

Burlington Planning Commission

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Burlington Planning Commission

Regular Meeting

Tuesday, April 26, 2016 – 6:30-8:00 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-16-10: Waivers from Parking Requirements/Parking Management Plans- Public Hearing- Time Certain 7:00pm

The Commission will hold a public hearing on a proposed amendment to the CDO regarding waivers from parking. The propose amendment will allow the DRB to approve up to a 90% waiver of required parking for non-residential uses in all zoning districts, except for the adaptive reuse of a building and for retail uses in mixed use districts, which are both eligible for up to a 100% waiver. Information related to this proposed amendment is included on pages 3-6 of the agenda.

VI. Proposed CDO Amendment: 15 Year Statute of Limitations (30 min)

The Commission will discuss the proposed amendment regarding the 15 Year Statute of Limitations. Revised text for the proposed amendment will be provided in advance of the meeting.

VII. Proposed CDO Amendment- Off-Site Parking (15 min)

The Commission will discuss a proposed amendment to the CDO regarding off-site parking provisions. The purpose of the amendment is to clarify existing provisions for off-site parking, and to address the shared use of parking facilities after-hours and during weekends. Information related to this proposed amendment is included on pages 7-11 of the agenda.

VIII. Proposed CDO Amendment- Fletcher Place Rezoning (10 min)

The Commission will discuss a proposed map change to rezone properties along Fletcher Place from Institutional to Residential Medium Density (RM). A map showing parcels to which this change would apply is

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included in the agenda on page 12. An excerpt of Appendix A- Use Table has been provided on page 13-17 to compare permitted uses in the Institutional and Residential-Medium zones. Finally, an excerpt of the CDO regarding lot dimensions in each of these districts is provided on page 18-21.

IX. Proposed CDO Amendment- Bakeries in the Institutional Zone (5 min)

The Commission will discuss a proposed amendment to permit bakeries of up to 2,000 S.F as a conditional use in the Institutional Zoning district. An excerpt of Appendix A- Use Table has been provided on page 22 to show this change.

X. Committee Reports

XI. Commissioner Items

XII. Minutes/Communications

The Commission will review approve minutes from the April 12, 2016 meeting which are provided on pages 23-27 of the agenda packet.

XIII. Adjourn

Department of Planning and Zoning

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Anita Wade, Zoning Clerk
Elsie Tillotson, Department Secretary*



TO: Planning Commission
FROM: Scott Gustin
DATE: April 26, 2016
RE: Waivers from Parking Requirements/Parking Management Plans

At its March 22, 2016 meeting, the Planning Commission approved this zoning amendment for public hearing. The amendment revises the 50% limit for parking waivers under Sec. 8.1.15 of the CDO. Presently, the limit is 50% for almost all situations. Adaptive reuse of historic buildings and ground-floor retail uses may receive up to 100% parking waiver. As proposed, the waiver limit for non-residential uses would be increased to 90%. No changes to the parking management plan standards required for a parking waiver are proposed. An applicant must demonstrate to the satisfaction of the Development Review Board that actual parking demand will be a certain percentage of the standard parking requirement, whether it's 80%, 50%, or 20%.

This amendment would be broadly applicable but is being spurred by the YMCA's relocation to 298 College Street. The present site at 266 College Street is within the downtown transition zone and the concurrent downtown parking district. The existing facility is about 50,000 sf with 20 parking spaces (8 onsite and 12 offsite). The parking standard is 1 parking space per 1,000 sf (50 spaces total). While very close to its existing location, the new site is located in the high density residential zone and the related neighborhood parking district. The parking requirement jumps to 3 spaces per 1,000 sf. The proposed 100,000+ sf facility would require some 300 parking spaces. Actual and anticipated parking demand is nowhere near that number.

The amendment as proposed could provide a parking solution for the YMCA but also for other non-residential projects that can demonstrate parking demand of less than 50%. It steers away from additional complexity and case-specific provisions in the CDO and affords greater opportunity for businesses to provide parking in line with actual parking demands.

Proposed CDO language is below. New language is underlined red and deleted language is ~~crossed-out~~.

ARTICLE 8: PARKING

PART 1: GENERAL REQUIREMENTS

Sec. 8.1.1 – 8.1.14 as written.

Sec. 8.1.15 Waivers from Parking Requirements/ Parking Management Plans

The total number of parking spaces required pursuant to this Article may be reduced to the extent that the applicant can demonstrate that the proposed development can be adequately served by a more efficient approach that more effectively satisfies the intent of this Article and the goals of the municipal development plan to reduce dependence on the single-passenger automobile.

Any waiver granted for a residential use shall not exceed fifty percent (50%) of the required number of parking spaces except for the adaptive reuse of a historic building pursuant to Sec. 5.4.8 which may be waived by as much as one hundred percent (100%). Any waiver granted for a non-residential use may be ~~and ground floor retail uses in any Mixed Use district which may be waived by as much as one hundred~~ ninety percent (90%) except that a waiver for ground floor retail uses in any Mixed Use district may be as much as one hundred percent (100%). Waivers shall only be granted by the DRB, or by the administrative officer pursuant to the provisions of Sec. 3.2.7 (a)7.

