

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)
www.burlingtonvt.gov/planning

Yves Bradley, Chair
Bruce Baker, Vice-Chair
Andrew Saba
Lee Buffinton
Harris Roen
Andy Montrall
Jennifer Wallace-Brodeur
Vacant, Youth Member



Burlington Planning Commission Minutes

Tuesday, July 09, 2013 - 6:30 pm

PC Present: Y. Bradley, B. Baker, H. Roen, L. Buffinton, J. Wallace-Brodeur, E Lee

Absent: A Montrall

Staff: D. White, E. Tillotson

I. Agenda

No changes.

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 reported:

- He has had the pleasure of a phone conversation with C. Flynn who is not happy with the Planning Commission decision regarding zoning in the UVM area. He has indicated that he will return to the Planning Commission with recommendations about how to modify zone description.
- Is a member of BERA, the statewide brownfield alliance instituted by Governor Shumlin, the second meeting was held on site at Pine Street in an attempt to understand site. It is not presently a superfund site, the goal being to look at development potential. A grant was awarded to the owner of the property in the amount of \$60,000 to begin to understand what the contamination line is.

L. Buffinton: Is the site cleaned up, no longer superfund?

Y. Bradley: No, although it is not actually a superfund site any longer. It has been a long road to come to an agreement with assurances with no negative impact on the site.

He has received a communication from Chip Mason who has read Zoning Amendment 13-08 which affects the King Street Youth Center.

L. Buffinton: Has the ordinance been reviewed by the city attorney?

D. White: Yes, there will be more discussion of this later.

IV. Report of the Director

The Director reported that:

- It is the turn of the fiscal year so the department has been transitioning from the old budget to the new budget. He has the same comment as usual which is that it has been the busiest year

As approved by the Burlington Planning Commission on July 23, 2013.

ever with more permits issued with a crazy fourth quarter. The department exceeded its budget projections by approximately \$125,000.

- At the last Planning Commission meeting, we discussed the team from Global Green which was here looking at the Pine Street corridor during which time they conducted numerous public community activities. Global Green was here under a grant to examine emerging neighborhoods. LEED-ND rating system for neighborhoods was applied to their research. It is interesting to use those criteria as a score card for analysis. There will be a written report in six weeks.
- As part of that BARRA project at 501 Pine Street, the Railyard Enterprise Project, and the EPA Area Wide grant, a scope of work will be developed to do a planBTV like project for the Pine Street Corridor. This is a location where the city which needs the most immediate work given its rapid evolution. Staff has been working on the development of a scope of work and budget.
- The City Council also asked the Planning Department for a plan for the Urban Reserve which staff has been working on the development of a scope of work and budget.

Y. Bradley: In the south end enterprise district, residential development is not allowed by ordinance. An in depth discussion with the public will be necessary during the planning process. The south end is vibrant and changing. Walking or biking to work are desirable characteristics, especially since their lack of availability make living here more expensive than San Francisco or Boston.

D. White: The Global Green team has ideas for models around which planning could proceed with modifications. One goal is ensuring affordability of studio/artisan spaces. Another possibility is of upward expansion of buildings.

- Recently numerous City staff met with the Food Council, Conservation Law Foundation and others to examine recommendations from the Urban Agriculture Committee.

Y. Bradley: Apologizes for not being at the last meeting.

V. Annual Organizational Meeting

Chair: **On a motion by H. Roen, seconded by L. Buffinton, the Commission unanimously elected Y. Bradley as Chair.**

Vice-Chair: **On a motion by H. Roen, seconded by J. Wallace-Brodeur, the Commission unanimously elected B- Baker as Vice-Chair.**

Executive Committee At-Large Member: **On a motion by J. Wallace-Brodeur, seconded by E. Lee, the Commission unanimously elected A. Montroll.**

Appointment of Commission Clerk: The Chair appoints E. Tillotson clerk for the Board.

Appointment of Committees:

- Ordinance Committee – No Changes
- Long Range Planning Committee – E. Lee appointed
- Executive Committee – No Changes

VI. Zoning Amendments ZA 13-05, ZA 13-08, ZA 13-09 Review

D. White: **ZA-13-05** and **ZA-13-09** have passed through the Council's Ordinance Committee and are returning to City Council unchanged from the Commission's recommendation. **ZA-13-08** however has been changed – first at a meeting on 13 June, and then again on 26 June after a request by a Councilor to reconsider. As a result, the Committee modified the amendment to allow for only a single family home

As approved by the Burlington Planning Commission on July 23, 2013.

or community centers to be eligible for a vertical expansion of an existing encroachment into a side or rear setback.

