

## Burlington Planning Commission

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Emily Lee  
Andy Montroll  
Harris Roen  
Jennifer Wallace-Brodeur  
vacant, Youth Member*



## Burlington Planning Commission

### Regular Meeting

**Tuesday, May 24, 2016 – 6:30-8:00 P.M.**

**\*\*Public Works Conference Room, 645 Pine Street\*\***

## AGENDA

*Note: times given are approximate unless otherwise noted.*

### **I. Agenda**

### **II. Report of the Chair**

### **III. Report of the Director**

### **IV. Proposed CDO Amendment- NAC-Riverside Boundary (15 min)**

The Planning Commission will discuss a request to reconsider the NAC-Riverside zoning boundary along Riverside Avenue. Materials related to this request are included in the agenda packet on pages 2-9.

### **V. Public Forum - Time Certain: 7:00pm**

The Public Forum is an opportunity for any member of the public to address the Commission on any relevant issue.

### **VI. Proposed CDO Amendment- Downtown Mixed Use Core Overlay**

The Commission will discuss the proposed CDO Amendment to establish a Downtown Mixed-Use Core overlay. The purpose of this amendment is to facilitate the redevelopment of the Burlington Town Center and help the City to implement many of the central goals and objectives found in the *planBTV: Downtown and Waterfront Master Plan*. A staff memo and supplemental information to aid in the Commission's discussion of this amendment is included in the agenda packet on pages 10-47.

### **VII. Committee Reports**

### **VIII. Commissioner Items**

### **IX. Minutes/Communications**

The Commission will review approve minutes from the April 26, 2016 and May 10, 2016 meetings which are provided on pages 48-58 of the agenda packet and communications on pages 59-71.

### **X. Adjourn**

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## Department of Planning and Zoning

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*Elsie Tillotson, Department Secretary*  
*Anita Wade, Zoning Clerk*



**TO:** Planning Commission  
**FROM:** Meagan Tuttle  
**DATE:** May 24, 2016  
**RE:** Rezoning request for 189-191, 199-215, 237-241, and 245 Riverside Avenue

In April 2015, the Planning Commission received a request from Mark Furnari, on behalf of the four property owners for the Riverside Avenue properties mentioned above, to restore the original General Commercial zoning to these parcels. Mr. Furnari asserts that the change from General Commercial to NAC- Riverside/ RCO- Conservation has restricted development to only the first 75 feet of these properties, when up to 150 feet could be reasonably developed, and has reduced potential residential density from 25-30 units/acre to 10-12 units/acre.

### Parcels & Zoning district purpose

A map of these parcels is attached to this memo outlining the current zoning boundaries, overlays and other conditions which impact the properties.

Property	Current Zoning	Other Restrictions	Development on Site Today?
<b>189-191 Riverside</b>	RCO	Nearly all of property within NR Overlay	Yes- within first ~100 feet from property line
<b>193 Riverside</b> (not part of requested change)	RCO & NAC-Riverside	Except southwest corner, property in NR Overlay	Yes- within first ~85 feet from property line
<b>199-215 Riverside</b>	RCO & NAC-Riverside	All but first ~65 feet from property line in NR Overlay	Yes- within first ~100 feet from property line
<b>237-241 Riverside</b>	RCO & NAC-Riverside	Roughly $\frac{3}{4}$ of property in NR Overlay	Yes- within first ~75 feet from property line
<b>245 Riverside</b>	RCO & NAC-Riverside	Roughly $\frac{3}{4}$ of property in NR Overlay	No

NAC-Riverside: Purpose is to allow commercial development already predominantly built along this transportation corridor, but to encourage emerging mixed-use development and walkability. Zoning permits up to 2.0 FAR, 80% lot coverage and 20-35 ft building height by right. Bonuses may be granted up to 3.0 FAR, 90% lot coverage and 45 ft building height.

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RCO-Conservation: Purpose is to preserve the function, integrity and health of the City's significant natural areas; may contain passive recreation when these activities are compatible with the protection of natural features.

NR Overlay- Riparian and Littoral Conservation Zone: Purpose is to protect and preserve the city's surface waters and upland areas from encroachment by development and from sources of non-point pollution, and to assure that development occurs within flood/hazard areas in a way that minimizes or eliminates potential for flooding or loss/damage to life or property. This overlay applies within 250 feet of the Winooski River.

Buildable Area Calculation: This calculation applies to properties greater than 2 acres within the RCO, WRM, RM, WRL and RL zoning districts, for the purpose of protecting sensitive natural features, preventing overdevelopment of properties with sensitive and unbuildable areas, and ensuring that new development fits within the scale and intensity of an existing neighborhood. Land is considered buildable if it is not inundated by water at least 6 months of the year and if the slope does not exceed 30%. For properties with a slope of 15-30%, the DRB may approve a conditional use to allow development at up to 50% of the maximum density/lot coverage if it can be demonstrated that it does not negatively impact the criteria listed above.

### **Modification to the NAC-R boundary & district provisions**

At the March 8, 2016 Planning Staff recommended an amendment to Map 4.4.2-1 Neighborhood Mixed Use Districts and Map 4.4.6-1 Recreation Conservation, Open Space Districts to extend the NAC-Riverside zoning district boundary to 125 feet from the street center line on the north side of Riverside Avenue. Currently, the boundary is 100 feet from the street center line. A map is attached to illustrate the change to the NAC-R boundary.

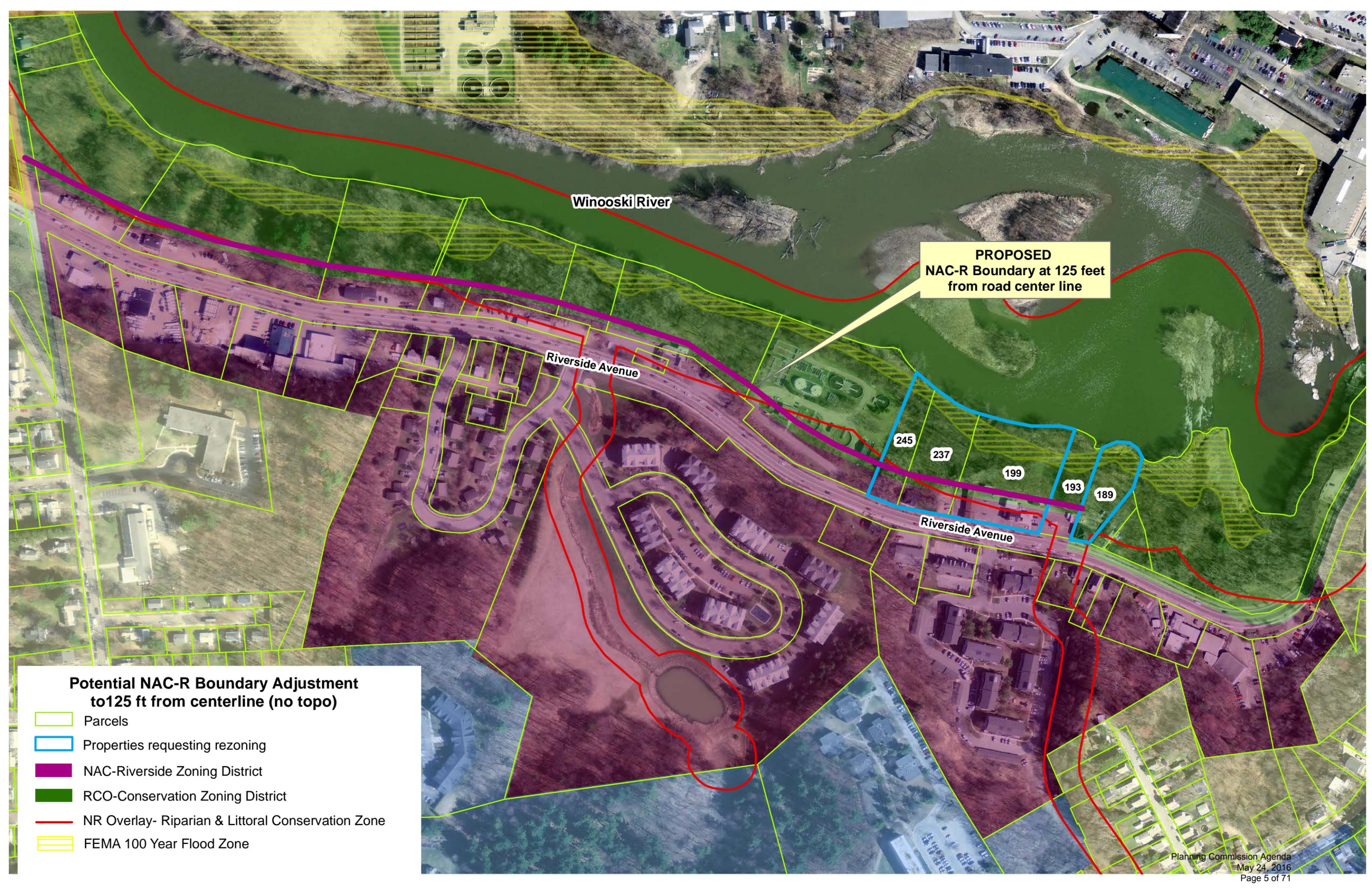
This modification includes a conservative increase in the developable area of all sites along the northern side of Riverside Avenue in order to achieve the NAC-R district's purpose of encouraging mixed-use development. This change would permit development on the properties from 193-245 Riverside Avenue that is generally consistent with where development is occurring on the properties today, and would continue to limit the extent of development along Riverside Avenue in order to preserve the integrity of the bank of the Winooski River and uphold the purpose of the RCO-C and NR Overlay districts. However, due to the increased intensity of the slopes along Riverside Avenue between Intervale Road and the City's Wastewater Treatment Plant, the Planning Commission asked staff to reconsider a scenario that better accommodates the topography.

To address the concern for the variation in slopes throughout the corridor, staff recommends the following changes to the NAC-Riverside zoning district:

1. Amend Maps 4.4.2-1 and 4.4.6-1 to extend the NAC-R boundary to 125 feet from the street center line on the north side of Riverside Avenue

2. Add a "Sec.4.4.2 (d) 2. C" to the NAC-R provisions, which applies a modified buildable area calculation to the NAC-R zoned portions of those properties on the north side of Riverside Avenue. The current buildable area calculation will continue to apply to the remaining portion of these properties zoned RCO. The proposed language for this section is included in the attached document.

The property located at 189-191 Riverside Avenue was included in the request to be rezoned. Unlike the other properties included in Mr. Furnari's request, the property is currently zoned RCO-Conservation, with no portion of the site currently zoned for NAC-R. Furthermore, nearly the entire site is located within the Natural Resource Protection Overlay: Riparian and Littoral Conservation Zone. Therefore, it is not recommended that the NAC-R boundary be extended to the east to include any portion of this property, or any properties further to the east.



Winooski River

Riverside Avenue

PROPOSED  
NAC-R Boundary at 125 feet  
from road center line

245

237

199

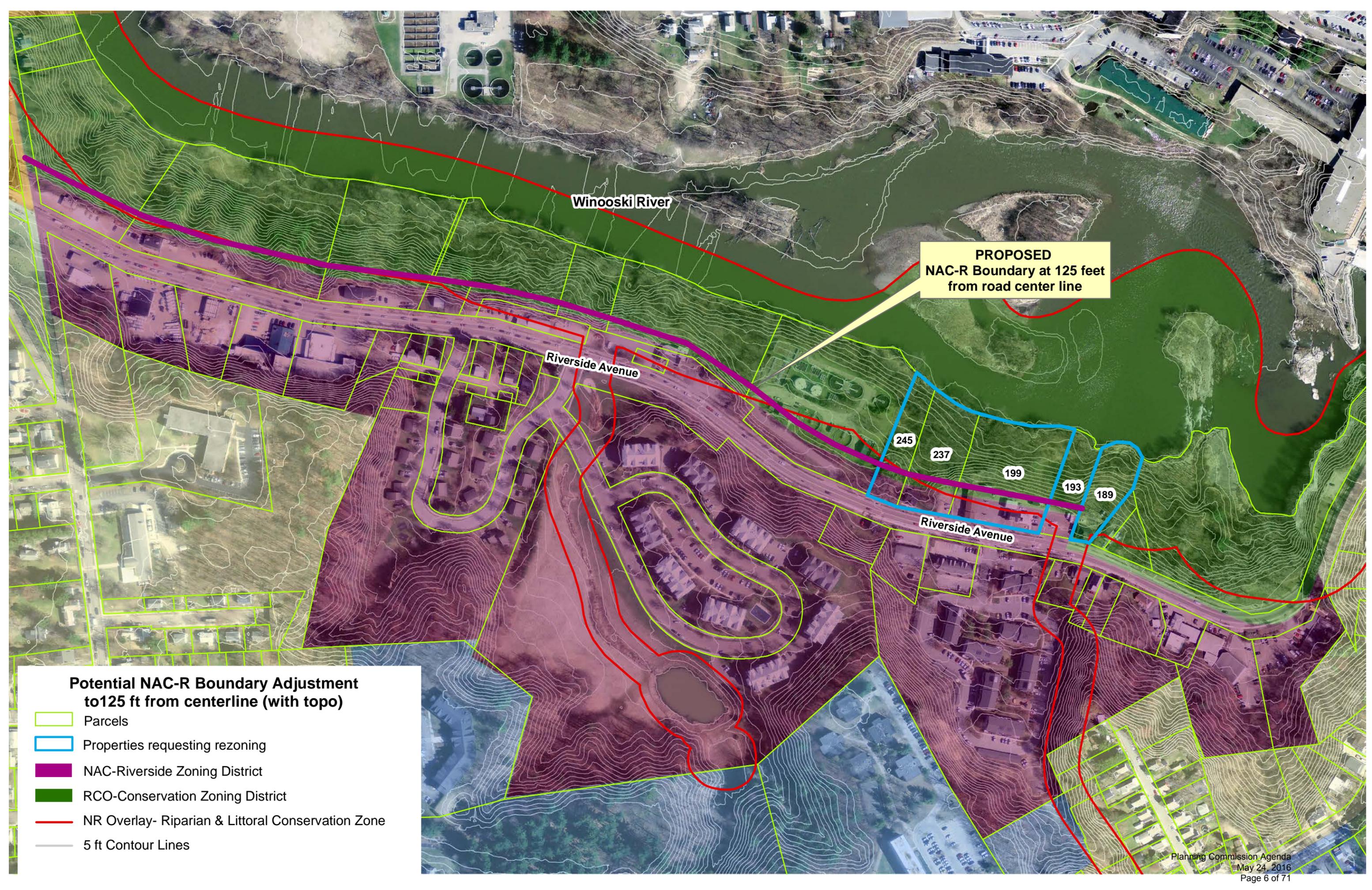
193

189

Riverside Avenue

**Potential NAC-R Boundary Adjustment  
to 125 ft from centerline (no topo)**

-  Parcels
-  Properties requesting rezoning
-  NAC-Riverside Zoning District
-  RCO-Conservation Zoning District
-  NR Overlay- Riparian & Littoral Conservation Zone
-  FEMA 100 Year Flood Zone



Winooski River

**PROPOSED  
NAC-R Boundary at 125 feet  
from road center line**

Riverside Avenue

Riverside Avenue

245

237

199

193

189

**Potential NAC-R Boundary Adjustment to 125 ft from centerline (with topo)**

- ▭ Parcels
- ▭ Properties requesting rezoning
- ▭ NAC-Riverside Zoning District
- ▭ RCO-Conservation Zoning District
- ▭ NR Overlay- Riparian & Littoral Conservation Zone
- ▭ 5 ft Contour Lines

Burlington Comprehensive Development Ordinance

**PROPOSED: ZA-16-??- NAC-Riverside Map Change & Buildable Area Calculation**

**DRAFT** as proposed by Planning Staff for the PC Meeting May 24, 2016

Changes shown (underline to be added, strike-out to be deleted) are proposed changes to the Burlington Comprehensive Development Ordinance.

