

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)

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

Regular Meeting

Tuesday, November 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. 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.

II. Report of the Chair (5 min)

III. Report of the Director (5 min)

IV. Agenda

V. Proposed ZA-16-01: Major Impact Review Public Hearing (15 min)

The Commission will hold a public hearing on a proposed amendment to create four separate thresholds which trigger Major Impact Review passed on the location of the proposed development project.

VI. Proposed ZA-16-02: Mobile Home Parks Public Hearing (15 min)

The Commission will hold a public hearing on a proposed amendment regarding development and review standards for pre-existing and newly proposed mobile home parks.

VII. Proposed CDO Amendment: Zoning Administrative Officer (10 min)

The Commission will discuss a proposed housekeeping amendment to Article 2 of the Comprehensive Development Ordinance regarding the Zoning Administrative Officer. This amendment reflects the approved reorganization of the Planning & Zoning Department.

VIII. planBTV: South End Master Plan Draft Update/Revisions (30 min)

The Commission will review the Arts & Affordability and Economic Development sections of the draft Plan and discuss any necessary updates to these elements.

IX. Committee Reports (5 min)

X. Commissioner Items (5 min)

XI. Minutes/Communications (5 min)

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

XII. Adjourn (8:30 p.m.)

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.

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-16-01 – Thresholds for Major Impact Review

As recommended by the Planning Commission on July 14, 2015.

Changes shown (underline to be added, ~~strike-out~~ to be deleted) are proposed changes to the Burlington Comprehensive Development Ordinance.

Purpose: The purpose of this proposed amendment is to create varying thresholds that trigger Major Impact Review based on the location of the proposed development project. Instead of 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.

PART 5. CONDITIONAL USE AND MAJOR IMPACT REVIEW

Sec. 3.5.1 Purpose

unchanged

Sec. 3.5.2 Applicability

(a) Conditional Use Review:

unchanged

(b) Major Impact Review:

In addition, Major Impact Review shall be required for the approval of all development involving:

	<u>Zoning Districts</u>			
	<u>Downtown Mixed Use, Institutional Core Campus</u>	<u>Neighborhood Mixed Use, Institutional, Enterprise,</u>	<u>Residential- Medium Density, Residential- Low Density, Residential – High Density</u>	<u>RCO-A, RCO-C, RCO-RG, UR</u>
Dwelling Units	<u>NA</u>	<u>Creation of twenty-five (25) or more dwelling units</u>	<u>Creation of five ten (105) or more dwelling units—or—the creation through</u>	<u>NA</u>

			adaptive reuse, substantial rehabilitation or conversion of ten (10) or more dwelling units;	
Land Subdivision	<u>NA</u>	<u>NA</u>	<u>Creation of five ten (105) or more lots;</u>	<u>NA</u>
Non-residential <u>or Mixed Use Development</u>	<u>NA</u>	<u>A development footprint¹ of twenty thousand (20,000) s.f. or more, or the creation of forty thousand (40,000) s.f. or more of gross floor area.</u>	<u>A development footprint¹ of eight thousand (8,000) s.f. or more, or the construction or substantial rehabilitation of fifteen thousand (15,000) s.f. or more of gross floor area of non-residential development.</u>	<u>Creation of five thousand (5,000) s.f. or more of gross floor area²</u>

¹ Development Footprint: total area of impervious coverage – buildings and parking.

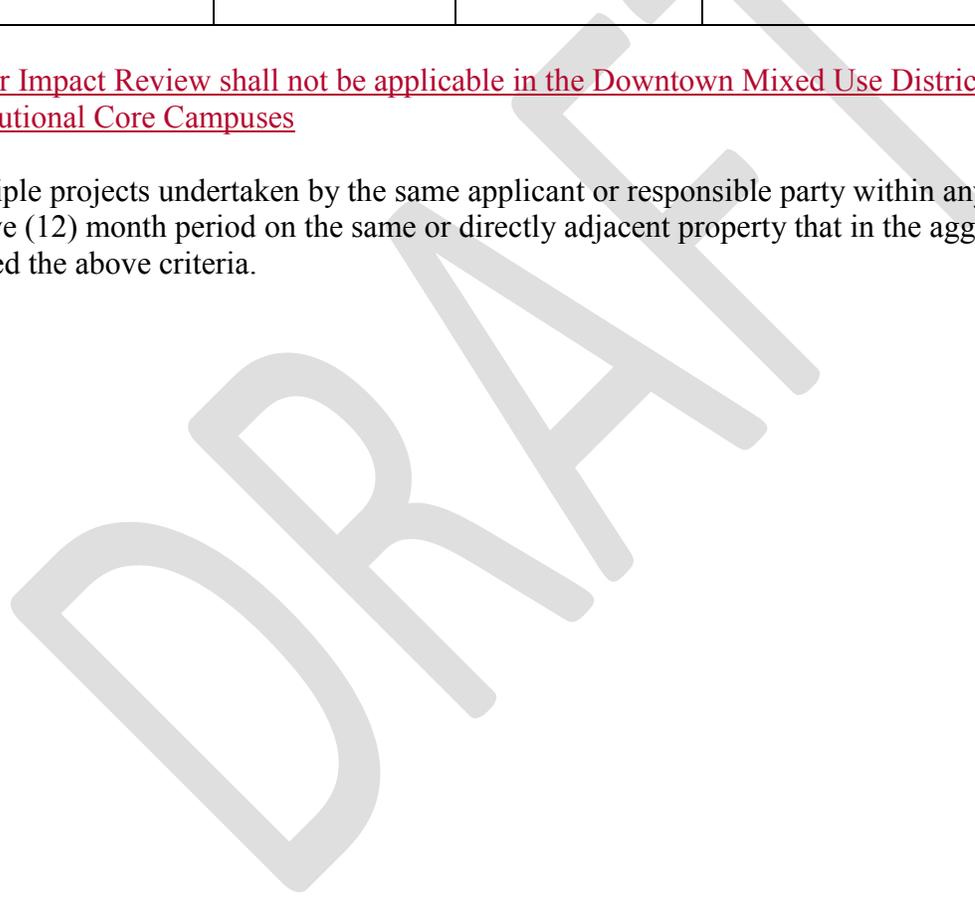
² Farm structures are exempt per 10 VSA 6001.

