

Burlington Planning Commission

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



Burlington Planning Commission Minutes

Regular Meeting

Tuesday, April 12, 2016 - 7:00-8:30 P.M.

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

Present: B Baker, L Buffinton, E Lee, A Montroll, H Roen
Absent: Y Bradley, J Wallace-Brodeur
Staff Present: S Gustin, E Tillotson, M Tuttle, D White

I. Public Forum

B Baker opened the public hearing at 7:00 p.m. Public comments regarding the proposed rezoning of Fletcher Place and changes to the Institutional Zone were deferred until those agenda items. The hearing was closed at 7:01 p.m.

II. Report of the Chair

The Chair was absent, no report.

III. Report of the Director

D White: Have been working on a next draft of the Form Based Code, which will be prepared for public outreach. Council discussed Burlington Town Center in its fourth Executive Session. Tonight will discuss what an amendment might look like. On track or a little ahead of number of permits normal for this time of year.

M Tuttle: M Tuttle, P Owens, J Shannon, C Spencer, and Richard Dean, BBA traveled to Ithaca, NY. P Owens presented at a town/gown conference and it was a great opportunity to also study community development and parking issues in a city somewhat similar to Burlington. Thursday night meeting to discuss regional rail study, and Regional Planning Commission Bike/Ped plan is available online and comments are due by April 29.

IV. Agenda

B. Baker: Due to time constraints, 15 year statute of limitations deferred to next meeting.

J Rippa: Made special arrangements to be here because it was supposed to be the last discussion.

D White: Will be at least one more meeting, and then a meeting to hold a public hearing.

M Tuttle: Will follow up with the chair, and Joel to confirm date of next discussion.

V. Proposed CDO Amendment-Fletcher Place Rezoning

R Butani, 31 Fletcher Place: Read prepared statement included in communications to Planning Commission.

L Ravin, UVM Campus Planning Services: Read prepared statement included in communications to Planning Commission.

E lee: What is current use of 50 Fletcher Place?

L Ravin: It is rented as a residence.

B Baker: Scott Gustin can provide us with background in his presentation.

S Bushor, City Councilor, Ward 1: The agreement between the City and the hospital reflect concerns in this situation—keeping the institutions in a core, with a transitional zone to respect surrounding neighborhoods. There are streets similar to Fletcher Place zoned Residential; this one got missed in the last rewrite. Glad that the Planning Commission and staff looked at all of the information and provided a thoughtful recommendation. 50 Fletcher Place was always used as residential. Want to preserve little neighborhoods around institutions. Colchester Ave traffic is already a nightmare, so this is not a location to begin introducing non-residential uses into the Institutional Zone.

Bill Hickok, 26 Fletcher Place: Concerned about two proposals around Fletcher Place planned under Institutional Zoning, but not for institutional entities. Fletcher place is a neighborhood with kids and families, and an energy that can be observed on day-to-day basis. Leaving the Institutional Zoning in place will allow more student housing developments and behavior on a truly residential street. In favor of residential zoning.

M Lang: Referred to a communication shared with the Planning Commission. Fletcher Place has changed, with lots of issues with crime and threats to myself and tenants. Have done a great job trying to find a happy medium, residential medium is a good solution.

F von Turkovich: Handed out a map of properties on Fletcher Place and Colchester Avenue. Be careful with this issue. Zoning changes create disturbances for people who buy property and count on decisions the City made a long time ago. Question what the problem is that this zoning change is trying to address. Map shows all of the buildings in this area that are not owner-occupied, only five that are owner-occupied. Unlike other streets around UVM zoned residential, Fletcher Place changed a long time ago and many properties make sense to be used as rental housing. Not fair to community to think that by rezoning, we will bring this back to a state that existed decades ago. Will need to consider the change to understand the impact on a project that has already been proposed, and whether or not it's an intentional effort to impede the project, and if it is setting a bad precedent for the community. Urge the Commission not to accept the change.

E Lee: To clarify, density is 20 units per acre, and 40% lot coverage in both the Residential Medium and Institutional Zone.

S Gustin: Packet contains two proposals. Proposal to rezone Fletcher Place has been in the works since it was re-initiated in 2014. Ordinance Committee felt it had merit, and with additional staff analysis found that Residential Medium fits present use, avoids non-conformities, and perpetuates the character of properties on the street.

E Lee: While the density and lot coverage are same for Residential Medium and Institutional, main difference is that four-unrelated ordinance only applies to residential zones. This neighborhood is not dead.

L Buffinton: What is the rule around coverage mentioned by Lani and the Trinity Campus property?

L Ravi: Want to keep 50 Fletcher Place Institutional to allow it to be used for overall campus lot coverage.

D White: Only properties in the Core Campus Overlay can calculate lot coverage collectively, so that is not an issue here.

A Montroll: What is downside to allowing 50 Fletcher Place to remain Institutional.

S Gustin: Property is presently residential use. The change would permit either single family or duplex. If left Institutional, could be used for any use in that district.

E Lee: Under Institutional Zoning, could be rented to 20 students. How was it zoned previously?

S Gustin: It has always been zoned Institutional.

E Lee: Property should be residential because that is compatible with the neighborhood.

H Roen: Does ownership have any impact on the use of the property?

D White: Ownership is irrelevant.

S Gustin: Next step would be to initiate a map change, because this does not impact the text.

F von Turkovich: Still have a few questions about setbacks, etc. 27 Fletcher Place was purchased for development potential. Maybe will agree that it should be R-M, but need to understand proposal better.