**Part 4: BASE ZONING DISTRICT REGULATIONS**

**Sec 4.4.2 Neighborhood Mixed Use Districts**

(a) **Purpose-** *No Change*

(b) **Dimensional Standards and Density-** *No Change*

(c) **Permitted and Conditional Uses-** *No Change*

(d) **District Specific Regulations**

**1. Ground Floor Residential Uses Restricted**

In order to maintain an active streetscape for pedestrians and pedestrian-oriented businesses and activities, residential uses shall not be permitted within 25-feet of a public street right-of-way along the street-level frontage in the NAC District.

**2. Exception to Maximum Lot Coverage in NAC District**

The following exceptions to the maximum lot coverage standards for the NAC District of Table 4.4.2 -1 may be provided as follows:

**A. Landscaping**

Developments that provide landscaping within a parking lot may increase lot coverage above the allowable 80% maximum up to a lot coverage maximum of 85%. This additional lot coverage is limited to twice the landscaping area within a parking lot for each landscaped area of at least 125 square feet with a minimum width of 8 feet excluding curbs, and that include significant shade trees whose mature height is at least 35 feet. If more than two such trees are planted, they shall be 30 feet on center, linear.

In calculating lot coverage, sidewalks are not to be included that are shaded with significant shade trees whose mature height is at least 35 feet and are planted 30 feet on center, linear. A substantial tree must be at least 3 inches in caliper and planted in accordance with Section 11 of the city's "*Burlington Street Tree Planting Plan*" design and planting recommendations.

## **B. Housing**

Developments that provide housing in addition to non-residential uses may increase lot coverage above the allowable 80% maximum by allowing an additional two square feet of lot coverage for every square foot of housing, up to a lot coverage maximum of 90%.

## **C. Buildable Area Calculation**

For properties located on the north side of Riverside Avenue, the maximum building density or lot coverage shall be calculated using the buildable area only. Buildable area shall be deemed to include only those portions of a property that are 1) within the NAC-R zoning district, 2) not inundated at least six months per year by water including streams, ponds, lakes, wetlands and other bodies of water, and 3) lands with a slope not to exceed 30%.

The DRB may under conditional use criteria allow up to 50% of the maximum building density or lot coverage to be calculated on lands with a slope between 15-30% if the applicant can demonstrate that the density or lot coverage will not have an undue negative impact on sensitive natural features.

## **3. Development Bonuses/Additional Allowances**

The following exceptions to maximum allowable base building height and FAR in Table 4.4.2-1 above may be approved in any combination subject to the maximum limits set forth in Table 4.4.2-2 below at the discretion of the DRB. The additional FAR allowed shall correspond to the proportion of the additional building height granted to the maximum available.

### **A. Inclusionary Housing:**

Inclusionary housing units shall be provided, with applicable additional coverage and density exceptions, in accordance with the provisions of Article 9, Part 1. An additional allowance in the NAC and NAC-Riverside districts may be permitted at the discretion of the DRB for the provision of additional onsite inclusionary housing units.

A maximum of an additional 10-feet of building height, and corresponding FAR, may be permitted at the discretion of the DRB for an additional 5% inclusionary housing units provided onsite in excess of the requirements of Article 9, Part 1. The total gross floor area dedicated to the additional inclusionary housing shall be equivalent to the gross floor area resulting from the additional allowance.

### **B. Senior Housing:**

A maximum of an additional 10-feet of building height, and corresponding FAR, may be permitted at the discretion of the DRB in the NAC and NAC-Riverside districts where no less than twenty-five per cent (25%) of the total number of onsite units are reserved for low-moderate income senior households as defined by state or federal guidelines, including no less than ten percent (10%) reserved for low-income households. The total gross floor area dedicated to the senior

housing shall be equivalent to the gross floor area resulting from the additional allowance.

**C. Maximum Bonus:**

In no case shall any development bonuses or allowances granted, either individually or in combination, enable a building to exceed the maximum FAR and maximum building height permitted in any district as defined below:

*Table 4.4.2 -2: Maximum FAR and Building Heights with Bonuses*

	<b>Maximum FAR</b>	<b>Maximum Height</b>
<b>NAC</b>	3.0 FAR	45 feet
<b>NAC-Riverside</b>	3.0 FAR	45 feet

**Map 4.4.2-1 Neighborhood Mixed Use Districts** *(adjust to show new district boundary)*

**Map 4.4.6--1 Recreation, Conservation, Open Space Districts** *(adjust to show new district boundary)*

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**TO:** Planning Commission  
**FROM:** Planning Staff  
**DATE:** May 24, 2016  
**RE:** Proposed Downtown Mixed Use Core Overlay (DMUC) Zoning Amendment

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At its May 10, 2016 meeting the Planning Commission received a draft ordinance for the proposed Downtown Mixed Use Core Overlay zoning amendment, referred to herein as "DMUC." The overall framework for this proposed amendment, as summarized in Exhibit D of the Predevelopment Agreement, was approved by Council on May 2, 2016. The proposed DMUC amendment includes specific language consistent with this framework, and is recommended by Planning Staff in order to accomplish the following goals:

1. Guarantee that redevelopment projects in this part of downtown incorporate elements that have long been identified as important to the City through the *planBTV: Downtown and Waterfront Master Plan* and through public discussion around the redevelopment of the Burlington Town Center site.
2. Enable the redevelopment of the Burlington Town Center mall at a scale and mass that could not otherwise be built under the City's existing zoning regulations.

### **Planning Commission Review**

The Planning Commission is asked to review the proposed zoning amendment and make a recommendation regarding the amendment to City Council as soon as possible so they can take action within 120 days (approx. Sept. 9, 2016) as outlined in the Predevelopment Agreement. While the proposed project, as referenced in the approved predevelopment agreement, may at times be looked to as an example of how the proposed ordinance language could be applied, it is important to distinguish that an evaluation of the proposed project is the purview of the DAB and DRB. The Planning Commission's role is to consider the policies set forth in planBTV and discussions that have led to the draft Form Based Code, and evaluate the appropriateness of the proposed ordinance amendment for this part of downtown.

An excerpt of the Predevelopment Agreement regarding the proposed change to Municipal Zoning is attached to this memo on page 13. Exhibit D, which includes the framework for the proposed amendment, is included on page 16, and the proposed zoning amendment language as recommended by Planning Staff is included on page 19. A chart of the key elements of the proposed amendment, along with staff notes and recommended actions follows on page 33.

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In addition to upcoming regular meetings, staff proposes that the Planning Commission schedule two special meetings to accommodate its review of the proposed DMUC Ordinance, as follows:

- **May 24:** Regular Meeting- Agenda to include extended opportunity for public input during the Public Forum, and Commission discussion of the schedule for consideration of the DMUC and requests for a model.
- **June 7:** Special Meeting- Worksession for Planning Commission DMUC – Planning Commission discussion only
- **June 14:** Regular Meeting- Agenda to include discussion of DMUC with opportunity for public input during the Public Forum. Proposed action will be to warn the Commission's required public hearing.
- **June 21:** Special Meeting (rescheduled June 28 Regular Meeting) - Agenda not anticipated to include DMUC but will anticipate opportunity for public input during the Public Forum
- **July 6:** Special Meeting- Public Hearing on the proposed DMUC. Proposed action will be to forward the Commission's recommendation and any comments to the City Council in anticipation of their July 11 meeting.

### **Consistency with Public Policy and Process**

The public process to create a successful redevelopment concept for the Burlington Town Center mall site has its roots in *planBTV: Downtown & Waterfront*, where the City outlined a bold vision to transform the mall site and reconnect critical north-south streets. *planBTV: Downtown & Waterfront* was formally and unanimously adopted by the City Council in June 2013 and incorporated into the City's Municipal Development Plan. This vision evolved as the City invited the mall owner to take part in a public process to explore in more detail the community's desires for the site, and the feasibility of constructing a project which meets these goals. The City Council formally endorsed engaging in a partnership with the new mall owner and undertaking this community planning process in December 2014. The plans for the proposed project, which were included in the Predevelopment Agreement, are the result of over 18 months of discussion about the most important elements of a project in this location.

The proposed DMUC amendment follows years of public process, and seeks to codify those key elements that the community has identified as being important in both *planBTV* and the mall community engagement process. The proposed DMUC was drafted based on:

- the "Timeless Principles" for downtown development as articulated in *planBTV* (attached, page 40)
- the *planBTV* vision for a more densely developed, mixed-use mall site that restored the connectivity of the street grid (attached, page 44)
- key recommendations from the community & DAPAC throughout the mall's public process (page 36 and 37).

While the proposed project has served as an example of how these principles and community goals can be realized, the proposed DMUC amendment has been drafted with the intent that these regulations would guide redevelopment in the core of downtown in a way that meets the community's vision regardless of who is developing the site.

### **Proposed Project Background Information**

Staff does not intend for presentations and discussions on the proposed DMUC zoning ordinance to include an evaluation or discussion of the proposed redevelopment project. Therefore, Commissioners who are interested in project specifics may want to revisit past presentations, studies and other evaluations of the proposed project in advance of the Planning Commission's discussion of the DMUC.

Revised plans, sun studies, the City's Technical Team analysis of urban design, an economic impact analysis, and more information is located on the City's website at the following link: [www.burlingtonvt.gov/btvmall](http://www.burlingtonvt.gov/btvmall)

housing) without the prior written approval of the City acting through the City Council. Owner additionally agrees that the Champlain Student Housing component of the Project will include not more than 80 units and shall either be managed by Champlain College, or it shall be appropriately managed either by Owner (or its affiliate) or by a property management company with experience and a proven track record managing student housing. Other than the Champlain Student Housing referenced above, all other forms of purpose-built or master-leased student housing shall be subject to the review and approval of the Burlington City Council. Nothing contained herein limits the availability of other housing units in the Project for occupancy by individuals, including, without limitation, those who may be pursuing full or part time higher education, seniors or work force members.

c. In addition to the affordable, or inclusionary, housing to be included as a component of the Project (as described in the Background section to this Agreement), Owner shall endeavor to develop some “workforce housing” as part of the residential component of the Project, “workforce housing being that which targets households with incomes between 80% to 120% of the median income for the Burlington/South Burlington MAS, adjusted for household size. The City agrees to use its diligent, reasonable and good faith efforts to support Owner’s efforts to apply for and obtain finance subsidies and Low Income Housing Tax Credits that are normally available from either the State of Vermont or the U.S. government to qualified Vermont development projects that include Affordable Housing and/or Work Force Housing, such as that which this Project intends to offer.

d. Owner agrees to revise the Plan Set to be consistent with the Revised Plan Sheets, and agrees that the plans submitted to support permit applications for the Project shall be consistent with the revised Plan Set, subject to the other provisions of this Agreement. Owner further agrees to revise the Plan Set to remove the aerial walkway depicted over St. Paul Street, provided that nothing herein shall constitute a waiver of Owner’s right to seek construction of an aerial walkway over St. Paul Street in the future, provided that Owner is able to obtain necessary permitting.

e. Owner agrees to use reasonable efforts to utilize Burlington Telecom residential and commercial services if such services are available to the Project on the time-line described herein and such services are available on terms and conditions that are competitive with other similar services on a commercial and residential basis.

f. The City acknowledges receipt and review of satisfactory three dimensional, 3D animated, and photo-realistic, simulated images and perspectives of the Project taken from various vantage points in and around downtown Burlington to facilitate the City’s assessment and evaluation of the Project height and massing that Owner has proposed, and the City reserves the right to further review such materials and to reasonably request additional materials for further evaluation.

