

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

*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 Wednesday, October 12, 2016 - 6:30 P.M. Conference Room 12, City Hall

Present: B Baker, E Lee, A Montroll, H Roen, J Wallace-Brodeur

Absent: Y Bradley, A Friend

Staff: D White, M Tuttle

I. Agenda

Called to order at 6:36pm. No change to agenda.

II. Public Forum

There were no members of the public that wished to speak.

III. Report of the Chair

No report.

IV. Report of the Director

D White: DMUC Zoning amendment is on Nov 8 ballot along with TIF question for the public improvements. City website has more information about these elements.

E Lee: Is zoning amendment on the ballot as an expression of community opinion or a binding vote. Will project die if not approved?

D White: Binding vote. Not sure of impact if vote fails, but owner has said project is not viable if it is not at the scale proposed. NAC-Cambrian Rise and Major Impact zoning amendments will go to Council Ordinance Committee on November 2. Will be filling vacant staff assistant position with a temporary hire until new position can be approved.

M Tuttle: Walk/Bike and Parks plans on next agenda, please look at plans in advance and come with questions. Great Streets Initiative includes design standards for downtown, concept plan for Main Street and refinement of City Hall Park plans from 2012. Next public meeting about the project is November 16, 7pm in Contois.

V. Proposed CDO Amendment: Homeless Shelters

A Montroll: Not currently a definition Homeless Shelters or in use table. Ordinance Committee was supportive of creating a definition and incorporating in the ordinance, but wanted the Commission's support.

D White: Every year as weather gets cold, run into an issue and have to use an ordinance that isn't the right fit. Living arrangements are either long or short term, but all of the current definitions are for long-term living situations. Hotels and homeless shelters are not in the same category; want to think about where to locate and how to review.

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E Lee: This is a great idea. Would hate to see a definition that make it selectively impossible for more affluent neighborhoods from doing their share, or reduce the availability of spaces that can be donated to non-profits for this purpose.

J Wallace-Brodeur: Need to be mindful of the needs of the individuals in the shelter, especially transportation, and make sure they're not in areas where residents will be isolated.

A Montroll: Ordinance Committee will work on this.

VI. Proposed CDO Amendment: Craft Beverage Production

D White: Proposal to rethink craft beverages, not just as breweries or wineries, and to specifically address prohibition of cafes. Current ordinance does not permit them, but allows tasting, which is in conflict with liquor licenses. Proposed amendment puts a cap on use in terms of volume of production, retains focus on making and distributing but allows cafes with a limit of the lessor of 25% of the area, or 2,000 sq.ft.

J Heilenbach: Did not recall the limitation on square footage for cafes.

D White: The definitions of café's and accessory uses are defined elsewhere in the ordinance.

J Heilenbach: Need clarity on how sizes of café and accessory uses are measured. Delicate balance between retail component and production, producers in the South End want to be consumer-facing. As producers evolve over time, want to be able to expand. 2,000 sq.ft. limit is fine today, but thinking ahead.

H Roen: Agree with this amendment, but need to be careful not to turn Pine Street into another Church Street.

D Colangelo: CEDO very protective of the South End as an Enterprise Zone, but supports this request because responds to the evolving nature of the business and the 25% limit on accessory uses protects against opening restaurants in the zone. Craft Beverage Operations nationally are typically smaller than 50,000-60,000 sq.ft.

D White: Sounds like the Commission may want to tie this to the accessory definition of 25% rather than the café definition limiting to 2,000 sq.ft. May need more clarity.

D Colangelo: Limits on production will naturally limit size of operations.

J Heilenbach: Production volume is different by type of beverages. 25,000 barrel limit seemed to be the best solution now. Citizen Cider space is 18,000 sq.ft., which could accommodate production up to 30,000 barrels per year. A micro-brewery could do twice that in the same size. 25,000 barrels is not a far-reaching goal.

J Wallace-Brodeur: Seems like we are using production as a proxy for size.

A Montroll: Is there a definition that allows larger production? Could we have a different definition for scale? If concerned about the size of these operations, should limit square foot, not production volume.

J Wallace-Brodeur: We were trying to allow cafes and now we are limiting size. Could we get rid of the limit on production?

M Tuttle: Amendment was proposed due to lack of definition of cidery, limit on size was already in micro-brewery definition as a way to define 'craft.' Allowing cafés as an accessory was a secondary issue; it seems like the Commission wants it to stand alone from the definition.

