

Burlington Planning Commission

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

Burlington Planning Commission

Tuesday, August 23, 2022, 6:30 P.M.

Remote Meeting via Zoom

Minutes

Members Present	A. Montroll, B. Baker, E. Lee, M. Gaughan, A. Friend, Y. Bradley, J. Randall
Staff Present	M. Tuttle, C. Dillard
Public Attendance	B. Headrick, S. Bushor

I. UVM Trinity Campus Site Visit

Action	Cancelled due to inclement weather.
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II. Recess (6:00-6:30 P.M.)

III. Agenda

Call to Order	Time: 6:30pm
Agenda	No changes.

IV. Public Forum

Name(s)	Comment
B. Headrick	B. Headrick spoke in regards to Trinity Campus. She explained that there is a steep hill between the Villa building and Delaney Hall. B. Headrick recommended that the 80 ft. building height measurement be reviewed within the context of this steep hill, as an 80 ft. building on top of the hill could be aesthetically displeasing. She also asked UVM to clarify whether that hill would be leveled. She also asked for clarification on the façade line. She also asked for the use of garages and single-family homes be reviewed.

V. Chair's Report

A. Montroll	Welcome to new Planning Commission member, Julia Randall.
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VI. Director's Report

M. Tuttle	<p>M. Tuttle asked the Commissioners whether they could attend a rescheduled Trinity Campus site visit on Tuesday, September 13, at 5pm. At least four members indicated they could attend.</p> <p>M. Tuttle asked the Commissioners for questions they would like answered at the site visit. Commissioners agreed that they would like a general overview of the space, indications of the setback lines, and a perspective of the street/pedestrian view.</p>
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	<p>M. Tuttle provided an overview of the rollout of retail cannabis in Burlington. In Spring 2021, residents voted overwhelmingly to opt “in” to retail cannabis in Burlington and the State did not allow an “opt in” or “opt out” vote in regards to cultivating or growing cannabis. Therefore, Burlington cannot pass any laws that have the effect of prohibiting those establishments. City Council recently voted to establish a Cannabis Control Board that will ensure new business owners comply with existing zoning/ordinances. The City has decided to regulate these businesses closest to their use. For example, retail cannabis stores will be viewed as any other retail store. Additionally, the cannabis establishments will need to comply with the State’s drug-free school zone laws. The Planning Department has drafted a map around the City’s schools to advise business owners on where they can set up shop. The State will begin processing retail cannabis permits on October 1, 2022. M. Tuttle clarified that there is some grey area surrounding land use. There is guidance that municipalities cannot create land use buffer zones that affect cannabis establishments only, but the City is still working through that interpretation. The City will use existing zoning amendments to help guide where cannabis establishments can be located.</p>
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VII. Proposed CDO Amendment: South End Innovation District Overlay

Action: Commission Discussion		
Motion by: n/a	Second by: n/a	Vote: n/a
Type: Motion to Pass		Presented by: C. Dillard
<p>Introduction:</p> <ul style="list-style-type: none"> • C. Dillard noted that planBTV: South End is the genesis of the innovation district idea. There was strong community support to protect the arts and manufacturing sectors of the South End, while also fostering the burgeoning business sector. This iteration of the amendment reflects the continuing discussions on housing in the South End. • This amendment amends article 4, establishes the South End Innovation District, amends the map for the overlay, amends land use standards, and amends urban form standards. • The boundary is roughly around Howard Street to Sears Lane and west of Pine Street. • Since planBTV: South End was created, Burlington’s housing crisis has come intensified and the community has strong support for more housing. • C. Dillard presented the three categories of land use: <ul style="list-style-type: none"> • Permitted- residential (multi-family), arts/making, office, community • Limited- convenience + service, entertainment + amenity • Not permitted- heavy manufacturing + logistics, tourism, residential (single family) • C. Dillard provided some research on office buildings in Burlington. The non-Central Business District market vacancy rate has fallen to 5.7% throughout the pandemic. HULA accounts for 43.7% of new office space over the last three years. • C. Dillard provided examples on how the limited use category would function. There is a ratio of what is allowed under this category so that arts, light manufacturing, and housing have priority. M. Tuttle explained this approach is already in use in another area of the South End. • Duplexes were highlighted as not permitted because they ultimately do not fit the density goals of the area. • C. Dillard presented the urban form standards. Staff has proposed using a Floor Area Ratio (FAR) approach of 2.5 since there are large parcels where new streets will likely be built. FAR can be used as a tool to regulate the expanse of the innovation district. C. Dillard presented a map of potential new streets, explaining that a grid could be implemented through some of the existing 		

Tuesday, August 23, 2022

surface parking lots. Staff decided not be too prescriptive in the proposed amendment to allow for flexibility.

