

## Burlington Planning Commission

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



### **Burlington Planning Commission Minutes Tuesday, September 13, 2016 - 6:30-8:30 P.M. Conference Room 12, City Hall**

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

#### **I. Agenda**

A Montroll: Meeting adjourned at 7:25pm. Appreciation to public and Commissioners for waiting for quorum. Agenda amended to include item II followed by item VI; will defer item V and all others time permitting.

#### **II. Public Forum**

Rodney Myers: Sent a letter concerning his property at the corner of Elmwood and North Street. It has been listed for sale, and despite having three viable buyers interested in the property current residential medium density (RM) zoning prevents it from being reused for a convenience store or additional housing units. Property is on the borderline of neighborhood mixed use (NMU) zone, and requests rezoning to this district.

A Montroll: Does the Commission want to consider this item?

M Tuttle: Staff feels that the request is reasonable to consider.

A Montroll: The Commission does not take a position on the request at this time, but will ask staff to propose an amendment to review at a future meeting.

Chandra Pokrel: Born in Bhutan and has lived in the United States since 2009 with four children. Intends to buy the property, open a store and run apartments. The change of zoning to NMU would allow to occupy the property as soon as possible.

#### **III. Public Hearing ZA-17-04: NAC – Cambrian Rise**

D White: Shows map, locations, proposed to change from Waterfront Medium Density Residential (WRM) to Neighborhood Activity Center- Cambrian Rise (NAC-CR). Part of long conversation about property. Area along escarpment has been purchased by City for public access to beach and North Avenue. Rezone would allow for more neighborhood-oriented uses, concentrates development closer to North Avenue. Taller buildings near lake don't make sense, would change with rezoning. Staff has recommended some additional modifications to address Commission concerns from last meeting, and some ordinance sections that were left out in first draft.

The chair opened the public hearing at 7:36pm.

Charles Simpson: [Comment from public forum was asked to be included in record for hearing.] Concerned about only two lanes to the Cambrian Rise development for fire truck access. The development at Cambrian Rise will have senior housing, which are more frequent users of emergency services, and a large spectrum of

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added activity including offices, clients, retail, housing. Urges an Act 250 study focused on traffic before approving zoning.

Andrew Simon: Weary of asking city boards to vote "no." This is pure profit driven development with many conflicts of interest. Public engagement just window dressing. Adding 1200 additional cars, lock the city into subsequent demise of Burlington College. Report from botanical consultant report about rare plants expunged. Please do not compound this error by approving this project

Joanne Hunt: Echo A Simon. Nothing new to say, just discouraged. Development in city just continues in direction of getting bigger. Discouraging that development was goal all along when Burlington College bought land.

Charles Simpson: Shocked that zoning presumes entire development of the plot is shifted to the center, city pays \$2M for park to be site drainage. Fiction that developer is providing open space, when taxpayers are. What is rationale for maximum buildout?

Jesse bridges: Proposed change doesn't upzone. Lot coverage, density, inclusionary zoning not changing. In fact, what is proposed is below what is currently allowed. Conserved a considerable portion of property. 60 foot buildings currently allowed.

Michael Monte: State of Vermont study on homelessness underway; preliminary report shows just not enough homes. CHT working in full spectrum of subsidized, low income, housing for disabled, buying motels to convert to temporary housing, provide support services. Will be devastating if zoning not approved. Prepared to get funding for up to 80 affordable units; Cathedral Square doing the same. Timing of funding is critical, may lose some of it, but hope to move forward in the spring. This is not a theoretical problem; hundreds of people are showing up needing housing, and this is a significant opportunity. Without this zoning change, we could see a second Appletree Point on this land. Took 3.5 years to open Bright St. Co-op; now it will house a wide variety of people. Now talking to Eric Farrell about 40 units of for-sale housing. Project will be most diverse in its income base and units available.

E Lee: What is general mix of housing in the project?

E Farrell: Zoning requires 25% to be inclusionary. Present plan is about 700 units, 170 will be for sale, 25% of those will be for 80% of AMI through CHT, 350 rental units of all shapes and sizes in market-rate condo buildings, up to 160 units will be split between affordable and senior housing. Will serve broad cross section of population, close to downtown, bike path is an amenity. Current zoning lot coverage is 72%; if you consider the lot including the land the City purchased, coverage is around 36%, without it coverage is around 58%. Planning to put two-thirds of parking underground

A Montroll: Regarding comment about emergency services, how will that issue get reviewed?