L. Buffinton: It seems odd that a little duplex couldn't take advantage of this amendment. She is surprised, it sounds like spot zoning.

Y. Bradley: The question is where to draw the line. The City Council needs to think about what they are doing, although the process still has DRB review.

J. Wallace-Brodeur: Agrees with L. Buffinton that accommodating the King Street Youth Center is important. Is there any rationale for only including single family residential and community houses in this amendment?

D. White: I think the rationale was to narrowly allow these encroachments. He agrees that duplexes or triplexes being allowed to expand upward is reasonable. The overall purpose is to enable the existing development pattern to continue in these residential areas. The CDO does not necessarily accurately reflect what is actually there.

E. Lee: Is the fifteen foot height limit for accessory buildings new? No.

Y. Bradley: Is the amendment arbitrary and capricious? He would like to understand the City Council rationale.

H. Roen: In situations where this could occur next to commercial buildings, the desire is not to increase encroachment.

Y. Bradley: The Adams School building was originally permitted for commercial use and then built up by adding three or four residential units above the existing floors.

E. Lee: If this were a neighbor with a porch in a dense neighborhood, there is protective language in the amendment which is also subject to DRB review.

L. Buffinton: This actually applies only to existing enclosed spaces

D. White: This is typically application to a back building, usually smaller in scale, but more apt to have encroachment issues.

B. Baker: This is a little step for allowing people to age in place which is an important issue. The City needs to embrace those possibilities for alternative flexible housing. This approach by the Committee seems to be a step opposite to form based code.

D. White: The Commission can take action tonight and send their perspective to the City Council. The public hearing is this coming Monday night, and if the Commission wishes their voices to be heard, speaking with individual councilors is best.

L. Buffinton: Can we request our communication to the City Council be read to the public at the hearing?

D. White: An example of allowing encroachment in a commercial building is Flynn Theatre for their loading dock.

H. Roen: The King Street Youth Center has a patron ready to go on this project.

Y. Bradley: Staff brought this proposed amendment to the Planning Commission before anything was known about the King Street project.

B. Baker: Could the Center apply right now?

D. White: Yes.

B. Baker: They should jump on it.

D. White: Either myself or S. Gustin will be at the City Council meeting and we would speak on behalf of the Commission's position.

Y. Bradley: If the amendment is changed it needs re-warning for a new public hearing by the Council.

As approved by the Burlington Planning Commission on July 23, 2013.

Y. Bradley: Rereads Chip Mason's email.

J. Wallace-Brodeur: The King Street Center has reached an agreement with the neighboring property owner?

D. White: Yes but there are still encroachment issues at rear of the building. The rear yard is the south side of the property.

Y. Bradley: Suggests that the Commission send this proposed amendment back to the City Council with the recommendation that the original is preferable. As presently proposed, it just doesn't feel right.

L. Buffinton: Suggests that some simple sketches for examples as visuals would be helpful.

Y. Bradley: This feels more like spot zoning.

D. White: It is important that the councilors hear from Planning Commission members.

J. Wallace-Brodeur: Believes that the Commission has been doing excellent work and the recommendations to the City Council should tie in to the bigger picture as formulated by planBTV since those goals are reflected in the original amendment and it will work well with Form Based Code which will be adopted. Perhaps the Director could send some points to the Commission members to focus our discussions with the City Councilors.

Y. Bradley: The Commission has worked hard and carefully on the amendment.

B. Baker: Extensive dialogues between Planning Commission members have made for unanimous decisions on the amendment language.

E Lee: The process is new to her.

D. White: All actions related to this amendment are subject to design review.

On a motion by J. Wallace-Brodeur, seconded by B. Baker, the Commission, with E. Lee and H. Roen abstaining, approved recommending the ordinance not be adopted as currently written and recommend the City Council adopt the previous version.

Y. Bradley: The Planning Commission feels strongly that the amendment as proposed should return to the City Council.

Y. Bradley: It is important to look at the broader picture thinking in terms of the Form Based Code. We must have faith in the DRB.

L. Buffinton: The coverage in table at the end of the document is in conflict. She would recommend increasing the maximum lot coverage in RM to 60% which is more realistic and would conform with RM-W's lot coverage.