### 3. Municipal Zoning.

a. The Parties acknowledge that as presently designed, the Project could not be

approved under the terms of the Zoning Ordinance because, among other things, it exceeds applicable height and setback limitations. In order to construct the Project, Owner will require an amendment to the Zoning Ordinance to establish a new overlay district within that portion of the City of Burlington that includes the Property, within which a Project that is consistent with the Plan Set could be developed without exceeding applicable height, setback and other requirements.

b. Owner and the City agree that the present Project design, as reflected on **Exhibits A and B**, needs further refinement to take into account the Parties' concerns regarding certain aesthetic aspects of the Project design, specifically including the uniformity of mass and of the skyline, façade articulation and design, and the location and design of vertical step-backs, and that Owner and the City are in the process of negotiating revisions to the Project design to address the Parties' concerns. The Parties acknowledge that the zoning amendment referenced above will include prescriptive design standards and requirements with regard to the uniformity of mass and skyline, façade articulation and design, the location and design of vertical step-backs, and primary and accent façade materials used in the Project. The Parties agree that the Project would conform with the Zoning Ordinance if the Zoning Ordinance were amended substantially in accordance with **Exhibit D** attached hereto and made a part hereof (the "Zoning Amendment Summary") and the Project design were modified to conform with the requirements of the Zoning Amendment Summary. Notwithstanding the foregoing, the Parties agree that the Project design reflected on **Exhibit A as modified by Exhibit B** is acceptable regarding the overall square footage and floor area ratio (FAR) of the Project, and that the uses described on Exhibit D are acceptable.

c. The City shall support an amendment to the Zoning Ordinance which will permit the lawful development and use of the Project, subject to standards and criteria to be developed in consultation with Owner including, without limitation, the design criteria set forth in the Zoning Amendment Summary. The City, acting through the Office of the Mayor, shall use diligent, good faith efforts to (i) submit, or cause to be submitted, in writing to the City Planning Commission such an amendment to the Zoning Ordinance within ten (10) days of execution of this Agreement and (ii) obtain final legislative approval of such an amendment to the Zoning Ordinance within one hundred and twenty (120) days following execution of this Agreement. **The Parties agree that if the City fails to amend the Zoning Ordinance on or before the one hundred twentieth (120th) day following the date of the execution of this Agreement in a manner that will enable the Project to obtain zoning approval, then Owner shall have the right, but not the obligation, to terminate this Agreement.**

d. The City, acting through the Office of the Mayor, shall use diligent, good faith efforts to facilitate the adoption of an amendment to the Zoning Ordinance to facilitate the Project, with the understanding that only the Burlington City Council and Planning Commission have the authority to adopt amendments to the Zoning Ordinance, which must be adopted in accordance with applicable laws, ordinances and regulations. Owner shall timely submit the materials and submissions to the level of completeness necessary for the City to process an amendment to the Zoning Ordinance so as to reasonably facilitate Owner's adherence to the Project Schedule. Without limiting the foregoing, the City agrees that so long as Owner timely submits the materials and submissions necessary to process an amendment to the Zoning Ordinance, the City's administrative personnel shall use diligent, good faith efforts to process such submissions in a

timely manner so as to reasonably facilitate Owner's adherence to the Project Schedule.

e. In consideration of the City's agreement to undertake efforts to support and facilitate such an amendment to the Zoning Ordinance, and in consideration of the funds expended by the City in support of the Project, Owner shall, subject to the application of the reimbursement provisions described in Section 4 of this Agreement, construct the Public Improvements as a component of the Property in the first phase of its construction of the Project. Owner covenants and agrees that prior to commencing the construction of any portion of the Project (it being understood that, as stated on the project schedule attached as Exhibit C to this Agreement, the commencement of construction includes the demolition of the existing improvements on the Property), it shall provide the City with (i) a copy of an executed construction contract that contains a guaranteed maximum price to construct the Public Improvements, together with payment and performance bonds for the City's benefit issued by a solvent and reputable bonding company in the amount of such guaranteed maximum price, consistent with the requirements of Section 3.2.10 of the Zoning Ordinance or such other security reasonably acceptable to the City and (ii) evidence that the obligation to construct the Private Improvements is subject to a guaranteed maximum price contract that is secured by payment and performance bonds for the benefit of the construction lender, a completion guaranty for the benefit of the construction lender, or another customary and commercially reasonable form of financial surety reasonably satisfactory to the City. Owner agrees that the City will not have an adequate remedy at law for Owner's noncompliance with the provisions of this paragraph and, therefore, the City shall have the right to equitable remedies, such as, without limitation, injunctive relief and specific performance, to enforce the foregoing covenant and agreement.

f. The Parties acknowledge that prior to constructing the Project, it will be necessary for Owner to obtain permits and approvals for the Project from the Burlington Development Review Board ("DRB"), that the DRB is an independent body not under the City's control, and that the City does not and cannot guaranty that the DRB will approve the Project even if the Zoning Ordinance is amended. During that zoning amendment process, the Owner shall make its best efforts to submit permit application materials at the earlier, legally permissible time to the level of completeness necessary for the DRB and other Boards to consider Owner's application for the permits and approvals necessary to develop and construct the Project so as to reasonably facilitate Owner's adherence to the Project Schedule. **The Parties agree that if Owner fails to obtain the necessary permits and approvals to develop and construct the Project prior to October 15, 2016, or such later date as may be communicated to the City in writing by Owner, then all of the Parties' rights and obligations under this Agreement shall terminate.**

g. Upon the City's request, Owner agrees to provide up to \$16,000 for the City to commission an industry quality physical 3D model or additional 3D computer simulated visualizations of the Project and its surroundings. Owner shall direct its architects and designers to provide the 3D model preparer with the necessary plans, specifications and other materials and information necessary to prepare such model.

#### 4. Waterfront TIF District; Payment for Public Improvements.

*Burlington Comprehensive Development Ordinance*  
**PROPOSED Downtown Mixed Use Core Overlay**

Purpose: The proposed amendment to the zoning ordinance is intended to facilitate new development in the downtown core, and in so doing substantially and significantly help the City to implement many of the central goals and objectives found in the *planBTV: Downtown and Waterfront Master Plan* unanimously adopted in June 2013 by the Burlington City Council to guide the future development and economic vitality of the downtown and waterfront area. The proposed zoning amendment will create an overlay district in the core of the downtown area to allow and encourage development of mixed use buildings, increased density, and enable taller building height without the necessity of a “bonus” from the DRB. It will also establish a number of urban design and building form requirements to ensure street-level activation and façade variation.

The proposed zoning amendment is intended to accomplish, without limitation, the following goals:

1. Enable the redevelopment of the Burlington Town Center at a scale and mass that could not otherwise be built under the City’s existing zoning regulations, consistent with the scale and mass described and depicted on Exhibits A and B of the Predevelopment Agreement to which this Exhibit D is attached.
2. Guarantee that many of the elements of the Burlington Town Center redevelopment project long identified as important to the City in the *planBTV: Downtown and Waterfront Master Plan*, and through the public discussion around the redevelopment of the Burlington Town Center site, are incorporated in any final project that may be proposed, specifically including:
  - activation of Bank and Cherry streets to offer a better pedestrian experience;
  - re-establish north-south connectivity for pedestrian, bicycles, and vehicles where possible;
  - redevelopment and co-operative operation of onsite parking facilities;
  - thoughtfully designed vertical expansion to add much desired retail, office, housing and other uses; and,
  - demonstrating stormwater mitigation pilot projects on both public and private property.

**Key Elements:**

- Creates a new Overlay District, known as the **Downtown Mixed Use Core (DMUC)** Overlay District (the “DMUC District”), within which greater development density and higher building heights, as well as expanded uses will be permitted.
  - The DMUC District will be limited in area consistent with the *planBTV: Downtown and Waterfront Master Plan* and Joint FBC Committee discussions regarding where additional height is acceptable and in accordance with all applicable laws regarding zoning to insure the new Overlay District achieves the desired goals of the City and benefits all the property owners that fall within the DMUC District.



- The DMUC District is intended to facilitate the redevelopment of a portion of the former Urban Renewal Area in order to provide for a more walkable, connected, dense, compact, mixed use and diverse urban center. The DMUC District should support a diversity of residential, commercial, recreational, civic, hospitality, educational and entertainment activities, and create opportunities to better connect the street grid for enhanced mobility for automobiles, pedestrians, and bicyclists in order to sustain and advance the economic vitality Burlington’s downtown urban core.

The DMUC District will allow larger scale development than is typically found in the underlying district, and development with larger and taller buildings. Development should be designed to support a diverse mix of uses, to activate and enrich the streets and sidewalks for pedestrian activity, and to encourage mobility throughout the District and adjacent districts for pedestrians and bicyclists with reduced reliance on automobiles.

- New development in the DMUC District will be exempt from seeking building height bonuses from the DRB pursuant to BCDO Sec. 4.4.1 (d) 7; instead, the DMUC District will establish the following new, by-right height and massing limits and requirements:
  - 3 stories minimum, 14 stories not to exceed 160 ft. maximum overall height, with an allowed variation of 5% of the total allowable height (but no additional stories) to account for grade changes.
  - Maximum FAR of 9.5.
- New developments in the DMUC District will be exempt from the existing upper story setback requirement pursuant to BCDO Sec. 4.4.1 (d) 4 A; instead, consistent with the maximum height and FAR limitations of the DMUC District, new prescriptive design standards will be used to ensure good urban design, façade articulation and especially street activation, including but not limited to:

- Façade Articulation.
    - Finer-grained surface relief within the façade plane (use of material changes, balconies, belt courses, columns, lintels, etc.).
    - Creation of architectural bays to provide regular and strong vertical changes in the horizontal plane of a façade, particularly within the lower 3-5 stories.
    - Horizontal changes in the vertical plane of a façade (articulated base, step-backs of upper stores, and clearly defined top).
  - Street Activation at the ground floor.
    - Location, frequency and operability of primary entrances.
    - Proportion of and distance between voids (doors and windows).
    - Transparency of glazing.
    - Visual access within spaces.
  - Acceptable primary and accent façade materials.
- 
- Projects within the DMUC District will be required to participate in the emerging downtown parking initiatives being developed under the newly adopted *Downtown Transportation and Parking Plan*, provided that private owners of parking lots or parking structures shall not be required to participate in any parking initiatives to the extent that such initiatives impose or result in any material obligation or cost to the such owners.
  - Mixed use projects within the DMUC District will be required to develop a Master Sign Plan subject to DRB approval, taking into account the nature of the uses featured within the District.
  - The zoning amendment to establish the DMUC District will also establish, by right, that projects subject to the DMUC District overlay that include property fronting Church Street may be improved such that the portion of any structure fronting Church St. does not exceed 4 stories, or a maximum height of 45 ft., provided that the overall height of such structures may be increased to the maximum height permitted within the zoning district so long as there is a 10-foot upper story setback for every 10-feet of height above 45 ft.
  - The zoning amendment to establish the DMUC District will expand the Official Map to include 60-ft. wide extensions of St. Paul Street and Pine Street between Cherry and Bank Streets.
  - The Zoning Amendment will include an amendment to the City's Official Map to re-establish St. Paul Street and Pine Street between Cherry and Bank streets as public streets, each with a right-of-way measuring sixty (60) feet in width, to accommodate pedestrians, bicycles and vehicles, substantially in accordance with the depiction of St. Paul Street and Pine Street on Exhibit B to the Predevelopment Agreement to which this Exhibit D is attached.

## Burlington Comprehensive Development Ordinance

### PROPOSED: ZA-16-?? – Downtown Mixed Use Core Overlay

As proposed by the Planning staff – May 4 2016.

Changes shown (underline to be added, ~~strike-out~~ to be deleted) are proposed changes to the Burlington Comprehensive Development Ordinance.

**Purpose:** This amendment is to facilitate the redevelopment of the Burlington Town Center with higher density mixed use development in the core of the downtown, and in so doing substantially and significantly help the City to implement many of the central goals and objectives found in the *planBTV: Downtown and Waterfront Master Plan* unanimously adopted in June 2013 to guide the future development and economic vitality of the downtown and waterfront area. It creates an overlay district to encompass a 1-2 block area in the core of the downtown area to enable taller Building Height without the necessity of a “bonus” from the DRB. It also establishes a number of building form requirements to ensure street-level activation and façade variation.

#### **Article 4: Zoning Maps and Districts, Part 2: Official Map**

##### **Sec. 4.2.1 Authority and Purpose**

A map entitled “The Official Map of the City of Burlington” and as depicted on Map 2.2.1-1 below is hereby established pursuant to 24 VSA 4421 that identifies future municipal utility and facility improvements, such as road or recreational path rights-of-way, parkland, utility rights-of-way, and other public improvements. The intent is to provide the opportunity for the city to acquire land identified for public improvements prior to development for other use, and to identify the locations of required public facilities for new subdivisions and other development under review by the city.

*Map 4.2.1-1 Official Map of the City of Burlington (unchanged)*

##### **Sec. 4.2.2 Downtown and Waterfront Core Official Map Established**

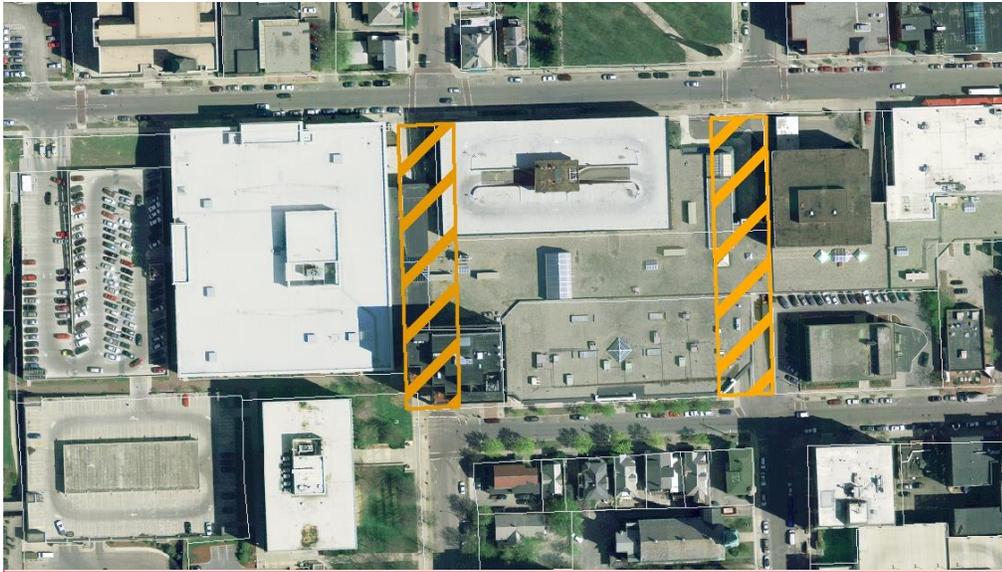
A map entitled “The Official Map of the Downtown and Waterfront Core” and as depicted on Map 2.2.2-1 below is established as part of the Official Map established above, ~~is to be dated as of the effective date hereof, is to be located in the department of zoning and planning and is incorporated herein by reference~~. The proposed streets, public ways, public parks and other public lands and visual corridors contained therein are more particularly described as follows:

- (a) A pedestrian easement thirty (30) feet in width along the center line of Main Street extended to Lake Champlain west of the Union Station building;

**DRAFT** - 5/4/2016

- (b) A waterfront pedestrian easement fifty (50) feet in width abutting the ordinary high water mark of Lake Champlain from Maple Street extended to College Street;
- (c) A waterfront pedestrian easement one hundred (100) feet in width abutting the ordinary high water mark of Lake Champlain from College Street extended to the north property line of the city-owned lands designated as “urban reserve” and formerly owned by the Central Vermont Railway;
- (d) Visual corridors and/or pedestrian ways sixty (60) feet in width along the center lines of Bank, Cherry, Pearl and Sherman streets extended west to Lake Champlain and visual corridors above the fourth floor along Main Street and College Street;
- (e) The following existing streets remain: Maple and King Streets and as extended to Lake Champlain; Main street; College Street and as extended to Lake Champlain; Lake Street from Main Street to College Street; Depot Street; and Battery Street;
- (f) An easement for pedestrians and bicycles twenty (20) feet in width, located adjacent to and west of the old Rutland railway right-of-way and owned by the State of Vermont running between the King Street Dock and College Street; ~~and~~;
- (g) Lake Street (north) modified: The portion of Lake Street is a street seventy (70) feet in width, the center line of which commences on the north line of College Street thence running northerly following the center line of existing Lake to a point intersecting the northerly property line of the Moran Generating Station extended east.
- (h) The re-establishment of St Paul Street between Cherry and Bank streets as a public street with a right-of-way sixty (60) feet in width to accommodate pedestrians, bicycles and vehicles; and.
- (i) The re-establishment of Pine Street between Cherry and Bank streets as a public street with a right-of-way sixty (60) feet in width to accommodate pedestrians, bicycles and vehicles.