In order to be considered for a waiver, the applicant shall submit a Parking Management Plan that specifies why the parking requirements of Sec. 8.1.8 are not applicable or appropriate for the proposed development, and proposes an alternative that more effectively meets the intent of this Article. A Parking Management Plan shall include, but not be limited to:

- (a) A calculation of the parking spaces required pursuant to Table 8.1.8-1.
- (b) A narrative that outlines how the proposed parking management plan addresses the specific needs of the proposed development, and more effectively satisfies the intent of this Article and the goals of the Municipal Development Plan.
- (c) An analysis of the anticipated parking demand for the proposed development. Such an analysis shall include, but is not limited to:
 1. Information specifying the proposed number of employees, customers, visitors, clients, shifts, and deliveries;
 2. Anticipated parking demand by time of day and/or demand by use;
 3. Anticipated parking utilizing shared spaces or dual use based on a shared parking analysis utilizing current industry publications;
 4. Availability and frequency of public transit service within a distance of 800-feet.
 5. A reduction in vehicle ownership in connection with housing occupancy, ownership, or type; and,
 6. Any other information established by the administrative officer as may be necessary to understand the current and project parking demand.
- (d) Such a plan shall identify strategies that the applicant will use to reduce or manage the demand for parking into the future which may include but are not limited to:
 1. A telecommuting program;
 2. Participation in a Transportation Management Association including methods to increase the use of mass transit, car pool, van pool, or non-auto modes of travel;
 3. Implementation of a car-share program;
 4. Development or use of a system using offsite parking and/or shuttles; and,
 5. Implementation of public transit subscriptions for employees.

Prior to any approval by the DRB pursuant to this section, the means by which the parking management plan will be guaranteed and enforceable over the long term, such as a contract, easement, or other means, and whether the city should be a party to the management contract or easement, shall be made acceptable to the city attorney.

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Burlington Planning Commission Report Municipal Bylaw Amendment

ZA-16-10 – Waivers from Parking Requirements/Parking Management Plans

This report is submitted in accordance with the provisions of 24 V.S.A. §4441(c).

Explanation of the proposed bylaw, amendment, or repeal and statement of purpose:

The purpose of this amendment is to permit the Development Review Board to consider requests for increased parking waivers for projects which can successfully demonstrate that location, uses/design and plan for parking management reduce the demand for required parking and that such a reduction in required parking will not negatively impact the community and/or neighboring properties. The proposed amendment allows the Development Review Board (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 historic buildings pursuant to Sec.5.4.8 and for retail uses in mixed use zoning districts. In both of these exceptions, the CDO currently permits the DRB to approve up to a 100% waiver of required parking. No changes have been made to the requirements for providing parking management plans.

Conformity with and furtherance of the goals and policies contained in the municipal development plan, including the availability of safe and affordable housing:

The proposed amendment is consistent with the vision of the Municipal Development Plan to ensure that the City's neighborhoods are sustainable, and served by amenities meeting the immediate needs of surrounding residents without the need for single-occupant vehicles. Furthermore, the amendment is consistent with the the Plan's vision of an integrated system of transportation options to assist in the reduction of neighborhood through traffic and to support transportation and parking demand management initiatives. The proposed amendment does not limit the ability to provide safe and affordable housing within the community.

Compatibility with the proposed future land uses and densities of the municipal development plan:

Providing the DRB with a mechanism to reduce the required parking will help to ensure the feasibility of mixed-use projects which meet the Plan's vision, and which are developed in such a way that is consistent with the Plan's land use goals. In particular, the proposed amendment provides the City with a tool to realize its land use policy to "encourage mixed-use development patterns, at a variety of urban densities, which limit the demand for parking and unnecessary automobile trips, and support public transportation."

Implementation of specific proposals for planned community facilities:

This proposed amendment is consistent with a host of plans and policies the City has adopted or is currently considering regarding the location and availability of parking resources. These plans discuss more efficient use of existing parking resources as well as parking and transportation demand management strategies for public and private parking resources, at both on- and off-street locations.

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TO: Planning Commission
FROM: Scott Gustin
DATE: April 8, 2016
RE: Off-Site Parking Amendment to CDO

The purpose of this amendment is to clarify the existing zoning provisions for off-site parking and to provide for efficient and effective use of parking facilities generally. The amendment establishes additional parameters for what constitutes acceptable off-site parking facilities and also strengthens provision for off-site parking used for required parking. Reference to the design review standards of Article 6 is also inserted.

Following an initial approval by the Planning Commission Ordinance Committee, the amendment was further revised to include provision that directly addresses shared use of parking facilities after-hours and during weekends. City policy encourages shared use of existing parking areas, including those on private property (i.e. such as office use during the day, but public parking during nights and weekends). Present zoning standards arguably preclude doing so. This amendment has been expanded to include additional provision for parking management plans to enable after-hours shared use of parking facilities.

