

Burlington Planning Commission

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Holly Ransom, Youth Member*



Burlington Planning Commission

REGULAR MEETING

Tuesday, April 28, 2015 - 6:30 P.M.

Conference Room #12, Ground Floor, City Hall, 149 Church Street

MINUTES

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

I. Agenda

Discussion on parking meeting added to the end of the agenda.

II. Public Forum

Mark Furnari & Matt Huber (property owners on Riverside Avenue) - In 2007 their properties along with others along Riverside Avenue were rezoned to Neighborhood Commercial. The topography on the lower part along the river is not that abrupt and could be redeveloped. The rezoning took away development value back then and councilors ask them to come back. Burlington Housing authority asked them to build housing but the zoning stops at 75 feet from the roadway.

L. Buffinton – The land is very steep down to the river.

M. Furnari – There is an easement for the Winooski Valley Park District. Some of the properties are not that steep and you can easily walk down the hill. There could have built 20+ housing units before the rezoning occurred in 2007.

Y. Bradley – Staff should pursue looking into this change in zoning to allow for more density and use of the slope.

III. Report of the Chair – Yves Bradley

His schedule is becoming more and more difficult on Tuesday nights and he might have to step down as chair.

IV. Report of the Director – David White

The Director provided the following report:

- City staff visited Somerville, MA to see Artisan Asylum, a maker space there and talk with planning staff about their Form-Based Code.
- D. White and S. Thibault were in Seattle at the National American Planning Association (APA) Conference last week. It was a great conference!
- planBTV South End plan is being drafted now by the consultants and a DRAFT plan release party is scheduled for Tuesday, June 16th.

V. Proposed Amendment

S. Gustin – Allow performing arts center in the Enterprise Zone. Arts Riot started as performing arts studio and café. Staff worked with CEDO and city councilors to find a better situation for them. Arts Riot is well received in the area so should be allowed. The Council started the amendment process and now wants comments from the planning commission on the amendment.

E. Lee – Sounds great!

L. Buffinton – Where does the zone end? Just before Flynn.

A. Montroll – 50% of the entire establishment sounds a bit loose. Should be more exact to make sure no issues come up.

VI. Public Hearings

The Commission will hold public hearings for the following two proposed zoning amendments:

ZA-15-05 – Appendix A – Use Table Amendments

Part A

S. Gustin – Added a footnote

On a motion by A. Montroll, seconded by L. Buffinton, the Commission unanimously approves ZA-15-05 Part A and sends to City Council for adoption.

Part B

N. Warner – Ethan Allen Homestead, been using classrooms for classes and would like to formalize one of them for a daycare/pre-school. Slightly more intense use of the space with 10 kids.

S. Gustin – Open the door to small daycare, limited to 50% of the Gross Floor Area or less of the space. In use table, replace N with CU, not there yet.

On a motion by A. Montroll, seconded by J. Wallace-Brodeur, the Commission unanimously approves ZA-15-05 Part B and sends to City Council for adoption, with corrections.

ZA-15-07 – Community Gardens Impact Fee Incentive & Off-Site Improvements Impact Fee Inclusion

S. Gustin – The Urban Agriculture amendment originally had a bonus clause but City Council was not ready to approve at the time. The proposed amendment allows for garden space provision to provide a break on parks impact fees.

L. Buffinton – What happens after two years?

S. Gustin - This warranty is similar to other warranty that we ask for other infrastructure, like road. After the two years, the gardens can be operated by Parks or operated privately, just like park would operate.

E. Lee – Would the property owner be required to bond for the warranty, like for a road.

S. Gustin – Not going that far here.

E. Lee – Could the fee be reimbursed after the two years once the owner has done the first two years properly? It's a lot easier to uphold people to do the right thing and then reimburse them after wards.

L. Buffinton – Double hit and would disincentivize people from doing that if they have to pay impact fees and pay for construction of the gardens too.

