking management plan will allow for shared use of required parking spaces with off-site users; how it will enable continued availability of required parking spaces pursuant to Table 8.1.8-1 while also affording off-site parking use of those spaces.

The Parking Management Plan must demonstrate to the satisfaction of the DRB that making spaces available to off-site users does not negatively affect their availability for onsite users to park due to either:

1. There being an excess of onsite spaces beyond that necessary to satisfy the requirements of Sec 8.1.8; and/or,
2. The spaces are to be made available during off-peak hours of the onsite and/or required users.

Parking spaces being made available to off-site users may be made available:

- Either with or without a fee;
- For transient use by the general public; and/or,
- By lease, provided the term of any lease does not exceed one (1) year.

Prior to any approval by the DRB pursuant to this section, the means by which the parking management plan will be guaranteed and enforceable over the long term, such as a contract, easement, or other means, and whether the city should be a party to the management contract or easement, shall be made acceptable to the city attorney.

Sec. 13.1.2 Definitions.

For the purpose of this ordinance certain terms and words are herein defined as follows:

Unless defined to the contrary in Section 4303 of the Vermont Planning and Development Act as amended, or defined otherwise in this section, definitions contained in the building code of the City of Burlington, Sections 8-2 and 13-1 of the Code of Ordinances, as amended, incorporating the currently adopted edition of the American Insurance Association's "National Building Code" and the National Fire Protection Association's "National Fire Code" shall prevail.

A-O, As written.

Park: Any area designated by the City as a park pursuant to Section 22-1 of the Code of Ordinances of the City of Burlington, Vermont.

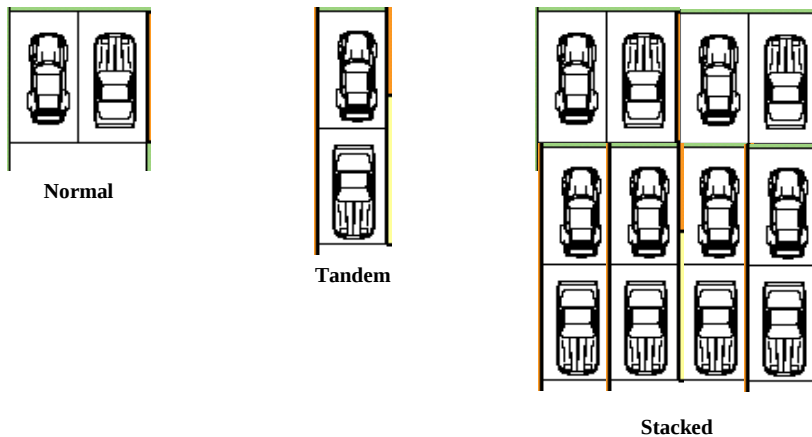
Parking Garage/Structure: A structure containing parking facilities, below or above grade.

Parking, Off-site: One or more parking spaces on one parcel of land providing parking spaces for a use on another parcel of land.

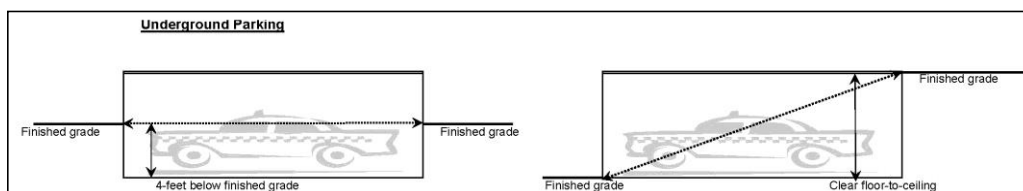
Parking, Surface/Lot: Parking facilities that are at grade and uncovered or not within a structure.

Parking, Stacked: The parking of more than two (2) cars in a parallel line, one behind the other.

Parking, Tandem: The parking of up to two (2) cars, one behind the other.



Parking, Underground: Parking spaces within a covered structure where either: fifty percent of the volume of the parking space is below the finished surface of the ground adjacent to the exterior walls of the building; or, the floor of the parking space is four (4) feet below the finished surface of the ground adjacent to the exterior walls of the building, whichever is greater.



Continued as written.

Burlington Comprehensive Development Ordinance
PROPOSED Downtown Mixed Use Core Overlay

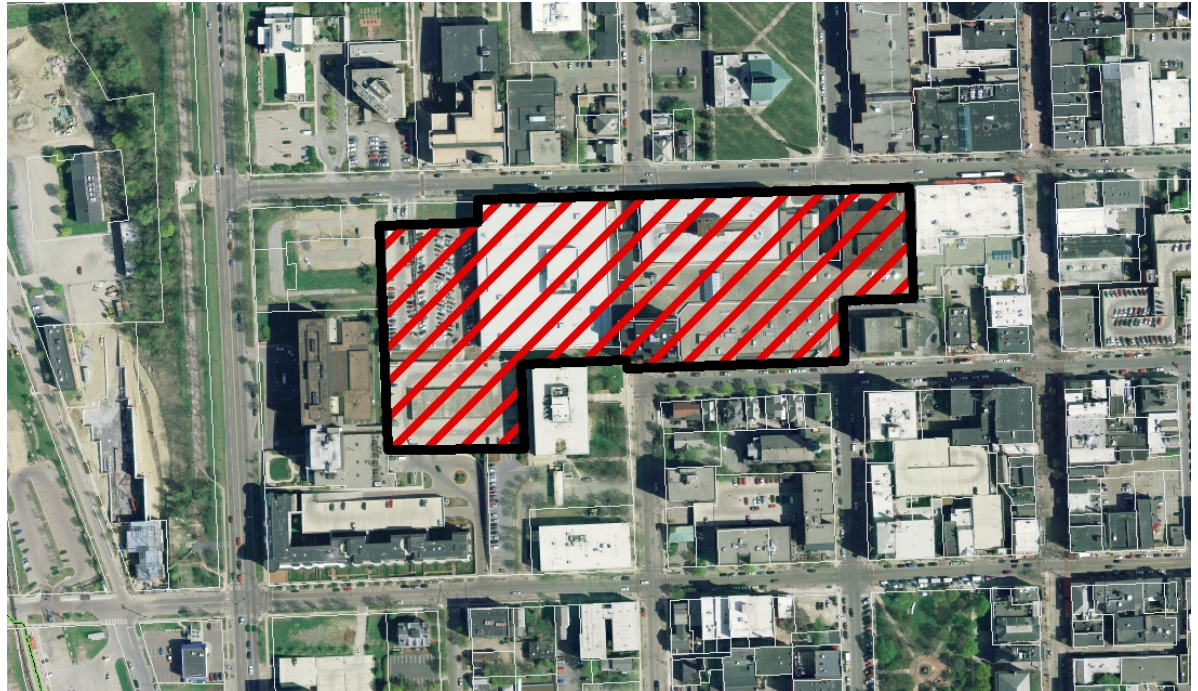
Purpose: The proposed amendment to the zoning ordinance is intended to facilitate new development in the downtown core, and in so doing substantially and significantly help the City to implement many of the central goals and objectives found in the *planBTV: Downtown and Waterfront Master Plan* unanimously 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**

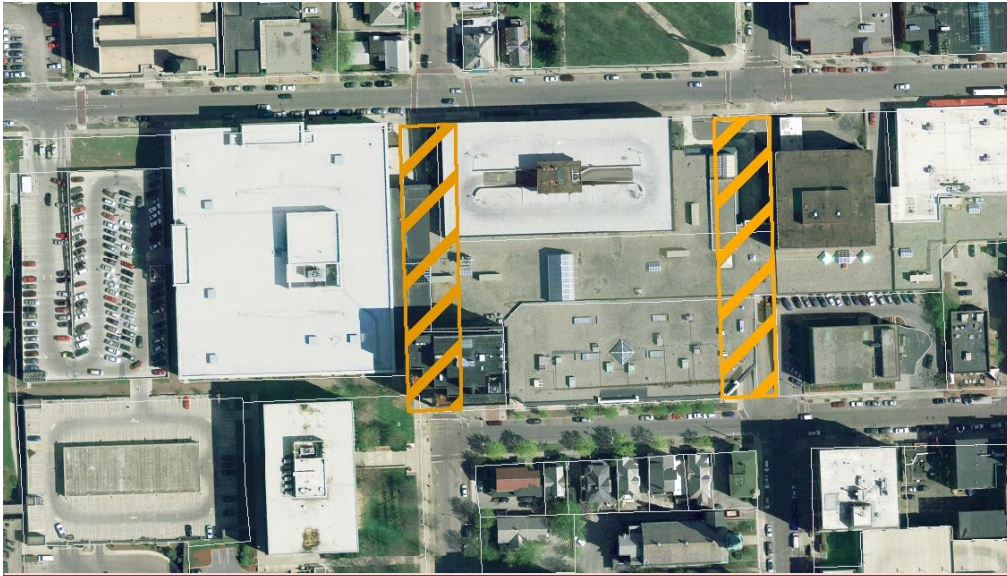
A map entitled “The Official Map of the **Downtown and Waterfront Core**” **and as depicted on Map 2.2.2-1 below** is established as part of the Official Map established above, ~~is to be dated as of the effective date hereof, is to be located in the department of zoning and planning and is incorporated 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 ~~enumerated~~ 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.

