

Burlington Planning Commission

149 Church Street
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Yves Bradley, Chair
Bruce Baker, Vice-Chair
Lee Buffinton
Emily Lee
Andy Montroll
Harris Roen
Jennifer Wallace-Brodeur
Holly Ransom, Youth Member



Burlington Planning Commission

REGULAR MEETING

Tuesday, March 24, 2015 - 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 – Yves Bradley (5 min)

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

V. Burlington Town Center Redevelopment Process Update (15 min)

The Commission will hear a brief update on the Burlington Town Center Redevelopment project from CEDO staff.

VI. Proposed Amendments (30 min)

The Commission will review the proposed two amendments to Appendix A of the Comprehensive Development Ordinance:

- Low Impact Development (LID) Techniques
- Community Gardens Impact Fee Incentive

VII. Committee Reports (5 min)

VIII. Commissioner Items (5 min)

IX. Minutes/Communications (2 min)

The Commission will review communications and approve minutes from the March 10, 2015 meeting.

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

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Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Associate Planner
vacant, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Planning Commission
FROM: Scott Gustin and Megan Moir
DATE: March 24, 2015
RE: Low Impact Development (LID) Amendment to CDO

The purpose of this proposed amendment is to provide incentive for converting traditionally hard surfaces into green or pervious surfaces. The incentive is aimed at pervious pavements. Incentive associated with green roofs has not been included in this proposal but may be considered in the future. Driveway strips have also been considered. The requirement for paved parking areas associated with strip driveways should be eliminated, and, as a matter of interpretation, parking areas over driveway strips should not be counted as lot coverage.

Lot coverage for pervious pavements would be calculated at a reduced rate. The reduced rate would be tied directly to performance of the pervious pavement relative to the water quantity and water quality standards articulated in the Burlington Stormwater Credit Manual. For example, a pervious pavement installation qualifying for a 25% credit in the Stormwater Credit Manual would qualify for a 25% reduction in calculated lot coverage area (i.e. a 1,000 sf area would be calculated as 750 sf). The maximum coverage credit for the pervious driveway area would be 50%. In the case of strip driveways in which the strips are made of pervious paving materials, the property would be eligible for a 50% credit on the pervious pavement areas, with any grassed areas (the strip in the middle) not counting towards coverage totals.

Proposed CDO Language:

Article 5: Citywide General Regulations

Part 2: Dimensional Requirements

Sec. 5.2.3, Lot Coverage Requirements, (b) Exceptions to Lot Coverage:

1-8 as written.

9. Lot coverage for pervious pavement shall be calculated at a reduced rate determined by the performance measure achieved as articulated in Sections 3.2A, Water Quantity Reduction Credits, and 3.2B, Water Quality Treatment Credits, of the City of Burlington Stormwater Credit Manual. For the purposes of lot coverage calculation, the percentage of credit a pervious pavement installation qualifies for in the Manual shall be used as the percentage of reduction in lot coverage calculation. For example, a pervious pavement installation qualifying for a 25% credit in the Stormwater Credit Manual would qualify for a 25% reduction in calculated lot coverage area (i.e. a 1,000 sf area would be calculated as 750 sf). No credit in lot coverage calculation for pervious pavement surfaces shall exceed 50% or as limited by the lot coverage development bonus provisions of Article 4, whichever is lower. For the purposes of lot coverage only, the credit provisions of the Manual shall apply to all properties. For strip driveways, the pervious pavement credit may be applied to the "paved" strips. The coverage credit shall apply to the entire surface area of the pervious pavement area.

Article 6: Development Review Standards
Part 2: Site Plan Design Standards
Sec. 6.2.2, Review Standards, (i) Vehicular Access:

Paragraph 1: as written.

Residential driveways shall be a minimum of 7 feet in width or consist of two 2' driveway strips made of pavement or pervious pavement. ~~Driveway strips shall be accompanied by a paved area for the parking and/or storage of motor vehicles.~~ The maximum width for single or shared access driveways shall be 18'. In a residential district, driveways and parking areas shall be set back a minimum of 5' from side and rear property lines. Driveways that have a slope of 5% or greater (towards the right of way) shall be made of a solid surface including conventional pavement, pavers or pervious pavement.

Paragraph 3: as written.

Article 13: Definitions

Building Coverage: That portion of lot coverage associated with buildings (primary and accessory buildings) but not including driveways, parking, patios, and the like.

Stormwater Administrator: The administrative officer of Chapter 26: Wastewater, Stormwater, and Pollution Control for the City of Burlington.

Pervious pavement: Pervious pavement is a permeable pavement surface with an underlying stone reservoir that temporarily stores surface runoff before infiltrating into the subsoil. Pervious pavement includes porous asphalt, pervious concrete, grass pavers, and plastic grid systems, or their equivalents as deemed acceptable by the Stormwater Administrator.