D. White – And keeping track of the money would be difficult.

A. Montroll – Are they able to charge for use of the gardens?

S. Gustin – The City charges now.

A. Montroll – Who decides how much they would be allowed to charge? Is this creating a commercial enterprise in someone's backyard?

D. White – Community gardens are used for people growing their own food.

L. Buffinton – The first two years, the property owners collect the fee and keep it? And what about liability?

D. White – If you don't want to you don't have to charge a fee. If done under Parks program, then it's covered under that program for liability.

A. Montroll – These questions are important to keep in mind so that the program works.

On a motion by H. Roen, seconded by E. Lee, the Commission unanimously approves ZA-15-07 and sends to City Council for adoption, as amended and with caveat to check into the liability/insurance issue raised.

VII. Form-Based Code and Major Impact Discussion

D. White – In the Form-Based Code discussion we are soon moving into a discussion about when project reviewed by-right or not. We often think about this as major impact projects. At what point does a project get so large and complex that it required a more subjective review? The FBC committee has talked about building height, if taller than the lower limit, and then another review process should apply. Is that additional review happening because of height, or mass, or something else? During past discussions about major impact, we talked about having no major impact downtown but not sure that will fly politically. The review process can be whatever we want it to be with the FBC. The pre-application phase could also be where there is a higher level of review, perhaps by the DAB.

A. Montroll – Within the FBC, projects would all be approved administratively.

E. Lee – There were so many cooks in the kitchen for the Eagles Club and it looked terrible for a while. If the massing had been more in control from the beginning then perhaps the building would have been better in the first place.

J. Wallace-Brodeur – A lot of the upfront thinking of what the building will look like is in the code. We are pre-defining some important elements that we want for sure. What are we trying to do with the FBC? What is the ultimate goal? As we add more review, then we might not have a better process that we are trying to achieve and we are adding subjectivity back in the process.

L. Buffinton – As you look at the form-based code, do you use height limits now as a given?

D. White – A lot of the standards are coming out of the current zoning. Today we allow buildings to go to a certain height, but for additional height, now its bonuses.

L. Buffinton – The DRB often get into the design.

D. White – There is an opportunity to have a pre-application review with the DAB and the public.

E. Lee – DAB, what role do you see them play under the code? Do they have value now?

D. White – If the makeup of the committee is good, then it can have great value. In a strict FBC process, DAB wouldn't have much of a role unless much flexibility is required.

A. Montroll – Don't know what the threshold is but should involve the community to an extent. Could work well with pre-application with DAB. We don't want to drag the process but not miss the opportunity of input either. We should keep opportunity for input in the process.

J. Wallace-Brodeur – Major impact threshold needs to change for downtown.

D. White – Will bring back major impact amendment to the commission at a meeting soon.

E. Lee – Better understand how major impact works now and how the review process works now too.

VIII. Parking Discussion

A. Montroll – Asked to discuss the parking forum. In downtown if there is more parking available in the core of the downtown, would be great to know where people park. Residential parking – scattered solutions were presented without figuring out what the goals are and define the problem. Be clearer with city policy and goals for this program.

J. Wallace-Brodeur – Most of the people there were from further out and closer to the campuses.

D. White – Do we need to find a way to bring one or both projects to a meeting and talk about larger goals?

J. Wallace-Brodeur – That would be very important.

A. Montroll – What are the criteria to get a residential permit on a street?

E. Lee – Talked about showing the use.

IX. Committee Reports

Burlington Town Center Committee – Public meeting on May 5th 6pm in Contois, for concepts development. There is also a website with everything on there.

X. Commissioner Items

None

XI. Minutes/Communications

On a motion by J. Wallace-Brodeur, seconded by H. Roen, the Commission unanimously approves minutes, as amended.

XII. Adjourn

On a motion by A. Montroll, seconded by E. Lee, the Commission unanimously adjourned the meeting at 8:32pm.



Yves Bradley, Chair



Sandrine Thibault, Recording Secretary