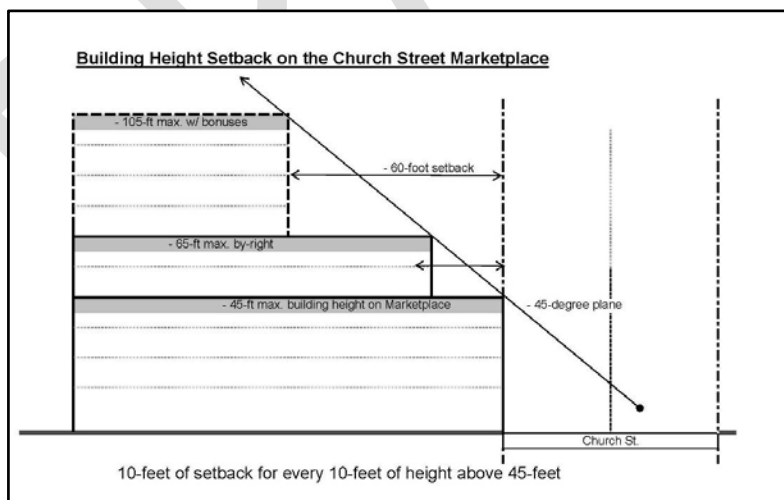


Figure 4.4.1-2 Measuring Height Limits for Church Street Buildings

C. - unchanged

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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

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

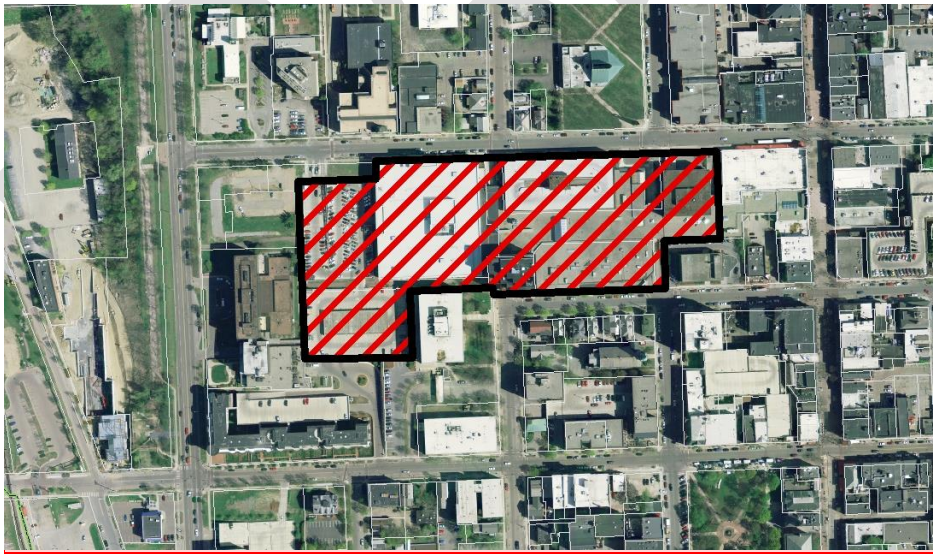
(a) Purpose:

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](#).



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

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.

(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 façade 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

Burlington Planning Commission

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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 I: 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 Turkovich'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

Susan and Robert Butani
31 Fletcher Place
Burlington, VT 05401

susan.butani@gmail.com
robert.butani@gmail.com

May 10, 2016

BURLINGTON PLANNING COMMISSION
FLETCHER PLACE REZONE to RESIDENTIAL MEDIUM

Good evening members of the Planning Commission. My name is Bob Butani. My wife Susan and I live at 31 Fletcher Place. We are here in support of the Planning and Zoning Staff's recommendation to rezone Fletcher Place to Residential Medium. We encourage the Planning Commission to adopt the Staff's recommendation. In addition, we urge the Planning Commission to retain the residential zone outline along the current use and property lines as initially drawn by the Planning and Zoning staff.

The history of Fletcher Place has been consistently residential for more than 100 years when Patti Hickok's great grandfather, George Armstrong, acquired the land. We understand that Mr. Armstrong constructed most of the six historic homes on Fletcher Place.

We have learned that prior to our coming to Fletcher Place, there was an effort to correct the zoning. The “Institutional” designation of Fletcher Place does not comport with its residential use nor does it align with similarly situated residential streets within the institutional zone.

While some denigrate our neighborhood, characterizing Fletcher Place as having its best days as a residential street behind it, we strongly disagree. We see Fletcher Place as flourishing. In particular, two houses represent this. They are #19 and #37 Fletcher Place. Until recently, #19 was a single family house that could be best described as an out of control party house. Today its owners, the Edwards, have transformed it into a triplex whose tenants include young working people who are a pleasure to have as neighbors.

The same is the case with #37. When the former owners the Whites, bought #37 Fletcher Place, it was a wreck inside. It, too, had been a heavy duty party house for years. Through great effort the Whites transformed the house into a beautiful home. The current owners the Metcalfes, have rented it to 4 young professionals who participate in our community get-togethers and have made their presence a real asset to Fletcher Place.

The Metcalfes are wonderful neighbors. Importantly, they are fully supportive of the Staff's recommendation to rezone Fletcher Place to its appropriate Residential Medium designation.

Rezoning Fletcher Place to Residential Medium will protect our block and will reflect its creation and historical use as a residential neighborhood with many good neighbors.

Mr. von Turkovich's proposed re-drawing of boundary lines for Fletcher Place is at best arbitrary and confusing. In fact, if one follows Mr. von Turkovich's drawn boundary line along the west side of Fletcher Place, it appears to cut right through the rear portion of his house at #27 Fletcher Place, apparently leaving at least 4 feet of that dwelling in the institutional zone. How does that make any sense?

Any line between zones should be clearly identifiable as it would be if drawn along property lines. Mr. von Turkovich's zoning proposal is illogical and inappropriate.

Susan and Robert Butani
31 Fletcher Place
May 10, 2016
Page 4

Along with our neighbors, we encourage the Planning Commission to support the Staff's rezoning recommendation along current property boundaries. This is a proper approach which flows logically and naturally. It is, also, easily identifiable.

Thank you.

A handwritten signature in blue ink, appearing to read "Robert H. Butani". The signature is fluid and cursive, with a long horizontal stroke extending to the right.A handwritten signature in blue ink, appearing to read "Susan Butani". The signature is cursive and elegant, with a large initial "S".

Meagan Tuttle

From: Scott Gustin
Sent: Tuesday, May 10, 2016 2:17 PM
To: Meagan Tuttle
Subject: FW: Fletcher Place re-zone

FYI.

Scott Gustin, AICP, CFM
Principal Planner & Asst. Administrative Officer Dept. of Planning & Zoning
149 Church Street
Burlington, VT 05401
(802) 865-7189

-----Original Message-----

From: Justin M [<mailto:justdmet@gmail.com>]
Sent: Tuesday, May 10, 2016 2:10 PM
To: Scott Gustin <SGustin@burlingtonvt.gov>; Mary O'Neil <MCOneil@burlingtonvt.gov>
Subject: Fletcher Place re-zone

Scott and Mary-

My wife and I own 37 Fletcher Place, and I'm emailing to convey our support for the re-zoning of Fletcher Place to residential medium. Bob Butani will be representing our support for this change at the planning commission meeting tonight.

Sincerely,
Justin Metcalfe

From: [David E. White](#)
To: [Andy Montroll](#); bbaker@cdbesq.com; [David E. White](#); [Emily Lee \(emily_lee@ml.com\)](mailto:emily_lee@ml.com); [Emily Lee \(emilyyannicklee@gmail.com\)](mailto:emilyyannicklee@gmail.com); [Harris Roen \(roen@burlingtontelecom.net\)](mailto:roen@burlingtontelecom.net); [Jennifer Wallace-Brodeur \(jwb@burlingtontelecom.net\)](#); [Lee Buffinton](#); [Meagan Tuttle](#); [Yves Bradley \(yvbradley@vermontrealestate.com\)](mailto:yvbradley@vermontrealestate.com)
Subject: FW: Fletcher Place rezoning
Date: Friday, May 06, 2016 8:31:30 AM

FYI

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: Nan Reid [<mailto:nanreid9@gmail.com>]
Sent: Thursday, May 05, 2016 10:30 PM
To: Scott Gustin <SGustin@burlingtonvt.gov>
Cc: David E. White <DEWhite@burlingtonvt.gov>
Subject: Fletcher Place rezoning

To: City of Burlington Planning Commission

As you know, as small group of residents (3) on my street have petitioned the Planning Commission to rezone our neighborhood from Institutional Zoning to Residential Medium. This change, should it go through, would subject the land to the city's Buildable Area Calculation, and because the parcel I am selling to the von Turkovichs has steep slopes, it would not be allowed for density and lot coverage purposes.

My neighbors, Bob and Sue Butani, will be somewhat affected when the land behind their home is built on. The Hickocks, who live on the other side of the street, will be impacted very minimally ("view of the sunset"?). And the Owres, who live further down the street, adjoining my property, will not see the new development from their back yard at all, I believe.

It is the Butanis that are the drive behind this campaign to change the zoning of Fletcher Place. They have enjoyed the view and privacy of a large undeveloped lot behind their house for the 5 or 6 years they have owned their home. They must have known, though, when they bought their house that the lot behind it (owned by an 84 year old man) would someday very soon go to someone who would want to develop it. They are attempting to prolong and delay the process, since they cannot prevent it. They have told me this. A housing complex will be built there. At this point it is just a matter of size.

In contrast with the Butani's proposal to rezone all of our properties, there is another option on the table, and that is that the 1.3 acre parcel of wooded ravine (the property I am planning to sell to the von Turkovichs), the von Turkovich's back lot at 27 Fletcher Place and the property that UVM owns at 50 Fletcher Place be left as Institutional zoning and that just the other actual residences on Fletcher Place, including my house and yard (the parcel I would keep after a land sale) be rezoned to medium density residential. I believe this is a fair and logical option. When I consider my large wooded ravine, especially when I view it from an aerial map, the large "green space" seems like it fits more in an institutional zone. This amount of undeveloped land is not typical in residential neighborhoods. The steep slope woods is a valuable habitat for flora and fauna, but having the tax burden of this amount of undeveloped land on a home owner (myself) is not typical. I am wholeheartedly behind this option. I would prefer that the land I retain after selling the ravine land be re zoned residential.

Roughly 75% of my 1.5 acre property is bordered currently by institutions, UVM and Sisters of Mercy. One side of Fletcher Place is residential (mix of single and multi-family buildings) and the other side is half residential (mixed) and half institutional. Fletcher Place has been a partially institutional street since it was developed a century ago (unlike Nash Place, Latham Court and Thibault Parkway, which are entirely residential on both sides of the street). I can imagine this is why Fletcher Place was not included in the re-zoning that made Nash Place, etc. residential streets within the Institutional zone. Fletcher Place is entirely surrounded by large institutions, UVM, the hospital, Sisters of Mercy, and various medical buildings. It makes sense to me that if the acreage of my wooded ravine qualifies for density and lot coverage purposes for development that it should be in the IZ area. I trust that the city's exception for institutional zoning (allowing steep slope to be counted in density calculations) was made for good reason and that the City of

Burlington does not want to take up changing this ordinance just to please a small group of people at the expense of everyone else affected.

A development will go up behind the Butanis' house whether the property is subject to rezoning or not. It will be a matter of size, approximately 50 units vs. 70. The von Turkovichs have offered to "give" the Butanis (by easement) a parcel of land that would extend their back yard (which is very small at the moment, they can even build a fence) and has proposed a design to the development that has all the buildings placed at the farthest point from the Fletcher Place properties. It seems the Butanis are not willing to negotiate though. Ironically, they could end up looking at a 30 foot building (albeit a 50 unit complex) just off their property line without the von Turkovich's generous considerations.

