

Burlington Planning Commission

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Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Michael Gaughan
Emily Lee
Brynne Martin

Burlington Planning Commission

Wednesday, May 25, 2022, 6:30 P.M.

Remote Meeting via Zoom

Minutes

Members Present	A Montroll, A Friend, E Lee, M Gaughan, B. Martin,
Staff Present	M. Tuttle, C. Dillard, S Morgan
Public Attendance	S. Bushor, B Headrick

I. Agenda

Call to Order	Time: 6:33pm
Agenda	Add Agenda item 6.5, Reappointment of Planning Director, Meagan Tuttle

II. Public Forum

Name(s)	Comment
S. Bushor	Sent a detailed communication about Trinity Campus rezoning and hopes the Commissioners had a chance to review her concerns. Thanked B Martin for her time on the Planning Commission. Appreciated her perspective, participation, and saddened that her voice will not be included in the Commission.

III. Chair's Report

A Montroll	Also thanked B Martin for her time on the Planning Commission and expressed that she will be missed.
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IV. Director's Report

M Tuttle	Welcome to Sarah Morgan, the newest Planner, who started May 11. She will be moving to Burlington in mid-June. Her previous work in Ohio includes environmental justice and GIS. Charles Dillard, who is also new to the team, will be moving to Burlington in early June.
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V. Proposed CDO Amendment: Public Art

Motion by: E. Lee	Second by: A. Friend	Vote: 5-0
Type: Move to Public Hearing	Presented by: C Dillard and S Gustin	
Commissioner discussion:		

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- A recent update to the form code removed regulating language of public art. A member of the public came forward with a concern and took it up with the Ordinance Committee, which then came up with some regulating language.
- The Ordinance Committee has proposed to exempt public art from requirements to get a zoning permit, but came up with 6 standards that public art should adhere to: shall meet public health and safety, shall not be insulting, shall ensure integrity of historic resources, shall not cause or increase non-conformity, shall not obstruct accessibility, shall conform to local and state laws.
- These regulations are intended to help facilitate public art since this is a big part of Burlington’s culture.
- Changes also include a new definition that is purposefully broad and intends to cover all types of public art that might exist.
- A Commissioner asked what the governance is on accessibility. An example was provided of a sculpture blocking the middle of a walkway.
- A Commissioner asked whether City Council reviewed this and whether it is consistent with existing regulations.
- Speech is federally regulated and the City cannot pass laws that would limit people’s free speech. A request was made to double check this item with the City Attorney’s office.
- A Montroll asked who decides whether public art is insulting or not.
- Interpretation would happen more on a complaint basis since, in this proposal, public art does not need a permit request.
- A point was raised about art as a form of free speech on private property.
- A consensus was made that the Commission should be prepared to have answers regarding the language on insulting and free speech when this item is brought forward to a public hearing
- E Lee motioned to move this item forward to a public hearing
- M Gaughan asked for more clarity and review on “Part b” of the zoning amendment and the Commission agreed that changes can still be made after the public hearing.

VI. Proposed CDO Amendment: UVM Trinity Campus Overlay

Motion by: E. Lee			Second by: A. Friend			Vote: 5-0		
Type: Move to Public Hearing				Presented by: M Tuttle				
Commissioner discussion: <ul style="list-style-type: none"> • M Tuttle provided a presentation on December Housing Action Plan and how it relates to the Trinity Campus Rezoning • PlanBTV Land Use Plan supports the facilitation of growth within Institutions and the Colchester Ave corridor • The Planning Department’s goals for Trinity Campus Rezoning include: Greatest number of student beds; Mixed use of commercial amenities; Reorganize buildings and open spaces; Minimize parking on campus; Make Colchester Ave more accessible for walking and biking; and if new parking is created a plan should focus on structured parking. • UVM has additional goals, including: Build new undergrad residence halls and graduate apartments; Upgrade existing halls; and Enhance overall atmosphere. • Current Institutional Core Campus Overlays include varied standards for height, density, setbacks, lot coverage, etc. • Trinity Campus is between Ash Place and Fletcher Place and the overlay zone only applies to most central portion • The overlay zone was created in 2001 to support future neighborhood use. • Currently, the overlay zone includes the following standards: Building height of 35 ft or tallest existing structure of 55 ft max; Lot coverage density of 40% 								