On April 7, 2016, the Ordinance Committee voted to send this amendment along to the full Planning Commission for consideration. Their suggested revisions are included in the language below.

Proposed CDO language is below. New language is underlined red, and deleted language is ~~crossed out~~.

Sec. 8.1.12 Limitations, Location, Use of Facilities

(a) Off-Site parking facilities:

Except for single and two-family dwellings, required parking facilities may be located on another parcel of land. The off-site parking area shall be within the same zone as the use it serves or is in a zone that allows parking lots or parking garages as primary uses. Parking that serves any use located outside a residential zone shall not be located within a residential zone. Off-site parking spaces shall be subject to the site plan design standards of Article 6: Part 2. The maximum parking limitations of Section 8.1.9 apply. Off-site parking facilities shall be as follows:

1. Neighborhood Parking District: No more than 50% of the total required parking shall be provided at a distance greater than 600 feet from the use it is intended to serve. For residential uses, a minimum of 1 space per unit shall be provided on-site.
2. Downtown and Shared use Parking Districts: Any off-site parking shall be provided within 1,000 feet of the use it is intended to serve unless such parking is provided as part of a Parking Management Plan pursuant to Sec. 8.1.15 approved by the DRB.

3. The distance from the off-site parking to the associated use shall be measured in walking distance along a sidewalk or other pedestrian path separated from street traffic from the nearest parking space to the principle pedestrian entrance to the building housing the use. Such off-site parking shall not reduce the required parking for any other use utilizing the property on which it is located unless such shared use is approved by the development review board. The right to use the off-site parking to meet the minimum parking requirements of Sec. 8.1.8 must be guaranteed for the duration of the use as evidenced by a deed or ~~lease, easement, or similar written instrument~~ as may be approved by the City Attorney and recorded in the Burlington land records. Use of off-site parking for parking spaces in excess of the minimum parking requirements of Sec. 8.1.8 may be secured by lease or similar written instrument.

(b) Downtown Street Level Setback:

As written.

(c) Front Yard Parking Restricted:

As written.

(d) Shared Parking in Neighborhood Parking Districts:

As written.

(e) Single Story Structures in Shared Use Districts:

As written.

(f) Joint Use of Facilities:

As written.

(g) Availability of Facilities:

As written.

(h) Compact Car Parking:

As written.

Sec. 8.1.15 Waivers from Parking Requirements/ Parking Management Plans

(a) Parking Waivers

The total number of parking spaces required pursuant to this Article may be reduced to the extent that the applicant can demonstrate that the proposed development can be adequately served by a more efficient approach that more effectively satisfies the intent of this Article and the goals of the municipal development plan to reduce dependence on the single-passenger automobile.

Any waiver granted shall not exceed fifty percent (50%) of the required number of parking spaces except for the adaptive reuse of a historic building pursuant to Sec. 5.4.8 and ground floor retail uses in any Mixed Use district which may be waived by as much as one hundred percent (100%). Waivers shall only be granted by the DRB, or by the administrative officer pursuant to the provisions of Sec. 3.2.7 (a)7.

In order to be considered for a waiver, the applicant shall submit a Parking Management Plan that specifies why the parking requirements of Sec. 8.1.8 are not applicable or appropriate for the proposed development, and proposes an alternative that more effectively meets the intent of this Article. A Parking Management Plan shall include, but not be limited to:

- (a) A calculation of the parking spaces required pursuant to Table 8.1.8-1.
- (b) A narrative that outlines how the proposed parking management plan addresses the specific needs of the proposed development, and more effectively satisfies the intent of this Article and the goals of the Municipal Development Plan.
- (c) An analysis of the anticipated parking demand for the proposed development. Such an analysis shall include, but is not limited to:
 - 1. Information specifying the proposed number of employees, customers, visitors, clients, shifts, and deliveries;
 - 2. Anticipated parking demand by time of day and/or demand by use;
 - 3. Anticipated parking utilizing shared spaces or dual use based on a shared parking analysis utilizing current industry publications;
 - 4. Availability and frequency of public transit service within a distance of 800-feet.
 - 5. A reduction in vehicle ownership in connection with housing occupancy, ownership, or type; and,
 - 6. Any other information established by the administrative officer as may be necessary to understand the current and project parking demand.
- (d) Such a plan shall identify strategies that the applicant will use to reduce or manage the demand for parking into the future which may include but are not limited to:
 - 1. A telecommuting program;
 - 2. Participation in a Transportation Management Association including methods to increase the use of mass transit, car pool, van pool, or non-auto modes of travel;
 - 3. Implementation of a car-share program;
 - 4. Development or use of a system using offsite parking and/or shuttles; and,
 - 5. Implementation of public transit subscriptions for employees.

Comment [SG1]: Change (a) to 1, etc.

Prior to any approval by the DRB pursuant to this section, the means by which the parking management plan will be guaranteed and enforceable over the long term, such as a contract, easement, or other means, and whether the city should be a party to the management contract or easement, shall be made acceptable to the city attorney.