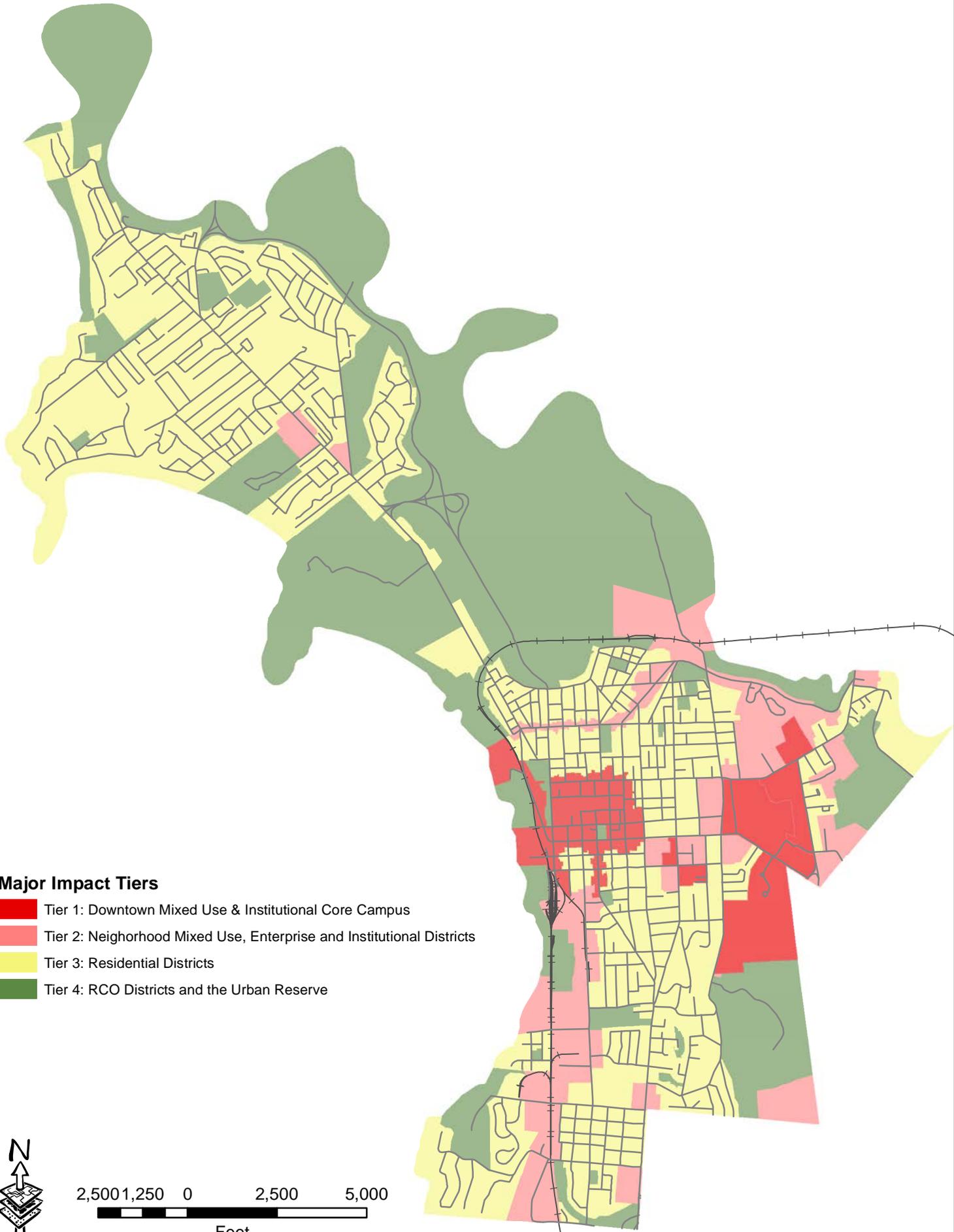
Land disturbance			one acre or more;	
Site improvements involving			fifty (50) or more parking spaces;	
Natural Areas	Site improvements and land development on parcels that contain designated wetlands as regulated pursuant to Article 4, or natural areas of state or local significance as identified in the municipal development plan;			

Brownfields	Site improvements and land development on parcels seeking a waiver under Article 5, Part 4, Sec. 5.4.9 – Brownfields; or		
Cumulative Impact:			Multiple projects by the same applicant or responsible party within any consecutive twelve (12) month period on the same property or on a property within 1000 feet of the subject property that in the aggregate equal or exceed the above criteria.

Major Impact Review shall not be applicable in the Downtown Mixed Use Districts and the Institutional Core Campuses

Multiple projects undertaken by the same applicant or responsible party within any consecutive twelve (12) month period on the same or directly adjacent property that in the aggregate equal or exceed the above criteria.





Major Impact Tiers

- Tier 1: Downtown Mixed Use & Institutional Core Campus
- Tier 2: Neighborhood Mixed Use, Enterprise and Institutional Districts
- Tier 3: Residential Districts
- Tier 4: RCO Districts and the Urban Reserve



2,500 1,250 0 2,500 5,000
Feet

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-16-02 – Mobile Home Parks

As prepared by staff August 2015.

Changes shown (underline to be added, ~~strike-out~~ to be deleted) are proposed changes to the Burlington Comprehensive Development Ordinance.

Purpose: This amendment sets forth development and review standards for pre-existing and newly proposed mobile home parks in accordance with state statute (24 V.S.A. Sections 4412 (1)(B) & (7)(B)).