The Planning Commission unanimously approved a motion by A Montroll, seconded by L Buffinton, for staff to develop a map of the proposed rezoning of Fletcher Place to Residential Medium for the Commission to evaluate, along with a chart to compare Institutional and Residential Medium setbacks and permitted uses.

VI. Proposed CDO Amendment – Institutional Zone Use & Height

S Gustin: This amendment was initiated by F von Turkovich. Request to increase height in Institutional zone to 45 feet, and consider additional permitted uses. Ordinance Committee dismissed bars as a permitted use. Staff felt the height increase is not warranted, and when considering the uses, felt that it should apply along major streets. Staff didn't feel that convenience stores, larger restaurants and general offices are consistent with the Institutional Zone. Zone already permits cafes smaller than 2,000 sq.ft., so bakeries make sense with the same limitation.

A Montroll: So the only thing recommended for Commission to consider is the addition of bakeries in the Institutional Zone?

L Buffinton: Seems reasonable.

M Tuttle: To clarify, recommendation is for bakeries smaller than 2,000 sq.ft. and as a conditional use.

The Commission unanimously approved a motion by E Lee, seconded by A Montroll, to prepare an amendment to the use table to permit bakeries under 2,000 sq.ft. as a Conditional Use in the Institutional Zone for the Commission to review.

VII. Proposed CDO Amendment – Downtown Mixed Use Core Overlay

D White: Begin to introduce potential changes to zoning that will be articulated in the pre-development agreement for Burlington Town Center. Council will ultimately approve an outline of the amendment, and the Commission will fill in blanks. Provided a presentation of elements that may be included in a Downtown Mixed Use Core Overlay.

A Montroll: Form Based Code committee thought this area should become an overlay allowing taller buildings, but decided to allow the Planning Commission process to decide the height limit.

D White: Intentional decision not to allow really tall buildings to get too close to Church Street.

L Buffinton: Appropriate to be consistent with the current heights of Church Street.

D White: Form Based Code will probably not be adopted before this amendment, so many of the elements that are articulated in that draft code will be included in this overlay. Will also include a change to the City's Official Map to show streets at St. Paul and Pine Street, and a requirement to include project parking in a downtown parking program.

H Roen: If official map shows City Street, but the area is not improved that way, how do we keep people from driving on it.

D White: City must take action to acquire it, improve it and then it becomes an active street.

M Tuttle: Official map shows the City's intent to establish a street; it will be shown on the map as a proposed street, not an actual street.

A Montroll: There is no way for the project to include underground parking because of how prohibitive the development costs are?

M Tuttle: Heard a range of \$40,000-50,000 per parking space for underground parking, which did not include soil remediation/removal.

L Buffinton: Won't want to see parking garages from outside, need to be buffered in some way.

M Tuttle: City shares the concern, and have been discussing with the design team other examples of very well disguised parking structures.

L Buffinton: What about lighting?

D White: Form Based Code committee will recommend additional amendments that are more city-wide than the downtown form district. Lighting will be one of those. The overlay will also require a master sign plan. If City Council approves the predevelopment agreement, there will be a timeline articulated for Planning Commission to receive the proposed amendment within 10 days and make a recommendation.

VIII. Proposed CDO Amendment- 15 year statute of limitations

This item was removed from the agenda.

IX. Committee Reports

Long Range Planning Committee: H Roen reported that the Committee has a deadline for a next draft of June 30 due to some funding constraints noted by staff.

Form Based Code Joint Committee: A Montroll reported that the Committee has had about 40 meetings and the draft is almost complete. At this point, going to NPA's, and have a joint Planning Commission & City Council work session. Depending on public meetings it may come back to the committee to make additional changes. Then it will come to the Planning Commission. It is almost a complete document, and the Committee is quite satisfied, but want more public outreach. Overall, it is a really good document, and goal as chair as been to make decisions by consensus. Want the City Councilors on the Committee to be supportive.

L Buffinton: Thank you for all the hard work. In Shelburne, properties in the Form Districts can opt-in; is the Burlington code recommended to be op-in?

D White: No.

A Montroll: This is building off planBTV; it is not like current zoning and we want people to utilize it.

H Roen: Where can people get a printed copy? People won't read online.

M Tuttle: Not everyone will read even if it is online. Maybe best way is to provide a summary of the high points and make that available widely.

Minutes approved by the Planning Commission on April 26, 2016

A Montroll: First 15 or so pages lay out the ordinance.

Ordinance Committee: B Baker reported that the shared parking ordinance and minor changes to home daycares will come back to the Commission soon.

X. Commissioner Items

L Buffinton: Do a lot of environmental reviews and noticed that City's wastewater plan states that present capacity may limit city growth.

D White: Ultimately, depends on location and whether there is combined sewer. Particular challenges depend on each project and the ability to mitigate stormwater that is going into combined sewer. Due to stormwater improvements, Burlington Town Center will have no net impact on sewer.

L Buffinton: But there will be sanitary sewer impacts from the new units and commercial uses.

D White: Stormwater is the bigger issue.

H Roen: Would like a presentation on spot zoning, because this is an accusation that is made and don't have a good handle on what it is.

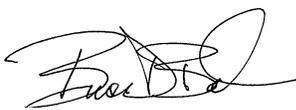
D White: We have a presentation that was prepared by K Sturtevant on this issue—will send it around.

XI. Minutes/Communications

The Commission unanimously approved a motion by A Montroll, seconded by L Buffinton, to approve the minutes of the March 22, 2016 meeting and accept communications.

XII. Adjourn

The Commission unanimously approved a motion by A Montroll, seconded by H Roen, to adjourn the meeting at 9:03 p.m.



B Baker, Vice Chair

Signed: May 4, 2016



E Tillotson, Recording Secretary