(b) Shared Parking for Off-Site Use

Onsite parking spaces may be made available for use by off-site users subject to review and approval of a Parking Management Plan by the DRB.

The Parking Management Plan must include the following:

- 1. A calculation of the parking spaces required pursuant to Table 8.1.8-1 and a calculation of those parking spaces to be shared for off-site parking use.

2. Information specifying the actual onsite demand for required parking by day, time of day, and by use and also information specifying when and how much parking would be made available to off-site users.
3. A narrative that outlines how the proposed parking management plan will allow for shared use of required parking spaces with off-site users; how it will enable continued availability of required parking spaces pursuant to Table 8.1.8-1 while also affording off-site parking use of those spaces.

The Parking Management Plan must demonstrate to the satisfaction of the DRB that making spaces available to off-site users does not negatively affect their availability for onsite users to park due to either:

1. There being an excess of onsite spaces beyond that necessary to satisfy the requirements of Sec 8.1.8; and/or,
2. The spaces are to be made available during off-peak hours of the onsite and/or required users.

Parking spaces being made available to off-site users may be made available:

- Either with or without a fee;
- For transient use by the general public; and/or,
- By lease, provided the term of any lease does not exceed one (1) year.

Prior to any approval by the DRB pursuant to this section, the means by which the parking management plan will be guaranteed and enforceable over the long term, such as a contract, easement, or other means, and whether the city should be a party to the management contract or easement, shall be made acceptable to the city attorney.

Sec. 13.1.2 Definitions.

For the purpose of this ordinance certain terms and words are herein defined as follows:

Unless defined to the contrary in Section 4303 of the Vermont Planning and Development Act as amended, or defined otherwise in this section, definitions contained in the building code of the City of Burlington, Sections 8-2 and 13-1 of the Code of Ordinances, as amended, incorporating the currently adopted edition of the American Insurance Association's "National Building Code" and the National Fire Protection Association's "National Fire Code" shall prevail.

A-O, As written.

Park: Any area designated by the City as a park pursuant to Section 22-1 of the Code of Ordinances of the City of Burlington, Vermont.

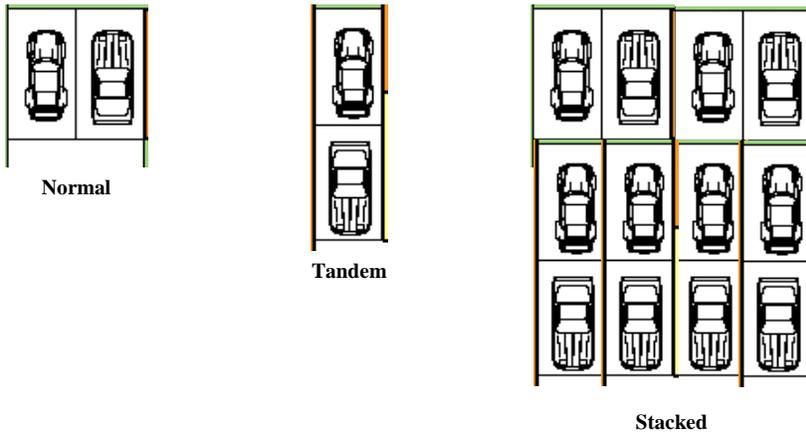
Parking Garage/Structure: A structure containing parking facilities, below or above grade.

Parking, Off-site: One or more parking spaces on one parcel of land providing parking spaces for a use on another parcel of land.

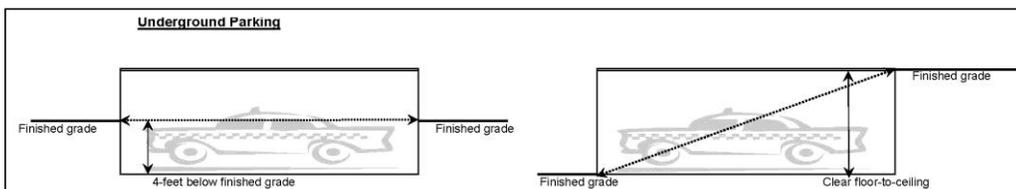
Parking, Surface/Lot: Parking facilities that are at grade and uncovered or not within a structure.

Parking, Stacked: The parking of more than two (2) cars in a parallel line, one behind the other.

Parking, Tandem: The parking of up to two (2) cars, one behind the other.



Parking, Underground: Parking spaces within a covered structure where either: fifty percent of the volume of the parking space is below the finished surface of the ground adjacent to the exterior walls of the building; or, the floor of the parking space is four (4) feet below the finished surface of the ground adjacent to the exterior walls of the building, whichever is greater.

