

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
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www.burlingtonvt.gov/planning

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, April 22, 2014 - 6:30 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 (5 min)** – Yves Bradley, Chair

IV. **Report of the Director (5 min)** – David E. White, Director

V. **Zoning Discussions**

The Commission will discuss the following potential changes to the Comprehensive Development Ordinance:

- Parking as Secondary Use in downtown
- Neighborhood Commercial Uses
- Required setback between Residential and Mixed-Use zones

VI. **Committee Reports (5 min)**

VII. **Commissioner Items (5 min)**

VIII. **Communications (2 min)**

The Commission will review communications.

IX. **Executive Session – Director's Evaluation**

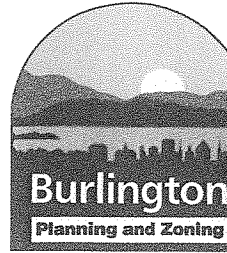
X. **Adjourn** (8:00 p .m.)

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

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Sandrine Thibault

From: David E. White
Sent: Thursday, April 17, 2014 11:14 AM
To: Sandrine Thibault
Subject: Fwd: Please forward to the Planning Commission

for next week's packet...

Begin forwarded message:

From: Lea Terhune <leaterhune44@gmail.com>
Subject: Please forward to the Planning Commission
Date: April 17, 2014 at 11:12:12 AM EDT
To: "David E. White" <DEWhite@burlingtonvt.gov>

Planning Commission members and Planning Dept Staff:

The DRB made a wise and judicious decision about the downtown Champlain property. They did the right thing.

And in the Free Press article, Emily Lee said the right thing. She obviously expressed what the majority on the DRB concluded. I commend her and them.

Thanks to you and your boards for upholding the integrity of the planning/permit process that has served Burlington so well - protecting our home values, preventing blight in the city, and resisting political pressure.

Thank you to staff who do the research and provide board members with honest appraisals.

Lea Terhune
22 Appletree Point Lane
Burlington, VT 05408

David E. White, AICP
Director of Planning & Zoning

802.865.7194
dewhite@burlingtonvt.gov

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Burlington Planning Commission Minutes

Tuesday, April 22, 2014 - 6:30 pm

PC Present: Y. Bradley, L. Buffinton, H. Roen, B. Baker, E. Lee

Absent: A. Montroll, J. Wallace-Brodeur

Staff: D. White, S. Thibault, E. Tillotson

I. Agenda

Y Bradley: Guests are here to speak about #5 on the agenda, suggests that discussion of zoning boundaries be discussed first to accommodate guests.

On a motion by E. Lee, seconded by H. Roen, it was unanimously voted to accept the change.

II. Public Forum

Y Bradley – Opened the public forum at 6:35 pm.

Y Bradley – Closed the public forum at 6:35 pm.

III. Report of the Chair

The Chair provided the following report:

- The Chair would like to call out D. White and S. Thibault, whose names were brought up during an in depth discussion about the Planning and Zoning Department with the Mayor, at which time the Chair expressed that he felt that each of them are working the equivalent of two full time jobs. "We really appreciate their efforts and great vision."

IV. Report of the Director

The director provided the following report:

- Presently there are lots of moving parts, ie: Development Review projects under appeal and the permitting process in general. This is a very busy time for us, lots on our plate and we suspect that will continue. There is one really large project, the expansion of FAHC which was presented at sketch plan review last week, and encompasses a major addition to the hospital. It will provide for more single occupancy availability and no increase in patient load. FAHC has been interfacing with staff for quite a while; the project timeline is not yet clear.
- FBC (Form Based Code) continues to be a focus for S. Thibault and the Director, meetings with staff as well as the think tank are continuing. At the next Planning Commission meeting there will be an overall presentation of FBC.
- Next week both the Director and Comprehensive Planner are going to Montpelier to testify about the downtown development area and answer any questions. Burlington City is the first application in the state. This designation will be a useful tool assisting with the state development regulations. One of the benefits of the designation is a higher threshold for triggering Act 250 for some projects. S. Thibault is working on the designation application presently and with the state. Interestingly, one place where Burlington lost a point is that parking requirements in residential zones are considered to be too high!

As approved by the Burlington Planning Commission on May 13, 2014.

S Thibault: Has just forwarded email citing an event at Contois Auditorium next Friday, to celebrate approval of the Climate Action Plan adoption. There will be a presentation and discussion on the Climate Reality Project. Also, watch for Channel 5 news this Thursday and Friday where there will be a story on parking in downtown.

- Also there is a screening of the film "Human Scale" on Wednesday the 30th with great speakers and subject matter. \$5.00 tickets in advance.

Y Bradley: In South Burlington, planning for new city center, FBC has been adopted. They are developing inclusionary housing with three tiers of income consideration. Anything below 120 % of median income creates a financial situation where conventional developers cannot make it work. Then the situation is that housing trust entities will have to take care of this need.

V. Discussion of potential changes to CDO

Required setback between Residential and Mixed Use zones

D. White: R. Bove was here some months ago, and he brought to our attention some potential conflicts in the zoning ordinance relative to ownership of a property in more than one zone. His project is on Pearl Street, where there is a zoning zone change between properties and different set back requirements between the two districts. One solution might be to request a change in zoning district boundaries. There is a balance of issues concern; does it achieve the urban design the city is looking for. The solution could be a boundary adjustment or some other approach.

L. Buffinton: Is there a bigger issue?

D. White: There might be a solution of moving the boundary of zones but a broader issue about transition is the height of buildings. It is a current concern and will continue into the FBC conversion.