Article 5: Citywide General Regulations, Part 4: Special Use Regulations

The following regulations are use-specific requirements that shall apply in all cases where such uses are otherwise permitted or conditionally permitted pursuant to the provisions of Article 4. These regulations are in addition to, or may modify, other applicable provisions of these bylaws.

Sec. 5.4.1 thru Sec. 5.4.11 remain unchanged.

Sec. 5.4.12 Mobile Home Parks

In addition to the applicable provisions of Art 3, Part 5 for Conditional Uses, Site Plan Design Standards in Art 6, Part 2, and Article 10 Subdivision Review if applicable, the following additional regulations shall be applicable to any application involving a Mobile Home Park.

(a) Mobile Home Parks

Regarding the establishment and operation of a Mobile Home Park:

1. the required minimum lot size, lot frontage, and waterfront setback, and required maximum density and building height shall be as required per the applicable Zoning District standards found in Tables 4.4.5-1, 4.4.5-2 and 4.4.5-3.
2. the required minimum side and rear setback shall be 20' and shall be calculated at the periphery of the Mobile Home Park.
3. the ~~required~~ maximum ~~permissible~~ lot coverage shall be 50% calculated across the entire Mobile Home Park parcel.
4. The required minimum lot size shall be for the entire Mobile Home Park parcel, not the individual mobile home lots.
5. the required minimum separation distance between individual Mobile Homes within the Mobile Home Park shall be 10'.
6. One (1) on-site parking space shall be required per individual Mobile Home.
7. the Mobile Home Park shall maintain a circulation network that provides direct access to, and the mobility and replacement of, each individual Mobile Home.

8. Mobile Home Parks shall be exempt from the requirements of Art 9, Part 1 Inclusionary Zoning.
9. Individual Mobile Homes may be removed without triggering the requirements of Art 9, Part 2 Replacement Housing provided the total number of permitted Mobile Home lots remain available for occupancy, and any vacant lots are being actively marketed to prospective occupants.

(b) Non-Conforming Mobile Home Parks

1. Where a pre-existing Mobile Home Park is nonconforming pursuant to Art 5, Part 34, the entire Mobile Home Park, and not individual Mobile Homes and lots, shall be treated as nonconforming.
2. A Mobile Home Park shall be considered abandoned when the Mobile Home Park as a whole has been vacant for a period of six months or more. An individual Mobile Home lot that is vacated shall not be considered abandoned. No pre-existing nonconforming Mobile Home Park may be resumed once it has been abandoned except in full conformity with these bylaws.
3. An individual Mobile Home within a nonconforming Mobile Home Park may be altered, expanded, or replaced, provided:
 - a. the applicant provides proof of adequate water and wastewater capacity;
 - b. any portion of the relocated or expanded Mobile Home shall not be located less than five (5) feet from any other primary structure(s); and,
 - c. the expansion or replacement will not:
 - i. obstruct or prohibit ingress or egress for any primary structure;
 - ii. obstruct or prohibit mobility or replacement of any primary structure;
 - iii. obstruct or prohibit the provision of emergency services;
 - iv. obstruct existing utilities or rights of way; nor
 - v. threaten or unduly degrade public health, safety, or welfare
4. Any of the requirements in (3) above may be waived by the DRB provided:
 - a. the applicant demonstrates that adherence to these standards would have the effect of prohibiting the replacement of a Mobile Home on an existing lot;
 - b. the DRB shall provide only the minimum waiver that will afford relief and will represent the least deviation possible from the bylaw, while ensuring public health, safety, and welfare; and,
 - c. in approving any waiver, the DRB may impose conditions requiring design features, screening, or other remedy as may be necessary to mitigate anticipated impacts of granting any such waiver.

Appendix A – Use Table

Add: “Mobile Home Park” as a CU in RL, RL-W, RM and RM-W

Article 5: Definitions

Add:

"Mobile Home" means a structure or type of manufactured home that is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, including the plumbing, heating, cooling, and electrical systems contained in the structure, and is:

- (A) transportable in one or more sections; and
- (B) at least eight feet wide or 40 feet long or when erected has at least 320 square feet or if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet long; or
- (C) any structure that meets all the requirements of this subdivision except for the size requirements and for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the construction and standards established under Title 42 of the U.S. Code. 10 V.S.A. §6201(1).

"Mobile Home Park" means any parcel or contiguous lots of land under common ownership or control on which are sited, or which is designed, laid out or adapted to accommodate, more than two mobile homes. A parcel or contiguous lots owned by agricultural employers providing up to four mobile homes for use by full-time workers or employees, and a parcel or contiguous lots used solely on a seasonal basis for vacation or recreational mobile homes shall not be considered a mobile home park. 10 V.S.A. §6201 (2), further clarified in the Housing Division Rules, Part 1, Mobile Home Parks, Section 2.10.

Zoning changes:

- Keep remaining RM
- Add MHP as a CU to RM and RL
- Add MHP to Art 5, Part 2 per above...
-

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-16 – Zoning Administrative Officer

As recommended by Planning Staff November 24, 2015

Changes shown (underline to be added, strike-out to be deleted) are proposed changes to the Burlington Comprehensive Development Ordinance.

Article 2: Administrative Mechanisms, Part 3: Administrative Officer

Sec. 2.3.1 Authority

This part is enacted under the provisions of 24 V.S.A. Section 4448.

Sec. 2.3.2 Appointment

The director of planning and zoning shall serve, ex officio, as the city's zoning administrative officer (ZAO or administrative officer), and upon the recommendation of the planning commission shall be appointed by the legislative body for a term of three years. The ZAO may be removed for cause at any time by the legislative body after consultation with the planning commission.