- The proposed building heights were designed to balance the need for density with the need to mitigate noise and air pollution.
- C. Dillard also spoke to the ratio of pervious area within the sites. The Planning Department worked with the storm-water and wastewater teams within DPW to make sure biodiversity is protected in this district.
- C. Dillard showed examples of buildings with similar setbacks and frontage buildout to what is proposed in the amendment.
- The proposed amendment allows for portions of ground floor non-residential spaces to be as shallow as 25 feet and 10 feet in some areas. This helps to address a trend in vacant, commercial ground floor spaces. There is increased flexibility of ground floor space for non-residential uses under certain caveats, like developers keeping rent affordable, providing permanent, detached structures, providing publicly accessible open space of 4,000 sf, developing larger residential units.
- Only small surface parking lots are permitted and parking structures must be located behind a perimeter building or screened by architectural or vegetative structures.

Commission Discussion:

- Y. Bradley spoke to permitted office use. Spaces under 5,000 sf remain active; however, larger spaces are less active because they are generally owned by national companies without clear back-to-work policies coming out of the pandemic. Y. Bradley also shared a trend of companies not renewing their leases, especially as national companies are looking to reduce their office footprint by 50%. There is also a trend of business flight from the Central Business District.
- M. Gaughan shared that converting office space to residential is quite expensive, which may provide reason to preserve office space in the South End.
- The South End Arts and Business Association (SEABA) shared that they are in favor of residential uses being applied to new construction, also in an effort to preserve existing spaces.
- M. Gaughan discussed the idea of hospitality as a permitted or limited use. He explained that this would allow for business travel, especially as the Amtrak has opened up. With remote work becoming increasingly popular, people may travel back and forth between amenity-dense areas, like the South End and New York City.
- Y. Bradley pointed to the increasing number of recreation activities in the South End. He heard from a number of people living and working in the South End that these are popular and keep the area walkable.
- Staff explained some reasoning behind keeping hospitality, namely hotels, as a non-permitted use. Opponents have argued that with increased recreation and amenities, the South End could become a new hub for tourism. There may be many in the larger Burlington community who wish to keep downtown as that hub.
- A. Montroll raised a concern about how the Champlain Parkway will fit into these plans. C. Dillard explained that access is limited from the highway up until Lakeside Avenue, but that it opens up closer to Pine Street. Champlain Parkway will be city-owned in 2027 and there is a potential to modify the streetscape then.
- A. Friend asked how the building height mix would be accomplished with this proposed amendment. C. Dillard explained that FAR and building footprint are approaches to guide developers on their site plans. A. Montroll added that developers rarely hit the building height limits.
- B. Baker asked whether the innovation district could be considered a designated area for priority housing under Act 250. M. Tuttle explained that the City has few tools to designate areas under Act 250. This is primarily done through a downtown and village growth designation program.

<p>The Planning Department is exploring whether the South End could be reconsidered for this program.</p> <ul style="list-style-type: none"> • C. Dillard and M. Tuttle clarified that privately owned streets would be subject to the 80% lot coverage. • M. Gaughan observed that 80-90% lot coverage on smaller blocks might be limiting. • J. Randall asked whether there are incentives for remediation since many of the lots in that area would require it. She also asked whether combined studio and apartment space could be allowed under this proposal as this may benefit artists.
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VIII. Committee Appointments

Action: Approve Caitlin Halpert as the DRB representative to the Ordinance Committee and approve Brad Rabinowitz as the DRB representative to the Long Range Planning Committee.		
Action: Amend the motion to add Y. Bradley as an Ordinance Committee member.		
Motion by: A. Friend	Second by: E. Lee	Vote: 5-0
Type: Motion to pass		Presented by: M. Tuttle
Commissioner Discussion		
<ul style="list-style-type: none"> • B. Baker and E. Lee are on the Ordinance Committee and the Commissioners took time figuring out who should be the final member. A. Friend nominated Y. Bradley for the Ordinance Committee. 		

IX. Commissioner Items

Action: n/a		
Motion by: n/a	Second by: n/a	Vote: n/a
Type: n/a		Presented by: n/a
<ul style="list-style-type: none"> • The next meeting is September 13. 		

X. Minutes and Communications

Action: Approve the minutes and accept the communications		
Motion by: A. Friend	Second by: J. Randall	Approved Unanimously
Minutes Approved: July 26		
Communications Accepted: in the agenda packet and posted at https://www.burlingtonvt.gov/CityPlan/PC/Agendas		

XI. Adjourn

Adjournment		Time: 8:30pm
Motion: E. Lee	Second: M. Gaughan	Vote: Approved Unanimously