

## Burlington Planning Commission

149 Church Street  
Burlington, VT 05401  
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[www.burlingtonvt.gov/pz](http://www.burlingtonvt.gov/pz)

*Yves Bradley, Chair  
Bruce Baker, Vice-Chair  
Lee Buffinton  
Emily Lee  
Andy Montroll  
Harris Roen  
Jennifer Wallace-Brodeur  
vacant, Youth Member*



## Burlington Planning Commission Special Meeting- Work Session Wednesday, June 29, 2016 – 6:00-9:00 P.M. Burlington Police Department Community Room, One North Ave

### AGENDA

*Note: times given are approximate unless otherwise noted.*

#### I. Agenda

#### II. Annual Report (5 min)

Commissioners will review and endorse the FY 2016 Annual Report to City Council and the Mayor.

#### III. Proposed CDO Amendment- Downtown Mixed Use Core Overlay

The Commission will hold a special work session to continue its discussion of the proposed CDO Amendment to establish a Downtown Mixed-Use Core (DMUC) overlay.

#### IV. Public Forum

*Please consider yielding time to individuals who have not previously shared comments with the Commission.*

#### V. Upcoming Meetings

- **July 6, 2016 at 6:30pm**, Contois Auditorium, City Hall- Public Hearing on ZA-16-13 Subdivision Infrastructure Standards and ZA-16-14 Downtown Mixed Use Core Overlay (Public Hearing begins at 7:00pm)
- **July 12, 2016 at 6:30pm**, Conference Room 12, City Hall- Regular Meeting
- **July 19, 2016 at 6:30pm**, Public Works Conference Room- Public Hearing on ZA-16-11 Enforcement Period of Limitations and ZA-16-12 Rezone Fletcher Place to Residential Medium (Public Hearing begins at 7:00pm)

#### VI. Adjourn

*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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**To:** Jane Knodell, Council President  
Burlington City Council  
Mayor Weinberger

**From:** Yves Bradley, Chair, Burlington Planning Commission

**DATE:** July 11, 2016

**RE:** Annual Report of the Burlington Planning Commission, Fiscal Year 2016 (July 1, 2015-June 30, 2016)

Please see the enclosed FY 2016 Annual Report of the Burlington Planning Commission. This year, the Planning Commission participated extensively, through its own work and on committees with City Councilors, to advance projects that shape and implement *planBTV*—the City's Municipal Development Plan.

Thank you for your attention to the work of the Planning Commission. Please feel free to contact me with any questions. The Commission looks forward to our continued collaboration and progress on these and many other matters facing the City.

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Yves Bradley, Chair

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Andy Montroll

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Bruce Baker, Vice Chair

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Harris Roen

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Lee Buffinton

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Jennifer Wallace-Brodeur

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Emily Lee

# **FY 2016 BURLINGTON PLANNING COMMISSION ANNUAL REPORT**

PREPARED FOR:  
BURLINGTON CITY COUNCIL  
MAYOR WEINBERGER

insert photo here  
planbtv community meetings

# The **Planning Commission** dedicates a tremendous amount of time to **creating and implementing *planBTV***, our **Municipal Development Plan**.

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**3**

STANDING COMMITTEES MEET MONTHLY

**2**

JOINT PC/COUNCIL COMMITTEES FOR SPECIAL PROJECTS

**81**

PARTICIPATED IN 81 PC, COMMITTEE, SPECIAL MEETINGS IN FY 2016

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## MAJOR ACTIVITIES IN FY 2016, INCLUDED:

### **creating *planBTV*:**

#### *South End Master Plan*

Long Range Committee worked with South Enders to revise the June 2015 Draft.

### **implementing *planBTV*:**

#### *DAPAC- BTC Mall Project*

Committee directed staff on community engagement for redevelopment of the site.

### **implementing *planBTV*:**

#### *Downtown Form-Based Code*

Joint Council & Commission Committee worked to develop a revised draft code.

### **implementing *planBTV*:**

#### *CDO Amendments*

Provided recommendations on 10 CDO amendments; reviewed several others.

## OVERVIEW

### Planning Commission Membership

The Planning Commission is composed of seven members, appointed to staggered terms of four years. Intermittently since 2005, the Commission also includes a non-voting Youth Member. Each Commissioner participates on at least one Standing Committee, and some Commissioners also participate on ad-hoc committees established to facilitate special projects. The FY 2016 membership of the Planning Commission and participation in Committees is listed below; a record of attendance for the full Commission meetings is included in Appendix A.