~~A chief assistant administrative officer shall be appointed annually by the city council upon the recommendation of the ZAO and the planning commission. Additional assistant administrative officers may also be appointed by the city council upon the recommendation of the ZAO and planning commission. Any and all references in this ordinance to the ZAO or administrative officer shall mean to include the chief assistant administrative officer and any other assistant administrative officers assigned to a matter by the administrative officer unless otherwise specified in this ordinance.~~

Sec. 2.3.3 Powers and Duties

The administrative officer shall administer the provisions of this ordinance and any amendments thereto and other applicable bylaws literally, and shall have no power to permit any land development that is not in conformance with this ordinance.

(a) Referrals.

The administrative officer may refer questions of interpretation to the DRB if it is determined that the answer to the question has a bearing upon the jurisdiction of the DRB. Any such referral shall be considered an appeal of a decision of the administrative officer.

(b) Zoning Enforcement.

The administrative officer shall have ultimate responsibility for all matters relating to the enforcement of the zoning ordinance pursuant to **Part 7** of this article. While protocols may be adopted by which the city's code enforcement office assists in zoning enforcement, the administrative officer shall retain the exclusive jurisdiction to make administrative interpretations (subject to appeal) concerning the terms of such ordinance.

(c) Assistant Administrative Officers

~~The chief assistant administrative officer and other a~~ One or more assistant administrative officers maybe appointed by the ZAO, and shall have such authority and duties as shall be delegated to them by the ZAO.

Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401
www.burlingtonvt.gov/pz
Phone: (802) 865-7188
Fax: (802) 865-7195

David White, AICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Interim Chief Administrative Officer
Mary O'Neil, AICP, Senior Planner
Elsie Tillotson, Department Secretary
Anita Wade, Zoning Clerk



Summary of Public Comments on Draft Plan

The **Draft planBTV South End** document was released at two events on June 16 and 17, 2015. The Draft Plan was available for public comment online and around the community until October 1, 2015. The comments received on the Draft Plan during this period have been posted in their entirety on the planBTV South End website at: <https://www.burlingtonvt.gov/planBTV/planBTV-South-End-Draft-Public-Comment#overlay-context>. This document provides a summary of these comments for the Planning Commission's use in its upcoming discussions of the Draft Plan. The comments are organized topically, according to the sections of the Plan.

Over the next several meetings, the Planning Commission will review sections of the draft Plan, public comments on these sections, and receive staff recommendations, if any, on modifications to these sections. The Planning Commission, following discussion, will instruct staff on items that they feel should be updated in a final draft of the Plan. Staff proposes the following schedule for reviewing the Plan's topical sections:

- October 27, 2015: Housing
- November 10, 2015: Economic Development & Arts and Affordability
- November 24, 2015: Mobility
- December 8, 2015: Open Space, Stormwater & Brownfields/Superfund Site

The second part of the Plan applies these topics to specific locations within the focus area. During each topical discussion above, the geographic location in which the recommendations apply will be noted.

General Comments on the Plan

- The draft Plan is titled "planBTV South End;" however, the Plan seems to focus its physical and policy recommendations on the focus area defined by the Enterprise Zone. Questions were raised on whether the Plan should either 1) expand the focus to be more explicit about recommendations for the entire South End area, or 2) be renamed to reflect that the Plan is primarily for the Enterprise Zone.
- The Plan is too "glitzy," with colors, fonts and layouts that make the Plan's recommendations difficult to read and interpret. Additionally, it was felt that the draft Plan lacks a strong Executive Summary and Conclusion.
- There was some desire to slow down the adoption process and establish a multi-disciplinary working group including stakeholders from the South End to make revisions to the draft Plan and bring it to completion.
- Concerns were expressed that the Plan is not a reflection of public input, but rather a statement of the City's agenda. In particular, the public process demonstrated that the opinions of the community vary widely on important elements, such as housing and the Champlain Parkway, but the policy recommendations in the

The programs and services of the City of Burlington are accessible to people with disabilities. For accessibility information call 865-7188 (for TTY users 865-7142).

draft Plan do not necessarily reflect the degree to which these opinions vary. Others, however, note that the Plan has done a good job of balancing the polarized opinions regarding the future of the South End.

- Some felt that the Plan needs bigger goals and smaller first steps. In particular, concerns were shared that the Plan does not seem visionary enough when considering climate resiliency, green infrastructure, alternative transportation, and community health in the 21st Century. Suggestions were shared that a model like Energy 2030 Districts or Eco-Districts should be the focus of the future, rather than New Urbanist principles.
- Concerns were expressed regarding the intent and scientific validity of the artists' survey from Phase I, and comments were shared that statistics in the draft Plan do not accurately represent artists' demand/desire for housing and workspace in the South End.
- There were general comments about missing references throughout the Plan to items such as artists' role in the industry sectors, public health, and Burlington Electric Department as an employer in the South End.

Economic Development

- Many comments were shared that the key to economic development in the South End is through the preservation of space exclusively for industry and the current zoning which protects this area.
- The draft Plan does not place enough recognition on the continued presence and significance of manufacturing/industry in the South End. In addition to resources to support the growth of the arts and maker industries, there should also be resources and tools available to support existing manufacturing jobs and ensure the South End's sustainability as a location for this industry. Additional research is needed on what "messy/noisy" jobs could be brought to the South End to replace businesses as they leave.
- Money should be allocated to assist with arts and entrepreneurship as a business growth opportunity, as well as to use as an incentive to attract/support industry.
- Some felt that a better job could be done with marketing and signage to promote the South End to tourists much like the activities downtown and on the waterfront.
- General support for the location of City Market in the South End, but a caution about any zoning changes that emphasize retail so that 1) the character of the district for industry is not jeopardized and 2) the area does not become an "entertainment district" with such unintended consequences on the surrounding residential areas as noise and parking.