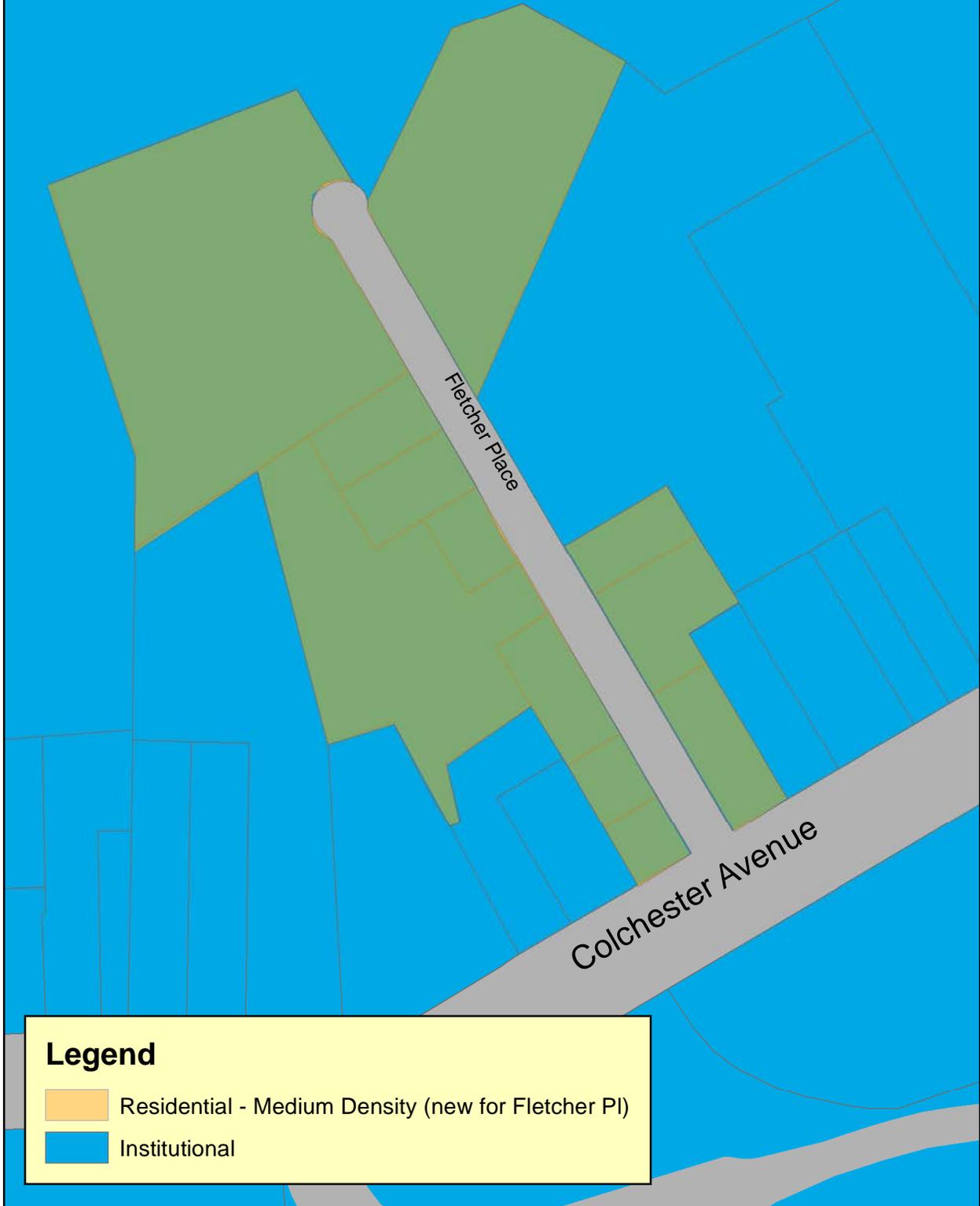


Continued as written.

Comprehensive Development Ordinance

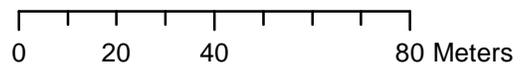
Fletcher Place Rezone

**Zoning Map Revision - Excerpt
Residential - Medium Density District**



Legend

-  Residential - Medium Density (new for Fletcher PI)
-  Institutional



**Appendix A-Use Table Excerpt – Fletcher Place Rezone
Institutional to Residential Medium Density use implications**

	Institutional	Residential
USES	I	RM/W
RESIDENTIAL USES	I	RM/W
Single Detached Dwelling	Y	Y
Accessory Dwelling Unit (See Art.5, Sec.5.4.5)	Y	Y
Attached Dwellings - Duplex	Y	Y
Attached Dwellings - Multi-Family (3 or more)	CU	Y
Attached Dwelling(s) – Mixed-Use ²⁶	CU	CU
RESIDENTIAL SPECIAL USES	I	RM/W
Assisted Living	CU	Y
Bed and Breakfast ^{4, 6}	CU	CU
Boarding House ⁶ (4 persons or less)	CU	Y
Boarding House ⁶ (5 persons or more)	CU	CU
Community House (See Sec.5.4.4)	CU	CU
Convalescent /Nursing Home	CU	Y
Dormitory ⁵	CU	N
Group Home	Y	Y
Historic Inn (See Sec.5.4.2)	CU	CU
Mobile Home Park	N	CU
Sorority/Fraternity ⁵	CU	N
NON-RESIDENTIAL USES	I	RM
Adult Day Care	CU	N
Agricultural Use ²⁰	Y	N
Amusement Arcade	N	N
Animal Boarding/Kennel/Shelter	N	N
Animal Grooming	N	N
Animal Hospitals/Veterinarian Office	CU	N
Appliance Sales/Service	N	N
Aquarium	CU	N
Art Gallery/Studio	Y	N
Auction House	N	N
Automobile Body Shop	N	N
Automobile & Marine Parts Sales	N	N
Automobile/Vehicle Repair	N	N