**Comment [DEW1]:** This will ensure that the proposed north-south connectivity on Pine and St. Paul streets envisioned in planBTV is accomplished. The City will have 120-days to initiate proceedings to acquire any land within this area that may be proposed for new development. As proposed, the BTC will comply.



**Comment [DEW2]:** These proposed new ROW's are consistent with the BTC project as proposed

*(temporary illustration of the proposed addition)*

Map 4.2.2-1 *Official Map of the Downtown and Waterfront Core Waterfront Core Official Map*

**Article 4: Zoning Maps and Districts, Part 3: Zoning Districts Established**

**Sec. 4.3.2 Overlay Districts Established:**

Overlay districts are overlaid upon the base districts established above, and modify certain specified development requirements and standards of the underlying base district. the land so encumbered Properties within an Overlay District may be used and altered-developed in a manner permitted in the underlying district only if and to the extent such use or alteration is permitted in-as may be modified by the applicable overlay district. The following districts are established as overlay districts as further described in **Part 5** below:

- (a) A **Design Review Overlay (DR)** district;
- (b) A series of five (5) **Institutional Core Campus Overlay (ICC)** districts, as follows:
  - UVM Medical Center Campus (ICC-UVMMC);
  - UVM Central Campus (ICC-UVM);
  - UVM Trinity Campus (ICC-UVMT)
  - UVM South of Main Street Campus (ICC-UVMS); and,
  - Champlain College (ICC-CC);
- (c) An **RH Density Bonus Overlay (RHDB)** district;

**DRAFT** - 5/4/2016

(d) A series of four (4) **Natural Resource Protection Overlay (NR)** districts, as follows:

- Riparian and Littoral Conservation Zone;
- Wetland Protection Zone;
- Natural Areas Zone; and,
- Special Flood Hazard Area;

(e) A **RL Larger Lot Overlay (RLLL)** district;

(f) A **Mouth of the River Overlay (MOR)** district; ~~and,~~

(g) A **Centennial Woods Overlay (CWO)** district; ~~and,~~

(h) A **Downtown Mixed Use Core (DMUC)** district.

### Sec. 4.4.1 Downtown Mixed Use Districts

(d) **District Specific Regulations, 4. Building Height Setbacks**

A. - unchanged

B. **Church Street Buildings:**

For the purposes protecting the historic character and scale of buildings along the Church Street Marketplace, the maximum height of any building fronting on Church Street shall be limited to ~~38 feet~~ **4-stories not to exceed 45-feet**. Any portion of a building ~~within 100 feet from the centerline of Church Street exceeding 45-feet~~ shall be set-back a minimum of ~~16~~ **10**-feet for every 10-feet of additional building height above ~~38~~ **45**-feet.

**Comment [DEW3]:** While outside of the proposed new overlay, this change is already envisioned as part of the currently proposed form-based code to provide better compatibility of building heights on Church Street. The BTC project as proposed will need its upper floors to be set back farther in order to comply

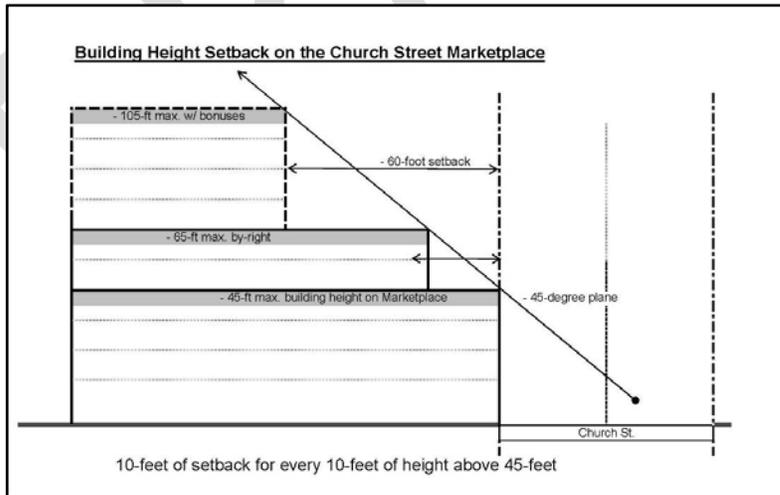


Figure 4.4.1-2 Measuring Height Limits for Church Street Buildings

C. - unchanged

**DRAFT** - 5/4/2016

**Sec. 4.5.8 Downtown Mixed Use Core Overlay (DMUC) District**

**(a) Purpose:**

The Downtown Mixed Use Core Overlay (DMUC) district is intended to facilitate the redevelopment of a portion of the former Urban Renewal Area in order to provide for a more walkable, connected, dense, compact, mixed use and diverse urban center. The area should support a diversity of residential, commercial, recreational, educational, civic, hospitality, and entertainment activities, and create opportunities to better connect the street grid for enhanced mobility for automobiles, pedestrians, and bicyclists in order to sustain and advance the economic vitality Burlington’s downtown urban core.

This overlay allows larger scale development than is typically found in the underlying district, and development with larger and taller buildings. Development should be designed to support the diverse mixed-uses, activate and enrich the street and sidewalk for pedestrian activity, and encourage mobility throughout the district and adjacent districts for pedestrians and bicyclists with reduced reliance on automobiles.

**(b) Areas Covered:**

The Downtown Mixed Use Core Overlay (DMUC) district includes those portions of the Mixed Use Downtown (D) District as delineated on [Map 4.5.8-1](#).



Map 4.5.8-1: Downtown Mixed Use Core Overlay (DMUC) district

**Comment [DEW4]:** Boundary of this area needs to consider existing and potential development in this area which has generally been supported in planBTV and by the Joint FBC Committee as the part of the downtown where greater height could be appropriate.

**(c) District Specific Regulations: Downtown Mixed Use Core Overlay (DMUC) district:**

**1. Dimensional Standards:**

The maximum Building height and mass shall be as prescribed in Table 4.5.8-1 below. Building height and mass in excess of 65-feet and 5.5 FAR shall be allowed by-right and without the necessity of the DRB granting of Development Bonuses/Additional Allowances pursuant to Sec 4.4.1 (d)7.

The Dimensional Standards within the DMUC Overlay District shall be as follows:

<b><u>Building Height</u></b>	3 stories min. 14 stories not to exceed 160-ft max
<b><u>FAR</u></b>	9.5 FAR total max per lot
<b><u>Floors 1-5</u></b>	100% of lot max.
<b><u>Floors 6-7</u></b>	75% of lot max.
<b><u>Floors 8-11</u></b>	55% of lot max.
<b><u>Floors 12+</u></b>	15, 000 sf max per individual floorplate
<b><u>Pervious Area<sup>1</sup></u></b>	10% min
<b><u>Setbacks:</u></b>	
- Front	0-ft min, 10-ft max.
- Side/Rear	0-ft min, 12-ft max.
<b><u>Occupied Build-to Zone<sup>2</sup></u></b>	100%
<b><u>Ground Floor Height (floor to floor)</u></b>	14-ft min
<b><u>Arcades<sup>3</sup></u></b>	10-ft clear depth min 14-ft clear height min

<sup>1</sup> Pervious Area is the area of a lot covered by surfaces or materials that allow for the movement or passage of water into soils below. Pervious areas include, but are not limited to, areas of a lot covered by soil/ mulch, vegetative matter, permeable pavers/pavement, bio-retention areas, or other materials that allow for the infiltration of at least the first inch (1”) of rainfall. For these purposes, green roofs that capture and attenuate at least the first inch (1”) of rainfall are also considered pervious area.

<sup>2</sup> Occupied Build-to Zone is the proportion of the linear distance between the maximum and minimum front setback along a front property line that must be occupied by a Building façade. In lieu of a Building façade, a streetscreen between 3.5 and 8 feet in height or active public use or activity (such as outdoor cafes) occupying no more than the lessor of 20 feet or 20% of the Build-to Zone may be included.

<sup>3</sup> An Arcade is where only the ground floor level of the Building facade is set back from the front property line. The Building facade for the upper floors is at or near the front property line within the Build-to Zone, and is supported by a colonnade with habitable space above.

**2. Urban Design Standards:**

The following urban design standards shall apply to all Buildings in the DMUC Overlay, and the DRB shall make a final determination regarding strict compliance with these standards except as provided for in E below. These standards and requirements shall take

**Comment [DEW5]:** This is important to compliance with the Pre-DA

**Comment [DEW6]:** This is important to compliance with the Pre-DA

**Comment [DEW7]:** This is important to compliance with the Pre-DA

**Comment [DEW8]:** The gradual reduction on upper floors is done to ensure that taller buildings are tapered as they go taller. May also want to include a minimum separation between individual towers – 60’?

**Comment [DEW9]:** See footnote regarding Pervious Area as a preferred alternative to lot coverage limitations. BTC project is proposing ~36% (39,405 sf) of upper floor greenspace by comparison

**Comment [DEW10]:** These come directly out of the proposed form based code

**Comment [DEW11]:** These come directly out of the proposed form based code

**Comment [DEW12]:** These come directly out of the proposed form based code. The process to incorporate role of DRB in making a final determination is a hybrid of current process and FBC

precedence without limitation over any duplicative or conflicting provisions of Article 6, and compliance with Article 6 shall be presumed where a Building is in compliance with these design standards as determined by the DRB.

**A. Overall Design:** Proposed Buildings shall present an architecturally significant design as follows:

- i. Step backs, horizontal and vertical variation, selection of materials and other architectural design techniques are used to reinforce the street wall, create transitions from adjacent buildings of a smaller mass and height, and reduce the actual and perceived height and mass of the upper stories from the street level;
- ii. Proposed Buildings provide visual interest and human scale at the pedestrian level through the use of a variety of scales, materials, fenestration, massing or other architectural design techniques;
- iii. Upper story proportions of Buildings emphasize vertically-oriented proportions to assure a rich visually interesting experience as viewed within the context of the downtown skyline, reinforce opportunities for establishing points of reference for visual orientation, and retain opportunities for a view of the sky between individual Building elements.

**Comment [DEW13]:** Pretty subjective and best place for DRB discretionary review to focus. Ultimately following standards provide some objective measure of satisfying these

**B. Façade Articulation:** All primary and secondary street-facing Building facades shall be articulated as follows:

- i. Building facades shall incorporate surface relief through the use of elements such as bay windows, cladding materials, columns, corner boards, cornices, door surrounds, moldings, piers, pilasters, sills, belt courses, sign bands, windows, balconies and/or other equivalent architectural features at least three (3) of which must either recess or project from the average plane of the facade by at least four (4) inches.
- ii. Buildings with facades between seventy-five (75) feet and one hundred and fifty (150) feet in width shall include vertical changes through the horizontal plane of the Façade by dividing the facade into a series of architectural and/or structural bays between six (6) feet and sixty-five (65) feet in width involving up to a minimum of 50% of the height of the façade.
- iii. Buildings with facades greater than one hundred and fifty (150) feet in width must include a more substantial change in the horizontal plane of the façade where for every one hundred and fifty (150) feet in facade width, one (1) or more architectural bay as required above must either recess or project by at least four (4) feet involving the full height of the façade from the average plane of the street wall portion of the facade. Such bays shall occur no closer than fifty (50) feet from the Buildings corner.
- iv. Required Building Height Setbacks pursuant to Sec 4.4.1 (d) 4 shall not be applicable. Instead, upper stories of any primary and secondary street-facing Building facades exceeding six (6) stories in height shall be setback as follows:
  - a. An upper story setback at least ten (10) feet from the primary plane of the façade below shall occur within the first 60-ft of Building height at either

**Comment [DEW14]:** Current BTC design doesn't meet this

**Comment [DEW15]:** Current BTC design doesn't meet this

the 3rd, 4th, or 5th story in order to provide a change in the vertical plane of the façade. Such a change shall involve the full width of the Building façade, but does not have to occur in the same story. Additional upper story setbacks may occur in order to provide additional terraces, taper and visual interest to taller Buildings.

**Comment [DEW16]:** Current BTC design doesn't meet this on St. Paul and Pine,

b. For Building facades exceeding ten (10) stories in height a second upper story setback at least ten (10) feet from the primary plane of the façade below shall occur at either the 10th, 11th, or 12th story in order to provide another change in the vertical plane of the façade. Such a change shall involve the full width of the Building façade, but does not have to occur in the same story. Additional upper story setbacks may occur in order to provide additional terraces, taper and visual interest to taller Buildings.

**Comment [DEW17]:** Current BTC design doesn't meet this on St. Paul and Pine,

c. Setbacks must be visually set off from the stories below by a balustrade, parapet, cornice and/or similar architectural feature, and are encouraged to be activated as an outdoor amenity space for Building occupants.

d. The upper stories beyond a setback may be visually differentiated from the stories below by a change in color, materials and/or pattern of fenestration in order to reduce the actual or perceived massing of the Building overall.

v. Where visible, the raised foundation or basement of a Building must be visually differentiated from the stories above by a horizontal expression line and change in color, material, and/or pattern of fenestration;

vi. The lower one to five stories of a Building must be visually differentiated from the stories above by a horizontal expression line, belt courses, banding, sign band, cornice and/or equivalent architectural feature, and include a change in color, material, and/or pattern of fenestration across a majority of the façade; and,

vii. The top one to five stories of a Building must be visually differentiated from the stories below by a horizontal expression line, belt courses, banding, sign band, cornice and/or equivalent architectural feature, and include a change in color, material, and/or pattern of fenestration across a majority of the façade

viii. The top of a Building must have a cornice, parapet, pitched or shaped roof form and/or other equivalent architectural feature involving a projection from the average plane of the facade by at least six (6) inches to serve as an expression of the Buildings top.

**C. Street Activation:** All Buildings shall activate the street as follows:

i. Buildings shall have one or more principal entrances for pedestrians at street level that are clearly identified as such along the primary street frontage or at a corner where a corner lot.

ii. The linear distance along the primary street frontage between ground floor entries shall not exceed 60-feet, and such doors must be open and operable by residential occupants at all times and non-residential occupants and customers during business hours.