- Existing overlay zone has lower building height, limits uses, etc. and special setback rules than similar campus overlay zones.
- There is also a unique threshold on the permitting process. Institutional zones typically require a major impact review for development 40k square feet or more. The Trinity overlay zone only has a threshold of 15k square feet or more.
- M Tuttle shared some of the images UVM has provided to reimagine Trinity campus, including site plan and design images.
- Consider different height limit, different setback, and different lot coverage
- Two pending amendments also relate to the considerations for Trinity Campus: Steep slopes Overlay and Maximum parking/TDM.
- M Tuttle specifically asked the Planning Commission to consider the following: Should there be a density limit? Should there be a limited range of non-residential uses? Should the overlay zone major impact threshold remain at 15k square feet?
- Discussion:
- S Bushor- Previously, there was a plan to have a neighborhood activity center for mostly commercial use, wondering what happened with this plan? Appreciate the steep slope and the limited potential of the rear of the property. Agree with being more safe and conservative with setbacks and building setbacks, i.e. more breathing room. Would like to see the UVM Master Plan, especially in regards to parking.
- E Lee mentioned concerns she has heard from neighbors surrounding the net housing number and whether this proposed project will genuinely create student housing. The university is potentially not increasing net housing number because it will relieve "triples" in other dorms. Is there a mechanism to ensure a true increase in housing?
- The Planning Commission was previously involved in the joint process with City Council. There was discussion about institutions providing a housing benchmark for campus overlay zones, but ultimately an outside agreement was made with UVM and the City.
- L Kingsbury (UVM) noted that residential life currently does not house any grad students, so there would be a net increase there. The undergraduate housing will provide wiggle room to sustain fluctuations in enrollment. Enrollment in Northeast is going down
- A Commissioner asked whether there is potential for a development agreement between the Administration and UVM as neighbors on adjacent streets have complained about the lack of on-campus student housing.
- M Gaughan compared this proposed overlay zone with JIPMP whether there could be a plan that looks out every 5 years or so at changes in enrollment and employment to consider how to manage that growth. Is there a role in a campus master plan that is a complement to JIPMP?
- A Commissioner raised the point that UVM needs to do more to respond to the economic pressures of the City, especially considering the recent re-appraisal process with property tax increase.
- Joe (UVM) added that UVM appreciates the reappraisal process and pressure on housing in Burlington. Desire to share plans with neighbors and feels that the zoning amendment would help facilitate this.
- L Kingsbury (UVM) added that 2009 was an example of when plans were shared with neighborhoods. UVM has not updated master plan since 2006 and is in the process of updating it.
- A Commissioner suggested a "beds available versus students on campus" analysis could be regularly presented to some body.
- Two points were raised about the language in the proposed zoning amendment: Single detached dwellings not in the overlay but that language is included in the zoning amendment and there is no specific language about dining hall in conditional use, but perhaps should be more clear in the language

- There was some consensus that the City should allow additional permitted uses.
- M Gaughan offered that at some point there will be a more urban-looking feel to campus to accommodate the housing needs and the 25 foot setback helps address this.
- This particular overlay zone would establish a 25 foot setback from behind the sidewalk, not the street or greenbelt.
- The rendering from UVM shows distinguishable façades with broken up parts and different setbacks, which could help with the look and feel in regards to setbacks and building heights.
- A discussion was raised about the major impact study requirement and whether keeping the 15k square foot threshold decreases development.
- M Tuttle offered that from a staff perspective it is not good to lift a major impact study. Perhaps a Master Plan could help us understand these impacts.
- A Commissioner asked, what is our ability to regulate the zoning change based on a commitment from an outside actor (UVM)? This did not get adopted in 2009 with some references to legality.
- M Tuttle offered that agreements like this have historically been handled outside zoning ordinance.
- M Gaughan suggested that a major impact study could be replaced by an institutional housing management plan with a 5 year plan of students on campus.

VI.5 Re-appointment of Planning Director

Motion by: E. Lee			Second by: A. Friend			Vote: 5-0		
Type: Submit to the Mayor, the re-appointment of Meagan Tuttle as Director of Planning				Presented by: n/a				
Commissioner discussion: <ul style="list-style-type: none"> • M Gaughan provided praise for M Tuttle’s leadership and previous experience working in a college town. • M Tuttle thanked the Commissioners for their support and collaboration. 								

VII. Commissioner Items

- The next meeting is a Public Hearing on June 14 at 6:30pm.

VIII. Minutes and Communications

Action: Approve the minutes and accept the communications			
Motion by: A Friend		Second by: M. Gaughan	Approved Unanimously
Minutes Approved: May 10 <ul style="list-style-type: none"> • M Gaughan asked for two changes to the previous minutes: include the point raised about the 3 year length of time associated with the temporary emergency shelter and attribute the point about a focus on permanent affordable housing to him. Communications Accepted: in the agenda packet and posted at https://www.burlingtonvt.gov/CityPlan/PC/Agendas			

IX. Adjourn

Adjournment		Time: 8:20pm	
Motion: E. Lee		Second: B. Martin	Vote: Approved Unanimously