On a motion by J. Wallace-Brodeur, seconded by B. Baker, the Commission approved recommending the proposal to the Commission's Ordinance Committee.

VII. Proposed Amendments

D. White: This amendment concerns lot coverage in the RCO-RG zone, and especially to City Parks. The genesis of this proposal was the Imagine City Hall Park design project which was done last year and at which time it was discovered that the park is grossly over the allowed lot coverage of 5%. After this discovery during the proposed redesign, the question was raised that consideration should be given to increasing the coverage in city parks, at the high school, at the right of way for the northern connector, Champlain Parkway, and other similar properties. The proposal is to allow 25% coverage (higher coverage up to 35% possible for City Hall & Batttery parks, and Perkins Pier) which could be modified by action of the Parks and Recreation Commission.

Another consideration is to create exemptions to tree maintenance and/or removal and disturbance of soils for greens maintenance.

As approved by the Burlington Planning Commission on July 23, 2013.

L. Buffinton: Waterfront Park is in the RCO-RG zone, what is its coverage ratio? The Parks and Recreation Commission could increase or decrease the coverage request? A City wide master plan would include plans for individual parks? There is concern that for some parks the green space needs protection through a fully explored process. The coverage explanation needs to be clearer.

D. White: The Parks and Recreation Committee wanted to make the coverage less.

E. Lee: My concern is parking, I don't want to see Waterfront Park paved over.

H. Roen: The challenge is the plan for City Hall Park which is not the same goal that I want.

D. White: City Hall Park is civic space, a central gathering place.

J. Wallace-Brodeur: I do believe in the public process. It might be good to tweak the description so the language is clearer and trust that the process will work. Or separate particular parks from parks in general if needed.

L. Buffinton: I'm thinking Battery Park is pretty green right now. Specific parks could be targeted.

Y. Bradley: Suggests going back to the Parks and Recreation Commission to ask for further clarification and refining of language.

J. Wallace-Brodeur: The first sentence of the # 3 footnote is not clear.

D. White: We could invite J Bridges, Parks Director, and the Parks and Recreation Commissioner for a meeting.

Y. Bradley: Let's table this amendment for further action.

VIII. Committee Reports

The Ordinance Committee and the Long Range Planning Committee have not met.

Executive Committee will be meeting soon.

IX. Commissioner Items

H. Roen: The contact list handed out has the wrong phone number for him.

J. Wallace-Brodeur: Same, Will notify the clerk with correct numbers.

D. White: August meeting schedules, the Planning Commission typically meets only once in August. It was jointly decided that the August 27th meeting will be removed from the schedule.

D. White: Is the Commission ready to do digital packets for the meetings? No – a couple of members still want paper

E. Lee: Wants to bring up the issue of a clean hands policy. She has received an email with details and will resend it to all members.

D. White: This clean hands policy relates to violations on a property and may include violations on other properties of the same owner. Staff has asked for assistance from the City Attorney with regard to implementing this.

B. Baker: If we are going to examine this possibility, it should be teamed with redefining the process of recording permits.

Y. Baker: It is important to make the policy broad and clean up the process.

Y. Bradley: Another matter is that we all need to try to find a youth member.

D. White: Our previous youth member was discovered through a Legacy project. The Commission should involve the Mayor's office also.

As approved by the Burlington Planning Commission on July 23, 2013.

B. Baker: Should the Planning Commission have a meeting at the high school?

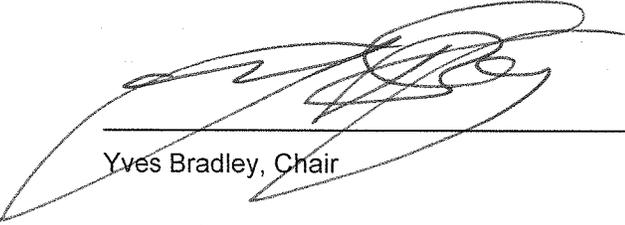
H. Roen: The Conservation Board had a process for a youth member and a board mentor.

X. Minutes and Communications

On a motion by J. Wallace-Brodeur, seconded by B. Baker, the Commission unanimously approved the minutes of June 11 and June 25, 2013 as amended.

XI. Adjourn

On a motion by J. Wallace-Brodeur, seconded by L. Buffinton, the Commission unanimously adjourned the meeting at 8:15 pm.



Yves Bradley, Chair

9.10.13
Date



E Tillotson, recording secretary