

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

Telephone: (802) 865-7188

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Wayne Senville
Jim Drummond, (Alternate)
Robert Purvee, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday February 14, 2017, 5:00 PM SPECIAL MEETING AGENDA

The Burlington Development Review Board will hold a meeting on
Tuesday February 14, 2017 at 5:00pm in Contois Auditorium, City Hall.

- 1. 17-0662CA/MA; 75 CHERRY STREET (D, Ward 3C) BTC Mall Associates, LLC**
Continued review of mixed use redevelopment of the existing Burlington Town Center mall site and associated lot line adjustments.
(Project Managers, Scott Gustin, Mary O'Neil)

Plans may be viewed in the Planning and Zoning Office, (City Hall, 149 Church Street, Burlington), between the hours of 8:00 a.m. and 4:30 p.m.

Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Planning and Zoning office is considered public and cannot be kept confidential.

This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/pz/dr/ agendas or the office notice board, one week before the hearing for the order in which items will be heard.

Department of Planning and Zoning

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David E. White, AICP, Director
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Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, CFM, Associate Planner
Anita Wade, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: February 14, 2017
RE: ZP17-0662CA/MA, 75 Cherry Street

Note: These are staff comments only. Decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

File: 17-0662CA/MA

Location: 75 Cherry Street

Zone: D / DMUC overlay **Ward:** 3C

Applicant/ Owner: PKSP Architects, PC /Devonwood Investors, LLC (Donald Sinex)

At the request of a board member, the following enhanced responses are provided relative to the staff report issued for the 2.7.2017 Development Review Board meeting. New material is in red.

Section 3.5.6 Review Criteria

Part 5 Major Impact Review

(b) Major Impact Review Standards

8. Not have an undue adverse effect on rare, irreplaceable or significant natural areas, historic or archaeological sites, nor on the scenic or natural beauty of the area or any part of the city;
The project site is a city block that was razed and reconfigured during Burlington's 1960's Urban Development plan. It was at that time that the segments of St. Paul and Pine Streets were eliminated in favor of a larger redevelopment site. The site is significantly disturbed and all original buildings removed earlier.

Although the south side of Bank Street is within the Church Street Historic District and includes historic structures, the development parcel itself was assessed in 2003 and 2008 during preparation of the Church Street Historic District nomination and was deemed ineligible for listing on the National Register of Historic Places. The existing retail mall has no historic significance.

The project area remains within an existing streetscape that includes large, multistory newer construction (100 Bank Street on the west, 150 Bank and 76 St. Paul (Keybank) on the east/southeast.) Development at 75 Cherry Street will restore sections of Pine and St. Paul Street (original circulation prior to Urban Renewal), returning the travel pattern consistent with its earlier configuration. There will be no shadow impacts on the south side of Bank Street from the proposed development. Existing historic structures along Bank Street, which have faced modern infill for 40+ years will remain undisturbed, unaltered and intact. New development will enhance

the streetscape, providing a more enjoyable pedestrian experience; restore original traffic circulation patterns and replace non-historic development that has deadened the street wall on Bank Street. The project proposes no undue adverse effect on rare, irreplaceable or significant natural areas, historic or archaeological sites, or scenic or natural beauty of the area.

(Affirmative finding)

Section 5.4.8

(a) Applicability:

These regulations shall apply to all buildings and sites in the city that are listed, or eligible for listing, on the State or National Register of Historic Places.

75 Cherry Street / Burlington Town Center Mall was evaluated during the preparation of the Church Street Historic District nomination to the National Register of Historic Places in 2003 and 2008. It was confirmed that the property is not eligible for the National Register, and has been deemed non-contributing to the nomination. The project development therefore does not meet applicability standards of this section.

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BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday February 14, 2017, 5:00 PM

Contois Auditorium, City Hall, 149 Church St, Burlington, VT

Minutes

Board Members Present: Brad Rabinowitz, Alexandra Zipparo,
Wayne Seville, Jim Drummond (Alt), Robert Purvee (Alt)

Board Members Absent: Israel Smith, Austin Hart, Geoff Hand

Staff Members Present: Scott Gustin, Mary O'Neil, Anita Wade

I. Agenda

II. Communications

Board accepts supplemental letters and memorandums regarding this project.

III. Minutes

IV. Public Hearing

1. 17-0662CA/MA; 75 Cherry Street (D, Ward 3C) BTC Mall Associates, LLC

Continued review of mixed use redevelopment of the existing Burlington Town Center mall site and associated lot line adjustments.

(Project Managers, Scott Gustin, Mary O'Neil)

B.Rabinowitz: Swears in applicants and interested parties. Board hears discussion on issues pertaining to major impact.