**Comment [DEW18]:** define

iii. Building entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, canopies, awnings, transoms, sidelights and/or other design elements appropriate to the architectural style and details of the Building as a whole. Bays including a principal entrance should be expressed vertically, and may have little or no horizontal expression required below any required upper story setback.

iv. Requirements regarding voids and the transparency of glazing in a primary and secondary street-facing Building facade shall be as follows:

	<u>Ground Floor</u>	<u>Upper Floors</u>
<u>Voids</u> <u>(rough openings for windows and doors per floor)</u>	<u>70% min. 80% of which shall be concentrated between 3-10 feet above the adjacent sidewalk</u>	<u>20% min</u>
<u>- Horizontal and vertical distance between voids</u>	<u>20' max.</u>	
<u>Transparency:</u> <u>- applicable to 80% of the glazing on each floor.</u>		
<u>- VLT - Visible Light Transmittance<sup>1</sup></u>	<u>60% min</u>	<u>40% min</u>
<u>- VLR - Visible Light Reflectance</u>	<u>15% max</u>	<u>15% max</u>

<sup>1</sup>May be reduced to 50 and 30% respectively to meet the requirements of a High Performance Building Energy Code or equivalent program as determined by the DRB.

v. Street-facing, street-level windows must allow views into a ground story non-residential use for a depth of at least 3 feet for the first 4 feet above the level of the finished sidewalk in order to provide for a window display, and for a depth of at least 8 feet for the next 4 feet above the level of the finished sidewalk in order to provide a view into the interior of the space. Windows cannot be made opaque by window treatments (except operable sunscreen devices within the conditioned space). External security shutters are not permitted.

**D. Materials:**

The following requirements regarding the selection and use of Building materials is intended to improve the physical quality and durability of buildings, enhance the pedestrian experience, and protect the character of the downtown area.

i. Primary Materials: Not less than 80 percent of each street-facing Facade shall be constructed of primary materials comprised of high quality, durable, and natural materials. For Facades over 100 square feet, more than one primary material shall be used. Changes between primary materials must occur only at inside corners. The following are considered acceptable primary materials:

- a. Brick and tile masonry;
- b. Native stone;
- c. Wood – panels, clapboard or shingles;

- d. Glass curtain wall; and
      - e. Cementitious siding;
    - ii. Accent Materials: The following accent materials may make up no more than 20% of the surface area on each Façade. Accent materials are limited to:
      - a. Pre-cast masonry (for trim and cornice elements only);
      - b. External Insulation Finishing System - EIFS (for upper story trim and cornice elements only);
      - c. Gypsum Reinforced Fiber Concrete (GFRC—for trim elements only);
      - d. Metal (for beams, lintels, trim elements and ornamentation, and exterior architectural metal panels and cladding only);
      - e. Split-faced block (for piers, foundation walls and chimneys only); and
      - f. Glass block.
    - iii. Alternate Materials: Alternate materials, including high quality synthetic materials, may be approved by the Planning Director after seeking input from the Design Advisory Board. New materials must be considered equivalent or better than the materials listed above and must demonstrate successful, high quality local installations. Regionally-available materials are preferred.
    - iv. Other:
      - a. The use of recycled and/or regionally-sourced materials is strongly encouraged.
      - b. With the exception of natural wood siding or shingles such as cedar or redwood intended to gradually weather with time, all exposed wood and wood-like products (e.g. fiber-cement) shall be painted or stained. Exterior trim shall be indistinguishable from wood when painted.
      - c. Any synthetic siding and finish products shall be smooth-faced with no artificial grain texturing.
- E. Alternative Compliance: Relief from any non-numerical standard above, and any numerical standard with the exception of building height and FAR by no more than 20% of such requirement, may be granted by the Development Review Board. In granting such relief, the DRB shall find that:
  - i. the relief sought is necessary in order to accommodate unique site and/or Building circumstances or opportunities;
  - ii. the relief if granted is the minimum necessary to achieve the desired result;
  - iii. the property will otherwise be developed consistent the purpose of this ordinance, the intent of the underlying Zoning District and this Overlay District, the intent and purpose of the section that the relief is being sought, and all other applicable standards;
  - iv. the relief if granted will not impose an undue adverse burden on existing or future development of adjacent properties; and.

- v. the relief if granted will yield a result equal to or better than strict compliance with the standard being relieved.

**5. Parking**

- i. All onsite parking shall be provided either underground, setback a minimum of 20-ft behind the façade of building at the ground level, or above the ground floor, and shall participate in any Downtown Parking and Transportation Management District.
- ii. Entrances to parking areas and structures shall be located along a secondary street frontage where available.
- iii. The paved portion of vehicular entrances to parking areas and structures shall not exceed 24-ft clear width, and entrances to parking structures shall not exceed 16-ft clear height at the street frontage.
- iv. At least one pedestrian route from all parking areas and structures shall lead directly to a street Frontage (i.e., not directly into a Building).
- v. Any surface parking not within a parking structure shall be setback a minimum of 5-feet from any side or rear property line.
- vi. All structured parking with frontage on any portion of a public street shall be screened as follows:
  - a. The required setback between the parking and the public street at the ground level must be occupied by an active use (such as, but not limited to, residential, retail, office, recreational or services). This requirement shall not apply to parking along a secondary street frontage or located either entirely below-grade or above the ground floor where parking may come right up to the building's perimeter.
  - b. Where upper stories of structured parking are located at the perimeter of a building, they must be screened so that cars are not visible from ground level view from adjacent property or adjacent public street right-of-way.
  - c. All floors of a parking structure fronting a public street must be level (not inclined), and any sloped ramps between parking levels must be setback a minimum of 20-ft from the street-facing building façade and shall not be discernible along the perimeter of the parking structure.
  - d. Architectural and vegetative screening shall be used to articulate any street-facing building façade, and to hide parked vehicles and shield overhead lighting and vehicle headlights from the street and adjacent properties. Ground floor facade treatment (building materials, windows, and architectural detailing) must be continued on upper stories.

**Comment [DEW19]:** Do we still want/need this?

**6. Signs**

A master sign plan pursuant to Article 7 Part 3 is required for all sites occupied by more than three tenants where all signs must meet the requirements of the master sign plan. The master sign plan must establish standards of consistency as applicable of all signs to be provided on the subject property with regard to:

- Colors;
- Letter/graphics style;
- Location and Sign Type;
- Materials;
- Methods of illumination; and/or
- Maximum dimensions and proportion.

In addition to the flexibility from the requirements of Article 7 provided under Sec. 7.3.4, the following shall also be permitted when incorporated as part of a master sign plan in the DMUC Overlay:

i. Projecting Signs: One projecting sign may be permitted for each ground floor use provided such sign:

- a. does not exceed 8 square feet in area;
- b. does not project more than 4 feet from the building façade on which it is attached;
- c. has its lowest edge at least eight (8) feet above any pedestrian way;
- d. has its highest edge no more than eighteen (18) feet above any pedestrian way; and
- e. Any encroachment into the public right-of-way must also be approved by the City Council.

**Comment [DEW20]:** Consistent with Church Street Marketplace and proposed FBC. Currently limited to only 4 sf.

ii. Marquee Signs: One marquee sign per primary street frontage may be permitted provided such sign:

- a. is located above the principal Building entrance;
- b. projects a minimum of 6 feet from the building façade on which it is attached but in no event more than 10 feet and 3 feet from the curb;
- c. has its lowest edge at least 9'6" above any pedestrian way;
- d. has its highest edge no more the lesser of the floor level of the third story or 35 feet above any pedestrian way;
- e. is no more than 40 feet in width;
- f. may contain an area for manual changeable copy that does not exceed 30 percent of the area of the sign face on which it is located or 32 square feet, whichever is less; and
- g. Any encroachment into the public right-of-way must also be approved by the City Council.

iii. Canopies and Awnings:

**Comment [DEW21]:** This remains incomplete...

**7. Green Buildings**

New development in the DMUC Overlay shall be built to the standard of LEED Gold Certification as evidenced by the submission of a completed LEED checklist by a LEED AP at the time of application, and shall use all reasonable efforts to obtain such final certification upon project completion. New development in the DMUC Overlay shall also strive to achieve the energy reduction goals outlined in the “Architecture 2030 Challenge” as evidenced by...

**Comment [DEW22]:** This remains incomplete

**Sec. 5.2.6 Building Height Limits**

**(a)** *unchanged*

**(b) Exceptions to Height Limits**

1. Additions and new construction on parcels created prior to January 1, 2008 that contain a ~~non-conforming existing structure~~ Principal Building exceeding ~~thirty-five (35) feet~~ the maximum permitted Building height as of January 1, 2008 may exceed the maximum permitted Building height of the zoning district ~~thirty-five (35) feet~~ subject to the design review provisions of Art. 3 and 6, but in no event shall exceed the height of the existing ~~non-conforming Principal Building~~ structure.
2. In no case shall the height of any structure exceed the limit permitted by federal and state regulations regarding flight paths of airplanes.
3. Greenhouses, garden sheds, gazebos, rooftop gardens, terraces, and similar features are exempt from specific height limitations but shall be subject to the design review provisions of Art. 3 and 6.
4. Ornamental and symbolic features of buildings and structures, including towers, spires, cupolas, belfries and domes, where such features are not used for human occupancy or commercial identification, are ~~also~~ exempt from specific height limitations and shall be subject to the design review provisions of Art. 3 and 6.
- 4.5 Stairs, Elevator Towers and Mechanical Equipment shall be allowed to encroach beyond the maximum building height by no more than 10-feet and provided they do not exceed 20% of the roof area.  
Exposed mechanical equipment shall be fully screened on all sides to the full height of the equipment, and positioned on the roof to be unseen from view at the street level. Screening may consist of parapets, screens, latticework, louvered panels, and/or other similar methods.  
Where incorporated into and hidden within the roof structure, or a mechanical penthouse setback a minimum of 10-ft from the roof edge, no such area limit shall apply.
5. The footprint of such architectural features shall not exceed ten percent (10%) of the total roof area.

- 6. All forms of communications equipment including satellite dish antennae shall not be exempt from height limitations except as provided in Sec 5.4.7 of this Article.
- 6.7. The administrative officer may allow for up to a 10% variation in the maximum building height to account for grade changes across the site. In no event however, shall such additional height enable the creation of an additional story beyond the maximum.

**Comment [DEW23]:** Important changes to screening requirements for rooftop equipment and flexibility in amount and numerical building height limits. This is duplicated in the NAC-STJ amendment as well – see which gets adopted first.

DRAFT

**DMUC Overlay – PC Action Items**

<b><u>Key Elements:</u></b>	<b><u>Staff notes &amp; comments:</u></b>
<p>Create a new Overlay District, known as the <b>Downtown Mixed Use Core (DMUC)</b> Overlay District (the “DMUC District”)</p>	<p>Exact boundaries still TBD. Comes from the current draft of the FBC. PC may want to fine-tune.</p>
<p>Expand the Official Map to include 60-ft. wide extensions of St. Paul Street and Pine Street between Cherry and Bank Streets.</p>	<p>Comes directly from the recommendations of <i>planBTV: Downtown and Waterfront Master Plan</i></p> <p><b>Staff notes that the City Council has agreed in the PDA that this is acceptable</b> and strongly recommends that the street boundaries shown on the Official Map coincide with those shown on plans proposed for redevelopment of the mall, and recommends this <u>as proposed</u>.</p>
<p>New development in the DMUC District will be exempt from seeking building height bonuses from the DRB pursuant to BCDO Sec. 4.4.1 (d) 7; instead, the DMUC District will establish the following new, by-right height and massing limits and requirements:</p>	<p>This is implied by the changes below...</p>
<ul style="list-style-type: none"> <li>• 3 stories min., 14 stories max. not to exceed 160 ft. max.</li> </ul>	<p><b>Staff notes that the City Council has agreed in the PDA that this is acceptable</b> and strongly recommends this <u>as proposed</u></p>
<ul style="list-style-type: none"> <li>• Overall height allowed variation of 5% of the total allowable height (but no additional floor area) to account for grade changes across the site.</li> </ul>	<p>Comes from the proposed standards found in the current draft of the FBC. Applicable beyond proposed overlay but a very important element of flexibility for all development. PC may want to fine-tune.</p> <p>Staff recommends this concept as proposed.</p>

<b><u>Key Elements:</u></b>	<b><u>Staff notes &amp; comments:</u></b>
<ul style="list-style-type: none"> <li>• 4 stories not to exceed 45-ft max on Church Street, with a 10-foot upper story setback required for every 10-feet of height above 45-feet</li> </ul>	<p>Comes from the proposed standards found in the current draft of the FBC.</p> <p><b>Staff notes that the City Council has agreed in the PDA that this is acceptable</b> and strongly recommends this <u>as proposed</u>.</p>
<ul style="list-style-type: none"> <li>• Maximum FAR of 9.5</li> </ul>	<p><b>Staff notes that the City Council has agreed in the PDA that this is acceptable</b> and strongly recommends this <u>as proposed</u></p>
<p>New developments in the DMUC District will be exempt from the existing upper story setback requirement pursuant to BCDO Sec. 4.4.1 (d) 4 A; instead, new prescriptive design standards will be used to ensure good urban design, façade articulation and especially street activation including but not limited to:</p>	<p>This is implied by the changes below...</p> <p>PC may want to fine-tune, but all come from the proposed standards found in the current draft of the FBC, and Staff recommends this largely as proposed</p>
<ul style="list-style-type: none"> <li>• Façade Articulation:</li> </ul>	
<ul style="list-style-type: none"> <li>○ Finer-grained surface relief within the façade plane (use of material changes, balconies, belt courses, columns, lintels, etc)</li> </ul>	
<ul style="list-style-type: none"> <li>○ Creation of architectural bays to provide regular and strong vertical changes in the horizontal plane of a façade particularly within the lower 3-5 stories.</li> </ul>	
<ul style="list-style-type: none"> <li>○ Horizontal changes in the vertical plane of a façade (articulated base, setbacks of upper stores, and clearly defined top)</li> </ul>	
<ul style="list-style-type: none"> <li>• Street Activation at the ground floor:</li> </ul>	
<ul style="list-style-type: none"> <li>○ Location, frequency and operability of primary entrances</li> </ul>	
<ul style="list-style-type: none"> <li>○ Proportion of and distance between voids (doors and windows)</li> </ul>	
<ul style="list-style-type: none"> <li>○ Transparency of glazing</li> </ul>	
<ul style="list-style-type: none"> <li>○ Visual access within spaces</li> </ul>	

<b><u>Key Elements:</u></b>	<b><u>Staff notes &amp; comments:</u></b>
<ul style="list-style-type: none"> <li>Acceptable primary and accent façade materials</li> </ul>	
<p>Projects within the DMUC District will be required to participate in the emerging downtown parking initiatives being developed under the newly adopted <i>Downtown Transportation and Parking Plan</i>, provided that private owners of parking lots or parking structures shall not be required to participate in any parking initiatives to the extent that such initiatives impose or result in any material obligation or cost to the such owners.</p>	
<p>Mixed use projects within the DMUC District will be required to develop a Master Sign Plan which provides for flexibility from some individual sign requirements/limits subject to DRB approval.</p>	<p>Comes from the proposed Sign Type standards found in the current draft of the FBC, but PC may want to fine-tune.</p> <p>Staff recommends this largely as proposed</p>

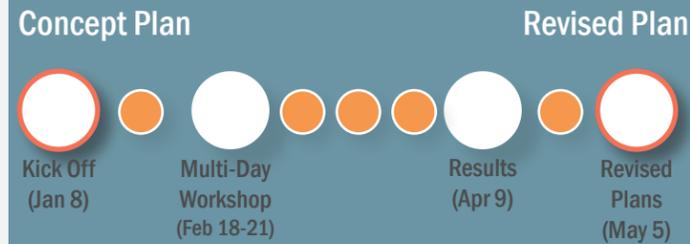
# Burlington Town Center Public Process Timeline (Nov 2014-Nov 2016)

Nov-Dec 2014      Jan - May 2015      June - Dec 2015      Jan - May 2016      May - Nov 2016

## Initial Steps

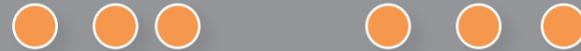
Council authorized City to enter Development Agreement process & launch public process

### Prepare & Refine Concepts for Redevelopment

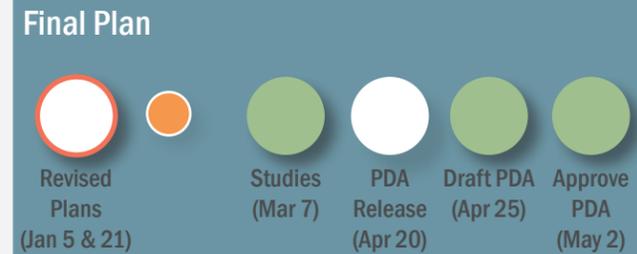


### Design Development

Mall owner refined designs, studied feasibility, and worked with City to outline framework for development agreement.