Yves Bradley, Chair, *Executive Committee*

Bruce Baker, Vice-Chair, *Executive and Ordinance Committees, Development Agreement Public Advisory Committee (DAPAC)*

Lee Buffinton, *Ordinance Committee*

Emily Lee, *Long Range Committee, Joint Form-Based Code Committee*

Andy Montroll, *Executive and Ordinance Committees, Joint Form-Based Code Committee (Chair)*

Harris Roen, *Long Range Committee (Chair)*

Jennifer Wallace-Brodeur, *Long Range Committee, DAPAC*

### Planning Commission Duties

The Burlington Planning Commission facilitates the optimal and sustainable development of Burlington's built and natural environment by engaging the community in long-range, comprehensive City-wide land use planning; advising the Mayor and City Council on matters pertaining to land use planning and development in general; reviewing and developing land development ordinances for approval by the City Council; providing oversight to the Department of Planning & Zoning (DPZ); providing comments and feedback, as necessary, to the Chittenden County Regional Planning Commission and the Chittenden County Metropolitan Planning Organization; and other functions as set forth in 24 V.S.A. §4325. In short, the Planning Commission dedicates a tremendous amount of time to creating and implementing *planBTV*—our community's Municipal Development Plan—which includes specific plans for areas and important issues in the City.

### FY 2016 Meetings

In FY 2016, Commission members have dedicated an extraordinary amount of time to important projects in Burlington. Full Commission meetings are held at least twice monthly, and usually last 1.5 to 2 hours, although meetings lasting as long as 3 hours occurred several times this year. In addition to regular monthly meetings, and meetings of the Commission's Standing Committees, the Long Range Committee held 11 special meetings dedicated exclusively to the review and revision of the draft *planBTV South End Master Plan*; members of the DAPAC participated in 6 Committee meetings and numerous public events regarding the redevelopment of the Burlington Town Center Mall; and the Joint Form-Based Code Committee held 18 meetings to continue its work on the draft *Article 12: Downtown Burlington Form-Based Code*. In total, Planning Commissioners participated in 81 meetings this year to advance *planBTV*!

# So, what did we do this year?

## *plan for BTV!*

### **Long-Range, Comprehensive Planning**

#### *planBTV: South End Master Plan*

The draft *planBTV: South End* was released in June 2015, and was available for public comment until the beginning of October. The Planning Commission reviewed each section of the draft plan, and public comments on these elements, and provided direction to the Long Range Committee and Planning Staff for revision to the plan. The Long Range Committee spent a significant amount of time discussing the plan's details with staff and South End stakeholders, and has provided recommendations on a revised draft plan that is anticipated in the summer 2016.

### **Advising the Mayor & City Council**

In addition to its recommendations regarding amendments to the City's Comprehensive Development Ordinance, members of the Planning Commission continued to work closely with City Councilors on two special project committees this year.

#### *Joint Form-Based Code Committee*

The Joint Form-Based Code Committee continued its work to develop and refine the draft form-based code, in order to implement planBTV's vision for the downtown and the waterfront. The Committee made several revised drafts of the code available online for public review, and visited the NPA's throughout the City to provide an update on its work.

#### *Development Agreement Public Advisory Committee*

Members also continued to be actively involved in the Development Agreement Public Advisory Committee (DAPAC), regarding the proposed redevelopment of the Burlington Town Center. DAPAC members provided oversight and guidance on public input and key public issues related to the release of revised plans for BTC in January 2016, and on the framework for the Predevelopment Agreement that was approved by City Council in May 2016.

### **Land Development Ordinances**

The Planning Commission and its Ordinance Committee have reviewed and discussed nearly twenty proposed amendments to the City's *Comprehensive Development Ordinance (CDO)* this year. The Commission recommended ten of these proposed amendments for adoption by City Council. The Commission has scheduled public hearings on four additional amendments, and will continue discussion on many others amendments in the coming year. The following amendments have been recommended by the Planning Commission to the City Council in FY 2016:

**ZA-16-01 Thresholds for Major Impact Review:** This proposed amendment creates varying thresholds that trigger Major Impact Review based on the location of the proposed development project rather than the current one-size-fits-all approach. This proposal creates four groups, based on similar types

of zoning districts. Different thresholds for each group are based on the proposed scale of the project relative to the intent of the zoning district and its capacity to accommodate new development. This amendment is being considered by City Council's Ordinance Committee.

**ZA-16-02 Mobile Home Parks:** This amendment sets forth development and review standards for pre-existing and newly-formed mobile home parks in accordance with state statute (24 V.S.A Sections 4412 (1)(B) & (7)(B)). This amendment was approved by the City Council, and has been incorporated into the Comprehensive Development Ordinance amended March 31, 2016.

**ZA-16-03 Grocery in the E-LM:** This amendment permits grocery stores under 30,000 sq.ft. in size to be allowed as a Conditional Use in that portion of the Enterprise- Light Manufacturing zoning district between Flynn and Home Avenues. This amendment was approved by the City Council, and has been incorporated into the Comprehensive Development Ordinance amended March 31, 2016.

**ZA-16-04 Zoning Administrative Officer:** This proposed amendment removes reference to a "Chief Assistant Administrative Officer" reflecting the Council-approved reorganization of the Planning & Zoning Department, and to conform to state statute regarding the appointment of the Administrative Officer. City Council's Ordinance Committee has recommended this amendment to the City Council; action on this amendment is likely to occur in FY 2017.

