

## Burlington Planning Commission

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

## Burlington Planning Commission

Tuesday, July 26, 2022, 6:30 P.M.

**Remote Meeting via Zoom and Sharon Bushor Conference Room**

### Minutes

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

### **I. Agenda**

|               |  |
|---------------|--|
| Call to Order | Time: 6:35pm   |
| Agenda        | <p>The agenda states the appointment of Commission Clerk as Charles Dillard, but that should read Bridget O'Keefe.</p> <p>PC will consider a new Agenda Item – ZA-22-08 - Short Term Rentals to provide update on City Council action and to warn a Public Hearing. PC will also defer discussion on Trinity Campus to the next meeting.</p> |

### **II. Public Forum**

| Name(s)     | Comment  |
|-------------|--|
| S. Bushor   | S. Bushor spoke to the Trinity Campus Rezoning. She highlighted points in her communication to the Commission such as a request for a site visit and to consider that Redstone Campus is not a good comparison to Trinity Campus.  |
| A. Magyar   | A. Magyar spoke on short term rentals as she is someone who has a B&B permit. She asked for clarification on the yearly process to register a short term rental.   |
| B. Headrick | B. Headrick spoke on the cottages at Trinity Campus. She recommended UVM bring forward a development plan for those cottages. She asked the Commission to reconsider commercial use on Trinity Campus, especially buildings that may be accessible from the street. She also asked that if commercial use is allowed on campus, those businesses should be taxed as if they are off-campus spaces. She recommended parking for Trinity Campus be structured parking at the Giffords lot. |

### **III. Chair's Report**

|             |            |
|-------------|------------|
| A. Montroll | No report. |
|-------------|------------|

### **IV. Director's Report**

|           |   |
|-----------|---|
| M. Tuttle | <p>M. Tuttle pointed out that a revised agenda packet was sent to the Commissioners with updated correspondence.</p> <p>There is a ribbon cutting ceremony at Union Station on Friday, 7/29, to celebrate the return of the Burlington to New York City Amtrak.</p> |
|-----------|---|

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|  |  |
|--|--|
|  | <p>The Planning Department is hosting a movie night, in partnership with BCA, in City Hall Park on August 11. There will be a showing of the documentary, <i>Owned</i>.</p> <p>The Short Term Rental Ordinance will go into effect next week.</p> <p>City Council voted to warn the Maximum Parking and Change Management Amendment, which will go to a public hearing on August 15. City Council will also hold public hearings on the BHS Amendment and Steep Slopes Amendment.</p> <p>The Planning Department is meeting with CEDO and Scott Gustin to discuss Inclusionary Zoning.</p> |
|--|--|

**V. Public Hearing: ZA-22-08 Short Term Rental**

|  |                       |                         |
|--|-----------------------|-------------------------|
| Action: Approve ZA-22-08 and refer to City Council with the recommendation to adopt the resolution.  |                       |                         |
| Motion by: A. Friend   | Second by: M. Gaughan | Vote: 5-0               |
| Type: Motion to Pass   |                       | Presented by: S. Gustin |
| <p>Introduction:</p> <ul style="list-style-type: none"> <li>S. Gustin explained that the Short Term Rental Amendment expired. City Council had one year to act on the Planning Commission’s recommendation to adopt the amendment and that has since lapsed. City staff adjusted the language, but much of the ordinance has stayed the same.</li> </ul> <p>The chair held a public hearing with the following public comments:</p> <ul style="list-style-type: none"> <li>No public comment.</li> </ul> <p>Commissioner discussion:</p> <ul style="list-style-type: none"> <li>A. Montroll clarified that these zoning changes are, essentially, what was presented before with a difference in the language in chapter 18.</li> <li>Though it is rare that amendments expire, this is not the first time it has happened.</li> </ul> |                       |                         |

**VI. Public Hearing: ZA-22-09 Public Art**

|   |                       |                          |
|---|-----------------------|--------------------------|
| Action: Approve ZA-22-09 and refer to City Council with the recommendation to adopt the resolution.   |                       |                          |
| Motion by: E. Lee   | Second by: M. Gaughan | Vote: 5-0                |
| Type: Move to Council and adopt report  |                       | Presented by: C. Dillard |
| <p>Introduction:</p> <ul style="list-style-type: none"> <li>C. Dillard explained that when the Downtown Form Code was adopted the regulating language on public art was removed. This zoning amendment both defines public art and prescribes standards on its display and direction.</li> <li>Planning Department staff added legal language regarding art on private property and added that public art that does not meet the standards should not be constructed. Section 19 b. notes that public art shall not be discriminatory or incite hate.</li> </ul> <p>The chair held a public hearing with the following public comments:</p> <ul style="list-style-type: none"> <li>No public comment.</li> </ul> <p>Commissioner discussion:</p> <ul style="list-style-type: none"> <li>Immediate motion to approve. No Commissioner discussion.</li> </ul> |                       |                          |