It has been pointed out to me that the city zones certain areas Institutional because they WANT the land developed. I think building residential buildings in close proximity to the hospital and UVM is an excellent use of the land as these institutions employ so many people who could take advantage of being able to walk to work. And while I would absolutely want the von Turkovichs to design their housing complex to be attractive and beautifully landscaped as to fit nicely into our mixed (institutional and residential) neighborhood, I do not think they should be required to scale it back if they are able to adhere to the current Institutional zoning regulations.

Thank you very much for considering my views.

I would like to request that this communication be shared with all of the members of the Planning Commission.

Sincerely,
Nan Reid

Meagan Tuttle

From: Carolyn Bates <cbates@burlingtontelecom.net>
Sent: Sunday, May 08, 2016 3:21 PM
To: YvesBradley; Bruce Baker; Lee Buffinton; Emily Lee; Andy Montroll; Harris Roen; Jennifer Wallace-Brodeur; Meagan Tuttle
Subject: St Paul and PINE ST design changes throughout the Mall design.

Dear Planning commission

I thought you would like to notice the descreptancies on how St Paul and Pine St become

“open STreets...”

and how the parking garage extends all the way to the windows on the 3-4-5 floors.

cb

NOTICE st Paul St JOGS.

from where it enters from south and where it exits to the north.

the orange on the building exterior on bank st represents where the parking garage will be.

Silly. These should be office spaces with windows.

Notice the 948 parking spaces.all on one floor? but do note that the pine st arcade stops at the FreePress Bldg.
on same illustration

Yet on the two illustrations cross sections the pine st arcade goes through this building,
and the street illustration of Pine St arcade looks like it will go on into the light at the end of the street.

and the Pine St arcade has a water treatment roof top on the south end. so Pine St gets small in length as it goes
up in floors.

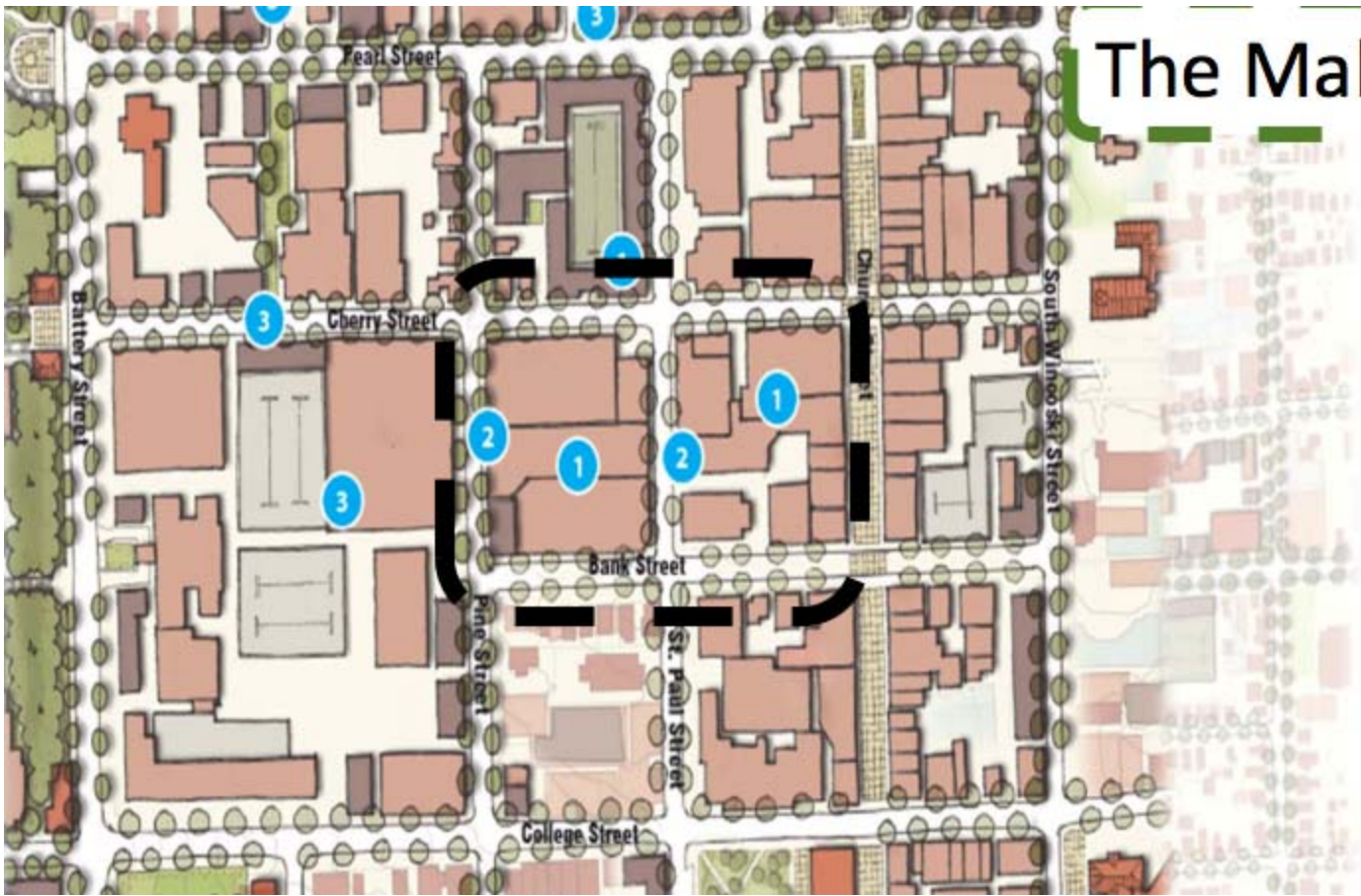
See the first overall illustration.

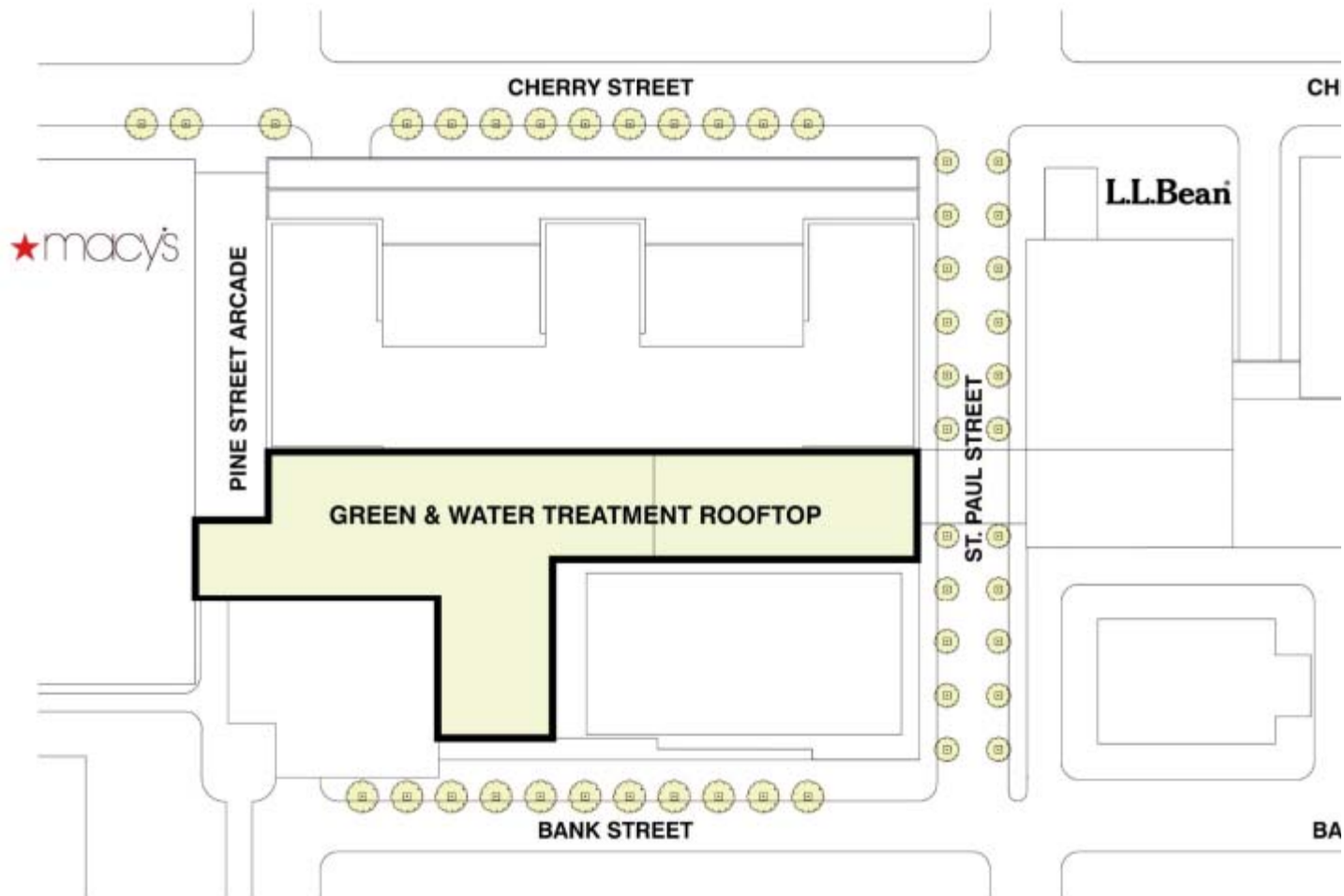
It shows Pine St going all the way through