**Appendix A-Use Table Excerpt – Fletcher Place Rezone
Institutional to Residential Medium Density use implications**

	Institutional	Residential
USES	I	RM/W
Automobile Sales – New & Used	N	N
Bakery - Retail	N	N ²²
Bakery - Wholesale	N	N
Bank, Credit Union	CU	N ²²
Bar, Tavern	N	N
Beauty/ Barber Shop	CU	N ²²
Bicycle Sales/Repair	CU	N
Billiard Parlor	N	N
Boat Repair/Service	N	N
Boat Sales/Rentals	N	N
Boat Storage	N	N
Bowling Alley	N	N
Building Material Sales	N	N
Café	CU	N ²²
Camp Ground	N	N
Car Wash	N	N
Cemetery	N	N
Cinema	Y	N
Club, Membership	CU	Y
Community Center	CU	CU ¹³
Community Garden	Y	Y
Conference Center	CU	N
Composting	N	N
Contractor Yard	N	N
Convenience Store (See Sec.5.4.3)	N	N
Convention Center	N	N
Courthouse	Y	N
Crematory	N	N
Crisis Counseling Center	CU	CU
Daycare - Large (Over 20 children)	CU	CU ¹³
Daycare - Small (7-20 children) (See Sec.5.4.1)	CU	CU ¹³
Daycare - Home (6 children or less)	Y	Y
Dental Lab	CU	N
Distribution Center	N	N
Dry Cleaning Plant	N	N
Dry Cleaning Service	CU	N ²²

**Appendix A-Use Table Excerpt – Fletcher Place Rezone
Institutional to Residential Medium Density use implications**

	Institutional	Residential
USES	I	RM/W
Film Studio	Y	N
Fire Station	Y	CU
Food Processing	N	N
Fuel Service Station ⁹	N	N
Funeral Home	N	CU ⁷
Garden Supply Store	CU	N
General Merchandise/Retail – Small <4,000sqft	CU	N ²²
General Merchandise/Retail – Large ≥4,000sqft	N	N
Grocery Store – Small ≤10,000sqft	N	N
Grocery Store – Large >10,000sqft	N	N
Hazardous Waste Collection/Disposal	N	N
Health Club	Y	N
Health Studio	Y	N ²²
Hospitals	CU	N
Hostel	Y	N
Hotel, Motel	CU	N
Laundromat	CU	N ²²
Library	Y	CU
Lumber Yard	N	N
Machine/Woodworking Shop	N	N
Manufacturing	N	N
Manufacturing - Tour Oriented	N	N
Marina	N	N
Medical Lab	CU	N
Mental Health Crisis Center	N	CU (See §5.4.11)
Micro-Brewery/Winery	N	N
Museum–Small < 10,000 sqft	Y	CU ¹³
Museum-Large >10,000 sqft	CU	N
Office - General	N	N
Office - Medical, Dental	CU	N ²²
Open Air Markets	Y	CU
Operations Center – Taxi/Bus ⁹	N	N
Operations Center - Trucking ⁹	N	N
Park	Y	Y
Parking Garage ⁹	Y	N

**Appendix A-Use Table Excerpt – Fletcher Place Rezone
Institutional to Residential Medium Density use implications**

	Institutional	Residential
USES	I	RM/W
Parking Lot ⁹	N	N
Performing Arts Center	Y	N
Performing Arts Studio	Y	N
Pet Store ¹⁰	N	N
Pharmacy	CU	N ²²
Photo Studio	N	N ²²
Photography Lab	N	N
Police Station - Central	CU	N
Police Station - Local	Y	CU
Post Office – Central Distribution Center	N	N
Post Office - Local	Y	N ²²
Printing Plant	N	N
Printing Shop	CU	N ²²
Public Transit Terminal	Y	N
Public Works Yard/Garage ⁹	CU ¹¹	N
Radio & TV Studio	N	N
Rail Equip. Storage & Repair	N	N
Recording Studio	N	N
Recreational Facility - Indoor	CU	CU
Recreational Facility - Outdoor Commercial	CU	N
Recreational Facility - Outdoor	Y	N
Recreational Vehicle Sales – New and Used	N	N
Recycling Center – Large ¹⁰ (above 2,000 sf)	N	N
Recycling Center - Small ¹⁰ (2,000 sf or less)	CU	N
Research Lab	CU	N
Restaurant	N	N ²²
Restaurant – Take Out	CU ¹³	N ²²
Salon/Spa	CU	N ²²
School - Post-Secondary &Community College	CU	CU
School - Primary	CU	CU
School - Secondary	CU	CU
School, -Trade, or Professional	CU	N
Solid Waste Facility - Incinerator, Landfill, Transfer Station	N	N
Tailor Shop	N	N ²²