**ZA-16-05 UVM Medical Center:** This proposed amendment (1) reflects the name change from Fletcher Allen Health Care to University of Vermont Medical Center; (2) modifies the boundary between the UVM Central Campus Core Campus Overlay and the UVM Medical Center Campus Core Campus Overlay to reflect a recent property line adjustment; and (3) makes a correction with regard to the regulation of signs within the Institutional District. City Council's Ordinance Committee has recommended this amendment to the City Council; action on this amendment is likely to occur in FY 2017.

**ZA-16-06 Animal Boarding/Kennel/Shelter in Downtown Zones:** This proposed amendment amends Appendix A- Use Table to permit animal boarding/kennel/shelter uses as a conditional use in the Downtown, Downtown Transition, Downtown Waterfront and Battery Street Transition zones. Criteria are aimed at lessening the potential for off-site impacts by requiring uses to be fully enclosed and subject to City licensure. This amendment is being considered by City Council's Ordinance Committee.

**ZA-16-07 Low Impact Development:** This proposed amendment amends Sec.4.4.5, (d) 3.A. Exceptions for residential features; Sec. 6.2.2, (i) Vehicular Access; and Article 13: Definitions in order to permit an additional 10% in lot coverage in R-L and R-M zoning districts when pervious pavement is installed on lots for improved on-site stormwater management. City Council's Ordinance Committee has recommended this amendment to the City Council; action on this amendment is likely to occur in FY 2017.

**ZA-16-08 Shoreland Protection:** This proposed amendment amends Sec.4.5.4 Natural Resource Protection Overlay (NR) District and Map 4.5.4-1 to include shoreland from 95.5 ft above sea level in the Natural Resource Protection Overlay District: Riparian and Littoral Conservation Zone, and additional language relative to the purpose of the district. These amendments satisfy two conditions imposed by the VT Agency of Natural Resources when it granted delegation to the City over the 2014 State of VT Shoreland Protection Act. City Council's Ordinance Committee has recommended this amendment to the City Council; action on this amendment is likely to occur in FY 2017.

**ZA-16-09 Duplexes on Existing Lots:** This proposed amendment amends Appendix A- Use Table to remove footnote “2,” in order to permit duplexes as a conditional use both on existing and new lots in the R-L and RL-W zones, consistent with the express purpose of these zoning districts. This amendment is being considered by City Council’s Ordinance Committee.

**ZA-16-10 Waivers from Parking/Parking Management Plans:** The purpose of this proposed amendment is to allow the DRB to approve up to a 90% waiver of required parking for non-residential uses in all zoning districts within the City, except for the adaptive reuse of a historic building pursuant to Sec.5.4.8. and for retail uses in mixed use zoning districts. In both of these cases, the DRB may approve up to a 100% waiver of required parking, which is currently permitted by the existing ordinance. The proposed amendment does not change the existing requirements for providing parking management plans. This amendment is being considered by City Council’s Ordinance Committee.

## **Oversight of Planning & Zoning Department**

In FY 2016, the Commission provided guidance to the Department and City Council regarding the organizational structure, appointment of Assistant Zoning Administrative Officers, and new hires. The Commission endorsed a plan for the Department’s restructuring, which included the elimination of the Assistant Director/Chief Assistant Zoning Administrative Officer position; creation of two new Principal Planner- Development Review positions, and the promotion the Department’s two Senior Planners into these positions; and creation of a new position of Associate Planner- Development Review. The Commission recommended the appointment of Assistant Zoning Administrative Officers Scott Gustin, AICP; Mary O’Neil, AICP; and William Ward. Later in the year, the Commission also recommended the appointment of Ryan Morrison, who was hired to fill the Associate Planner position in January 2016, as an additional Assistant Zoning Administrative Officer. Finally, several Commissioners participated on a committee to review candidates for the Comprehensive Planner position; Meagan Tuttle, AICP, joined the Department in this position in October 2015.

## **Other Activities**

Andy Montroll represented the City of Burlington as the Chair of the Chittenden County Regional Planning Commission, and will continue as Immediate Past Chair and member of the Executive Committee in the coming year. The Commission meets monthly to discuss matters related to the implementation of the regional ECOS Plan, transportation plans, hazard mitigation plans, and other activities.

Lee Buffinton joined staff, elected, and appointed officials from municipalities across Vermont at the Preservation Trust of Vermont’s Downtown & Historic Preservation Conference, held in Waterbury in June 2016.

The Commission also received updates and provided comments on projects of other City Departments. This year, the Commission received reports on the Department of Public Works’ *Downtown Parking & Transportation Management Plan* and the *Residential Parking Study*, as well as an update on the *Health Impact Analysis of planBTV South End* from the State Department of Health.