Preservation of Arts & Affordability

- Concerns were expressed that the area is already becoming unaffordable and difficult to find space for arts and industry to grow, and that the market pressure introduced by allowing housing in the Enterprise Zone will drive out the presence of these uses. In fact, some felt that the recommendations to introduce housing in the Enterprise Zone directly contradicted the state goals/policies in this section of the Plan.
- Some shared the idea that perhaps the Enterprise Zone's regulations could be stricter.
- Some supported the Plan's recommendations for preserving affordability, such as the incentives to property owners to improve spaces without raising rents; others offered ideas for alternative ownership models, such as a Champlain Housing Trust model for arts space.
- A general comment was made that it needs to be recognized that needs for art space includes all forms of art- including performance spaces.

Mobility

- In general, there were mixed reactions to the Plan’s recommendations for vehicular and alternative transportation improvements, new street and bike path connections, and new parking resources in the South End.
- Opponents of the Champlain Parkway feel that the connection will increase traffic congestion on Pine Street and other streets throughout the South End. Many comments referred to the Parkway as “20th Century” transportation planning, and expressed frustration that the design of the Parkway was not open to discussion in the South End planning process. Furthermore, the comment was made that any references to the Parkway should indicate “proposed” rather than “future.”
- Supporters of the Champlain Parkway feel that the connection, while it might impose some challenges in the short term, could be a long-term solution to traffic congestion on Pine Street, and that if planned properly, bike, pedestrian and vehicular safety elements could become a critical benefit of the connection.
- Still others felt that the Champlain Parkway may not provide significant enough a benefit to justify the expense, but provided input on its design should it continue to move forward. These comments were primarily regarding bike and pedestrian facilities and neighborhood street connections.
- There was generally support for recommendations that will make the Pine Street corridor more like the “complete street” proposed for North Avenue and that will promote traffic calming throughout the South End. Some comments suggested that the Plan should do more to emphasize transportation improvements not related to single occupant vehicles (SOV) and advocated for improved bicycle facilities along the length of Pine Street.
- Opponents of new parking facilities in the South End cited these facilities as encouraging SOV use and not being forward thinking for the future of transportation. Additionally, some felt that the Plan should give more consideration to shared parking lots rather than new parking structures and that parking structures shouldn’t be built on valuable lots in the South End. Supporters felt that this could help attract businesses in the South End, and that the garages could utilize solar power to provide electric car charging stations.
- Many comments were shared about improving the access to and frequency of transit in the South End. Several ideas were shared about a South End shuttle to connect the furthest extents of the South End to downtown and the waterfront. This was also tied to suggestions about a Park & Ride station either on a lot in the South End or on the improved area that is intended to become the Champlain Parkway.
- Some felt that elements of mobility were missing or underrepresented in the Plan, such as ADA improvements and access to transit for the elderly and disabled, and the future of the railyard and the potential to reestablish rail service to Montreal.

Public Open Spaces & Connections

- In general, comments supported the Plan’s recommendations for preservation of existing open spaces and locations of new ones, such as a new open space on the Barge Canal site and on part of the Blogett Factory site.
- Many users submitted comments about a community center, like the Miller Center, for the South End. This was especially desired by residents living in units operated by the Housing Authority, who felt that the community spaces and programs in their residential communities weren’t sufficient. Some comments mentioned that kids want a pool in a park in the South End.

- There were several comments submitted that the Plan should put more emphasis on sustainable/green infrastructure and demonstration projects in the South End.

Brownfields & a Superfund Site

- There were mixed reactions to the consideration of the Barge Canal site for anything other than an urban wild area. Opposition stated that the superfund site should not be disturbed for anything more intensive than a potential bike/pedestrian connection to the lake. Supporters felt that the site could be a key location for infill to achieve some of the Plan’s goals without taking industrial properties for redevelopment.
- One comment indicated that resources like the CSWD Drop-Off Center and Resource should be preserved somewhere in the South End, while things like the Flynn Ave mini-storage and the tank farm could be removed.

Managing Stormwater

- A comment was shared that the recent stormwater/streetscape elements in St. Albans could be used as a model for the South End.
- Comments reiterated concerns about the health of Lake Champlain due to stormwater runoff and incidents of flooding near the Pine Street/Lakeside Ave intersection.

Housing

- In general, reactions to housing in the South End and the Enterprise Zone were mixed. While there was recognition that the City needs more housing, reactions to the recommendations to selectively introduce some of this housing into the South End were wide-ranging. Regardless of whether or not comments supported or opposed housing in the Enterprise Zone, comments all referenced the need for affordable/workforce housing and housing for families and professionals in the “middle”—making too much to receive housing assistance, but not enough to afford market rate.
- Opponents agreed that there is a need for housing, but are specifically opposed to housing in the Enterprise Zone. These comments cite statistics about the small percent of the city’s land area to which this zoning applies, and expressed the concern that the introduction of housing will drive up the costs of land and space, pushing out industrial and arts uses. Furthermore, many comments questioned the actual demand for housing in the Enterprise Zone, stating that the results of the artists’ survey were misrepresented to make a case for housing, and that some employers stated housing was not a concern in their ability to recruit employees.
- Proponents note that a mix of uses is vital to a healthy neighborhood, that nearly all employers cite a lack of quality, affordable housing as an obstacle to attracting qualified employees and that housing where jobs are located can help support other Plan goals for economic development, alternative transportation and sustainable development. Some shared comments that instead of saying “no” to housing in the Enterprise Zone, there should be a careful, strategic discussion about sites that make sense for housing—such as near bus stops and bike routes.
- Other shared comments in the middle, that housing in the South End was a good thing outside of the Enterprise Zone, and supported recommendations for multi-family housing behind Champlain Elementary

and other infill sites outside the district. Some comments even suggested potential housing on underutilized sites along Shelburne Road and in South Burlington.

- Some comments were shared that it seems the City is focusing too much on “big development” and that an analysis of sites currently zoned for residential use with the capacity to be redeveloped should be completed, prior to entertaining any changes to the Enterprise Zone.