Hmmmm

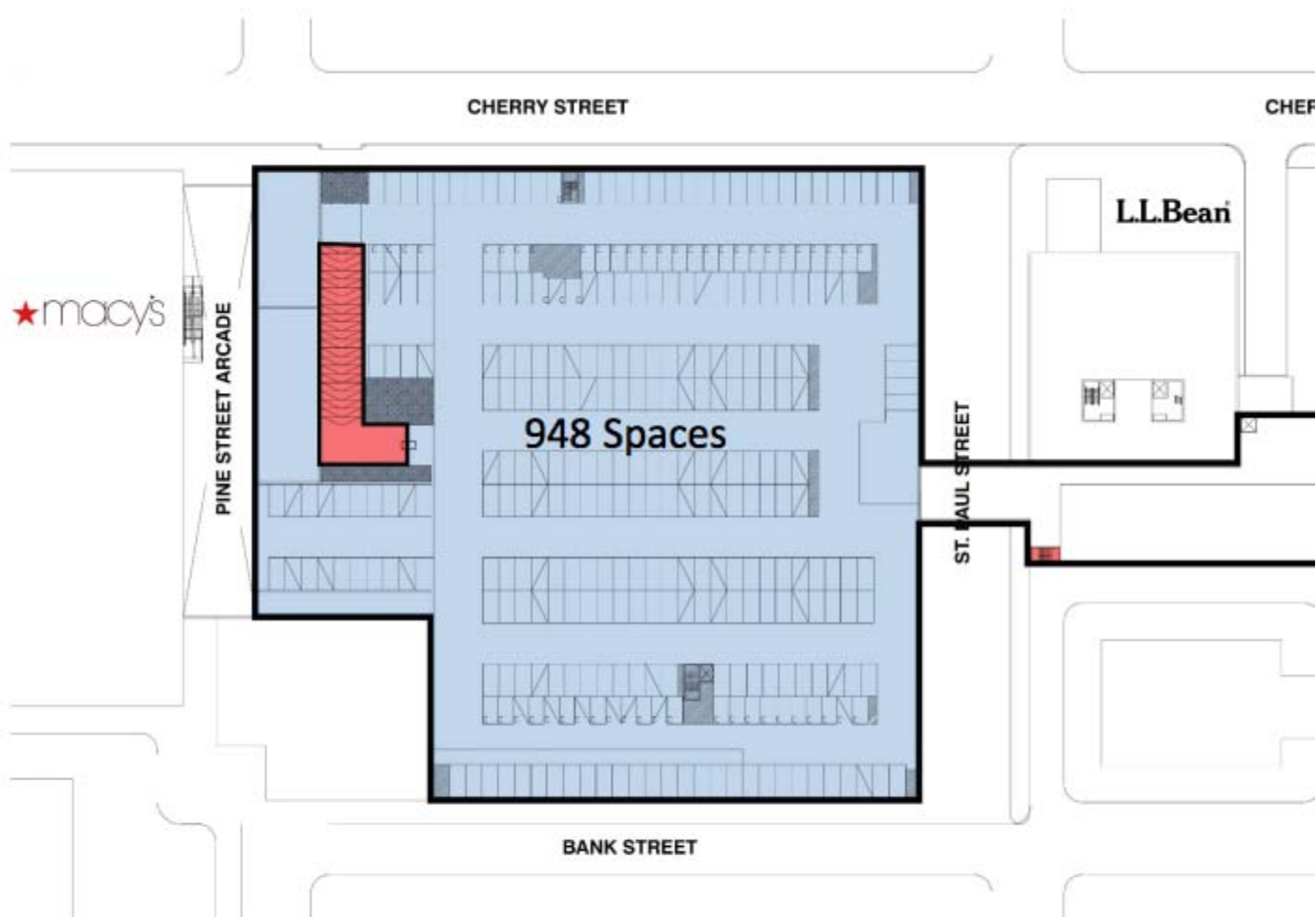
cb

The Mall





WATER QUALITY



ABOVE GRADE PARKING FLOORS 2-4



BANK STREET LOOKING EAST FROM PINE STREET



ST. PAUL STREET FROM BANK STREET



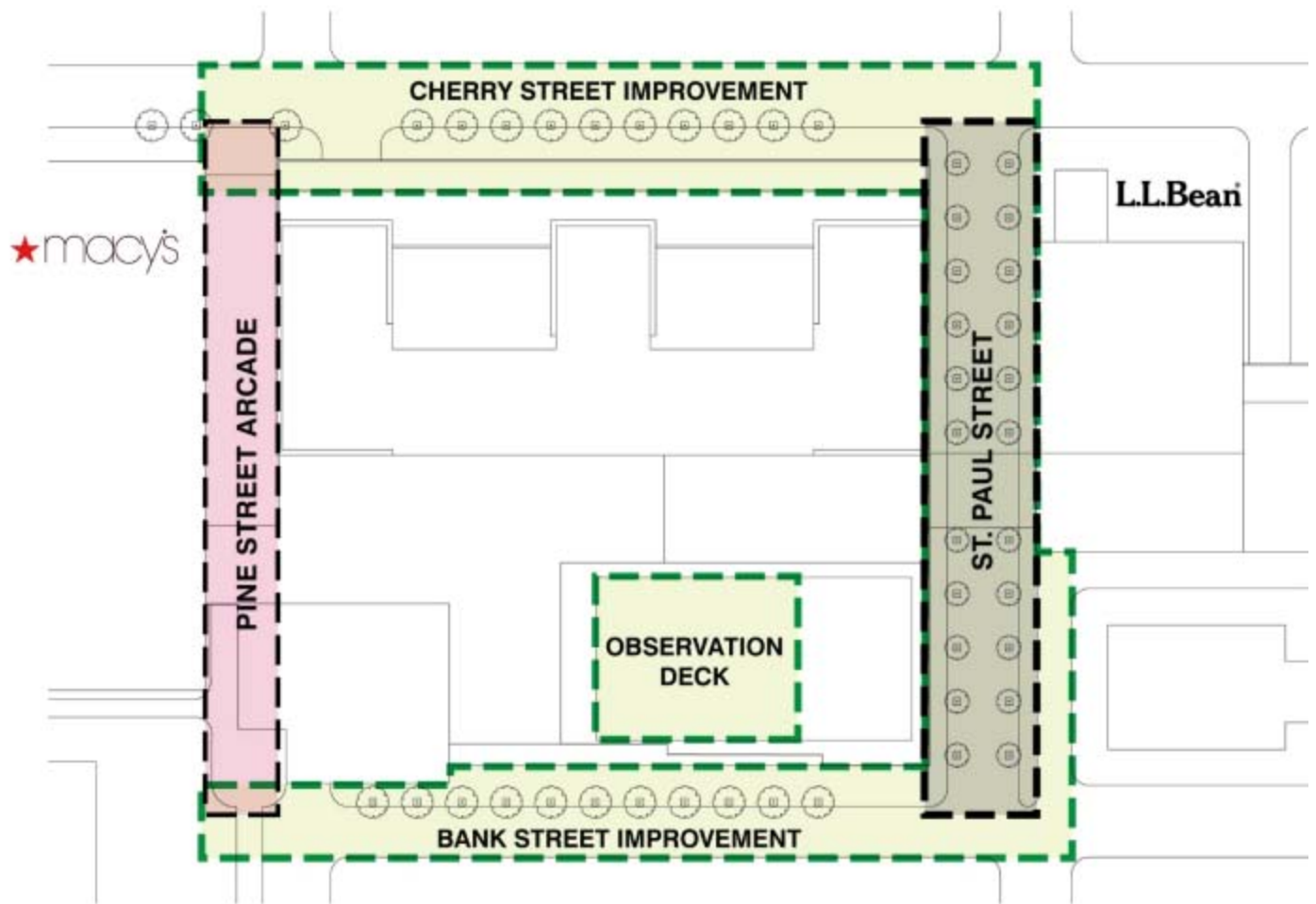
PINE STREET ARCADE



ST. PAUL STREET



BANK STREET AERIAL VIEW



PUBLIC AMENITIES



CONNECT STREETSCAPE IMPROVEMENTS AND NEW TRANSIT CENTER



ST. PAUL STREET FROM CHERRY STREET

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: Sunday, May 08, 2016 2:44 PM
To: YvesBradley; Bruce Baker; Lee Buffinton; Emily Lee; Andy Montroll; Harris Roen; Jennifer Wallace-Brodeur; Meagan Tuttle
Subject: the TOO Tall MALL that will Gobble up Burlington
Attachments: bank st height 2news.pdf; ATT00001.htm; church st height 2-811.pdf; ATT00002.htm; mall-oine st -16aiP1410308-2a.jpeg; ATT00003.htm

to all

I sure hope that you will walk around town, and turn around and around and really try to imagine the real mass and height of this mall, that has no feasibility study and only two renters, after 18 months of it being on the drawing boards. This is a people friendly town, as BED explained in the recent No Ave News.

Will it still be when there is no longer any SUN on the streets????

We have spent years going over well thought out plans about the height and mass. And as a city it was put at 105'

And now city council and the mayor are tripping over each other to thank the mall developer for wanting to build something that is 160' tall. !!! Please Please do not repeat this act in your hopefully very wise and forward thinking Planning Commission.

Please please do NOT allow this to happen. If he goes away, so what! We can then get someone who is willing to work with our zoning codes. He is NOT the last and only HOPE for Burlington. We are doing just fine. It is his MALL that is outdated and horrible. Have you seen Bank St with its papered up windows and peeling paint on the entrance doors of the present day mall. This is how he is taking care of his property now. Do we really want him to stay around????

Furthermore, look at the real design of Pine St going underneath the FreePress Building. This is not replacing our open air former PineST. Is it??? And St Paul has to jog around LLBean, and it will have the loading dock on it too?

Otherwise where else will this go? It is not like our original St Paul. I sure like the idea of opening up our streets again, but this really cannot happen without a few buildings being removed, first. And \$22 million TIF money we have to pay to the developer, and yet still not own the streets again???

Only 50 low income housing units that are all one bedroom (families need places to live, too!) and all right above the parking garage.

The parking garage extends to the windows! Silly. Windows should have housing, office and retain. Not parking garages. It is 3-4 floors big, too.

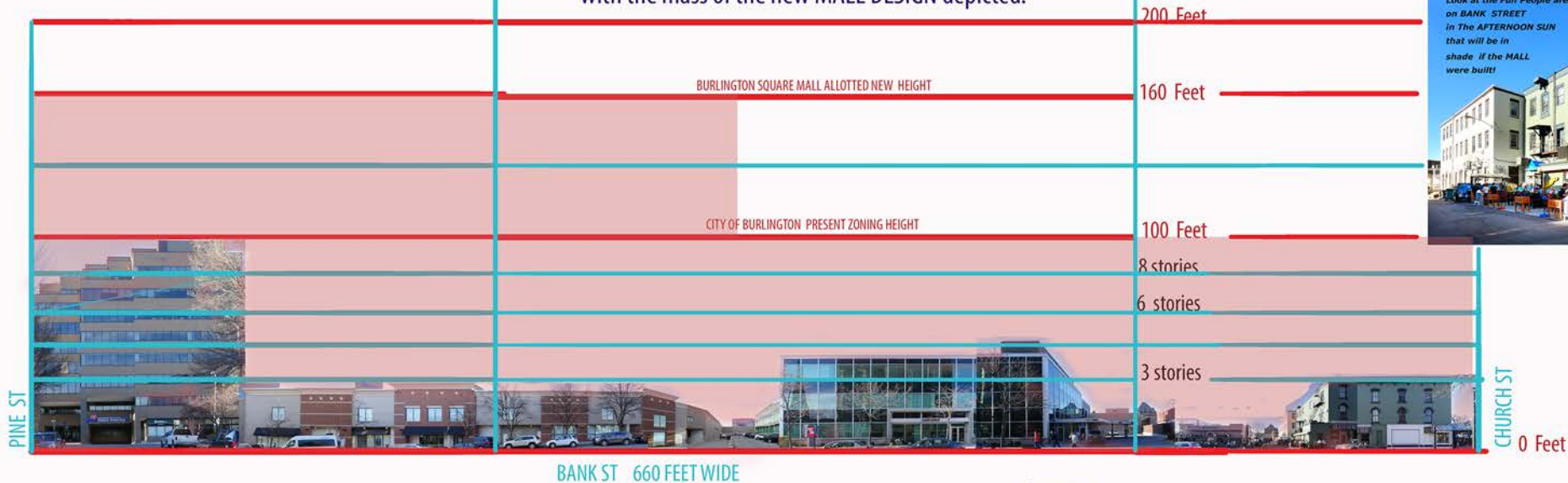
See illustrations below and at least wait until the feasibility study and model are complete. OK.