D White: Project is above the threshold for Major Impact, will be reviewed through that process. Memo from staff discusses three issues: how to measure height in Article 5, including the NAC-CR in Article 9, and some changes to Appendix A- Use Table. Intent of amendment is not to allow more development, but rather allow the same amount presently permitted, but to reorient it. Height is measured in two different ways. Frontage along a sidewalk is measured from sidewalk, but because of set-back this project will be measured all the way around a building. Due to sloping of site, need to find a building height or a way to measure that does not drive down the allowable building heights in this district. Staff proposal is to amend Article 5 to allow for an additional story

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below the ground plane on downward sloping lots, and maintain a 65 ft height limit in the proposed NAC-CR district.

A Montroll: Rationale makes sense, but uncomfortable with changing city-wide, particularly as this concept was not included in the version warned for the public hearing. In the past, the issue of how to measure building height has been big issue. This should be as a separate issue.

E Lee: Agreed. Should be considered separately; disappointed this was proposed without discussing it with the Commission first.

M Tuttle: This was provided by staff at the request from the Commission to find a solution for measuring height.

D White: Going forward, intent is that we only want 65 feet, but present amendment draft creates misperception.

A Montroll: Could this concept for measuring height apply only in this district?

D White: It complicates the ordinance to have height measured in different ways in different districts.

E Lee: Send it forward with 80 foot height realizing that it seems out of place. Leave to Council and Ordinance Committee to correct.

A Montroll: Will that create an unintended consequence of allowing 80 foot buildings at the street?

D White: On a flat portion of site, could go to 80. Another nuance is that inclusionary allows a by-right height and FAR bonus under Article 9, which would allow buildings to go up to 75 feet.

H Roen: Regardless of this project, how does the amendment shift development toward North Avenue?

D White: By creating this mixed use district, allows the height closer to the Avenue and takes it away from WRM district. In addition to height, proposed modifications add reference to the NAC-CR district to Article 9.

A Montroll: This is reasonable.

D White: Other change is to several uses in Appendix A that adds additional permitted and conditional uses for this NAC district.

A Montroll: So, have the version as warned, and three amendments: change measurement of height, add NAC-CR to Article 9, and change to 4 uses in the use table.

E Lee: No problem with uses. Change in measuring height should be just for this zone.

H Roen: Not satisfied with conservation values that have been incorporated in to the project. Know the city worked hard to preserve land and will do a lot of good, but don't believe that it is enough. Must separate project from the zoning. If could make any change, would propose changing the zoning to RCO.

Jesse Bridges: Just to be clear, there is no conservation if we don't execute the development agreement.

E Lee: Is H Roen discussing the rezoning of the land around the new NAC-CR for RCO?

D White: Until development agreement has been completed, that land currently cannot be rezoned because it has potential for development. The intention is to rezone to RCO as soon as the agreement is complete.

A Friend: How do we move this forward keeping in mind the issue of funding, when height is a more contentious issue? Do we hold another hearing?

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A Montroll: Have already held a hearing, and can make changes following it. Do we move it on without changes, or modify it.

M Tuttle: Staff can incorporate changes based on Commission input and bring back at next meeting.

E Lee: Need to move this forward. Fine with staff modifications to Article 9 and the Use Table. Ok with changing how to measure height, but don't want that to apply city-wide.

E Farrell: The Commission three members short; would rather have full board to decide.

The Commission unanimously approved a motion by E Lee, seconded by A Friend, to have staff incorporate modifications to Article 9 and use table, and provide wording for measuring building height that will not impact the whole city.

A Montroll: Public Hearing closed at 8:33pm. Will review at our next meeting. Look for notice about timing of that meeting; there are already several hearings warned for September 27.

#### **IV. Report of the Chair**

No report.

#### **V. Report of the Director**

No report.

#### **VI. Proposed CDO Amendment – Craft Beverage Production**

Deferred.

#### **VII. Committee Reports**

Long Range Planning Committee: H Roen indicated discussion with M Tuttle regarding next draft of Plan. Executive Committee indicated Commission should have more time to discuss. Good idea, but this plan needs to move along.

A Montroll: Discuss at a future meeting.

#### **VIII. Commissioner Items**

H Roen: Met with Mark Furnari, who has requested rezoning on Riverside Avenue. Doing a site visit Monday with city engineer and Meagan if a few Commissioners want to join.

E Lee: Can we get an update on the permit reform project, and in particular the consultants who are working on historic building piece?

#### **IX. Minutes & Communications**

The Commission unanimously approved a motion by E Lee, seconded by A Friend, to approve the minutes of August 23 and August 25, 2016 with the correction to August 25 to reflect that H Roen was not in attendance.

The Commission unanimously approved a motion by E Lee, seconded by H Roen, to accept the communication from Rodney Myers.

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**X. Executive Session**

Deferred.

**XI. Adjourn**

The Commission unanimously approved a motion by E Lee, seconded by A Friend, to adjourn at 8:41pm.



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A Montroll, Chair

Signed: September 28, 2016



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Elsie Tillotson, Recording Secretary