## Appendix A: Planning Commission Attendance Log FY 2016– July 2015 through June 2016

DATE	Baker	Bradley	Buffinton	Lee	Montroll	Roen	Wallace-Brodeur
<b>2015</b>							
7/14	X	X	X	X		X	
7/28	X	X	X	X	X	X	X
9/08	X	X	X	X	X	X	X
9/22	X	X	X	X	X	X	X
10/06	X	X	X		X	X	X
10/27	X	X	X	X	X	X	X
11/10		X	X	X	X	X	X
11/24		X	X		X	X	X
12/8	X		X		X	X	X
<b>2016</b>							
1/12	X	X	X	X	X	X	X
1/26	X	X	X	X	X	X	X
2/09	X	X			X	X	X
2/23		X	X	X	X	X	X
3/08	X	X	X	X	X	X	X
3/22	X	X	X	X	X		X
4/12	X		X	X	X	X	
4/26	X	X		X	X	X	X
5/10	X		X	X	X	X	X
5/24	X		X	X	X	X	X
6/09		X	X	X	X	X	X
6/14	X		X	X	X	X	X
6/21	X		X	X	X	X	
6/29	X	X	X	X	X		

## Department of Planning and Zoning

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*David White, AICP, Director*  
*Meagan Tuttle, AICP, Comprehensive Planner*  
*Jay Appleton, GIS Manager*  
*Scott Gustin, AICP, Principal Planner*  
*Mary O'Neil, AICP, Principal Planner*  
*Ryan Morrison, Assistant Planner*  
*Elsie Tillotson, Department Secretary*  
*Anita Wade, Zoning Clerk*



**TO:** Planning Commission  
**FROM:** Planning Staff  
**DATE:** June 29, 2016  
**RE:** Planning Commission comments on proposed DMUC Overlay

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During its June 14 and June 21 Work Sessions, the Planning Commission provided comments regarding elements of the proposed DMUC Overlay that it feels should be further refined. Additionally, Commissioners Wallace-Brodeur and Roen have sent comments for consideration since the last meeting, which have been incorporated into this chart. The Commission intends to send a list of these items for the City Council to consider during its review of the proposed ordinance. These comments have been summarized in the attached chart, which includes:

- Key elements of the proposed DMUC amendment
- Staff notes/comments regarding these elements
- Planning Commission comments on these elements, and a staff recommendation on next steps

In compiling these comments, staff feels that there are a number of items the Commission may want to discuss and attempt to reach consensus on before the amendment is transmitted to Council. These items are generally regarding modifications to the language of the urban design and parking standards to ensure the intent of these standards are realized. Staff recommends the Commission spend time on the items identified for discussion in the attached chart, and take the following actions:

- At this work session, discuss specific ways in which the draft ordinance language may be modified to address these issues, and determine whether or not these modifications should be included prior to transmittal to Council.
- Following the July 6 Public Hearing, assuming the modifications are still appropriate, instruct staff to make the identified changes prior to transmitting the draft amendment and cover memo to Council.

For other issues on which consensus has not been reached, staff recommends including the Commission's comments in the cover memo to Council. These items are generally regarding overall height and massing requirements, conditions of approval for projects to reach maximum height, and alignment of the Rights of Way proposed to be added to the Official Map.

**PROPOSED DMUC Overlay – Summary of PC Comments & Staff Recommendations**

This zoning amendment comes at the request of the City Council. It is very important that the Commission return with a recommendation in early July in order for the Council to be able to give it their due consideration to meet their timeline as indicated in the Predevelopment Agreement (PDA). Below is a chart of the key elements as they were described in the summary of the DMUC Overlay amendment that was approved as part of the Predevelopment Agreement. Staff has included recommendations below on PC actions on each of these key elements. Additionally, the chart includes PC comments to-date on these items. Staff has provided a recommendation on whether the PC should consider including these items in a revised version of the proposed ordinance after its public hearing, or include them in a letter of comments to the City Council for consideration during their review.

	<b><u>Key Elements:</u></b>	<b><u>Staff notes &amp; comments:</u></b>	<b><u>PC Comments &amp; Recommended Action</u></b>
1	Create a new Overlay District, known as the <b>Downtown Mixed Use Core (DMUC)</b> Overlay District (the “DMUC District”)	Exact boundaries still TBD. Proposed map comes from the current draft of the FBC. PC may want to fine-tune.	<b>The Commission has discussed whether or not to include the People’s Bank site in the boundary.</b>  <b>Staff Recommendation:</b> Staff recommends that the Commission discuss the boundary, and make a recommendation on whether or not to modify it following the public hearing.
2	<b>Expand the Official Map</b> to include 60-ft. wide extensions of St. Paul Street and Pine Street between Cherry and Bank Streets.	Comes directly from the recommendations of <i>planBTV: Downtown and Waterfront Master Plan</i>  <b>The map of the street connections was included in the summary of the amendment that the City Council approved as part of the PDA.</b>  <u>Staff</u> strongly recommends that the street boundaries shown on the Official Map coincide with those shown on plans proposed for redevelopment of the mall, and recommends this <u>as proposed</u> .	<b>The Commission would prefer the streets to be aligned with the existing grid</b> , regardless of existing property lines and buildings.  <b>The Commission has also recommended that the absence of building within the areas indicated as future ROW</b> , regardless of City’s action to acquire ROW, <b>be made a condition of approval for the maximum height.</b>  <b>Staff Recommendation:</b> Regarding alignment, staff recommends the Commission include this in its comments to Council. Regarding condition of approval, staff will consult with City Attorney to determine whether this is legal. If so, staff recommends the Commission include this in its comments to Council.
3	New development in the <b>DMUC District will be exempt from seeking building height bonuses</b> from the DRB pursuant to BCDO Sec. 4.4.1 (d) 7; instead, the DMUC District will establish the following new, by-right height and massing limits and requirements:		<b>The Commission supports by-right height and massing, but has recommended that the DRB process include condition of approval of maximum height related to:</b> <ul style="list-style-type: none"> <li>• the above condition regarding buildings within a ROW on the Official Map</li> <li>• demonstration of economic infeasibility of below-ground parking (see below)</li> </ul> <b>Staff Recommendation:</b> Staff recommends that the amendment be explicit about requiring or prohibiting elements of design and/or performance, rather than including conditions. However, if the Commission feels strongly about including these conditions, staff recommends the Commission includes these concepts in its comments to Council.