I would appreciate hearing your thoughts from each of you.

Thank you

Carolyn Bates
resident since 1973.
May 8, 2016

Illustration of BANK St. as it is now with the mass of the new MALL DESIGN depicted.



Sizes are approximate.

Illustration of Church St. as it is now
with the mass of the new MALL DESIGN depicted.



Sizes are approximate.

NEW MALL
160 ft.

PINE ST



From: Carolyn Bates cbates@burlingtontelecom.net
Subject: Why do people travel to Church ST? I asked Trip Advisor.
Date: May 9, 2016 at 10:44 PM



To: Steven Goodkind bludriver@aol.com, Lynn Irmflowers@yahoo.com, Jennie Kristel jkristel61@hotmail.com, genese grill genesegrill1@gmail.com, Joanne Calhoun joannecalhoun63@gmail.com, Anne Brena anne.brena@gmail.com, Caryn Long carynlong@burlingtontelecom.net, Barbara Wynroth bwynroth@sover.net, Thomas DeSisto tdesisto@gmail.com, Mannie Lionni lml@05401.com, Cynthia Rubin alansuki@comcast.net, barbara heilman barbaraheilman@mac.com, Karla Ferrelli karla.ferrelli@gmail.com, John Bertelsen jo.bertel@gmail.com, Michael McCormick michaelbmccormick91@gmail.com, jmuratoriasaro@yahoo.com, Charles Simpson simpsochr@plattsburgh.edu, Charles Winkleman cwinklem@gmail.com, Lea Terhune leaterhune44@gmail.com, Tony Redington tonyrvt99@gmail.com, Eric Morrow emorrow2030@gmail.com, Carolyn Bates cbates@carolynbates.com, ibnaravilix@gmail.com, Diane.Gayer@uvm.edu diane.gayer@uvm.edu, Barbara Headrick vtdesign studio barbara.headrick@gmail.com, Ruby Perry evolution.ruby@gmail.com, wstuono@uvm.edu, bmcgrew@aol.com, Andrew Simon sanschagrins@gmail.com, fordham.monique@gmail.com, mjl@burlingtontelecom.net, soverby@sover.net, raherentdeen@yahoo.com, carpediem@burlingtontelecom.net, Michael Nedell michael@localvoretoday.com, ned ned123@riseup.net, Jen Berger jb4pax@yahoo.com, Amanda Hannaford amandahannaford@yahoo.com, Charlie Messing amusia@myfairpoint.net, Jay Vos jamespvos@gmail.com, Michelle Sayles msayles4230@gmail.com, C. W. Norris-Brown conewango@gmail.com, caroline Pocock carolinespocock@gmail.com, Amey Radcliffe ameyradcliffe@gmail.com, Bea A. Bookchin bbookchi@uvm.edu, Sandy Baird sbaird@burlington.edu, Richard Herendeen raherentdeen@yahoo.com, Gloria Seidler glo4477@yahoo.com

Since some people want to muck about our marketplace

I thought we should see why people come here.

Everyone is WALKING THE PEDESTRIAN STREETS

and going to restaurants, shops, beer places along the way.

And LOVING THE STREET LIT UP SO WELL AT NIGHT like fairy land.

So everyone is paying attention ONLY to what they walk by.

There seems to be NO interest in going INSIDE anything but the small places right on the walking street.

So Charles, your idea of having more walking spaces is right in keeping with this mode

Tall Malls, seem to be of no significance, nor were there any wishes for one to be here.

The liked the quaint friendly atmosphere and sitting outside on the rocks (in the sun)

https://www.tripadvisor.com/Tourism-g57201-Burlington_Vermont-Vacations.html

I am a long time trip advisor

and I often look at places before I go to them and read what ordinary people, like me, say.

Most people gave 4-5 stars to Burlington. I looked at 8 recent pages of testimonials.

Here is what I found:

I also copied the lists I read, below. In case you want to tally each item. The several mentions in very recent ones about the homeless need to be addressed.

LOVE ABOUT CHURCH ST marketplace

funky
locals
shops
restaurants
one of a kind shops
great variety of shops and restaurants
walking/strolling with NO CARS was a big hit.
night lights a bit hit
street vendors
name brand sports stores
side street music
art galleries
rocks to sit on
outdoor cafes a bit hit
beer
historic
welcoming
close to bike trails and Lake Champlain
leisure to visit
tiny places
architecture
people watching
warm, friendly
shopping
eating
walking
sunshine
cobblestones
odd shops
coffee
fun events
lake champlain chocolates
keep vermont funky

keep vermont funky
street musicians and theater

mall

only 2-3 people said there was a mall, but NO mention of going into it except one, who said it was a sad place with a little place to eat

negative

pricey
parking meters
homeless

odd as there was no mention going to the flynn center

https://www.tripadvisor.com/Tourism-g57201-Burlington_Vermont-Vacations.html

Church Street Marketplace, with its early 1900s architecture, great restaurants, live entertainment, one-of-a-kind shops and well-known stores, is the focal point of the downtown area.

"A pleasant Vermont being place"

A cool happening place. Teaming with funk. A fine place to be and enjoy. Always a pleasure. Folk friendly but different somehow. Worth the trip!

farmers market

"Burlington is a great place to visit"

["Best downtown little city in the USA,"](#)

Church St Marketplace has a 5 block walking street packed with outdoor cafes, music, street vendors, trees, rocks, flowers, and benches to sit on. Lots of restaurants, clothing stores, shoe stores, outdoor gear, locally made chocolates, theater, park, art galleries, office lofts, soaps, jewelry, kitchen supplies, and side street music. Hidden treasures.

And it is only a 4 block walk to Lake Champlain, bike trails, waterfront park, ECHO, and the Sailing Center. 11 mile bike walk along the lake is accessed right here.

[Great to walk around"](#)

Reviewed 5 days ago

NEW

A really nice avenue of shops and cafes with no car traffic. There were different people playing music and a lot of friendly dogs on the street as well. Perfect for a sunny day.

Visited April 2016

Visiting Burlington? Stop at Church Street Marketplace. Whether dining, shopping, or people watching - or all of the above - it is a quaint, terrific stop.

We enjoyed the Church Street Marketplace quite a bit. It has a very nice and historic, yet welcoming feel to it. There are plenty of shops, and it's easy to spend half a day there! However, I did feel a little awkward about the amount of homeless people / loiterers in the area. There was also a police officer patrolling the area. I did not feel unsafe, just awkward.

Otherwise, this was a great place to shop, eat, and take in what Burlington is all about! Also, Keep Vermont Weird was our favorite store, as it is the tiniest store I've ever seen and they're all local. The woman running it was lovely! Highly recommend stopping in there.

loved the whole area Church street smoke free and friendly many bars cafes places to eat hang out. many interesting shops..walk down the lake.

Try it all you'll understand. The decor, the storefronts, the buildings all of them are amazing for any kind of leisure visit. A day or two or even more, always lots of stuff going down there.

Visited January 2016

I have enjoyed walking on the Church Street Marketplace for many years. There are plenty of places to stop for a cup of coffee or a drink along the way or close by.

It's too bad that the shops along the street, with only a few exceptions, are too pricey to do more than go in and browse. But at least there's a good variety. (Home Port) On a nice sunny day, go and enjoy the street performers. Every year the acts get more imaginative.

What does get old are the constant presence of either panhandlers or just obnoxious

what does get old are the constant presence of either panhandlers or just obnoxious people hanging around on the rocks because they have nothing better to do. But even with all of that, it's a great place for alone time or a stroll with your honey or good friends at any time of the year.

Visited April 2016

[“No autos allowed”](#)

Reviewed 1 week ago

A great place to walk and shop, although the shops are quite trendy-which equals pricey. We did get some good deals in Banana Republic, but for the most part it's fun to look. Great foodie stops and beer selections along the way. We liked the rock outcropping along the street for sitting or a good place to people watch. There were some pan handlers but they never approached anyone, try going to Asheville NC panhandler city USA. No one ever approached us for money, there is a police presence around and everyone seemed happy to be out on a beautiful spring day. It was accepted student weekend at the local university so the streets were bustling with people.

We were here visiting Burlington with our 23&21 year old sons for a birthday celebration, Trip Advisor should really implement a category to reflect traveling with older children and not just (young children) & (teens). I chose couples for the visit

Visited April 2016

_____ May 2016

We enjoyed walking along market place the three days we were here Ate at several restaurants Nice atmosphere Allot of homeless

[“Great shopping”](#)

Reviewed 2 weeks ago

Great shops. Lots of choices of both chains (North Face, Burton, Pier 1) and local awesome shops, galleries and restaurants. A hit with both tourists and locals

[“if you like watching”](#)

Reviewed 2 weeks ago

people watching, drinking, shopping, smoke shops, fashion. freindly encounters, brick after brick of piled consumerism at it's best. you'll fit right in, everybody does.

[“Many unique shops, and eateries”](#)

Reviewed 2 weeks ago

We always peruse Church Street with the many shops and eateries. So each trip we have certainly helped the economy of VT 😊

[“Amazing shops and atmosphere!”](#)

Reviewed 2 weeks ago

Wonderful shopping street with boutique type shops of all kinds. The people are so warm and friendly in Burlington!

Beautiful cobblestone street closed off to traffic. Nice way to spend a day shopping. And at night, it is lit up beautifully____

Great place to people watch and enjoy a meal at anyone of the dining establishments on/off Church Street.

Four blocks of sights, sounds, and smells! Oh and shopping too. A lot of high end stores but something should catch your wallet. We enjoyed a relaxing walk up and down the marketplace. There were some nice street performers also.

Neat shops, fantastic people watching, Saturday is the best for a great stroll. Lots of bars and restaurants, Stop by for a favorite beer "Switchback" and you will be happy

Church street marketplace is a great place for a day trip. Lots of little shops, restaurants, and fun events. Very unique and fun place to visit.