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TO: Planning Commission
FROM: Scott Gustin
DATE: March 24, 2015
RE: Community gardens impact fee incentive

The purpose of this proposed amendment is to provide incentive for providing new community garden space. It stems from recommendations contained in the September 2012 *Burlington Urban Agriculture Task Force Report*. It is a follow-up to the recently adopted urban agriculture zoning amendment ZA-14-08. That amendment had originally contained a density-based incentive for community gardens similar to existing density-based incentives. The City Council Ordinance Committee removed this provision from ZA-14-08 in response to public opposition and with a sense that increased density in exchange for new garden space was not sound policy. At that time, a conceptual impact fee-based incentive was offered as an alternative and was conceptually supported by the City Council Ordinance Committee. The proposed amendment was put together with input from Burlington Area Community Gardens, the Department of Parks & Recreation, and the Department of Planning & Zoning. While it contains a number of standards, it basically allows for a reduction in Parks & Recreation impact fees in exchange for new community garden space as part of new development.

Sec. 3.3.4, Offsite Improvements, is unrelated to the proposed incentive. It is in the city's impact fee ordinance but was not carried over to the CDO with the rest of the impact fee ordinance when the CDO was adopted in 2008. The language below simply puts it back.

Proposed CDO Language:

Sec. 3.3.1 Purpose

As written.

Sec. 3.3.2 Applicability

As written.

Sec. 3.3.3 Exemptions and Waivers

(a) Exemptions:

As written.

(b) School Impact Fee Exemption:

As written.

(c) Affordable Housing Waivers:

As written.

(d) Community Garden Waivers:

A development that creates new community gardens as defined in Article 13 of this ordinance shall be provided a waiver of the parks impact fee in an amount equivalent to the value of the community garden created. The value of the garden shall be supported by a tabulation of the actual cost of installing the community garden and shall be subject to review and approval by the Department of Parks & Recreation. The waiver of parks impact fees shall not exceed 100% of the parks impact fee that would otherwise be paid.

To be eligible for the waiver, the community garden shall meet the following standards:

1. The community garden shall be made available to residents of the property and of the surrounding area.
2. It shall be located onsite in consultation with the Department of Parks & Recreation to ensure adequate solar access, visibility, and accessibility.
3. It shall contain an area of at least 360 square feet (i.e. such as 18 ft X 20 ft) with at least six (6) 4 ft X 8 ft plots and 2 ft wide isles between. Soil testing to determine the safety of the soil for food gardening purposes shall be the responsibility of the applicant (or property owner if different). Where soils are found to be unsafe for food gardening purposes, the community garden plots shall be in the form of raised beds with imported soil safe for food gardening use. Results of soil testing shall be subject to review by the Department of Parks & Recreation.
4. It shall either be managed as a neighborhood garden by the Burlington Area Community Gardens program operated by the Department of Parks & Recreation or privately managed to the same operating standards as a neighborhood garden. If privately managed, all maintenance and repair costs shall be the responsibility of the applicant (or property owner if different). The community garden shall be managed as such for the duration of the approved development.
5. It shall be created within an area of the city consistent with the express goals and strategic plans of the Department of Parks & Recreation. The Department of Parks & Recreation may reject creation of a new community garden and require payment of the full impact fee if the development is located in an area of the city that is already adequately served by community gardens.
6. The completed community gardens shall be guaranteed for a period of two (2) years following their completion. All repairs and maintenance of the community gardens within this period shall be at the cost of the applicant (or property owner if different).

Sec. 3.3.4 Offsite Improvements

In categories for which impact fees have been charged, no exactions for construction of offsite public facilities will be required as a condition for a zoning permit except for water distribution lines, sewer connection lines and stormwater improvements, and street and sidewalk infrastructure that are essential to the development of the project.

For the purposes of this section, “offsite” public facilities are defined as those facilities which are not on or immediately adjacent to the private land proposed for development.

Sec. 3.3.4 Calculation of Impact Fee

As written.

Sec. 3.3.5 Effect of Project Change on Impact Fees

As written.

Sec. 3.3.6 Demolition or Change to Existing Building

As written.

Sec. 3.3.7 Time and Place of Payment

As written.

Sec. 3.3.8 Penalties for Nonpayment

As written.

Sec. 3.3.9 Expenditure and Distribution of Impact Fees

As written.

Sec. 3.3.10 Relationship to Other Fees

As written.

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REGULAR MEETING

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MINUTES

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

Absent: Y. Bradley

I. Agenda

No changes.

II. Public Forum

No members of the public present.

III. Report of the Chair

No report.

IV. Report of the Director

The director presented the following report:

- He is just back from vacation and getting back to the swing of things. Staff continues to be busy with the Form-Based Code and the development review planners are extremely busy as well.

V. Burlington Town Center Redevelopment Process Update

N. Wildfire provided an update on the Burlington Town Center Redevelopment process. There has been a two and a half month public process so far and there is a report now ready to be shared with the consultants about what we've heard from the community.

B. Baker – Important for the commission to engage with the advisory committee.

A. Montroll – What is the role of the PC in this process?

D. White – This proposed process is loosely based on a similar process they do in Chapel Hill, NC but is adapted to Burlington. The work under way may involve change to the zoning regulations so the commission may have an important role to be play in that. Even without a zoning change, it is likely that the City Council would still want input from commission.