Reinforced Arts Hub: Maple Street to Locust Street

- Several comments regarding the use of the Barge Canal were shared—primarily regarding leaving the site untouched.
- A comment cautioned against infill development just for the sake of development without first knowing what uses will be accommodated.
- A comment was shared that some of the new street connections didn’t seem to be a good resource, and stated that part of the appeal of the South End is exploring it on foot and by bike.

Maker’hood Center: Locust Street to Sears Lane

- Comments acknowledged that many of the uses allowed in the Enterprise Zone today aren’t allowed elsewhere in the City, so the preservation of that area is important. Instead of encouraging higher end uses, the focus should be on helping the traditional industries in the area thrive/regenerate.
- There was some support for the use of parking lots as locations for new buildings or parks, but there was concern that it would be too expensive to be feasible.
- Some supported recommendations for sidewalks on Sears Lane and the proposed emergency connection into the Lakeside neighborhood. Others shared support for City Market opening a new location in this area.

Eclectic Ecosystem: Sears Lane to Home Avenue

- If the Parkway gets built, need to make sure that a connection to the lake is maintained.
- Should add a crosswalk at the intersection of Home Ave & Wells St.

R&D- Room to Grow: Home Ave to Queen City Park Road

- Concerns were shared that if the Parkway is going to be designed as more of a neighborhood street, with lower design speeds, then a cul-de-sac at the end of Pine Street doesn’t make sense. It was suggested that a traffic light could be included, potentially as a traffic calming strategy.
- There was some opposition to locating a parking structure on the last unused plot of land on Industrial Parkway.
- A comment was made that there should be a reference to Red Rocks Park, even though it is located in South Burlington.

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 Montroll
Jennifer Wallace-Brodeur
Vacant, Youth Member*



Burlington Planning Commission Minutes

Tuesday, November 10, 2015 - 6:30 pm,

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

Absent: B Baker

Staff: D. White, M. Tuttle, S. Gustin, E. Tillotson

I. Public Forum

Y Bradley: Opened the public forum, 6:30 pm.

Charles Simpson: Mr. Simpson discussed his analysis of the SoHo experience. He explained that industrial space was undervalued and both the landlords and the city exploited the living arrangements. The artists living there created a ground movement for a certification system whereby the artists would be obligated to go to a board and give bona fides. The artists became displaced as the area built up and the artists/owners aged; SoHo became an artist community in eyes of realtors. In the long term, this arrangement didn't work even with legalization and artists' certification. He suggests it will be same in Burlington, it won't work.

Max Tracy, Ward 2 City Councilor: Mr. Tracy was present to reaffirm the City Council vote not to include housing in the Enterprise Zone in planBTV South End. He noted that the process has been fraught with conflict but expressed value in the process which has identified concepts which recognize the uniqueness of the South End. He respects the Planning Commission process and thanks everybody for listening.

Mr. Boss, resident of Ward 5: Mr. Boss reiterated the statements by Mr. Simpson and Mr. Tracy. He stated that the people have spoken, they've said "no," and the Planning Commission can't ignore it. He also expressed concern about environmental impact in the South End and he doesn't believe the Mayor is thinking about the public good.

Ibnar Avilix: Mr. Avilix suggested that it would be good to work with housing proponents to explore options. He stated that it may work, but still felt that we should keep housing out of the Enterprise Zone. He felt this conversation should occur as part of a bigger public forum, not in Room 12. Mr. Avilix shared a facetious analogy to build housing above citizenry hall (City Hall) for all of the Councilors and staff to live in because work/live housing is attractive. He asked that these conversations be separated.

Public Forum closed at 6:42 pm.

II. Report of the Chair:

Y Bradley: Mr. Bradley acknowledged the number of emails circulating in response to the housing proposal shared by several Commissioners. He stated that he hopes the message to people who are here to speak is that the Commission is paying attention.

III. Report of the Director:

D White: Mr. White had nothing new to report.

IV. Agenda:

Stands as presented.

As approved by the Burlington Planning Commission on November 24, 2015.

V. Proposed CDO Amendment: Low Impact Design

Scott Gustin, Senior Planner, presented the Ordinance Committee's recommended change to the Low Impact Development (LID) ordinance. Mr. Gustin indicated that the ordinance has been a long time coming, and resulted in a single provision which allows a 10% coverage bonus when a property owner includes pervious paving on site. The ordinance committee expanded this from residential zones to all zones in the City.

H Roen: 10% of lot coverage?

S Gustin: It is similar to an allowance in residential for open amenities.

A Montroll: Believes the proposal is well intentioned but doesn't work at all. It is significantly different than the Ordinance Committee recommendation which included the RL and RM zones. It would increase the coverage up to an additional 10%. The Ordinance Committee intended to include pervious pavement within the amenities list. Now there will be an extra 10% option in RL and RM.

S Gustin: That is not the intention, the proposal is not meant to be cumulative.

A Montroll: Doesn't believe the language is clear on this, doesn't believe it translates well to other districts. There is the potential that RH could get up to 100% coverage with this language. The RCO zone wanted 5% coverage, which would become 15%. Part of the goal is to incorporate better stormwater management and it doesn't seem to do that. It doesn't require existing impervious material removal. Last thing, giving zoning rights of approval to the Stormwater Administrator doesn't seem appropriate. The proposal is well intentioned, but there are problems with the current form.

S Gustin: The intent is not to be cumulative, and this can easily be corrected. RCO at 5% coverage is a parks amendment which was modified a few years ago and did increase the coverage limits based on their request. The language and options are easily remedied.

Y Bradley: Suggests some tweaks to the amendment.

S Gustin: The amendment is an incentive to create and encourage pervious areas city-wide.

L Buffinton: In RL and RM or more zones?

A Montroll: City wide doesn't work in RH or the city parks.

E Lee: Agrees with A Montroll, she likes to see greenery.

Y Bradley: RL and RM was what the committee wanted originally. Staff should make the revisions to reflect this, and bring it back to the Commission to review.