**VI. Proposed ZA-22-05 Burlington High School Zoning**

|  |                   |                         |
|--|-------------------|-------------------------|
| Action: Approve the amended by-law report. |                   |                         |
| Motion by: M. Gaughan                      | Second by: E. Lee | Vote: 5-0               |
| Type: Motion to pass                       |                   | Presented by: M. Tuttle |
| Introduction:                              |                   |                         |

M. Tuttle provided background on the work that has been done so far to change the Burlington High School zoning from an RCO district to an Institutional district. The City Council Ordinance Committee recently discussed the appropriate parking district for BHS. Currently, it is zoned as a neighborhood parking district but the Ordinance Committee decided a multimodal mixed use parking district is more appropriate. This has the most restricted maximum parking limits.

When City Council makes changes to a zoning amendment, it comes back to the Planning Commission so the Commission is aware and has an opportunity to comment.

**Public Comment:**

- S. Bushor commented that she was concerned over the reduction in parking for athletic events. She was concerned that this could affect BHS’s ability to host large events.

**Commission Discussion:**

- M. Gaughan asked what the net change in parking spaces is between a neighborhood parking district and a multimodal mixed use parking district.
- This change reduces the number of maximum allowed parking spaces from 720 to 400. The School District did express concern on this change as it relates to special event parking. The Ordinance Committee heard these concerns and determined that the TDM process and waivers could ultimately provide the School District enough parking flexibility.
- S. Gustin pointed out a typo in the proposed language.
- M. Gaughan expressed that it is difficult to comment on this change without understanding the capacity of the new auditorium, capacity for sports events, etc.
- E. Lee offered that shuttling services or shared parking services could accommodate large events hosted at BHS. She expressed concern that large surface parking lots affect the City’s storm water.
- A cap at 400 maximum allowed parking spots covers parking for faculty, staff, and the student body. The School District did not present the Ordinance Committee with a specific number of spots needed for special events or a number of events expected per year.

**VII. Proposed ZA-22-05 Burlington High School Zoning**

|  |                         |           |
|--|-------------------------|-----------|
| Action: Approve the amended by-law report.   |                         |           |
| Motion by: M. Gaughan  | Second by: E. Lee       | Vote: 5-0 |
| Type: Motion to pass   | Presented by: M. Tuttle |           |
| <p>Introduction:</p> <p>M. Tuttle provided background on the work that has been done so far to change the Burlington High School zoning from an RCO district to an Institutional district. The City Council Ordinance Committee recently discussed the appropriate parking district for BHS. Currently, it is zoned as a neighborhood parking district but the Ordinance Committee decided a multimodal mixed use parking district is more appropriate. This has the most restricted maximum parking limits.</p> <p>When City Council makes changes to a zoning amendment, it comes back to the Planning Commission so the Commission is aware and has an opportunity to comment.</p> <p>Public Comment:</p> <ul style="list-style-type: none"> <li>• S. Bushor commented that she was concerned over the reduction in parking for athletic events. She was concerned that this could affect BHS’s ability to host large events.</li> </ul> <p>Commission Discussion:</p> <ul style="list-style-type: none"> <li>• M. Gaughan asked what the net change in parking spaces is between a neighborhood parking district and a multimodal mixed use parking district.</li> <li>• This change reduces the number of maximum allowed parking spaces from 720 to 400. The School District did express concern on this change as it relates to special event parking. The Ordinance Committee heard these concerns and determined that the TDM process and waivers could ultimately provide the School District enough parking flexibility.</li> <li>• S. Gustin pointed out a typo in the proposed language.</li> </ul> |                         |           |

- M. Gaughan expressed that it is difficult to comment on this change without understanding the capacity of the new auditorium, capacity for sports events, etc.
- E. Lee offered that shuttling services or shared parking services could accommodate large events hosted at BHS. She expressed concern that large surface parking lots affect the City's storm water.
- A cap at 400 maximum allowed parking spots covers parking for faculty, staff, and the student body. The School District did not present the Ordinance Committee with a specific number of spots needed for special events or a number of events expected per year.