T. Scott, architect: Hands out an illustration from the George Street perspective.

D. White: This project is under appeal currently.

T. Scott: This illustration is to show the effect of what David White suggests.

- Scheme 1 is the original presentation to the DRB, the 15 foot setback project is undoable. The residential height restriction in the adjacent zone, we respect. It creates a nice transition.
- Scheme 2 illustrates that if boundaries were changed, the north side would have a ? foot setback requirement. The building then could be higher with not as much transition to the neighbor to the north.

T. Scott: Is not saying which one is better. The transition from one zone to another is worth looking at. Setbacks and heights are the issues in his opinion. Scheme 2 does not transition as nicely.

D. White: Scheme two is possible if the boundary line is moved. Scheme one is a different way of providing transition with more appropriate building height.

H. Roen: If the ownership of both lots is the same, there is no need for neighbors to have breathing space.

D. White: The zoning boundaries are fixed on the ground. The setback is a zoning distinction.

B. Baker: We can't have zoning district swayed by changing the boundaries of lots.

D. White: The integrity of zoning districts would not be maintained. To merge would require a lower zoning intensity.

T. Scott: We picked the aspect of zoning which helps maintain the zoning transition and kept the height appropriate, but removed the setback requirement. Scheme one is dependent on common ownership.

L. Buffinton: Visually the Scheme one transition is better, it follows the intent of the ordinance.

B. Baker: It is important to see what the effect would be in other places. Would it be the same in other circumstances?

As approved by the Burlington Planning Commission on May 13, 2014.

D. White: Other mixed use districts, RL and NAC are adjacent zones with different height and setback requirements. The ordinance doesn't address tapering heights, but design requirement does. FBC will define this transition more clearly.

E. Lee: Is the process for changing a boundary the typical process that we are involved in? Yes.

H. Roen: If FBC were applied to this situation would setbacks be required?

D. White: Yes, they will still apply.

T. Scott: The setback means nothing to R Bove since he owns both lots.

D. White: That's where we want to get away from losing the integrity of the zoning districts.

L. Buffinton: A visual transition between districts is needed.

T. Scott: That could be anything, height, use, etc.

Y. Bradley: The Commission favors Scheme 1 which feels right. Could staff provide potential suggestions for the Commission?

Parking as a secondary use in downtown

D. White: This subject jumps up on the list based on the City Council decision on downtown parking. Leasing parking spaces to an offsite user changes the use of a property. The problem is that we know that there are 35% of parking spaces in the City going underutilized and we need to set up an ability to maximize the existing spaces. He has been mulling around the question of the possibility of setting a benchmark relative to leasing without that being considered a new use?

L. Buffinton: What have other cities done?

D. White: He hasn't seen other good examples. Parking is treated as a separate use. FBC will parse all these definitions more appropriately, functions improved.

E. Lee: Is there a real world example?

S. Thibault: The Hinds Lofts, which have maybe 25 parking spaces under building, which is the required number of spaces. Car spaces are leased and not sold with the units, so some are not used. Presently the existing empty spaces can't be leased because of the City Ordinance requirement.

Y. Bradley: Residents have the right to rent a parking space which can be on a month to month basis. Would staff compile suggestions for the Commission?

Neighborhood commercial uses

D. White: This is an issue raised by A Montroll about existing neighborhood uses. The definition has been used as being all inclusive.

B. Baker: For neighborhood commercial use, the list of examples has become the rule. The ambiguity around the definition makes for hard feelings, there is a need for a more definitive description.

D. White: Probably not, the requirement is that it be a preexisting use and the use can change.

Y. Bradley: Lives on South Union Street within two or three houses of a structure that was previously a fire station. Another house looks a little odd; it used to be meat market and a couple of houses, used to beyond, was an outboard engine repair.

B. Baker: The key question is if it is preexisting.

D. White: Yes or if there is historical use.

VI. Committee Reports

Long Range Planning Committee has met, had a very productive discussion on parking. Will come to the Commission with a presentation and will also come to Commission meetings on a regular basis.

As approved by the Burlington Planning Commission on May 13, 2014.

S. Thibault: The Planning Commission will eventually meet with the DPW Commission for discussion. The South End plan report will be available later.

Ordinance Committee – has had one meeting

Y. Bradley and B. Baker have met with the Mayor, his main question is what we are doing with major impact, and is it consistent with FBC.

D. White: Yes it is, but they are separate although they go hand in hand. There will be big policy changes while a lighter version will clean up inconsistencies.

VII. Commissioner Items

L. Buffinton: A question on the DRB decision on Champlain College. There are three issues, lack of scale, parking and inclusionary housing units.

D. White: Inclusionary housing is not part of the final decision. The DRB did not agree that the project fits into institutions parking plan. Champlain College will appeal the decision of the DRB denial to leave route open for the future. The hearing will be held de novo in Environmental Court. Party status is necessary to testify in Environmental Court.

H. Roen: Former Board member Wayne Senville sends greetings. Do we have an online access to the Planning Commissioner publication?

D. White: There is an on line subscription but I don't know if the full commission has access.

H. Roen: There is a discussion about St Anthony's on the Front Porch Forum, does this need a response?

VIII. Minutes/Communications

On a motion by E. Lee, seconded by L. Buffinton, the Commission unanimously accepted the communications.

IX. Executive Session – Directors Evaluation

On a motion by B. Baker, seconded by E. Lee, the Commission unanimously voted to enter into executive session to address the director's evaluation.

X. Adjourn

On a motion by H Roen, seconded by L Buffinton, the Commission unanimously adjourned at 8:15pm.



Y. Bradley, Chair



E. Tillotson, recording secretary