W.Fellows: presents work done on major impact issues.

J.Beck: covers traffic study, parking during and after construction, stormwater, and inclusionary zoning issues.

D.Salidino: traffic engineer for project gives report on traffic overview up to 23 intersections. Gives timeline for coordination with DPW.

B.Rabinowitz: asked about a copy of the addendum.

D.Salidino: will get the addendum to the Board. Discussed net new vehicle trips generated from all 272 units as a conservative look at trip distribution studies. Also looking at gateways into Burlington.

W.Senville: asked if study includes Champlain parkway.

D.Salidino: doesn't feel the parkway will have implications for trips generated. Discussed levels of service grade, which is showing level service D or better. Downtown core allows access to different modes of transportation.

W.Senville: asked if applicant is considering a grocery store as a tenant and if this will this change the count.

D.Salidino: assumes grocery store will be a tenant.

The programs and services of the City of Burlington are accessible to people with disabilities.

Individuals who require special arrangements to participate are encouraged to contact the Department of Planning & Zoning at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).

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C.Spencer: Director of DPW has been working with applicant for past year on water, waste water, stormwater, and traffic. Not finished with the review process, but progress has been made and feels the Board should have the report soon.

W.Senville: asks about Champlain pkwy numbers.

C.Spencer: will work with consultant on the numbers.

J.Beck: presents the approach to Article 8 through slide presentation. Parking is laid out for 761 spaces. Bike parking was 121 long term and 50 short term, but Conservation Board asked for more. Now have 175 long and 60 short term spaces.

A.Zipparo: like to see more long term bike spaces for retail space.

W.Senville: don't see how numbers add up with short term bike spaces.

J.Beck: zoning ordinance has a cap of 50 short term regardless of the math.

J.Drummond: asked about parking garage numbers.

J.Beck: if we didn't have stacked parking numbers would be less. Applicant is willing to provide valet parking.

J.Drummond: how do the loading areas service on St Paul St.

W.Fellows: St Paul and Cherry St will have curb side access. Inclusionary units are on upper levels off the garage.

J.Drummond: asked if residential spots receive valet parking.

J.Beck: can be either residential or retail and will know the count once leases are satisfied.

A.Zipparo: questions ability to access parking and expense of the parking.

J.Beck: asks staff about lighting and LED shielded lighting being 18 ft. back from building.

B.Rabinowitz: assurances of no glowing floor.

J.Beck: will submit photo metrics.

B.Rabinowitz: asks for description and plan of how valet parking is managed to help Board understand and the time of day.

W.Senville: asks why underground parking can't this be accomplished

W.Fellows: spoke of this in a number of meetings due to cost and disturbance to the downtown making it unreasonable

W.Senville: would like to see the plan submitted

Project Contractor: spoke on how parking will be handled during construction using Lakeside and College St parking garages. Working with Burlington Business Association, Kelly Devine, who offered parking spots to accommodate construction workers. A specific parking plan will be in place.

A.Zipparo: asks for parking numbers, phasing, contractors, and demolition

B.Rabinowitz: asked if inclusionary units will come on line the same as regular units

Project Contractor: yes

B.Rabinowitz: would like the on site management plan and how is will be managed.

Project Contractor: demolition and enabling work by can start by May 1st with the first occupation on 9/1/2019 first occupation

B.Rabinowitz: will Pine and St Paul St be public at the end of development

Project Contractor: due to size of project, the normal time frame is roughly 3 years

Work hours are from 7:00am to 3:00pm Monday through Friday and Saturday from 7:00am to 4:00pm and no hours on Sundays.

Project Contractor: working close with City departments, and local utilities. Spoke of the layout of the site, utility connections on streets, new water pipe, sewer connections, green roofs, permeable pavers, and rain garden. Committed to discharging to a sand filter and treating water on site.

A.Zipparo: will combined service of site will have a separate treatment area.

Project Contractor: yes everything will go to a separate site.

W.Fellows: mentioned a plan with 272 units with 55 inclusionary units consisting of studios, one and two bedrooms with design and layouts being all the same.

B.Rabinowitz: asked if inclusionary units were listed by floor

W.Fellows: yes.

B.Rabinowitz: asked for elevations of Pine and St Paul Streets. Said elevation on St Paul is somewhat lackluster and a contrast would be better.

W.Fellows: spoke about Bank St being transformed into a new look.

J.Drummonds: questions on the entrances and recesses.

W.Fellows: entrances every 60 ft and retail openings every 60 feet.

J.Drummond: asked for cross section of Bank St.