	<u>Key Elements:</u>	<u>Staff notes &amp; comments:</u>	<u>PC Comments &amp; Recommended Action</u>
4	<ul style="list-style-type: none"> <li>3 stories min., 14 stories max. not to exceed 160 ft. max.</li> </ul>	<p>The minimum and maximum height was included in the summary of the amendment that the City Council approved as part of the PDA.</p> <p>Staff strongly recommends this <u>as proposed</u>.</p>	<p>The Commission has not reached a consensus on the proposed maximum height, and offers two opinions:</p> <ul style="list-style-type: none"> <li>The proposed maximum height is appropriate in this location, particularly when considered in conjunction with the limits on massing of upper stories, the urban design requirements and the anticipated community benefits from redevelopment.</li> <li>The maximum height of the proposed DMUC District could be lowered to a height that the community is more comfortable with, without significantly impacting the proposed maximum FAR, by reconsidering the tiers for allowable FAR per floor. While the model of reducing the allowable FAR of floors as a building gets taller is appropriate, it could be less dramatic.</li> </ul> <p><b>Staff Recommendation:</b> Staff recommends that the Commission include both of these viewpoints in its comments to Council.</p>
5	<ul style="list-style-type: none"> <li>Overall height allowed <b>variation of 5% of the total allowable height</b> (but no additional floor area) to account for grade changes across the site.</li> </ul>	<p>Comes from the proposed standards found in the current draft of the FBC. Applicable beyond proposed overlay but a very important element of flexibility for all development. PC may want to fine-tune.</p>	<p>The Commission has not specifically discussed this item.</p> <p><b>Staff Recommendation:</b> Include in the proposed amendment the text as written.</p>
6	<ul style="list-style-type: none"> <li>4 stories not to exceed 45-ft max on Church Street, with a 10-foot upper story setback required for every 10-feet of height above 45-feet</li> </ul>	<p>Comes from the proposed standards found in the current draft of the FBC.</p> <p>The proposed changes to height and setbacks on Church Street was included in the summary of the amendment that the City Council approved as part of the PDA.</p> <p>Staff strongly recommends this <u>as proposed</u>.</p>	<p>The Commission concurs with this as proposed, and recommends the setbacks as a model for setback requirements in other parts of the DMUC Overlay.</p>
7	<ul style="list-style-type: none"> <li>Maximum FAR of 9.5</li> </ul>	<p>The maximum FAR was included in the summary of the amendment that the City Council approved as part of the PDA.</p> <p>Staff strongly recommends this <u>as proposed</u>.</p>	<p>The Commission has not specifically discussed this item.</p> <p><b>Staff Recommendation:</b> Include in the proposed amendment the text as written.</p>
8	<p>New developments in the DMUC District will be exempt from the existing upper story setback requirement pursuant to BCDO Sec. 4.4.1 (d) 4 A; instead, new prescriptive design standards will be used to ensure good urban design, façade articulation and especially street activation including but not limited to:</p>	<p>PC may want to fine-tune, but all come from the proposed standards found in the current draft of the FBC, and Staff recommends this largely as proposed.</p>	<p>The Commission has identified these standards as incredibly important to ensuring successful projects in the proposed DMUC area. Except where noted, the Commission concurs with these design standards as proposed.</p>