### Predevelopment Agreement



### Development Agreement



#### Public Events & Milestones

- Special Public Event
- New/ Revised Plans Presented at Public Event
- DAPAC Public Meeting
- City Council Public Meeting
- Future Milestone, Date TBD

DAPAC: Development Agreement Public Advisory Committee    PDA: Predevelopment Agreement    DA: Development Agreement    DMUC: Proposed Downtown Mixed Use Core Overlay Zoning Amendment    TIF: Tax Increment Finance

## **BTV Mall Public Process Summary and Key Recommendations**

### **Updated May 19, 2016**

The owners of the Burlington Town Center Mall and the City of Burlington have partnered to seek meaningful citizen input into the redevelopment of the mall property. Guided by a public process approved by the City Council in December 2014, public engagement and input has been gathered through a variety of public outreach efforts spanning nearly 18 months. This document summarizes the public engagement process and the ways in which the proposal for the project have evolved to respond to key recommendations for the public.

### **Scope of Public Engagement**

Information has been shared and input has been received about the project in a number of ways. Throughout the 18 month public process, there have been dedicated public presentations, a multi-day workshop/charrette, multiple City Council and other board and commission meetings, presentations at NPA meetings, comment boxes and a City website. Additionally, a joint committee (DAPAC) of the City Council, Planning Commission, and staff was formed to provide oversight on matters related to public participation and key recommendations from this process. It is estimated that well over 1,500 people have been directly engaged in this planning process.

- Public Process Mall Website: [www.burlingtonvt.gov/btvmall](http://www.burlingtonvt.gov/btvmall)
- January 8, 2015 Kick-off presentation and public forum
- NPA Presentations to Wards 1&8, 2&3, 5 and 6.
- Comment boxes distributed at 14 locations throughout the City including ONE, NNE, South End and Downtown
- Presentations at public meetings of City Committees
  - Planning Commission, Accessibility Committee, Youth Council
- February 18-21, 2015 Public Planning Workshops
  - Kick-off workshop, 6 design workshops, 4 open houses, closing workshop
- April 9, 2015 Public Review of Workshop Results
- May 5, 2015 Presentation of Revised Plans & City Review of development concept
- January 5 and 21, 2016 Presentations of Revised Plans & Development Agreement Framework
- March 7 and 21, 2016 City Council Meetings
- April 20, 2016 Public Release of Draft Predevelopment Agreement
- April 25 and May 2, 2016 City Council Public Forums
- May 2, 2016 City Council approval of Predevelopment Agreement
- City Council Executive Sessions
- Development Agreement Public Advisory Committee (DAPAC), 12 meetings from February 2016 to February 2016

## Key Recommendations from Public Input and DAPAC

Based on community and Development Agreement Public Advisory Committee (DAPAC) input through the process outlined above, the City has continuously advocated for modifications to the proposed plans in order to meet these key recommendations from the public:

- **Create clear north/south and east/west connections through the mall**—Initial designs for the project showed only St. Paul St. re-opened to traffic. After much public interest, and the subsequent urging by the City, the proposed project now includes full public streets at St. Paul and Pine Streets.
- **Include a diversity of housing types (price points, targeted demographics, size) in the project**—Inclusion of a significant amount of housing has been one of the City’s and public’s highest priorities. 20% of the units will be permanently affordable, 30% of the units will be master leased by Champlain College, the remaining 50% will be available at market rate, including a mix of unit sizes from studio to 3 bedroom. Further consideration of “workforce housing” and ownership opportunities are still ongoing.
- **Build public green space with a view of the water**—An earlier iteration of the project included a rooftop park; however, residents and the City did not feel that it would be an effective community space that the public should help pay for. Now, the project includes a smaller rooftop green space that will benefit the project’s tenants, and instead includes a green roof system which will significantly improve stormwater management in this part of downtown. Also, based on great interest by the public, the proposed project now includes a rooftop observation deck that will be accessible to the public with views of the Lake.
- **Activate Cherry and Bank Streets with street level uses**— The mall owner has indicated that the proposed plans “turn the mall inside-out,” with retail uses lining Bank and Cherry streets. Additionally, the proposed Zoning Amendment includes language that requires street level activation, entrances and windows at defined intervals, and high quality design that enhances the pedestrian environment.
- **Create a parking plan that shares parking and integrates the city-wide parking management plan**—Parking demand has been calculated using shared-parking calculations, and the proposed 925 space parking structure has been designed accordingly. Additionally, the proposed Zoning Amendment includes language requiring the property to participate a downtown parking management program should one exist.
- **Provide retail options that are diverse and include affordable options, both national and local**—The owner has indicated an intent to include a mix of retail options, but the programmatic pieces are still unknown to an extent. Thus far, the owner has demonstrated an ability to work well with local businesses, and also attract national companies like L.L. Bean.
- **Include civic spaces and public spaces available for events, rentals, etc.**—In addition to the publicly accessible rooftop observation deck, the proposed plans include a ± 5,000 Sq.ft. public space.
- **Incorporate walking and biking infrastructure in all elements of the plan**—The public streets at St. Paul and Pine will incorporate walking, biking and vehicular modes of transportation. The

Predevelopment Agreement indicates that the proposed project will include covered bike parking, and the owner has been working with Local Motion to incorporate recommendations on how this project can serve as a bicycle hub for downtown.

# WHAT WORKS

Lessons learned from Burlington and other traditional cities.

## TRADITIONAL

TOWNS AND CITIES WERE LAID OUT AND DESIGNED FOR PEOPLE. DESPITE EXTREME CHANGES IN COMMERCE, TRANSPORTATION, HUMAN

BEHAVIOR, AND THE STRUCTURE OF SOCIETY,

HISTORIC CENTERS HAVE

CONTINUALLY ADAPTED,

AND AFTER MORE THAN 150

YEARS, THE COMPLEX FABRIC

OF TOWNS AND CITIES HAS

ENDURED.

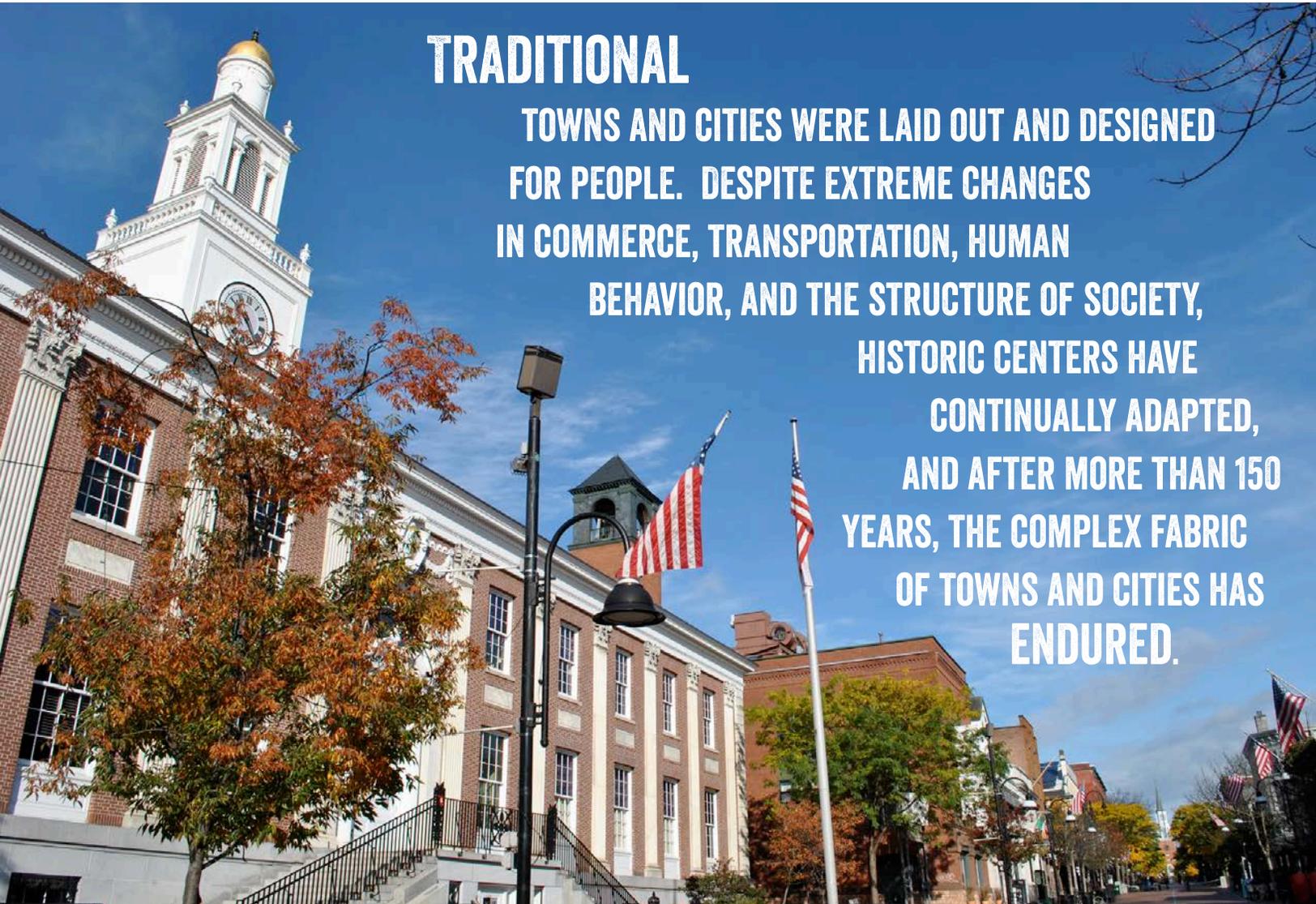
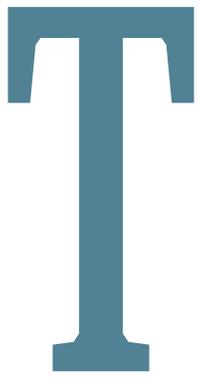


PHOTO BY MAX TRUMAN



oday, cities and towns across New England are experiencing a renaissance, with an upswing in residents who want the benefit of an urban lifestyle. The creative class, entrepreneurs, and baby boomers are moving into cities, sacrificing privacy, personal space, and their automobiles, in exchange for convenience, entertainment, and social interaction.

In addition to attracting residents, traditional communities have also become centers of place-based tourism. Travelers visit historic places because they feel good and have appeal at a very basic level.

Over the past 20 years, urban designers and new urbanists have been studying historic centers to learn what makes them so adaptable, vibrant, and livable. What we have discovered is a set of critical characteristics that most loved places possess. These principles, including walkability, connectivity, density, scale, diversity, and mixed uses, are described here in more detail.

## Walkability

The term “walkability” has become a buzz word in recent years without much effort to provide definition. As a result, it is often misunderstood to mean a place that would be pedestrian-only. In fact, the term describes an environment where there is balance between many modes of transportation. Most importantly, it describes an environment in which people feel comfortable walking. In Burlington, there is a greater emphasis than in most communities on the importance of walking and biking, with a significant portion of the population sharing an interest in living sustainably and minimizing individual carbon footprints.

The constituent elements of walkability are referred to as “The 3 D’s”: Distance, Destination, and Design. When each of these elements are addressed, people are more likely to walk.

### Destination.

People will tend to walk more if they have somewhere meaningful to go. Meaningful destinations include civic spaces, schools, meeting halls, and commercial areas like neighborhood or town centers where daily or weekly shopping needs can be met. Often these destinations, when centrally located, become the “heart” of the community. In Burlington, Church Street acts as the center for both locals and visitors, with the waterfront, the universities, and smaller neighborhood centers serving as additional destinations.

### Distance.

The average pedestrian is willing to walk up to one-quarter of a mile (1320 feet) or roughly five minutes to a destination. This ¼ mile walk from a neighborhood to a meaningful destination at the center is called a “pedestrian shed”. For most Americans, distances requiring more than a five minute walk will typically be made in a car rather than by walking. This walking versus driving threshold is locally calibrated. In Burlington, because of a culture of auto-independence, residents are likely to walk longer than the ¼ mile distance.

### Design.

An interesting streetscape and pedestrian safety and comfort are critical for a walkable environment. Narrow travel lanes, street trees, and on-street parking all act as effective psychological cues, helping to slow automobiles and, in turn, enhance pedestrian comfort. The design elements of the building themselves also provide visual interest and diversity of experience along the way. In Burlington, most urban streets feel comfortable for walking, with the exception of a few of the higher speed streets.