VI. Proposed CDO Amendment: Off Site Parking

S Gustin: The Ordinance Committee did not come to consensus on this proposal and decided to move it to the Planning Commission for feedback. The existing ordinance has an allowance for off-site parking. The purpose of the proposal is to create more efficient shared parking standards. Presently off-site parking must be in parking lots which are restricted to ELM and Downtown zoning districts. Residential zoning districts are where this would be the most applicable. Section 8.1.12 opens the door to residential uses; Section 8.1.9 provides maximum parking provisions.

A Montroll: The Ordinance Committee was not able to come to consensus. Sharing of parking in residential zones, what does and does not get counted?

S Gustin: For example, a single family home requires two parking spaces; if a property has the capacity for other parking, it can be provided, but the applying property, which needs additional spaces, can only have 125% of required parking between on-site and off-site parking resources.

H Roen: Is proximity to property addressed?

As approved by the Burlington Planning Commission on November 24, 2015.

S Gustin: Existing ordinance language addresses that.

A Montroll: If there is no requirement, nothing easily stops other people from parking in a lot.

L Buffinton: These are different issues, addressing within 600 feet. If lot coverage is available, it is a win/win situation. Perhaps simplify some of the language in 8.1.12.

S Gustin: It is restricted to properties contained within the same zone and with same type of use.

A Montroll: The committee needs guidance.

J Wallace-Brodeur: What is the maximum parking limit of people being served? There is a need to have a limit on additional space.

E Lee: It seems that the ordinance should require screening for parking areas.

J Wallace-Brodeur: Suggests that we keep working on the proposal and is ok with aesthetics suggestion. This is worth working on.

E Lee: Suggests that in order to employ this amendment, any additional parking has to be up to current guidelines, no grandfathering.

Y Bradley: There are two ways to look at this: unscrupulous landlords will collude to use parking, but there will also be good intentioned participants. How to incentivize, not penalize, is the question since we do want to incentivize.

A Montroll: Asked for updated suggestions for the Ordinance Committee. All Commissioners agreed.

VII. Proposed CDO Amendment: City Market , South End

Y Bradley: A Montroll will chair this item, as Mr. Bradley has a declared conflict of interest.

A Montroll: Might we have staff recommendations?

D White: Staff suggestion provided in a memo in the agenda. The suggestion is that groceries larger than 10,000 sq.ft. up to a maximum number, such as 30,000 sq.ft. be allowed in a portion of the Enterprise Zone.

J Tashiro, City Market General Manager: Mr. Tashiro addressed the Commission with several questions. First, the intent of City Market is to have a 25,000 sq.ft. ground floor footprint, with a mezzanine level. Would the size limitation of 30,000 sq.ft. allow for this level? Does the ordinance committee believe that this could be approved by their December 3rd meeting? City Market has a tight timeline. City Market staff offers help in any way needed; the project is making good progress.

J Wallace-Brodeur: Can we do this by December 8th?

A Montroll: Yes, we can warn this.

D White: The ordinance change is quite simple; it is just a change in the use table.

A Montroll: Are we creating a new definition of medium grocery by this change?

D White: It can be done with just with a footnote.

L Buffinton: Is concerned with the content, but supportive of City Market. If this is specifically between Flynn and Home Avenues, is this spot zoning? Is this logical?

D White: There are areas where it does and doesn't make sense, and this should be part of the conversation during planBTV South End plan regarding the character of the area and what works in various locations.

L Buffinton: This seems very doable, suggests the draft language be ready for the next meeting.

D White: It can be ready at the next available meeting.

A Montroll: Is that a motion?

As approved by the Burlington Planning Commission on November 24, 2015.

I Avilix: Looking forward to City Market in this location; however, also like the antique shop and other funky shops which are already present. It appears that the grocery store takes over these with existing businesses that contribute to the character of the South End. Look at the possibility of setting the new building behind existing buildings to maintain them. Mixed use needs to be in the conversation.

A Montroll: The design review process will still happen; the ordinance change does not automatically give the go ahead.

I Avilix: Changing the zoning will make removal of the existing businesses possible.

J Tashiro: City Market is working with existing tenants to solve the problem, retain the culture.

A Radcliff: Why wasn't the large size grocery store allowed in the current zoning?

D White: It was an attempt to balance different uses.

A Radcliff: Wasn't there something about manufacturing that precluded larger groceries?

D White: A previous interested grocery store had on-site food production but not raw manufacturing; it was basically retail, which didn't meet the ordinance requirements.

A motion was made by A Montroll to approve this amendment and forward it to City Council for public hearing, with a second by L Buffinton. Y Bradley abstained, all others approved.

PlanBTV South End Master Plan

Y Bradley: Housing is the element the Planning Commission needs to discuss. An artist in residence program proposal has been distributed by J Wallace-Brodeur, L Buffinton and E Lee.

J Wallace-Brodeur: Looking at the broader plan, affordability in the artist district is the issue. The Commission has a limited number of tools to work with to preserve or protect that possibility. Understand the politics and recognize that it is a hot button issue, but it is important that the Planning Commission acts as an independent entity and examines the big picture. It seems short-sighted to totally take housing out of the tool box. The tool can be used to preserve what is working and what people like about the district. Everything we like about the South End is on private property, so the housing piece is one of the few tools that the Commission has to work with.

L Buffinton: Support the arts community and see the economic pressures; very worried about permanently affordable artist housing right now. If handled very precisely, as was the Rose Street Artist Coop in the Old North End, and managed very tightly by Champlain Housing Trust, it can be successful. Want to allow the opportunity of housing for artists who fit the income criteria. The Rose Street Coop is very successful and some people are looking at expanding on Pine Street. This type of arrangement has been successful around the country. It responds to the pent up demand and it has a very limited focus, with a very narrow group which would be eligible. Disclosed her employment in affordable housing.