[“A weekend getaway favorite ”](#)

Reviewed 3 weeks ago [via mobile](#)

We started going to VT regularly several years ago and it has become our favorite getaway spot. Church Street is a beautiful pedestrian only street home to numerous shops and restaurants as well as the Burlington mall. We usually begin in the morning at one end and down the other, meandering in and out of and each shop, stopping occasionally for a quick bite to eat or drink. Throughout the day and evening you will be treated to a variety of street performers and in spring and summer, live music. Many of the shops are eclectic and local as well as a smattering of chains. The food is great, with every conceivable cuisine and dining option available. From Church Street you can wander the side streets of Burlington to discover more hidden gems as well as find your way to the shores of Lake Champlain. Wonderful place for families or a romantic weekend and any season, though we prefer spring through fall. At night the street is lit up and looks beautiful and that is especially true during the Christmas season. Regardless of time of day it is always full of people and if you enjoy people watching, while sitting outside on a summer day, listening to live music and drinking a top shelf local craft brew, this is a place to go. BTW in July or August there is a blues festival with almost non stop music at multiple venues and every weekend from spring through fall there is a huge outdoor farmers market on the Commons selling an array of VT made goods and food. Really fun.

Visited March 2016

[“Overrated”](#)

Reviewed 4 weeks ago [via mobile](#)

Nice centralized area of businesses w/no car traffic, but nothing great. Too many local homeless peeps hanging around, too.

Our family loved Burlington. And it started with the Marketplace. You have good restaurants all around, shopping and Ben And Jerry's.

Visited May 2015

[“Awesome pedestrianized mall!”](#)

Reviewed 4 weeks ago

Smack bang in the middle of town! A must for all tourists! Looks amazing at night when all the fairy lights are lit up!

Visited March 2016

We kept finding ourselves heading back here for each meal while we were in town. The kids loved climbing on the large rocks that were placed throughout Church Street. Great shops. Beautiful lights at night. Enjoyed this part of town.

[Lovely](#)

Reviewed April 3, 2016 [via mobile](#)

Nothing better than a big Street dedicated to pedestrian traffic only. Very charming, clean and picaresque. Enjoyed shopping and browsing. Lots of variety available for both shopping and eating. Such a great place

Visited March 2016

[“Need outdoor stuff? This place has many brand names for you.”](#)

Reviewed March 29, 2016

Right in the heart of Burlington, this is like a miniature version of the Pearl St. Mall in Boulder CO. Uh-oh, did I slander the locals?! I hope not. Just to say, it's a mall on a smaller scale, which often is just fine. When we visited, between end of winter and early spring there were no flowers, no leaves, nothing! Just empty streets and college boys and girls. Still, this is an enjoyable pedestrian mall with

many types of stores and restaurants. Visit Lake Champlain chocolates (I'm not s spokesperson, just a happy customer for over 20 yrs buying mail order...so fun to see their retail store.

Visited March 2016

Best place in town. Plenty of shops, restaurants, Bars... Great place to relax and actually mingle with locals. No cars allowed, which is good. reminds me of Fanuiel Hall in boston

Funky and fun! Church St. is the place to go for for taking a walk, shopping at both independent or chain stores and having your choice of many fine and diverse restaurants. Any time of year is the right one to visit this Burlington hot spot!

Church Street Marketplace not only offers a range of dining options, many local and national stores, beautiful artwork, but gives you a real experience of the locals because all of us go there. Some go to drink coffee at several great coffee places - The Uncommon Grounds is a personal favorite, some go shop for locally made gifts, others prefer the street carts for food and gifts. Everyone enjoys the many entertainment options offered on a regular basis on the Street. It is the earliest example of a pedestrian shopping street in the country and should not be missed!

Visited March 2016

["A Burlington Jewel"](#)

Reviewed March 23, 2016

There are very few downtowns in the world that can beat the Church Street Marketplace **on a sunny day**....it's just a wonderful public space with such an incredible variety of offerings. Localvore restaurants, local brewers, local coffee roasters, local shops mixed in with Starbucks, Old Navy and Macy's. An international crowd walks up and down, past many outdoor cafes, watering holes, and craftspeople. Musicians, clowns, acrobats, magicians -- you name it -- entertain up and down the pedestrian-only thoroughfare. A terrific place to people watch, meet friends, take out of town family...just a splendid gathering place in all.

Visited March 2016

If you come to Burlington, You have to go to Church Street! Fun, one of a kind shops and restaurants. More interesting places on the side streets too!

it is a street filled with shops, restaurants, pubs. it is so nice to walk around with family and friends during weekends.

Visited March 2016

Best place in Burlington to spend a day or afternoon walking, shopping, looking, eating. Beware the parking meters.

Visited March 2016

Very cool part of downtown. It's shops along a pedestrian walkway and a **mall** as well, right in the middle of downtown. Close to the waterfront as well.

["Fairly typical, nothing jaw dropping"](#)

Reviewed March 15, 2016

There was nothing overly great about this area. Good mix of restaurants, bars, chain retail stores (GAP, Macy's, LLBean, etc) as well as some smaller local shops.

Visited March 2016

It was nice to walk up and down Church Street. Each time we needed to walk into or through the town we always made sure Church St was part of the plan. If you're into people watching, want to grab a bite or a drink, or shopping, there's something there for you.

They have some really awesome shops some that are just about everywhere and other specific to the state. Very calm and relaxing, nice people.

["Great place!"](#)

Reviewed March 11, 2016 [via mobile](#)

A really nice street, lots of thought has gone into this. A beautiful Church to look at the end of it and nice shops. music broadcast out to the street, good little restaurants, just a great place.

Nice shopping and good location, we were able to walk to most everything we wanted during our stay. Wonderful to have a walking Street and not really have to worry about traffic!

Loved how cars were blocked off, my toddler was able to wander the streets. Lots of interesting looking restaurants and stores.

["Great place for a stroll !"](#)

Reviewed March 8, 2016

We pulled into town in the evening and spotted this very well lit and beautifully decorated several blocks of pedestrian only shopping. The evening lighting is exceptional !

It was a perfect place to go for a stroll with my wife. All of the stores, coffee shops, history, water fountain designs, and architecture makes it a great place to visit. (and get out of your car !!!)

Visited March 2016

We enjoyed the "street fair" atmosphere, variety of restaurants, retail and other establishments. Easy walking distance to the waterfront

I don't know why I have never visited here, before this trip! It is a traffic free shopping experience! There are many different shops, to meet the tastes of different shoppers.

Visited February 2016

Plenty of shops, bars, local restaurants to really make it a day spot in nice or fall weather. Just make sure to watch your meter for parking!

Visited April 2015

A beautiful place to experience both during the day and at night when lit up with some of the most amazing decorative lights. The street is full of unique little shops, restaurants, bars, a **mall** and even entertainment on the street. A peaceful and relaxing place with lots of friendly people.

Visited April 2015

Even though it was a cold day in February, this pedestrian street mall was a great place to visit. There were plenty of shops to duck into to get warm. There was a nice variety of types of stores. There was also a great selection of restaurants. The scenery was quaint and although we didn't walk there due to the weather, Lake Champlain is very close by.

Visited February 2016

Church Stree Marketplace is a beautiful spot with lots of dining and shopping options. We loved it and Burlington.

Visited February 2016

Specialty shops from athletic specialty stores to jewelry stores. If you can't find it here, you haven't looked hard enough. Can't forget the good eats and specialty sweets and coffees places. A place to enjoy for all ages!

Visited February 2016

Visited December 2015

Had a great time on church street with all the shops and restaurants. Homeport favorite store. View at night is unbelievable Sucj a peaceful and relaxing place to be.

Visited February 2016

Me and my wife go here a few times a year. We like to grab lunch somewhere and take a walk by the lake. The street vendors are interesting and the shops have anything you need from shoes to furniture!

Visited February 2016

We visited Burlington, Vermont in February and spent some of our time walking the pedestrian open air mall called Church Street Marketplace. It was chock full of shops, bars and restaurants. At dusk the lights that were strung across the mall were lit and it was really quite pretty. Would recommend seeking this out when in Burlington.

Visited February 2016

This is a must visit if in town. The street is full of shops, restaurants, bars, a mall and even entertainment on the street. There's something for everyone! We went during the holidays and it was absolutely stunning. And yes it's true, the street gets a little weird at dark. Nobody really bothered us though.

Visited November 2015

A great pedestrian walkway with lots of local food, stores and fun. Visit the Keep Vermont Funky store to remind you of the attitude. Visited a kitchen store and finally found the perfect loose tea holder for brewing. Also went to a terrific yarn store with wonderful yarns. I try to buy yarn from every place I visit - weird - but knit them in to shawls for friends.

Visited June 2015

MALL Never thought of Burlington as a city after living in much larger places and this pedestrian walk is considered the center of what there is. Enough shop variety to make it interesting but until they decide on the **Burlington Mall future (major high rise with offices, condos and shops or not) there's a blot on the landscape with empty stores and sad littl eating area downstairs**. Ample eating options from Paneras to haute cuisine. Saturday morning on market days during summer is at its best.

Visited February 2016

This is an enjoyable place all around, good variety of shops and restaurants, many non-chain. Great people-watching, too.

Visited February 2016

Reviewed February 3, 2016

Worth the trip to Burlington just in itself. From excellent restaurants and bars to the dumpling lady street vendor. Wine tasting store, oil store, funky consignment, tattoo parlors, head shop, candy store and outdoor exchange for all kinds of high end, great sales and great consignments. Every trip there you find something new - street performers, events, etc..

This is a really nice place to walk around at night during the holiday season with all the Christmas lights. Lots of people, and stores, and restaurants.

Reviewed January 23, 2016

January 20, 2016

You'll go here and you'll enjoy it. Whether or not you're there to shop you'll become engulfed by the greatness that is Burlington... the people, the places, the action! Don't forget to check it out at night in the colder months to see it lit up in all it's splendor.

January 17, 2016

I came here with my boyfriend and it was a relatively relaxed area for a holiday Sunday. We went through the different shops: Outdoor Gear Exchange, the bookstore, and the Uncommon Trail coffee shop. It was a nice distraction for the morning and it was a great way to see the Burlington vibe.

Reviewed January 14, 2016

If you are there in the non slushy months it is a fabulous stroll and where everything is celebrated from Mardi Gras to the World Cup championship. In 2004 people were climbing street signs and for New Years they climb the mountains of snow. It is a small city for sure and if you come during a college break it is a ghost town comparatively. The children playing leapfrog is a classic with a sandwich at the Red Onion and a white hot chocolate at Muddy waters. You wont be disappointed unless you dont like good food.