**Appendix A-Use Table Excerpt – Fletcher Place Rezone
Institutional to Residential Medium Density use implications**

	Institutional	Residential
USES	I	RM/W
Warehouse	CU	N
Warehouse, Retail ⁹	N	N
Warehouse, Self-Storage ⁹	N	N
Wholesale Sales ⁹	N	N
Worship, Place of	CU	CU

- Residential uses are not permitted except only as an accessory use to an agricultural use.
- Duplexes may be constructed, or a single unit may be converted into a duplex, on lots existing as of January 1, 2007 and which meet the minimum lot size of 10,000 square feet.
- Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.
- No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use. No more than 3 rooms permitted to be let in the RL district.
- An existing fraternity, sorority, or other institutional use may be converted to dormitory use subject to conditional use approval by the DRB.
- Must be owner-occupied.
- Must be located on a major street.
- Small daycares in the RCO zones shall be conditional use and shall only be allowed as part of small museums and shall constitute less than 50% of the gross floor area of the museum.
- Automobile sales not permitted other than as a separate principal use subject to obtaining a separate zoning permit.
- Exterior storage and display not permitted.
- All repairs must be contained within an enclosed structure.
- No fuel pumps shall be allowed other than as a separate principal use subject to obtaining a separate zoning permit.
- Permitted hours of operation 5:30 a.m. to 11:00 p.m.
- Such uses not to exceed ten thousand (10,000) square feet per establishment.
- Excludes storage of uncured hides, explosives, and oil and gas products.
- See Sec.4.4.1(d) 2 for more explicit language regarding permitted and conditional uses in the Downtown Waterfront – Public Trust District.
- Allowed only as an accessory use.
- A permitted use in the Shelburne Rd Plaza and Ethan Allen Shopping Center.
- Cafes not permitted as an accessory use. Retail sales and tasting are permitted as an accessory use.
- Accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets or the commissioner of forests, parks and recreation, respectively, under 10 VSA §1021(f) and 1259(f) and 6 VSA §4810 are exempt from regulation under local zoning.
- See Sec. 4.4.7 (c) for specific allowances and restrictions regarding uses in the Urban Reserve District.
- See Sec. 4.4.5 (d) 6 for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.
- Allowed only on properties with frontage on Pine Street.
- Such uses shall not exceed 4,000 square feet in size.
- Dormitories are only allowed on properties contiguous to a school existing as of January 1, 2010.
- The mixed uses shall be limited to those that are either permitted, conditional, or pre-existing nonconforming in the zoning district.
- Performing arts centers in the ELM zone shall be limited to a total of 5,000 square feet in size and to properties with frontage on Pine Street. Performing arts centers may contain accessory space for preparation and serving food and beverages, including alcohol, provided this accessory space comprises less than 50% of the entire establishment.
- Grocery Stores up to but not to exceed 30,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.

Legend:	
Y	Permitted Use in this district
CU	Conditional Use in this district
N	Use not permitted in this district
Abbreviation	Zoning District
RCO – A	RCO - Agriculture
RCO – RG	RCO – Recreation/Greenspace
RCO – C	RCO - Conservation
I	Institutional
RL/W	Residential Low Density, Waterfront Residential Low Density
RM/W	Residential Medium Density, Waterfront Residential Medium Density
RH	Residential High Density
D	Downtown
DW	Downtown Waterfront
DT	Downtown Transition
BST	Battery Street Transition
NMU	Neighborhood Mixed Use
NAC	Neighborhood Activity Center
NAC-RC	NAC – Riverside Corridor
E-AE	Enterprise – Agricultural Processing and Energy
E-LM	Enterprise – Light Manufacturing

Institutional Zone Dimensional & Density Table

Table 4.4.4 -1 Dimensional Standards and Density

Districts	Max. Intensity	Max. Lot Coverage ¹	Building Setbacks ¹ (feet)			Max. Height ¹ (feet)
			Front ²	Side ³	Rear ³	
Institutional ⁴	20 du/ac (24 du/acre with inclusionary req.)	40% (48% with inclusionary req.)	<u>Minimum:</u> 15-feet	10% of lot width <u>Min:</u> 5-ft <u>Max required:</u> 20-feet	25% of lot depth <u>Min:</u> 20-feet <u>Max required:</u> 75-feet	35'

1 –Measurement of and exceptions to coverage, setback and height standards are found in **Art 5**.

2 –The calculation of the front yard setback shall be a percentage of lot width and depth or as defined and described in **Art 5**.