E Lee: Finds it interesting that all support City Market, which is buying an older building to develop space and believes this will continue to happen. Right now if privately held buildings were sold, there is no way to hold them as affordable. The proposal will allow permanent art spaces. There are examples of this all over the country. Peoples' concerns are real, but we owe it to the commenters to hear their voices and ask that they come to the table so we can discuss this. Our only agenda is to support the arts in the Enterprise Zone. Maybe a very specific tool could be devised to address these issues of permanence and affordability.

L Buffinton: Permanently affordable properties would be one of the tools.

Mr. Boss: Cooperatives are the way to go.

L Buffinton: The Rose Street Coop has very strict requirements. The property has to be permanently affordable

E Lee: Would like to refer this issue to the Long Range Planning Committee.

As approved by the Burlington Planning Commission on November 24, 2015.

Y Bradley: Let's have discussion among the Commissioners.

H Roen: I don't support this, but I appreciate the effort. I did agree with this concept early on, but we can't be tone deaf to the community.

A Montroll: Is happy to have this go to the LRPC. It should be separate from the planBTV South End discussion. We appreciate the desire to protect the artist studios, which is the goal for all of us. Housing will be a distraction in the South End plan, but should be pursued separately. Not in support housing in the Enterprise Zone, but perhaps other areas of South End. The time is not now.

Y Bradley: Agrees that the Commission has heard very loudly and clearly that housing discussion is not desirable now. Housing in the Enterprise Zone versus the remainder of the South End can be a conversation in the future. We presently have different positions among the Commission, but it should be discussed.

L Buffinton: The issue is dead for now, but it is important to be open-minded to look at the future. Current inclusionary zoning is not enough to help the artists. Worried that there will be increased housing pressures in this area.

E Lee: There already is a lot of pressure, and don't know of any other tools to support the artists.

H Roen: One tool is not to allow housing in the Enterprise Zone.

E Lee: The artists' spaces are in jeopardy.

Resident: Are we talking new buildings or repurposed buildings? Repurposing could work.

A Radcliff: Appreciate the consideration, but presently the focus of discussion is on studio space. It doesn't make sense that the Enterprise District is so small, and other residential zones are close. Heard stories about the Rose Street Coop from the early occupants that they didn't like living where they are working and eventually wanted to live somewhere else. The live/work situation is not that desirable to artists, not necessarily a good fit. Research shows that live/work spaces tend to revert to just living space. It could be helpful to dig back to find the early thinking about the zoning restrictions which exist in the Enterprise Zone.

Simpson: The Commission should keep their eye on the ball, which is affordable incubator space. Housing seems to be only a funding mechanism.

A Radcliff: Are historic credits available for repurposing buildings?

D White: Yes but the property needs to be income producing to qualify.

A Radcliff: One basic way to deal with the affordability issue is to find a large available space and someone to manage the space and rent it out to artists. Small spaces are most needed by artists.

Y Bradley: One way to preserve those artist's spaces is making connections with the owners of older buildings, to suggest that the artists would like the opportunity to purchase if a property became available. The sale of any of those industrial spaces on Pine Street would be a huge impact on the area. It is good that other artists have come together to look at the possibilities.

I Avilix: 339 Pine Street is owned by the City.

J Wallace-Brodeur: Yes, but a lot of the remainder is private. Housing is the only tool we seem to have when dealing with private properties. We are trying to accomplish a lot in the South End plan. If housing is not supported, we will not keep beating a dead horse, but we do need to continue to look at all possibilities.

L Buffinton: The first little bit of housing that we need to wrap up that approach is consideration of housing on the periphery of Enterprise Zone.

A Radcliff: Maybe stories could be added to existing residential buildings, like Jackson Terrace.

Y Bradley: The current Innovation Center building added a fourth floor in 1920s.

As approved by the Burlington Planning Commission on November 24, 2015.

D White: The issue with some of the buildings on the periphery is that the zoning does not permit the density at which those buildings were originally constructed, so expansion isn't possible without a zoning change.

Y Bradley: There seems to be consensus that we do not move forward with the artist in residence program, but that we continue the housing conversation in the future.

A Radcliff: It is important to reinforce that what kind of housing, what level of affordable housing is needed. If we know what we need, we should only be building that.

Y Bradley: Right now it's extraordinarily difficult to make a housing project work in Burlington due to the cost associated with the process and land, and the inclusionary requirement makes it almost impossible. Some housing non-profits have access to funds to do affordable development that private developers do not.

D White: It's necessary to have to have housing across the spectrum. We are not creating enough market rate housing to provide inclusionary housing.

Y Bradley: It is very hard to make it work. Inclusionary housing provision, while well-intentioned, has not worked very well. Do those members of the public in attendance feel as if you have been heard?

Public Response: Yes.

VIII. 2016 Meeting Calendar

D White: Presented the proposed meeting schedule for 2016. Needs Commission approval.

A motion was made by J Wallace-Brodeur to approve and seconded by L Buffinton. All in favor.

IX. Committee Reports:

Ordinance Committee – The meeting was attended by a packed house. The Fletcher Place rezoning was discussed as were potential changes in the Institutional Zone where it is necessary to look at the big picture. The Burlington Town Center committee meeting is Thursday.

LRPC – Will meet soon.

Executive Committee – No report.

Joint FBC (form based code) Committee – Has been meeting routinely and hope to have their work done in December.

X. Commissioner Items

H Roen: Attended the Parks Commission meeting where plans for Oakledge Park were discussed. He was impressed with the proposed potential changes/improvements to address the ecology of the Park.

XI. Minutes/Communications

On a motion by J Wallace-Brodeur, seconded by L Buffinton, the Commission unanimously moved to accept the minutes with one correction.

Correction: remove the statement by L Buffinton at the top of page 4.

Adjourn

A motion was made by Y Bradley and seconded by E Lee to adjourn the meeting at 8.32pm; the vote was unanimous.

As approved by the Burlington Planning Commission on November 24, 2015.

Y Bradley, Chair

Date

E Tillotson, recording secretary