D White: The purpose of cap is to limit the impact of the business overall and to allow uses in certain areas rather than others. Inclined to get rid of size limit on production because this will be somewhat self-limiting based on properties available. Important to keep cap on non-production activities.

A Montroll: Craft beverage is permitted in other mixed-use zones, so perhaps a size limit there.

B Baker: "Craft" definition is driving the limit. In ELM it should be allowed, and with cafes and other amenities. These businesses are trying to foster an experience that is unique and creative; want to be able to encourage. Comfortable with permitting in ELM, with 25% as amenities. Other zones require more study.

A Montroll: Send back to staff.

VII. Proposed CDO Amendment: Rezone 168 Elmwood to NMU

D White: Request by R Myers to rezone property from R-M to NMU. Property has historically been mixed-use with retail and upper story residential. Staff recommends extend NMU district that runs along North Street to incorporate this property.

R Myers: Way it is zoned presently does not make sense, would not allow a grocery-store type use, which is what it was when purchased in 1980.

D White: CDO does have a provision to allow neighborhood commercial uses to revert back, however, this commercial use is slightly larger than what is permitted. Pre-2008 rezoning, property already zoned residential, not sure when it changed.

The Commission unanimously approved a motion by H Roen, seconded by E Lee, to warn the amendment for public hearing and approve the municipal bylaw report.

VIII. Proposed CDO Amendment: Permit Conversion of Former Single-Family Use back to Single-Family Use

D White: With 2008 CDO update, change to not allow SF homes in high-density zones to foster more intense development. Unintended consequence is that all single-family buildings are non-conforming and cannot be reverted back to single-family use. Ordinance has a provision for neighborhood commercial uses—if it was originally built that way, it should be able to go back to that thing. Point is not to allow new single family homes, but could allow reconversion of ones that were originally built that way.

E Lee: Supportive. However, could this pressure to reconvert these homes be a way to circumvent parking requirements because SF parking limit is lower than boarding house?

D White: Don't think this is an issue. If want to support the re-diversification of historic neighborhoods, this is a good route.

A Montroll: Makes sense in the R-H, but is this the policy we want to support in downtown mixed-use zones? Technically, in use table, need to keep all of them as "N", with the footnote indicating the exception.

D White: Also make sense in Neighborhood Mixed Use.

B Baker: Support in RH, BST, and NMU districts, but not in downtown.

The Commission unanimously approved a motion by E Lee, seconded by J Wallace-Brodeur, to warn the amendment for public hearing, with the change the use table to "no" regarding single-family homes in all districts, with put a footnote on the R-H, Battery Street Transition, and neighborhood mixed use districts to allow reconversion of single-family homes, and to approve the municipal bylaw report.

IX. Proposed CDO Amendment: Planning Commission Terms

M Tuttle: Purpose of this amendment is correct the reference to the length of Planning Commissioners terms in the CDO to be consistent with the charter. Terms were changed in 2015 from 4 years to 3 years.

The Commission unanimously approved a motion by J Wallace-Brodeur, seconded by E Lee, to warn the amendment for public hearing and approve the municipal bylaw report.

X. Planning Commission Bylaw Update: Planning Commission Terms

M Tuttle: Similar to the CDO amendment, need to update the Commission's bylaws to reflect change in length of term. Additional changes to correct typos and outdated information, remove ex parte communication and add information about open meeting requirements.

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The Commission unanimously approved a motion by J Wallace-Brodeur, seconded by E Lee, to adopt the bylaws with the noted changes.

XI. Committee Reports

Ordinance Committee: Elected A Friend as Chair. Set priorities for the year. Will send a few things back to Commission for weather report.

XII. Commissioner Items

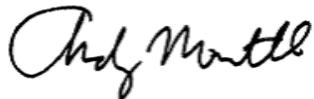
No items to report.

XIII. Minutes & Communications

The Commission unanimously approved a motion by H Roen, seconded by B Baker, to approve the minutes of the September 27 meeting and accept communications.

XIV. Adjourn

The Commission unanimously approved a motion by E Lee, seconded by B Baker, to adjourn at 7:48pm.



A Montroll, Chair

DATE: Signed on October 31, 2016



Submitted by: Meagan Tuttle, Comprehensive Planner