Visited August 2015

Take a stroll summer or winter. In the summer you can stop at one of the many restaurants and eat out side and enjoy the views. In the winter it's a winter wonderland gull of lights topped off by a huge Christmas tree at the top of Church St

Visited December 2015

Reviewed January 15, 2016

Quaint, New England design out door plaza with boutiques, cafes, bistros, pubs, something for everyone, students, families, couples and singles withing walking distance of Lake Champlain,

Carolyn L. Bates Photography

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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: Jennie Kristel <jkristel61@hotmail.com>
Sent: Sunday, May 08, 2016 3:41 PM
To: ybradley@vermontrealestate.com; Bruce Baker; Lee Buffinton; Emily Lee; Andy Montroll; Harris Roen; Jennifer Wallace-Brodeur; Meagan Tuttle
Subject: The Mall Development

Dear All;

I have to say, I am stunned and dismayed at how quickly this mall is getting voted on and passed. WITHOUT any Feasibility studies or scaled model for the community to look at? Without a thorough and thoughtful city wide plan?

I agree that the mall needs an overhaul. It is in disastrous shape. It is outdated. It also needs better care. This is how he is taking care of his property now.

I find it hard to believe that the developers will stop at one box building. Or that the council thinks that one is all that will happen and be enough.

The plan is ugly. UGLY. Big boxes. I might as well be in any city USA. Is that what you really want for Burlington?? Seriously? Every building that has gone up in the last five years has been one model of siding that is straight, boring and ugly. Metal sided and glass. It causes eye stress as it has no beauty at all.

I sure hope that you will walk around town, and turn around and around and really try to imagine the real mass and height of this mall, that has no feasibility study and only two renters, after 18 months of it being on the drawing boards. This is (or used to be) on the top ten places to go as it was friendly, beautiful, and a large town rather than a city. I have been told by people who visited me this week, that Burlington would become just like every other place and not as interesting. With a box building smack in the middle of town I agree with them. What about keeping with historical lines? What about having a human oriented building?

There have been THOUSANDS of housing units built in Burlington, South Burlington, and Winooski during the past decade alone. This has not alleviated the so-called "Housing Shortage", nor lowered rents.

Furthermore, residential housing in general has been shown to be money-losing to a town/city from a tax situation by several academic studies. The demand for services, infrastructure, sewer, traffic mitigation, pollution, etc. never lower the tax burden.

Will it still be when there is no longer any SUN on the streets? This box is HUGE! We already have issues with lack of sunlight in Burlington. This WILL make it worse.

We have spent years going over well thought out plans about the height and mass. And, in 2010, as a city it was put at 105'.

And now city council and the mayor are tripping over each other to thank the mall developer for wanting to build

something that is 160' tall. Please Please do not repeat this act in your hopefully very wise and forward thinking Planning Commission.

Furthermore, look at the real design of Pine St going underneath the FreePress Building. Will we need to pay a toll as it is owned by a developer? This won't really be public access will it.

And St Paul has to jog around LLBean, and it will have the loading dock on it too?
Otherwise where else will this go? It is so confusing. I sure like the idea of opening up our streets again, but this really cannot happen without a few buildings being removed, first. And \$22 million TIF money we have to pay to the developer, and yet still not own the streets again???

Only 50 low income housing units that are all one bedroom (families need places to live, too!) and all right above the parking garage. As a mental health clinician, asking families to be in a one bedroom is a recipe for disaster. How real is this really?

Having lived on the Hill by Champlain, and seen what having students in that neighborhood was like and seeing Sinex say that 300 students would live in this building with mixed income.... Im not sure what to say to that. It seems highly improbable as a working model.

The parking garage extends to the windows! . Not parking garages. It is 3-4 floors big, too.

The idea to have a vote in August on the TIF of 22 million dollars is disheartening as well. on a vote that important that we as taxpayers would probably have to pay for Why wouldn't you wait until November when most people are likely to be here? I have to say this seems rather slimy as August is a month many vacation and are away.

Lastly- Why hasn't there been a conversation about using 22 million gone into improving our high school school which is woefully out of compliance with ADA and needing a overhaul?? 22 million would take care of an awful lot and would certainly help students and families from all backgrounds.

**Please wait until the feasibility studies are done and a working model of what this will entail.
I look forward to hearing from you.**

Jennie

Please be advised that the confidentiality of this communication cannot be guaranteed since it is transmitted electronically.

Jennie Kristel, MA, REAT, RMT APTT
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Registered Expressive Arts Therapist
Reiki Master /Teacher
Accredited Playback Theatre Practitioner/Teacher

"Be the Change that you want to see in the world"
Mahatma Gandhi

14 story, 160 foot high buildings were not envisioned by PlanBTV

To: Burlington Planning Commission

Planning Commission Meeting, May 10, 2016, 6:35pm public forum

From: Solveig Overby

I am here to ask you as you work on the zoning changes proposed by the Burlington Town Center redevelopment, to respect the decisions made by Burlington citizens as reflected in the often cited June 2013 PlanBTV document.

Contrary to representations heard frequently, PlanBTV adopted June 2013, does not contemplate downtown core development containing 14 story/160 foot tall buildings.

In fact, the "FD6 Downtown Core" district form-based code posted on Nov. 25, 2014, a year and some months after adoption of PlanBTV, specifies building heights with a minimum of 3 stories and a maximum of 10 stories. I have provided you with copies of pages 110-111 of plan BTV and the associated pages from the November 25, 2014 FD6 Downtown Core district document.

Prior to the May 2, City Council Meeting, I provided City Councilors with a photograph of an example of a twelve story/110 foot tall condominium building in a vibrant downtown core Washington, DC neighborhood. I have provided you with a new photo of that building and have provided you with the zoning regulations associated with it for your review.

I ask you to respect the will of the citizens of Burlington. PlanBTV did not contemplate downtown core development in Burlington containing 14 story/160 foot tall buildings.

Thank you.

770 HEIGHT OF BUILDINGS OR STRUCTURES (C)

770.1 Except as provided in this section and in Chapters 17 and 20 through 25 of this title, the height of a building or structure, not including a penthouse, in a Commercial District shall not exceed that set forth in the following table:

ZONE DISTRICT	MAXIMUM HEIGHT (Feet)	MAXIMUM HEIGHT (Stories)
C-1	40	3
C-2-A	50	No Limit
C-2-B,C-3-A	65	No Limit
C-3-B	70	6
C-2-B-1	75	No Limit
C-2-C,C-3-C	90	No Limit
C-4	110	No Limit
C-5(PAD)	130	No Limit

770.2 The height of buildings or structures specified in § 770.1 may be exceeded in the instances provided in §§ 770.3 through 770.9.

770.3 Spires, towers, domes, pinnacles or minarets serving as architectural embellishments, penthouses, ventilator shafts, antennas, chimneys, smokestacks, or fire sprinkler tanks may be erected to a height in excess of that which this sections otherwise authorizes. This section shall not be interpreted to bypass otherwise required special exception reviews.

770.4 In the C-4 District, a building or other structure may be erected to a height not exceeding one hundred thirty feet (130 ft.); provided, that the building or other structure shall face or abut a street not less than one hundred ten feet (110 ft.) wide between building lines.

770.5 In the C-5 (PAD) District, a building or other structure may be erected to a height not exceeding one hundred sixty feet (160 ft.); provided:

- (a) The height of the building or structure shall be measured only from the Pennsylvania Avenue curb at the middle of the front of the building or other structure to the highest point of the roof or parapet exclusive of any structure on the roof; and
- (b) That portion of the building or other structure that exceeds one hundred thirty-five feet (135 ft.) in height shall be set back a minimum of fifty feet (50 ft.) from the building line along Pennsylvania Avenue.

District of Columbia Municipal Regulations

(<http://dcoz.dc.gov/resources/regulations.shtm>)

- 770.6 A penthouse may be erected to a height in excess of that which this section otherwise authorizes but shall not exceed the height, as measured from the surface of the roof upon which the penthouse is located, in the following table:

ZONE DISTRICT	MAXIMUM PENTHOUSE HEIGHT	MAXIMUM PENTHOUSE STORIES
C-1, C-2-A	12 ft. except 15 ft. for penthouse mechanical space	1; second story permitted for penthouse mechanical space
C-2-B, C-3-A	12 ft. except 18 ft. 6 in. for penthouse mechanical space	1; second story permitted for penthouse mechanical space
C-2-B-1, C-3-B	20 ft.	1; second story permitted for penthouse mechanical space
C-2-C; C-3-C; C-4; C-5	20 ft.	1 plus mezzanine; second story permitted for penthouse mechanical space

- 770.7 [REPEALED].

- 770.8 [REPEALED].

- 770.9 The height permitted for a building eligible for the additional density permitted pursuant to § 771.4 shall be that permitted by the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6-601.09).

SOURCE: §§ 5201.1, 5201.2, and 5201.3 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 27 DCR 2226, 2227 (May 23, 1980); as amended by Final Rulemaking published at 33 DCR 3975, 3978 (July 4, 1986); as amended by Final Rulemaking published at 36 DCR 1509, 1523 (February 24, 1989); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8409-10 (October 20, 2000); as amended by Final Rulemaking published at 55 DCR 34 (January 4, 2008); as amended by Final Rulemaking published at 57 DCR 3492 (April 23, 2010); as amended by Final Rulemaking published at 62 DCR 5190 (April 24, 2015); as amended by Final Rulemaking published at 63 DCR 390 (January 8, 2016).