	<u>Key Elements:</u>	<u>Staff notes &amp; comments:</u>	<u>PC Comments &amp; Recommended Action</u>
9	<ul style="list-style-type: none"> <li>• <b>Façade Articulation:</b> <ul style="list-style-type: none"> <li>○ Finer-grained surface relief within the façade plane (use of material changes, balconies, belt courses, columns, lintels, etc)</li> <li>○ Creation of architectural bays to provide regular and strong vertical changes in the horizontal plane of a façade particularly within the lower 3-5 stories.</li> <li>○ Horizontal changes in the vertical plane of a façade (articulated base, stepbacks of upper stores, and clearly defined top)</li> </ul> </li> </ul>		
10	<ul style="list-style-type: none"> <li>• <b>Street Activation at the ground floor:</b> <ul style="list-style-type: none"> <li>○ Location, frequency and operability of primary entrances</li> </ul> </li> </ul>		<p><b>The Commission has indicated that it is important to ensure that the language in the following sections is strengthened to ensure compliance with street activation requirements on both primary <i>and</i> secondary frontages:</b></p> <ul style="list-style-type: none"> <li>• 2.B.v (basements/foundations)</li> <li>• 2.C.i and 2.C.ii (locations of entrances)</li> <li>• 4.iii (parking entrances)</li> <li>• 4.vii.a (active street frontages for parking)</li> <li>• 4.v (pedestrian connections to parking areas)</li> </ul> <p><b><u>Staff Recommendation:</u></b> Staff recommends that the Commission discuss these elements, and make a recommendation on whether or not to modify text of the ordinance following the public hearing.</p>
	<ul style="list-style-type: none"> <li>○ Proportion of and distance between voids (doors and windows)</li> </ul>		
	<ul style="list-style-type: none"> <li>○ Transparency of glazing</li> </ul>		
	<ul style="list-style-type: none"> <li>○ Visual access within spaces</li> </ul>		<p>The Commission supports the language regarding the urban design treatment of parking floors, with the exception of how to treat voids on levels where parking extends to the building façade. <b>The Commission feels that if parking is permitted in these areas, better standards are needed regarding the screening of cars and lights.</b></p> <p><b><u>Staff Recommendation:</u></b> Staff recommends that the Commission discuss these elements, and make a recommendation on whether or not to modify text of the ordinance following the public hearing.</p>

	<u>Key Elements:</u>	<u>Staff notes &amp; comments:</u>	<u>PC Comments &amp; Recommended Action</u>
11	<ul style="list-style-type: none"> <li>Acceptable primary and accent façade materials</li> </ul>		<p>The Commission has indicated that additional clarification is needed in the language for the following items related to materials and alternative compliance:</p> <ul style="list-style-type: none"> <li>2.D.iii (alternative materials)</li> <li>2.E.iii (alternative compliance)</li> </ul> <p><b>Staff Recommendation:</b> Staff recommends that the Commission discuss these elements, and make a recommendation on whether or not to modify the text of the ordinance following the public hearing.</p>
12	<p>Projects within the DMUC District will be required to participate in the emerging downtown parking initiatives being developed under the newly adopted <i>Downtown Transportation and Parking Plan</i>, provided that private owners of parking lots or parking structures shall not be required to participate in any parking initiatives to the extent that such initiatives impose or result in any material obligation or cost to the such owners.</p>		<p>The Commission recommends that for all projects in the DMUC District, parking be underground or set behind a liner building at all levels. The Commission feels parking up to the façade is not appropriate and deadens the street even if it's located on upper floors. <b>The Commission reiterates comments above regarding design and screening of parking to ensure that any parking located above ground is indistinguishable from other floors of a building from the street view.</b> Furthermore, the Commission has suggested that <b>surface parking should not be permitted in the DMUC district</b> (Section 4.vi).</p> <p>The Commission has also recommended that for projects proposing parking above ground, developers <b>demonstrate that all alternative locations for parking have been explored and are economically infeasible as a condition of approval to build to the maximum height in this district.</b></p> <p><b>Staff Recommendation:</b> Regarding screening and surface parking, staff recommends that the Commission discuss these elements and made a recommendation for whether or not to modify the text of the ordinance following the public hearing. Regarding conditions related to parking feasibility, staff recommends the Commission include this in its comments to Council.</p>
13	<p>Mixed use projects within the DMUC District will be required to develop a Master Sign Plan which provides for flexibility from some individual sign requirements/limits subject to DRB approval.</p>	<p>Comes from the proposed Sign Type standards found in the current draft of the FBC, but PC may want to fine-tune.</p>	<p>The Commission has not specifically discussed this item.</p> <p><b>Staff Recommendation:</b> Include in the proposed amendment text as written.</p>

