



Special City Council Worksession - Monday, January 4, 2016 - 6:00 pm - 7:00 pm, Contois Auditorium, City Hall - 1/4/2016

MINUTES SUBJECT TO CORRECTION BY BURLINGTON CITY COUNCIL. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE CITY COUNCIL.

BURLINGTON CITY COUNCIL

SPECIAL WORK SESSION

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

January 4, 2016

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MEMBERS PRESENT: Jane Knodell (Council President) – Central District

David Hartnett – North District

Joan Shannon – South District

Selene Colburn, East District

Sharon Foley Bushor – Ward 1

Max Tracy – Ward 2

Sara Giannoni, Ward 3

Kurt Wright – Ward 4

William “Chip” Mason – Ward 5

Adam Roof – Ward 8

MEMBERS ABSENT: Karen Paul, Ward 6

Tom Ayres, Ward 7

ADMINISTRATION: Miro Weinberger, Mayor

Lori Olberg, Clerk/Treasurer Office

David White, Planning & Zoning



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OTHERS PRESENT: Commissioner Bradley
Commissioner Lee
Commissioner Montrell
Mr. Spiedel, George Street

1.0 CALL TO ORDER and AGENDA

Council President Knodell called the work session to order at 6 PM on January 4, 2016.

1.01 Agenda

MOTION by Councilor Bushor, SECOND by Councilor Mason, to approve the agenda with the addition of Public Forum as Item 1.5. VOTING: unanimous; motion carried.

1.5 Public Forum

Opened at 6:02 PM.

Mr. Spiedel, George Street, expressed concern about up-zoning with form based code by joining two different zones and not having public input. The character of the neighborhood should be preserved. Building height should not be allowed to a height that impacts the character of the neighborhood.

There were no further comments. Public Forum was closed at 6:05 PM.

2.0 DISCUSSION: Form Based Code (FBC)

David White provided background information on FBC adopted by City Council and as part of the PlanBTV directive to re-tool zoning to facilitate infill development and adaptive re-use within the scale and context of the existing downtown, activate the streetscape for pedestrians to enhance economic vitality, make downtown less auto centric, and make the regulatory process more predictable so the type of development that is wanted gets built. The joint committee on FBC has been working to meet the goal of implementing the vision of the Downtown Master Plan and Waterfront.



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David White also noted the following:

- Burlington uses a combination of zoning tools to regulate development (use based, performance based, and form based zoning).
- FBC is concerned with the physical form the development takes and how this relates to the public space. FBC is well suited for the mixed use downtown and compact residential neighborhoods.
- Places that people want and want to be need to be created. FBC is prescriptive and offers clarity on what the new development must be and do.
- Components of FBC include:
 - o Form District, Building Type, and Frontage Type.
 - o Regulatory Plan (similar to a zoning map) that shows where certain types of development can occur.
 - o Range of building types and frontages based on the character of the building and the district.
 - o No bonus for additional building height, but there is a public review process.
 - o Three opportunities for relief: administrative, DRB, variance.
 - Most FBC projects are reviewed and approved administratively because FBC has clear and objective standards that must be met.
 - Applications for Conditional Use, Major Impact, seeking relief, or seeking discretionary height allowances require DRB and possibly DAB review.
 - The joint committee is fine tuning the draft code before forwarding to the Planning Commission and City Council. There will be public hearings and a forum with a national expert on FBC hosted by the city. The final draft will be ready in February. Presentations on FBC will be posted on the city website and BoardDocs.

The following was also discussed:

- Clarification of “private frontage” and “public frontage enabling more by right” - David White explained the “by right” review process means if all zoning regulations are met then by right the applicant is entitled to a permit, “Discretionary” review process determines how well the application conforms to subjective criteria applied, such as conformance to the Municipal Development Plan.
- Explanation of how the community makes comment or reviews what is proposed - David White said FBC is based on the master plan so there is opportunity for public engagement through the planning process. For example, a taller building or a greater impact building would have opportunity for greater public input versus smaller projects. The joint committee has been discussing public input in the administrative process with FBC. Smaller scale buildings (up to 65’ in height) have administrative review, but do have many prescriptive details that have to happen. FBC is precise on what can and cannot be done. Taller buildings (over 65’ in height) go through the DRB process. The committee has tried to build into the process public notice and opportunity to comment and appeal to the DRB.
- Explanation of what FBC means in a nutshell – David White said in the core of downtown a building up to 65’ in height can be built with one or more bonuses built into the regulations. The project goes through the discretionary process before the DRB. Form based code takes the bonus concept out and allows building to 65’ in height by right. Buildings of greater height (over 65’) are subject to DRB and DAB review. City Council will decide the final height limit number to be in the code. The current draft uses the existing building height limit with a placeholder for the area around the downtown center for potentially taller buildings.
- Clarification of whether FBC will be simpler and easier to understand or a more difficult and complex ordinance –



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David White said development in the downtown is a complex process, but FBC is straight forward with what options are within a Form District. FBC is prescriptive and objective and clear on what is wanted.

- Projects should go before NPAs – David White said Major Impact Review projects must go before the NPA pre-application and the joint committee wants this to remain in place in order to get input from neighborhoods. With administrative review and DRB review there is a timeframe for public input.
- The public input process is now for FBC - The public needs to look at the draft code and comment before adoption. FBC offers the opportunity for better development because FBC is prescriptive upfront so the developer knows what to design and to what standard, but there will not be opportunity for public input once a project has been started. With DRB review the public can comment on a wide variety of items, but not much can be done.

There were no further comments.

3.0 ADJOURNMENT

With no further business and without objection the work session was closed at 7:08 PM.

RScty: MERiordan