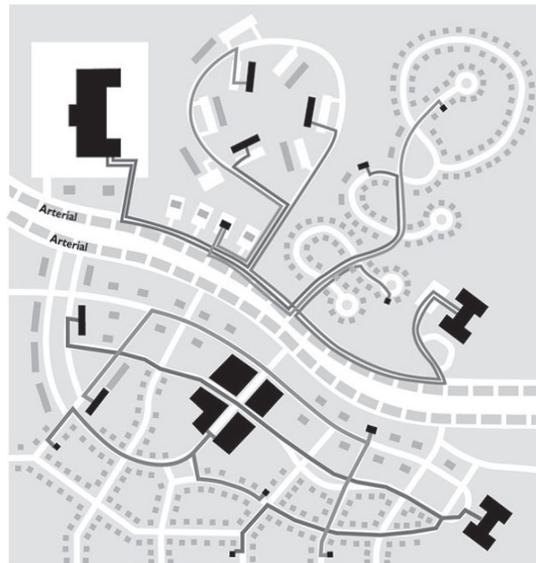
## Connectivity

All streets should be connected to other streets, maximizing the number of routes to and from a destination. By avoiding dead ends and cul-de-sacs, and instead creating a street network, drivers, cyclists, and pedestrians can choose from a number of different options. Having greater connectivity allows for traffic to disperse, minimizing congestion by providing multiple ways to get from point a to point b. An interconnected thoroughfare network also increases life safety by providing alternative routes for emergency service vehicles so that they may avoid congested or blocked streets.

Connectivity is also beneficial to pedestrians by increasing pedestrian access throughout a community, along streets, sidewalks, paths, and trails. By increasing the number of routes through a community, pedestrians are provided alternatives and a more interesting pedestrian experience.

## Scale

Scale relates to the size of buildings in relation to ourselves and the world around us. Human scale is what feels comfortable to people. Both short and tall buildings—like those pictured here—can be human scale, and having this variation is important. The proportions of doors and windows, the height of each story, and the relationship between details of the building all impact whether a building is at a scale that feels right to a person. It is important in the design of walkable places to create a sense of enclosure and human scale by pulling buildings closer to the street and minimizing large expanses of asphalt that can make a pedestrian feel exposed and out of place.



The suburban street system that requires traffic to move from local street, to collector, to arterial causes congestion and limits options for pedestrians as well as vehicular traffic and emergency services vehicles.

An interconnected networks of streets alleviates congestion by dispersing traffic and offering alternative routes for pedestrians, making for a more interesting walking experience.

## Density

Developing in a dense pattern, where multiple story buildings are located closely together, can minimize air and water pollution, preserve open space, and enhance social interactions and a sense of community. There is an increasing recognition nationwide that density is integral component to the creation of neighborhoods that offer convenience, value and a high quality of life. In addition, more compact development patterns are likely to reduce Vehicle Miles Traveled (VMTs) by enabling more people to walk or bike to work or to run errands. Density can also produce reductions in energy consumption and CO2 emissions both directly and indirectly.





Accommodating a diversity of people, in different stages of life and with varying incomes, requires a range of housing options. Commercial blocks, live work units, small cottages houses, and rowhouses reflect additional building types that could be provided in Burlington to meet the needs of young professionals, students, entrepreneurs and retirees.

## Diversity

Demographic diversity of people in age, income level, culture, and race provides a sense of interest and vitality within the most loved cities in the world. In order to attract this type of diversity to a community, the physical form must be conducive to the varied lifestyles of these groups. A key component to creating an environment where diversity thrives is the provision of a mix of housing options. There should be many different types, sizes and price points intermingled in close proximity, with a range of living experiences from urban to more rural.

The variety of dwelling types should include: different sizes of detached single family houses, rowhouses, apartments, and live-work buildings. In addition, small ancillary buildings with a living space above the garage should be permitted within the rear yard of each principal building for extended family, tenants, guests or students to stay or live. Residential units should be available either for leasing or for ownership. This allows young and old, singles and families, and residents having a range of income levels to find a dignified home that suits their preferences and lifestyles. An additional benefit of a mix of housing types is that workers can live within walking distance of offices and retail establishments, requiring less dependence on the automobile.



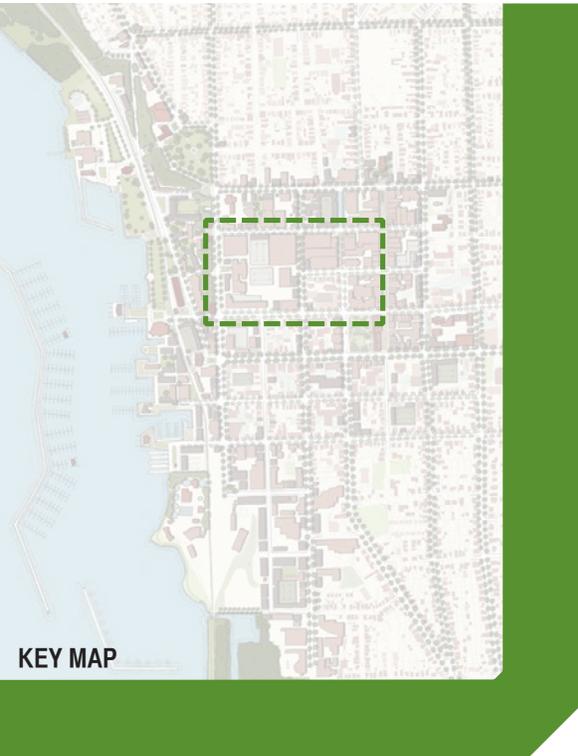
## Mixed-Use

Whenever possible, neighborhoods should include a mix of commercial (retail, restaurants and offices), residential, recreational, and civic uses. This mix should be well-balanced, incorporating both vertical and horizontal mixed-use within the neighborhood, the block, and the building. An ideal mix would allow residents to meet all of their daily needs within a short walking distance. When this occurs, the number of automobile trips per household is substantially reduced. This mix of uses is optimized when commercial establishments have residential dwelling units above to help promote active streets.



# THE MALL

## ELEMENTS OF THE PLAN



**The Burlington Town Center Mall occupies much of the downtown between the northern waterfront and Church Street. The large superblocks created by its original layout can be punctuated and activated in order to enable pedestrian and vehicular flow, thereby restoring the urban grid.**

### 1 DOWNTOWN HOUSING

There is a significant unmet demand for housing throughout the city (as discussed in the Housing Nut). This is particularly true for affordable and moderately-priced housing downtown. Downtown workers, young professionals, and empty-nesters all want to live close to where they work, shop and recreate. With undeveloped air space above the mall, and a relatively high and flat area of the City that has little impact on prominent views, this quadrant of the downtown is well suited for larger residential structures. The plan suggests the addition of larger residential, mixed-use buildings by redeveloping underutilized parcels, essential for addressing citywide housing needs, reducing traffic congestion and parking demand, and supporting the continued vitality of our downtown economy.



Ensure that zoning regulations render the development of housing easier, reducing barriers and costs.



Planning & Zoning Department

### 2 RESTORING CONNECTIVITY OF THE URBAN GRID

The large, contiguous footprint of the mall is out of character with the intimate and finer grained urban fabric of the City. When it opened in 1982, the Burlington Town Center Mall clipped both Pine Street and St. Paul Street, inhibiting north-south movement in this quadrant of the City. The Mall acts as a barrier that forces additional vehicular traffic onto Battery and South Winooski, which lessens their attractiveness to pedestrians and bicycles. Today, older malls around the country are redefining themselves by embracing the surrounding urban environment and becoming less insular. In Burlington's case, this presents an opportunity to open the street level of the mall at Pine and St. Paul streets to create a public plaza and re-establish north-south traffic flow for pedestrians and bikes. These spaces could become activated by street-level retail and cafes, as well as community events with pop-up stages for Discover Jazz or Festival of Fools. Additionally at Pine Street, the underground ramp that provides access to the Burlington Town Center (BTC) parking garage could be continued through to Cherry Street, thereby re-establishing north-south traffic flow for vehicles and reducing congestion on Battery and Winooski.



Amend the Official Map to re-establish those connections in the street grid.



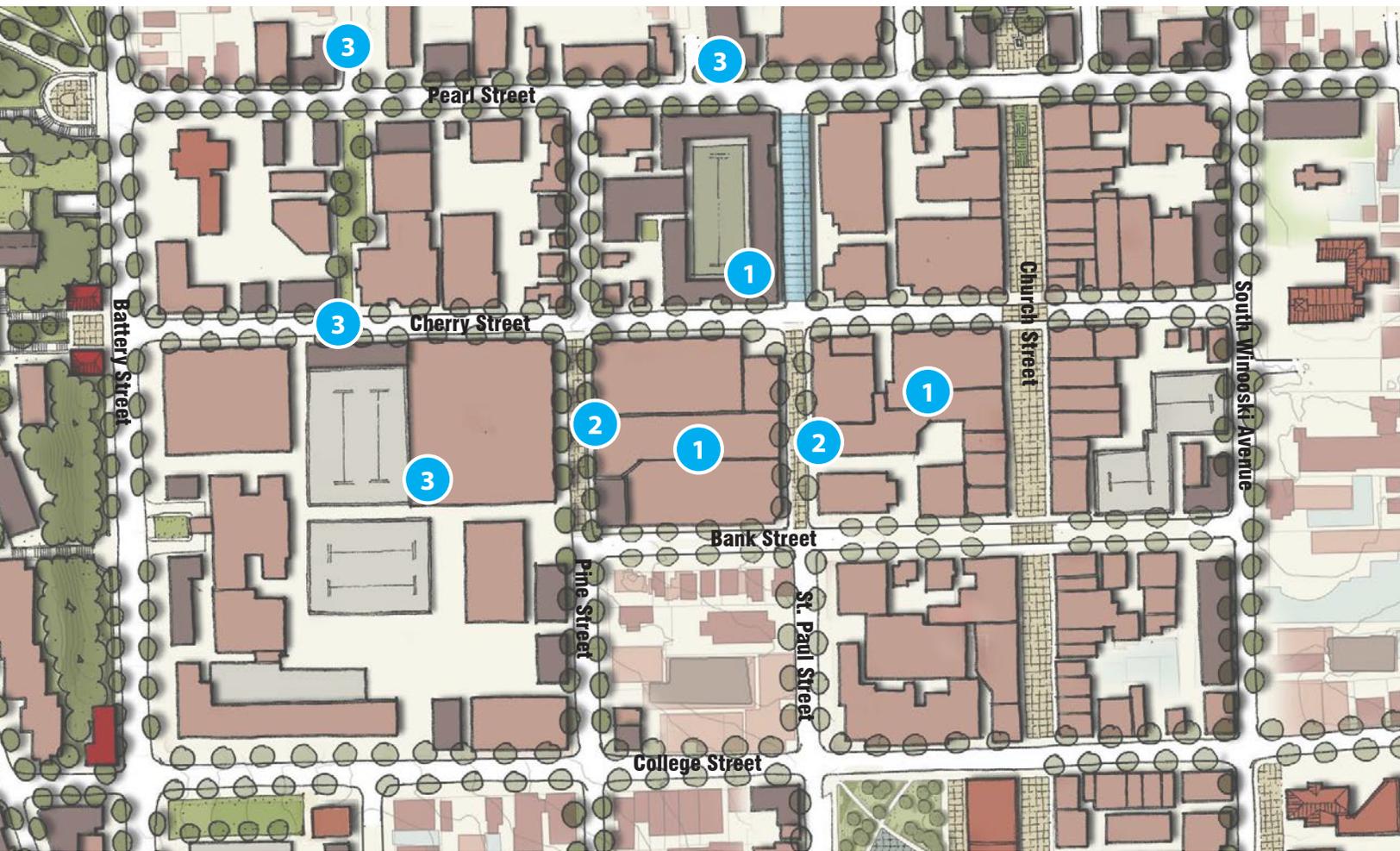
Planning & Zoning Department



Work with Burlington Town Center to re-imagine how the potential design intervention can work.



Planning & Zoning Department



Existing Buildings    Potential Buildings    Existing Civic Buildings    Potential Civic Buildings

### 3 STRATEGIC URBAN INFILL AND LINER BUILDINGS

The BTC occupies a significant footprint in this quadrant of the City. Yet numerous opportunities exist for strategic infill and liner buildings along Cherry, Pine and Pearl Streets. Such structures should be designed to reinforce the urban street wall and provide active ground floor uses to promote a vibrant streetscape.



Develop zoning regulations that emphasize building form, facilitate infill, and activate the streetscape for pedestrians.



Planning & Zoning Department

### 4 STREET LIFE

Walking along Cherry Street and parts of Bank Street between Church and Battery Streets, you may have experienced a sense of urgency and desire to move quickly past the desolate, bland, and non-inviting building facades and dark unprogrammed spaces. All along Cherry Street there are numerous opportunities for activating the street by turning the mall inside out and bringing retail and other activity back to the street. Strategic infill development, innovative building renovations, and streetscape improvements (such as trees and outdoor seating) would make for a more inviting, vibrant, and safer-feeling street. Expanding the Church Street experience to the side streets and the rest of the downtown and waterfront will ultimately help generate additional economic vitality, create new jobs, and draw more visitors to Burlington.



Continue to implement the Complete Streets Design Guidelines adopted as part of the 2011 Transportation Plan.



Develop zoning regulations that emphasize building form, facilitate infill, and activate the streetscape for pedestrians.



Department of Public Works



Planning & Zoning Department



# THE MALL



EXISTING

The above rendering shows a view looking southeast of Burlington as it exists today, with the Burlington Town Center Mall in the center of the image. City Hall is in the top center of the rendering and Battery Street in the foreground. Currently Pine Street and St. Paul Street dead end at the mall, forcing traffic onto Battery Street and South Winooski Avenue. The mall superblock also makes it difficult for cyclists and pedestrians to navigate through this area.



POTENTIAL

Aerial photograph of Town Center Mall looking southeast, with City Hall Park in the distance.



PHOTO BY BRIAN DROUERR PHOTOGRAPHY

The illustrative plan for the mall area suggests reopening Pine Street and St. Paul Street, preferably as complete streets that would accommodate all modes of transportation and parking, repairing the street grid and relieving pressure from Battery Street and South Winooski. In lieu of the complete street option, the mall could be more surgically modified to allow for a plaza to pass through that would be open to pedestrian and bicycle traffic. Both alternatives would greatly enhance the connectivity within the City while also updating the mall to more actively interface with the City and benefit from the additional visibility.

The rendering also shows redevelopment and infill within the urban renewal area, which is an area of the City where the pedestrian realm could be greatly enhanced by filling in large gaps in the street wall.



## Burlington Planning Commission

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



# Burlington Planning Commission DRAFT Minutes

**Tuesday, April 26, 2016 - 6:30-8:00 P.M.**

**Conference Room #12, Ground Floor, City Hall, 149 Church Street**

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

Absent: L Buffinton

Staff: D White, M Tuttle, E Tillotson, S Gustin, K Sturtevant, W Ward

## **I. Public Forum**

Y Bradley opened the public hearing at 6:35 p.m.