	<b><u>Key Elements:</u></b>	<b><u>Staff notes &amp; comments:</u></b>	<b><u>PC Comments &amp; Recommended Action</u></b>
14	<b><u>Green Buildings and Stormwater Management</u></b>	<p>Current ordinance requires projects to be built to LEED Gold Certification, evidenced by a checklist submitted by a LEED AP, and 3<sup>rd</sup> party commissioning of the building envelope and mechanical systems prior to issuance of Final Certificate of Occupancy (CO).</p> <p>New development/redevelopment is required to capture 100% of the 1-year storm event for stormwater runoff.</p>	<p>The Commission has indicated that there <b>must be a high and measurable standard and a mechanism to ensure compliance</b>, such as a requirement to post a bond until a project is registered with LEED rather than withholding CO.</p> <p><b><u>Staff Recommendation:</u></b> Staff recommends that the Commission discuss these elements and make a recommendation whether or not to modify the text of the ordinance following the public hearing.</p>
15	<b><u>Inclusionary Housing</u></b>	<p>This has not been included in the proposed DMUC; staff recommends the City’s Inclusionary Zoning ordinance as the applicable standard for the proposed DMUC area.</p>	<p>Some Commissioners have indicated concern at the loss of the additional Inclusionary Housing bonus, but no recommendation has been made on this issue.</p> <p><b><u>Staff Recommendation:</u></b> Staff recommends the current requirements for Inclusionary Housing per the IZ Ordinance, and does not recommend any modifications to the proposed DMUC Overlay.</p>

## Meagan Tuttle

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**From:** Jenn Wallace-Brodeur <jwb@burlingtontelecom.net>  
**Sent:** Thursday, June 23, 2016 8:07 PM  
**To:** David E. White  
**Cc:** Lee Buffinton; Meagan Tuttle; Yves Bradley; bbaker@cdbesq.com; andym@montrolllaw.com; Emily Lee; Harris Roen  
**Subject:** Re: Church Street Building Height

Hi everyone,

Sorry I missed the meeting Tuesday and am late to provide my list of questions. If these have already been addressed, please disregard and I can get filled in when I'm back.

Definition of secondary street facades and frontages: there are several references to secondary street frontages and I'm concerned with how this is defined - by us, developer or tenant? It seems like we could have dead blocks if we aren't more deliberate about defining what has to happen in these areas, particularly given that all blocks are important in this downtown area. Specific sections where this is referenced include:

- 2.C.i and 2.C.ii (street activation)
- 3.ii (Parking) - what would define a secondary street frontage in this situation? Also "where available" seems broad, we might want to tighten that.
- 3.vi.a - again in parking we are not requiring street level activation of parking on a secondary frontage. I can't thinking of a spot in this overlay district where this would be acceptable.

Section 2.B.v - can you show where we might expect to see raised foundations or basements at street level? I'm concerned about this and would like to better understand how this is handled from a design perspective. Also, is this in conflict with our desire for street activation?

Section 2.D.iii (alternate materials) - are these alternates for primary and accent materials? Needs clarification.

Section 2.E.iii - seems very broad or a catch all exception. Suggest tightening this.

Parking:

- 3.iv - how are we defining "parking area" to make sure that there is more than one pedestrian route leading directly to a street frontage in the garage? The way this is written makes it sound like you only need one route in the whole structure.

- 3.v - I don't think we should allow surface parking in the overlay district

I'm also concerned about the screening requirements per our earlier discussion. I'm not sure we've hit it in the current language.

That's it for now. I'll catch up when I'm back from vacation.

Jenn

On Jun 20, 2016, at 4:19 PM, David E. White <[DEWhite@burlingtonvt.gov](mailto:DEWhite@burlingtonvt.gov)> wrote:

Thanks Lee.

Anyone-else have any specific issues you want to focus on? If we know in advance we can try to bring some information that can hopefully help the discussion.

**David E. White, AICP**  
**Director of Planning & Zoning**

**City of Burlington, VT**

*\*\* Please note that any response or reply to this electronic message may be subject to disclosure as a public record under the Vermont Public Records Act*

**From:** Lee Buffinton [<mailto:l.buffinton@gmail.com>]  
**Sent:** Monday, June 20, 2016 2:33 PM  
**To:** Meagan Tuttle <[mtuttle@burlingtonvt.gov](mailto:mtuttle@burlingtonvt.gov)>  
**Cc:** David E. White <[DEWhite@burlingtonvt.gov](mailto:DEWhite@burlingtonvt.gov)>; Yves Bradley <[ybradley@vermontrealestate.com](mailto:ybradley@vermontrealestate.com)>; [bbaker@cdbesq.com](mailto:bbaker@cdbesq.com); [andym@montrrollaw.com](mailto:andym@montrrollaw.com); Emily Lee <[emilyannicklee@gmail.com](mailto:emilyannicklee@gmail.com)>; Jennifer Wallace-Brodeur ([jwb@burlingtontelecom.net](mailto:jwb@burlingtontelecom.net)) <[jwb@burlingtontelecom.net](mailto:jwb@burlingtontelecom.net)>; Harris Roen <[harris@roen.net](mailto:harris@roen.net)>  
**Subject:** Re: Church Street Building Height

If possible I'd like to work through the zoning amendment as proposed focusing on the most substantive changes (the meat of the matter) as a priority to discuss first as Brian Dunkiel suggested. We can always tweak the details later. And that's coming from a detail-oriented person!

And a reminder- I believe we agreed to replace the word "void" representing windows and doors to the more relevant and understandable "openings" in the proposed amendment.

Thanks.