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 DROUVR PHOTOGRAPHY

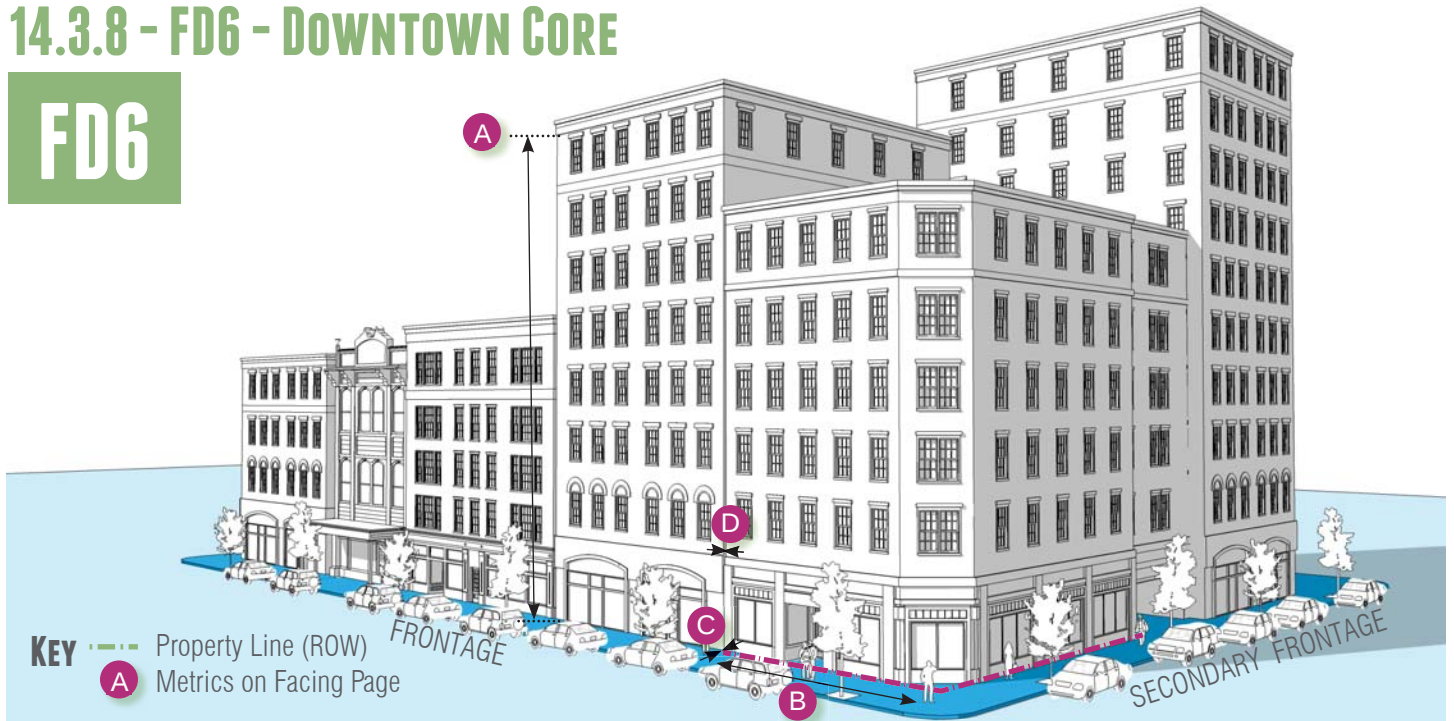
The illustrative plan for the mall area suggests reopening Pine Street and St. Paul Street, preferably as complete streets that would accommodate all modes of transportation and parking, repairing the street grid and relieving pressure from Battery Street and South Winooski. In lieu of the complete street 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.



14.3.8 - FD6 - DOWNTOWN CORE

FD6



THE DIAGRAM ABOVE IS FOR ILLUSTRATIVE PURPOSES ONLY. METRICS SHOWN THEREON SHALL HAVE REGULATORY EFFECT.

14.3.8-A- INTENT

To enhance the vitality of the urban core with a variety of high density building types. Provide locally and regionally serving office, retail, service, hospitality, entertainment, Civic functions, as well as a wide variety of urban housing choices. This district also aims to reinforce the walkable nature of the urban core of the city.

Attached buildings

Small to large footprint

Building at the frontage line

No side Setback

3 to 10 stories

Outbuildings not common



14.3.8-B- ALLOWED BUILDING TYPES

BUILDING TYPE	STANDARDS
Rowhouses	Section 14.4.7
Multi-Family: Large	Section 14.4.9
Mixed-Use	Section 14.4.11
Perimeter	Section 14.4.12
Civic	Section 14.4.13

14.3.8-C- BUILDING FORM

HEIGHT

Principal Building	3 Stories min. 10 Stories max. ¹	A
Outbuilding Backbuilding	2 Stories max. 1 Story max.	

¹ Subject to Regulating Plan Special Requirements - Map 2.

MISCELLANEOUS

The linear distance at the Frontage between ground floor entries shall be no more than 60'.

Any buildings wider than 150' must be designed to read as a series of two or more separate buildings.

Buildings with continuous Façades of 60' or greater in width shall be vertically articulated with projecting or recessed offsets not less than 4' deep, and at intervals of not greater than 50'

14.3.8-D- LOT OCCUPATION & BUILDING PLACEMENT

Block Perimeter	2,000 ft max.
Lot Coverage	100% max.
Frontage Buildout ¹	100% max. along Principal Frontage
	80% max. along Secondary Frontage

¹In the absence of a Building Facade along any part of a Frontage Line, a Streetscreen shall be built on the same plane as the Facade. A Streetscreen shall be between 3.5 and 8 feet in height and may be no longer than 20 feet or 20% of the Frontage, whichever is less.

BUILDING DISPOSITION	STANDARDS
Sidyard	Section 14.6.3
Rearyard	Section 14.6.3

14.3.8-D- LOT OCCUPATION & BUILDING PLACEMENT

SETBACK (DISTANCE FROM ROW/LOT LINE)

Front		C
Principal Building	0' min.; 6' max.	
Outbuilding	In third Lot Layer	
Side		D
Principal Building	0' min. - 12' max.	
Outbuilding	0' min. or 3' min. on secondary frontage	
Rear		
Principal Building	0' min. or 15' from rear Alley centerline	
Outbuilding	0' min. or 15' from rear Alley centerline	

MISCELLANEOUS

Fence materials shall not include barbed or razor wire. Chain link and wire fencing shall not be used along any Frontage Line. Woven cable fencing is allowed.

14.3.8-E- PARKING, LOADING & SERVICE

REQUIRED SPACES

No on-site parking is required.

See Section 14.6.8 - (Supplemental to Form Districts - Parking, Loading, Service and Driveways) for parking specific requirements and Section 14.6.9 for bicycle parking standards.

LOCATION ON THE LOT

Parking Areas shall be located in the Third Lot Layer.

Garages shall be located in the Third Lot Layer. Garages may be located in the second Lot Layer if located below-grade or above the first Story.

MISCELLANEOUS

At least one pedestrian route from all Parking Lots and Parking Structures shall be directly to a Frontage Line (i.e., not directly into a Building).

14.3.8-F- ENCROACHMENTS - REQUIRED SETBACKS

ENCROACHMENT TYPE	REAR
Steps to Building Entrance	A
Other Architectural Features	3' max.
Landscaping	A
Fences or freestanding walls	6' max. height
Driveways, Walkways	A
Utility Structures	A

KEY

Encroachments Allowed:	A
Encroachments Not Allowed:	-

14.3.8-G- ENCROACHMENTS - PUBLIC RIGHT-OF-WAY

(Along Principal and Secondary Frontages)

ENCROACHMENT TYPE	PUBLIC ROW
Frontage Type	
Shopfront: Awning ¹	15' max.
Officefront: Awning ¹	15' max.
Other Architectural Features	3' max.
Signs	A ¹

¹ May Encroach into the ROW subject to the limits set forth in Section 14.6.10 (Supplemental to Form Districts - Sign Standards).

14.3.8-H- SIGNS

Maximum total number of Signs per Frontage Type	6
Maximum total number of Signs per Secondary Frontage	2

ALLOWED SIGN TYPES	STANDARDS
Awning & Canopy Sign	14.6.10-C
Band	14.6.10-D
Blade	14.6.10-E
Freestanding ¹	14.6.10-F
Marquee	14.6.10-G
Nameplate	14.6.10-H
Outdoor Display Case	14.6.10-I

14.3.8-H- SIGNS

Wall	14.6.10-J
Window	14.6.10-K
¹ 14' height max.	

MISCELLANEOUS

See Section 14.6.10 (Supplemental to Form Districts - Sign Standards) for specific requirements.

14.3.8-I- USE TYPE

FD6

Uses not specifically listed in a use table, and that are not similar in nature and impact to a use that is listed, are not permitted in the Form District.

RESIDENTIAL - GENERAL

Multi-Family	P
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RESIDENTIAL - SPECIAL

Assisted Living	P
Boarding House ¹	P
Community House (Sec. 14.6.7.d)	P
Convalescent /Nursing Home	P

LODGING

Bed and Breakfast ¹	P
Historic Inn (Sec. 14.6.7.b)	P
Hotel, Motel	P
Shelter	P

RETAIL - GENERAL

ATM	P
Convenience Store	P
Fuel Service Station ² (Sec. 14.6.7.c)	P
General Merchandise/Retail	P
Auto/Boat/RV Sales/Rentals ³ (Sec. 14.6.7.c)	P

RETAIL - OUTDOOR

Open Air Markets	P
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OFFICE & SERVICE

Animal Grooming	P
Beauty Salon/Barber Shop/Spa	P

14.3.8-I- USE TYPE**FD6**

Car Wash	P
Crisis Counseling Center (Sec. 14.6.7.g)	P
Office – General	P
Dry Cleaning Service	P
Funeral Home	P
Health Club/Studio	P
Laundromat	P
Mental Health Crisis Center	P
Office – Medical	P
Tailor Shop	P

HOSPITALITY/ ENTERTAINMENT/ RECREATION

Aquarium	P
Art Gallery/Studio	P
Arts Incubator (Sec. 14.6.7.j)	P
Bar, Tavern	P
Billiards, Bowling & Arcade	P
Café	P
Cinema	P
Club, Membership	P
Community Center	P
Conference/Convention Center	P
Marina	P
Museum	P
Performing Arts Center	P
Performing Arts Studio	P
Recreational Facility - Indoor	P
Restaurant	P
Restaurant – Take Out	P

MANUFACTURING/ PRODUCTION/ STORAGE

Dental Lab	P
Food Processing	P
Machine/Woodworking Shop	P
Manufacturing	P
Manufacturing – Tour Oriented	P
Medical Lab	P
Production Studio	P

Photography Lab	P
Printing Plant	P
Research Lab	P
Warehouse/Storage ²	P
Warehouse, Self-Storage ²	P

EDUCATION & DAY CARE

Day Care – Adult	P
Daycare – All (Sec. 14.6.7.a)	P
School – Post-Secondary & Community College	P
School – Primary	P
School – Secondary	P
School, -Trade, or Professional	P

CIVIC

Courthouse	P
Fire Station	P
Library	P
Park	P
Police Station	P
Post Office	P
Worship, Place of	P

TRANSPORTATION & UTILITIES

Recycling Center – Small ³ (2,000 sf or less)	P
Public Transit Terminal	P
Operations Center – Taxi/Bus ³	P
Parking Structure ⁴	P

KEY

Permitted Use	P
Conditional Use	CU

END NOTES

¹Must be owner-occupied.

²Automobile sales not permitted as an Accessory Use

³Exterior storage and display not permitted.

⁴Parking Structures shall be located behind a Perimeter Building (see Section 14.4.13).

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 08.09.2016

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 08.09.2016.

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: 08.15.2016



E. Tillotson, Recording Secretary