N. Wildfire – Very unusual process for CEDO to work with private developer.

Input so far included about 1,000 people and the following activities:

- January 8 event with 150 people in Contois with presentations and stations. All comments are online at www.burlingtonvt.gov/btvmall/, all 263 of them.
- Website
- Neighborhood Planning Assemblies Visit
- Committees (Planning Commission, Accessibility, etc.)
- Community Planning Workshop Feb 18-21 – 400 comments during that workshop, all online.

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- Comment boxes all throughout the city at different locations – 245 comments

N. Wildfire – Provided information about what was heard with the public comments received. See report attached for a summary of comments on the following topics:

- Circulation & Mobility
- Mixes of Uses
- Public Space and Amenities
- Urban Design

L. Buffinton – North-South Connection – how many people wanted the road to be re-opened for cars?

N. Wildfire – Was really a mix.

L. Buffinton – The New England Culinary Institute (NECI) model that used to be on Church Street would be great for job training example to follow.

A. Montroll – On the mix of uses, is office also part of the conversation? If we create more housing we need to remember to provide places for people to work.

N. Wildfire – The developer is planning on having some level of office but it's also the softest place in the market and where we have the most availability.

H. Roen – Did people comments about having downtown and waterfront connections down the bluff?

N. Wildfire – That was mentioned a lot with providing connections to the waterfront, especially at the end of Cherry Street.

B. Baker – Can you talk about next steps?

N. Wildfire – The committee is taking a last crack at the report and that will go to the developer. The developer will then come back early April with a concept or narrative for feedback on the report. Then, the City's technical team will weigh in every step of the way with the developer. Then, once good draft/concept is ready, there will be another large public meeting for feedback on that. Then, we finalize the development agreement with steps that need to happen from there. They still need to go through the normal review processes.

VI. Proposed Amendments

Low Impact Development

S. Gustin – Presented the proposed Low Impact Development (LID) amendment to provide lot coverage credits or reliefs for the use of pervious pavement on a lot. This amendment is not the end all be all but a good start. A stormwater manual will be much better place for additional changes and incentives. This is an initial step in the right direction. Pervious surface needs to be a system that actually works and that needs to be proven to staff in order to receive credits.

L. Buffinton – Could we clarify the second paragraph and the example in there a little?

E. Lee – She has a pervious driveway and it was quite an ordeal to get put in and cost much more than a regular driveway. There is no way of knowing that people put it in. The systems take maintenance as well and that needs to be done regularly so that the systems continue to work over time.

S. Gustin – There is a procedure in place now with the stormwater planners so that when people come in for zoning permits it's being reviewed by them and the engineers need to provide their report. There is also a maintenance report requirements.

E. Lee - What are the consequences if not maintained?

S. Gustin – At that point it's a zoning violation.

A. Montroll – In a district where lot coverage is 50% already, what does this give you?

S. Gustin – Could allow someone to build an addition or a deck by removing coverage with pervious pavement.

L. Buffinton – Megan should give her feedback.

S. Gustin – Megan and the Conservation Board have given their blessing to this proposal.

On a motion by H. Roen, seconded by L. Buffinton, the Commission refers this proposed amendment to the ordinance committee for further review and consideration.

Community Garden Impact Fee

S. Gustin – City has an open space protection plan with goals which discuss where community gardens are needed within the City. The Urban Agriculture Task Force report requested incentives. If a new development provides community gardens on site, they can be managed by Parks or by the property owner but need to be open to the public at large. Providing the gardens can reduce the Parks impact fee that the developer has to pay by the same amount equal to the cost of building the gardens themselves.

L. Buffinton – We should not be dictating the width of the aisles within the gardens.

H. Roen – The width is provided between the plots not within the individual gardens themselves.

A. Montroll – Is the value of the garden the cost of installation?

S. Gustin – Correct, the impact fee reduction is the cost of installing the garden itself.

H. Roen – If someone provides these gardens they will be available for anyone?

S. Gustin – Yes.

On a motion by J. Wallace-Brodeur, seconded by A. Montroll, the Commission unanimously warned a public hearing for ZA-15-07 for April 28, 2015, as amended.

VII. Committee Reports

The joint FBC committee is meeting again on April 1st. Hopefully, the make-up of the committee will not change with the new council. The commission probably has another 8 to 9 more meetings to get through the document. We need to make sure that there is a public process.

Long Range Planning Commission – Got an update of the planBTV South End process. There is divergent of opinions on the housing question mostly, but a lot of consensus on other issues.

Ordinance Committee – There is a 15 year limitation amendment coming to the commission soon. The committee is now working on a shared parking amendment.

VIII. Commissioner Items

None.

IX. Minutes/Communications

On a motion by A. Montroll, seconded by H. Roen, the Commission unanimously accepted the communications and placed them on file.

X. Adjourn

On a motion by E. Lee, seconded by L. Buffinton, the Commission unanimously adjourned at 7:54pm.

Yves Bradley, Chair

Sandrine Thibault, Recording Secretary