W.Fellows: shows slides and plans of recesses. Bank St has two floors of retail and two floors of residential with more retail floors on Cherry St

Discussion about elevations and impact of the surrounding buildings.

W.Fellows: spoke about the requirements to meet form based code.

J.Drummond: asks for elevations of the building.

B.Rabinowitz; set for one more public hearing. Will request public comments at this time
Calls names from the list.

A.Stringer: Lake Champlain Chamber of Commerce: Chamber is on board with project and realizes the need for housing is a key element for businesses to prosper allowing for walk to work. Feels this is opportunity to utilize existing space with better function and traffic flow.

R.Redmond: Church St Marketplace Commission said having additional housing is good to encourage more people in downtown. Cannot survive alone and need to bring more people, more options, businesses, spend more per capita basis.

S.Goodkind; mentions a petition of 22 people who want party status to proceedings.

Describes what he feels is missing from the application. Spoke of the DAB and Conservation Boards discussions. Questioned permanent jobs, public improvements, street activation and how details need to be worked out.

J.Franco: attorney representing B.McGrew and 24 other petitioners said there is a due process problem as it relates to information on the application for tandem parking and new side streets. Notifications are in question. Asks why phase 2 is not part of the project as was told to NPA's. The change from 925 to 761 parking spaces and one attendant for valet parking is a change. Said more review and a more complete application is needed.

T.Clavelle: Chairperson of Lakeview Chamber of Commerce, which represents 400 businesses, strongly supports project. Said long term benefits outweigh disadvantages.

J.VanDriesche: Deputy Director of Local Motion said the key component is to walk and bike in the City. Bike parking standards need to be updated. Suggests finding comparable communities for biking standards. Car parking should allow for repurpose over time to make sure it serves Burlington and is not onerous. Objects to St Paul and Pine Streets being constrained during the construction phasing. Pine Street's design is crucial for north/south bike lane connections as called for in master plan.

S.Bushor: urges Board to keep public hearing open.

A.Hart: requests time lines for phasing, more close up details for bays. Comments on LLBean being massive and sterile. Asks what number of on street is being removed and how those spaces are factored into parking plan. Other questions asked about parking required for a grocery store and what is the cost of valet parking. Board needs to know where construction vehicles will park. Asked if units for Champlain College are identical to others. Sees no problem for phasing and hours for construction and asks that each phase be worked out with surrounding neighborhood.

C.Duval: concern for her restaurant and parking for 40 employees. Other concerns expressed are where the mall workers will park, the 3 year construction time line, and incompatible work hours with the street being blocked off.

J.Robinson: as a tenant in Burlington Town Center has strong support for project. Feels it will attract young talent, add parking, and increase interest in Burlington.

E.Pomerleau: was born in Burlington and is a supporter. Feels opposition is natural, but towns throughout country will be begging for this kind of project. Supportive of the downtown and feel it is crucial for the future.

M.Burns: owns small acupuncture business and sees value for growth, but has concerns about project hours.

C.Simpson: said there are many empty lots in downtown and could put up mixed use rather than being fixated on one project. This places a demand on the City with hours of construction.

B.Dunkiel: attorney for project addresses J.Franco's letter. Said that the application is complete and the petitioner has failed to respond during the appeal period. The project has changed over time due to responses from the DRB Board, the City, and NPA's. The public purpose was achieved at these meetings with no substantive complaints. Different types of parking are acceptable as long parking is compliant with the ordinance. Distributes a letter to the Board. Indicated the predevelopment agreement is beyond Board's scope of review and application conforms with the zoning ordinance. The applicant does not own Macy's building and does not feel this is relevant.

J.Beck: trying to make app as complete as possible and some areas may need more information, but satisfying every Board review and being transparent as possible.

A.Zipparo: asks for better elevations, a visual impact, and better perspective of LLBean.

B.Rabinowitz: need to look at Bank and Pine St perspective and include street scape.

W.Fellows: followed path through most discussions with other Boards in good faith.

Concerns for what is better for the overall community. Working longer hours will reduce duration on the neighborhood. Jesse is making list and we will come back with information.

J.Beck: will address demolition plan.

S.Gustin: February 21st is the next meeting.

W.Fellows: said the renderings will take most of the week.

M.ONeil: mentioned that Monday is a holiday and submission is needed by Friday.

B.Rabinowitz: asks for motion for DRB to continue review at Tuesday's meeting.

W.Serville: motion to approve continued review for the Tuesday meeting date.

R.Purvee: seconds the motion.

Board Vote: 5-0-0

Brad Rabinowitz, Chairperson Development Review Board

Date

A.Wade, Planning & Zoning Clerk

Date

V. Other Business

VI. Adjournment

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