3 – Maximum allowable lot coverage, setbacks and building height in portions of this district may be modified by the provisions of the Institutional Core Campus Overlays in **Sec. 4.5.2**

Residential Zones Dimensional & Density Table

Table 4.4.5-1: Minimum Lot Size and Frontage: RL, RL-W, RM and RM-W²

Use	Lot Frontage ¹		Lot Size	
	<i>(linear feet)</i>		<i>(square feet)</i>	
	RL,WRL	RM,WRM	RL ³	RM
Single detached dwelling	Min: 60'	Min: 30'	Min: 6,000	NA
Duplex and above			Min: 10,000	

1. The DRB may adjust the frontage requirements for lots fronting on cul-de-sacs, multiple streets, or corner lots reflecting the existing neighborhood pattern on each respective street.
2. There are no minimum lot size or frontage requirements in the RH District.
3. Exception: Larger minimum lot size in RL and WRL larger lot overlay district; refer to **Section 4.5.5 & Table 5.5-1**.

Table 4.4.5-2: Base Residential Density

District	Maximum dwelling units per acre ¹
Low Density: RL, RL-W	7 units/acre
Medium Density: RM, RM-W	20 units/acre
High Density: RH	40 units/acre
Inclusive of new streets but exclusive of existing streets, and without bonuses or any Inclusionary Zoning allowances.	

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}				Max. Height ¹
		Front ²	Side ³	Rear	Waterfront	
RL; WRL	35%	Min/Max: Ave. of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	Min: 75' feet from the ordinary high water mark of Lake Champlain and the Winooski River	35-feet

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}				Max. Height ¹
		Front ²	Side ³	Rear	Waterfront	
RM	40%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	NA	35-feet
WRM	60%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	Min: 75' feet from the ordinary high water mark of Lake Champlain and the Winooski River	35-feet <i>(60-feet under Sec. 4.4.5(d)2A)</i>
RH	80%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	NA	35-feet

1. An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d)3A below. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5.

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}				Max. Height ¹
		Front ²	Side ³	Rear	Waterfront	
<ol style="list-style-type: none"> 2. Average front yard setback of the principal structures on the 2 adjacent lots on both sides within the same block having the same street frontage. See Sec. 5.2.4. 3. In no event shall the side yard setback be required to exceed 20-feet, or the rear-yard setback be required to exceed 75-feet. 4. Additional setbacks from the lakeshore and other water features may be applicable per the requirements of the Sec 4.5.4 Riparian and Littoral Conservation Overlay Zone. 5. The side yard setback shall be calculated based on the 4 adjacent properties (2 on each side of the subject property). The right side yard setback is the average of the right side yard setback of the principal structures on these 4 properties. The left yard setback is the average of the left side yard setback of the principal structures on these 4 properties. The adjacent properties shall be within the same block having the same street frontage as the subject property. See Sec. 5.2.5. 6. Where there are fewer than 2 adjacent lots on both sides within the same block having the same street frontage, the average side yard setback shall be calculated from the fewer number of lots. Where there are no adjacent lots, the setback shall be 10% of the lot width. 						

Appendix A-Use Table Excerpt – All Zoning Districts
Allow Bakery-Retail as CU in I zone

USES	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use				Neighborhood Mixed Use			Enterprise		
	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	D	DW	DW-PT ¹⁶	DT	BST	NMU	NAC	NAC-RC	E-AE	E-LM
Bakery - Retail	N	CU	N	N	NCU ²⁹	N ²²	N ²²	CU ^{8, 13}	Y	Y	N	Y	Y	Y	Y	Y	Y	Y

- Residential uses are not permitted except only as an accessory use to an agricultural use.
- Duplexes may be constructed, or a single unit may be converted into a duplex, on lots existing as of January 1, 2007 and which meet the minimum lot size of 10,000 square feet.
- Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.
- No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use. No more than 3 rooms permitted to be let in the RL district.
- An existing fraternity, sorority, or other institutional use may be converted to dormitory use subject to conditional use approval by the DRB.
- Must be owner-occupied.
- Must be located on a major street.
- Small daycares in the RCO zones shall be conditional use and shall only be allowed as part of small museums and shall constitute less than 50% of the gross floor area of the museum.
- Automobile sales not permitted other than as a separate principal use subject to obtaining a separate zoning permit.
- Exterior storage and display not permitted.
- All repairs must be contained within an enclosed structure.
- No fuel pumps shall be allowed other than as a separate principal use subject to obtaining a separate zoning permit.
- Permitted hours of operation 5:30 a.m. to 11:00 p.m.
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- See Sec.4.4.1(d) 2 for more explicit language regarding permitted and conditional uses in the Downtown Waterfront – Public Trust District.
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- Grocery Stores up to but not to exceed 30,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.
- Bakery-Retail within the I zone is limited to 2,000 square feet.

Legend:	
Y	Permitted Use in this district
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Burlington Planning Commission

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Yves Bradley, Chair
Bruce Baker, Vice-Chair
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 XX, 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. Adjournment

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

Date

E Tillotson, Recording Secretary