**VIII. Annual Organizational Meeting**

|  |                         |           |
|--|-------------------------|-----------|
| Action: Approve the amended by-law report.   |                         |           |
| Motion by: M. Gaughan  | Second by: E. Lee       | Vote: 5-0 |
| Type: Motion to pass   | Presented by: M. Tuttle |           |
| <p>Chair</p> <ul style="list-style-type: none"> <li>• Andrew Montroll nominated by Bruce Baker.</li> <li>• Motion to approve Andrew Montroll as Chair. Vote 5-0.</li> </ul> <p>Vice-Chair</p> <ul style="list-style-type: none"> <li>• Bruce Baker nominated by Emily Lee.</li> <li>• Motion to approve Bruce Baker as Vice-Chair. Vote 5-0.</li> </ul> <p>Commission Clerk</p> <ul style="list-style-type: none"> <li>• Motion to approve Bridget O'Keefe as Commission Clerk. Vote 5-0.</li> </ul> <p>At-Large Member of Executive Committee</p> <ul style="list-style-type: none"> <li>• Emily Lee nominated by Michael Gaughan.</li> <li>• Motion to approve Emily Lee as At-large Member of Executive Committee. Vote 5-0.</li> </ul> <p>Long-Range Planning Committee</p> <ul style="list-style-type: none"> <li>• Michael Gaughan nominated by Emily Lee</li> <li>• Andrew Montroll volunteered as a member of the Executive Committee</li> <li>• Alex Friend volunteered as an at-large member of the Commission.</li> <li>• Motion to approve Michael Gaughan, Andrew Montroll, and Alex Friend as members of the Long-Range Planning Committee. Vote 5-0.</li> </ul> <p>Ordinance Committee</p> <ul style="list-style-type: none"> <li>• Emily Lee volunteered as an at-large member of the Commission.</li> <li>• Bruce Baker volunteered as a member of the Executive Committee.</li> <li>• The third member of the Ordinance Committee will be decided at the next Ordinance Committee since Yves Bradley is absent from this meeting.</li> <li>• Motion to approve Emily Lee and Bruce Baker as members of the Ordinance Committee. Vote 5-0.</li> <li>• Motion to approve Jack Qualey from the Design Advisory Board to the Ordinance Committee. Vote 5-0.</li> </ul> |                         |           |

**IX. Proposed CDO Amendment: UVM Trinity Campus Zoning**

|  |                         |           |
|--|-------------------------|-----------|
| Action: Commissioner Discussion  |                         |           |
| Motion by: n/a   | Second by: n/a          | Vote: n/a |
| Type: n/a  | Presented by: M. Tuttle |           |
| <p>Introduction:</p> <p>M. Tuttle walked through the draft text changes in comparison with the existing language for the overlay zone. Staff added language to the building height and setback sections, marking the centerline of Colchester Avenue as the starting place. Text changes propose a lot coverage increase from 40% to 60%. Text changes propose no new surface parking but makes structured parking allowable. Text changes propose conditional uses become permitted. M. Tuttle provided graphics and maps to demonstrate the proposed changes. M. Tuttle also shared the review standards for a Major Impact Study.</p> |                         |           |

Public Comment:

- S. Bushor thanked the Commissioners for agreeing to arrange a site visit. She expressed concern that the proposed building height and setback requirements may make pedestrians feel claustrophobic.

Commission Discussion:

- E. Lee noted that many of UVM's renderings take the perspective of someone driving in a car along Colchester Avenue. She invited the Commission to think of what the setbacks and building heights would feel like to pedestrians. B. Baker and A. Friend agreed with viewing the setbacks and building heights from the pedestrian's perspective.
- Commissioners agreed that they would try to gather for a site visit to Trinity Campus.
- M. Gaughan asked about a comprehensive plan on housing at UVM. Planning Department staff is continuing to research a recommendation.
- E. Lee pointed out that the old medical college building is also close to the sidewalk and asked Planning staff to review those setbacks.
- L. Kingsbury from UVM clarified that the shared use bike path on the southbound side of Colchester Avenue is in the City's right of way.
- M. Tuttle went into more detail on the proposed language of the setbacks. Staff decided to use the centerline of Colchester Avenue as the starting line because the Colchester Ave Corridor Plan is planning a number of improvements to the curb and sidewalk.

**X. Minutes and Communications**

Action: Approve the minutes and accept the communications

Motion by: A. Friend

Second by: E. Lee

Approved Unanimously

Minutes Approved: July 12

Communications Accepted: in the agenda packet and posted at

<https://www.burlingtonvt.gov/CityPlan/PC/Agendas>

**XI. Adjourn**

Adjournment

Time: 8:00pm

Motion: E. Lee

Second: M. Gaughan

Vote: Approved Unanimously