Lee

On Mon, Jun 20, 2016 at 12:06 PM, Meagan Tuttle <[mtuttle@burlingtonvt.gov](mailto:mtuttle@burlingtonvt.gov)> wrote:

Thanks, Lee. We'll add this to our list of topics to discuss tomorrow night.

**Meagan E Tuttle, AICP**  
Comprehensive Planner  
City of Burlington, VT  
[802.865.7193](tel:802.865.7193)

*\*\*Please note that any response or reply to this electronic message may be subject to disclosure as a public record under the Vermont Public Records Act.*

**From:** Lee Buffinton [<mailto:l.buffinton@gmail.com>]  
**Sent:** Monday, June 20, 2016 11:38 AM  
**To:** David E. White; Meagan Tuttle; Yves Bradley; [bbaker@cdbesq.com](mailto:bbaker@cdbesq.com); [andym@montrrollaw.com](mailto:andym@montrrollaw.com); Emily Lee; Jennifer Wallace-Brodeur ([jwb@burlingtontelecom.net](mailto:jwb@burlingtontelecom.net)); Harris Roen  
**Subject:** Church Street Building Height

The proposed Sec 4.4.1 B says that **the maximum height of any building fronting on Church Street shall be limited to 4 stories** not to exceed 45 feet. Then it goes on to say that portions of the building can exceed 45 feet which doesn't make sense. I think we need to clarify and tighten the wording on this and I'd like to understand better the justification for switching from 16' step backs to 10'. By the way, the graph is helpful.

Thanks!

Lee

**Proposed CDO Downtown Mixed Use Core Overlay  
Comment for the Public Hearing on July 6, 2016**

Harris Roen, Planning Commissioner

The proposed CDO Downtown Mixed Use Core Overlay is one of the most important ordinance changes the Planning Commission has considered during my tenure. Because I am unable to attend this public hearing, I feel it is important to submit my comments.

As I have said at previous meetings, I believe the site in question is the exact location where we should be looking to increase density in Burlington. In order to maintain a vibrant downtown, we need to enhance opportunities for housing, office and retail in the downtown core. This will also support efficiencies of urban living for those who want to avoid a car-centric lifestyle.

The main benefits of this proposed ordinance in my mind are: reconnecting the street grid; increasing opportunities for housing; and supporting economic vitality for downtown Burlington. On housing, it is clear that finding a place to live in Burlington is a problem. One need only start hunting to see what is available to confirm this. The Chittenden County Regional Planning Commission and other partners have targeted a lack of housing as a major issue, and have recently announced a campaign to build 3,500 new homes in the next five years. I believe this is the right location to help meet this goal.

I have been asking everyone I can about their opinion of the redevelopment project and related zoning change. This is in addition to having digested all the public comment, both on-line and at our meetings. I have found a wide range of opinions both for and against, as well as much misinformation and misunderstandings (my favorite is not being in favor of a 16-story mall, "we just don't need that much shopping"). The public comment has been voluminous and I see merit on both sides of the debate. Despite the divergent views, the strongest area of agreement seems to be the desire to redevelop the mall site in some fashion.

Although the planning the process can often seem messy due to the size and complexity of the efforts involved, I do believe the process for consideration of this zoning change has been problematic. If a change in height of this magnitude were being considered outside of the project in front of us, it would likely take much longer than the time allotted in the development agreement to come to consensus. Considering the time frame, I believe the Commission should only forward some elements of the ordinance on to the City Council where consensus can be reached, such as changing the official map and façade treatments. Otherwise, I agree that the Commission should focus on making recommendations to the City Council that highlight issues to consider, rather than forward specific ordinance language.

It's hard to weigh in on many of the important design considerations without being part of the discussion at the meetings, but below are my comments on a few of the major items in the proposed ordinance:

*Sec. 4.2.2 Downtown and Waterfront Core Official Map Established*

I strongly support this section and recommend forwarding it to the City Council. Paragraphs (h) and (i) leave no question that the streets are being reestablished as public right-of-ways. I agree with the suggested change to Map 4.2.2-1 made at our meeting on June 21 to allow for better alignment to the existing street grid.

*Sec. 4.5.8 Downtown Mixed Use Core Overlay (DMUC) District*

*(a) Purpose:*

I think this language is very good. I would only suggest adding as a purpose "enhance pedestrian connections between Church Street and the waterfront."

*(b) Area Covered:*

I am OK with the map as is, but would not object to expanding it to encompass the People's Bank building property.

*(c) District Specific Regulations: Downtown Mixed Use Core Overlay (DMUC) district;*

*1. Dimensional Standards:*

Despite my reservations about the process as mentioned above, I personally do not object to the 160-foot height limit as proposed. I believe this would allow for increased density in an appropriate location, and anticipate that it would allow for a better building design. Yes, it would change the skyline, but so too have many other buildings built throughout the history of Burlington. Having said that, I would be open to considering other options by manipulating the standards in Table 4.5.8-1. There may be potential to redevelop the site by decreasing height and increasing bulk, which may better reflect desires of the community.

Thank you.