Barbara Headrick, resident of South Prospect St: Speaks about bakeries along major roads per a request for amendment to the CDO. Asked for the amendment to be withdrawn or modified so that residential areas, particularly on S. Prospect where retail is not desired, are not impacted. Advised the Commission to be thoughtful of residential areas surrounding the university where institutional zoning does not exist on both sides of the street. UVM should not lease out land if it is not serving the University's educational purposes. The CDO says that historical use of properties should be considered.

M Tuttle: Noted that not all communications at table were transmitted via email prior to the meeting.

## **II. Report of the Chair**

Y Bradley: Thanked the Long Range Committee for time and effort it has given working on planBTV South End. Has a prepared statement from Sharon Bushor, City Councilor, which he read in the event she is not able to make the meeting.

## **III. Report of the Director**

D White: April 25, 2016 Council meeting was for public comment on the Burlington Town Center Predevelopment Agreement, which City Council may act on at May 2 meeting. The Planning Commission will dive into proposed zoning amendment when the agreement has been approved. Another major zoning amendment will be for the St Josephs' Orphanage property on North Avenue; intent is to create a NAC zone. Permits are on track with this time last year. FBC Committee discussing public engagement for June to collect feedback on the draft code.

## **IV. Agenda**

D White: F von Turkovich, who submitted the proposed amendment to permit bakeries in the Institutional Zone, has requested to withdraw the request.

Y Bradley: Take it off this agenda and Commission to-do list. Opened Fletcher Place rezoning discussion until the 7pm public hearing.

**V. ZA-16-10: Waivers from Parking Requirements/Parking Management Plan Public Hearing**

Y Bradley: Opened the public hearing at 7:00, and recused himself as the agent for the YMCA. B Baker chaired.

E Lee: Recused herself as a neighbor of the YMCA.

S Gustin: Two parking amendments on this agenda—only amendment regarding waivers is considered in public hearing. Initiated by the YMCA, amendment was originally a request to establish a new land use category, with its own parking requirements and provisions for waivers. Instead, this amendment applies City-wide and opens the door somewhat for non-residential uses to apply to the DRB for parking waivers.

Barbara Headrick: Six months ago Mayor proposed eliminating requirements for downtown parking. This proposal conflicts with City Council's decision to forego parking amendments until studies were done.

E Lee: As a citizen, very supportive of YMCA project and support the waiver proposal. Concerned that this proposal might go to the City Council and not be accepted, which could delay the YMCA.

S Gustin: Current proposal was made in a meeting a month ago and if it passes during this public meeting, it will advance to the City Council. If the Council is not receptive, the YMCA's original proposal is still an option to consider.

B Headrick: This erodes the public trust, by proposing something that has already been rejected.

H Roen: Under proposed amendment, wouldn't the request for a waiver go through the DRB process?

S Gustin: Yes. It makes sense to utilize this method, and tweak the waivers based on rationale, since the DRB process and standards are already in place.

A Montroll: Supports this based on using existing process for waivers and parking management plans, but has same concerns as E Lee.

S Gustin: Plan C is to bring back the proposal from the YMCA for the Commission to consider again.

B Headrick: This is too broad. Developers should not be able to use on-street parking in neighborhoods to meet parking demand.

A Montroll: The blanket approach to removing all parking requirements was rejected. This is different because it maintains parking requirements, and focuses on individual property/use needs when granting waivers. It's consistent with concerns about parking requirements, but rather than one-size-fits-all, it's flexible.

M Tuttle: Clarified that amendment does not change waivers for residential uses. While applies city-wide, not all districts permit non-residential uses, so limited in its ability to be taken advantage of.

B Headrick: Larger entities will propose projects where overflow parking spills into residential areas.

D White: Institutions operate under campus-wide parking management plans.

B Headrick: UVM is proposing that parking is moved to periphery of campus, onto residential streets.

L Ravin, UVM Planning Office: University is trying to reduce demand, increase mass transport, etc. Parking on periphery means on edge of campus, on UVM property, not in neighborhoods.

E Lee: YMCA scenario seems similar to the King Street Center.

S Gustin: There is a different parking standard for the YMCA that is somewhere between community center and fitness center. King Street Center was able to retain a parking non-conformity but also had to provide off-site parking, which is not being used.

D White: Parking management plans are not permitted to count on-street parking spaces to satisfy their parking need.

J van Driesche, Catherine Street resident and Deputy Director of Local Motion: Local Motion urges the Commission to support this change. Streets as overflow parking is a good use, compared to using large pieces of land for parking, which could be parks, schools or some other use. Parking does not build vibrant, people-

oriented projects. Proposal gives flexibility and removes handcuffs. Going forward, emphasis needs to be on walking and biking which in-turn will facilitate more flexible parking.

S Bushor, City Councilor, Ward I: Concerned about whether or not new developments are accurately projecting parking demand for growth/expansion of uses. Actually support a waiver of up to 100%, but concerned about administrative officer approval and whether input from the public will be excluded.

Michael Long, resident of Ward 1: Philosophically support proposal, but instances today where the demand outstrips supply. Need to change behaviors; a waiver program will not accomplish this goal. Neighborhoods are being choked by automobiles.

D White: Describes existing provision for administrative officer approval of a waiver. The Commission will soon see another amendment to change parking requirements to be based on number of bedrooms, rather than number of units.

E Lee: There is no follow-up on parking management plans. Needs to be dealt with more holistically, but do support removing parking requirements.

S Gustin: Recently surveyed properties with approved parking management plans, found that most were adhering. Waivers are sparsely given, now have a requirement for an annual report from owner, and department is making concerned efforts to collect data. Only change proposed is for non-residential uses to be eligible for a 90% waiver, raised from 50%. Text about residential waivers is not new.

B Baker: Parking management plans could be more specific, especially in relation to timing of demand.

S Gustin: A three year review to assess need is under way as a method to evaluate how uses evolve.

D White: A time line with evaluation is a good idea; however, if a use expands, a new permit would be needed based on the evaluation of parking needs.

J Wallace-Brodeur: Many places in the city that don't have parking. Need to have some flexibility in the process for trying to address circumstances where things don't fit in a box, which is why it is important to have the waiver process. Because it has to go to the DRB, there is a public process and established requirements. This should move forward.

A motion by A Montroll, seconded by J Wallace-Brodeur, to forward this amendment to City Council for consideration was approved by B Baker, A Montroll, H Roen, and J Wallace Brodeur with Y Bradley and E Lee abstaining.

## **VI. Proposed CDO Amendment: 15 Year Statute of Limitations**

This item was deferred to a future meeting.

## **VII. Proposed CDO Amendment: Off Site Parking**

This item was deferred to a future meeting.

## **VIII. Proposed CDO Amendment: Fletcher Place Rezoning**

S Gustin: Map in packet reflects Planning Commission desire from last meeting for properties on Fletcher Place to be rezoned RM, except the UVM Trinity Campus property mid-block. Agenda included excerpt of use and dimensional tables for comparison between Institutional and RM.

Y Bradley: Read a communication from Sharon Bushor, regarding owner-occupancy in boarding houses, addressing uses on dead end streets, and buffer zones or a residential transition district.

F von Turkovich: Distributed a memo and map regarding the proposed map change. Reiterated a conversation with staff concerning property owned by Ms. Reid at 49 Fletcher Place, who intends to sell him nearly one acre of her property. Questioned why the Commission is considering this amendment, and expressed support for an amendment to protect the livability of area, not one that is part of a plan to suppress

*Approved by the Planning Commission on XX, 2016*

his project. This change will impact ability to use his property, and will have implications for Ms. Reid's investment as well. Considers this to be spot zoning and feels it is important that the Commission not put land in a zone which will destroy the viability of a current project.

E Lee: The dimensional requirements are essentially the same, rezoning would be a loss of 30 units.

F von Turkovich: Memo suggests three uses that are permitted in the Institutional Zone that are not permitted in RM that he suggests the Commission add if they approve the rezoning.

B Hickok, 26 Fletcher Place: Political risk is part of an investment and rezoning is a political risk. Contends the owners' financial risks are not a consideration of this meeting.

L Ravin: Reiterated UVM's opposition to rezoning of the land at 50 Fletcher Place. Parcel is contiguous with other UVM land, and prefers that zoning is consistent for all university property.

N Reid, 49 Fletcher Place: Purchased 1.5 acres of land with full awareness that she may be able to sell some for development. The land is valuable, and while RM would help maintain neighborhood, would like to see the present Institutional zoning retained.

R Butani, 31 Fletcher Place: Support the rezoning as recommended by staff and the Commission.

S Bushor: Acknowledged work that Scott and staff have done on the proposal. Supports the map presented in the packet, and feels the change from institutional to RM offers many appropriate protections. Fletcher Place was developed as RL. There are other small streets in area that are zoned RL, so the change is in keeping with the existing uses and still retains a fair amount of value to the property owners.

B Hickok: It is not a concern of this board to consider anyone's financial investment. 50 Fletcher Place has been residential ever since he has lived there. Rents are extremely high due to being rented by bedroom. UVM has added 3,000 students without planning for residences. UVM has not addressed housing and off-campus behavior but he has to live with it. Opposed to any special consideration for UVM.

C Long: Why are residential lots zoned institutional? Support this rezoning.

E Lee: Why can unbuildable land be used for density calculations? Should only consider buildable land.

D White: Require buildable land to be considered in calculating density of residential areas, but not in mixed use and institutional districts; in these areas there is an expectation that there will be denser development so the land can be used for the calculation of density.

Y Bradley: This is a separate subject for another time.

S Gustin: Seems to be agreement among parties about applying RM on Fletcher Place, but not on the location of the zoning district boundary.

F von Turkovich: Proposed map submitted would protect the frontage of Fletcher Place, but is otherwise arbitrary.

R Butani: It appears that F von Turkovich's proposal is spot zoning.

S Butani: It is not appropriate for institutions to be able to take advantage of a residential area.

F von Turkovich: In the Institutional zoning district, most properties are not owned by institutions. Appear to be hung up on the term "institutional."

S Bushor: Not supportive of Mr. von Turkovic's proposed map.

Y Bradley: Considering all the comments, it appears that the Commission is not ready to act on this issue. In the interest of time, it should come back to the full Commission at the next meeting.

A motion by A Montroll, seconded by B Baker, to continue this item at the next meeting was unanimously approved.

A motion by B Baker, seconded by H Roen, to move the remaining agenda items to the next meeting was unanimously approved.

**IX. Proposed CDO Amendment: Bakeries in the Institutional Zone**

Removed from agenda.

**X. Committee Reports**

Long Range Planning Committee: Goal for planBTV South End Plan is to wrap up and get it out for another public review by the end of the Fiscal Year.

Ordinance Committee: B Baker reports the committee will meet the following day.

Executive Committee: D White reports the committee will meet the following day.

FBC Committee: A Montroll reports the Commission is scheduling a joint City Council and Planning Commission meeting, and on NPA schedules. Opening their work up to the larger public process.

**XI. Commissioner Items**

H Roen: Would be helpful to have presentation on spot zoning.

D White: Will send materials previously shared by K Sturtevant.

B Baker: Bring a copy of the full zoning ordinance to future meetings for reference.

E Lee: April 27, 2016 will be the first meeting regarding The Neighborhood Project, which is one of 22 proposals from the Housing Action Plan, focused on neighborhood stabilization.

Y Bradley: Preservation Burlington has suggested to him that a model of the proposed Burlington Town Center might be valuable. Should discussion at the next meeting.

**XII. Minutes/Communications**

On a motion by A Montroll, seconded by B Baker, the Commission unanimously approved the minutes of April 12, 2016 and accepted the communications and placed them on file.

**XIII. Adjourn**

On a motion by A Montroll, seconded by B Baker, the Commission unanimously voted to adjourn at 8:22 pm.



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Y Bradley, Chair

Signed: \_\_\_\_\_, 2016



\_\_\_\_\_  
E Tillotson, Recording Secretary

## Burlington Planning Commission

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Bruce Baker, Vice-Chair  
Lee Buffinton  
Emily Lee  
Andy Montroll  
Harris Roen  
Jennifer Wallace-Brodeur  
vacant, Youth Member



## Burlington Planning Commission Tuesday, May 10, 2016 - 6:30 P.M. Conference Room #12, City Hall, 149 Church Street

### MINUTES

**Present:** B. Baker, H. Roen, L. Buffinton, A. Montroll, E. Lee, J. Wallace-Brodeur

**Absent:** Y. Bradley

**Staff:** D. White, M. Tuttle, K. Sturtevant, S. Gustin, E. Tillotson

### Agenda

B. Baker opened the meeting at 6:32pm.

L. Buffinton: What would the audience like to address?

B. Baker: All comments will take place during public forum, and will be limited to two minutes per speaker.

A. Montroll: Move item VII to end of agenda time permitting.

### **I. Public Forum**

B. Baker opened the public forum at 6:35pm.

G. Epler-Wood, S. Union St: City Council and Commission should request the developer provide fact-based cost analysis of putting the parking garage underground. Perhaps the citizens would be willing to invest in the difference. Sun studies throughout the year are needed.

C. Long, Henry St: Fletcher Place is as residential as they come. Do not increase downtown height limit, based on planBTV, and don't support student housing in the project because it is the school's responsibility. Vote no to stabilization plan for neighborhoods; does not endorse forgiveness for work done without permits. Doesn't understand why the city doesn't want to preserve neighborhoods.

S. Bushor, Ward 1 City Councilor: Does the 15 year statute of limitations allow emails to Planning & Zoning to constitute burden of proof, or when Code Enforcement is informed of violations that might not be acted upon? Pleased to see enforcement regarding occupancy violations and parking violations. Regarding the time requirement of more than 90 days when properties would then have to be brought into compliance, not clear. Commission should support the original staff recommendation to rezone Fletcher Place RM following property boundaries. We lose a neighborhood a house at a time, but also gain a neighborhood a house at a time.

G. Seidler, Lakeview Terr: Moved from NYC for quality of life which has been taken away each year. Neighbors are leaving, behemoth at one end of street was supposed to be affordable condos, now very large building at other end with COTS, noise too high, nature gone, house vandalized four times. Citizens have no clout; Commission is supposed to serve the community. Out of control growth is a cancer killing Burlington. She left a lot behind to have quality of life here, now will have to leave BTV, too.

*As approved by the Planning Commission on .*

C Bates, Caroline St: No one has made a model, so prepared photographic exhibit of Bank and Pine Streets. There is nothing on Don Sinex's website but Church Street. Used Trip Advisor site to gather comments about Burlington which support the need for small unique stores. The project needs to mimic Church Street.

N Kirby, Champlain Leather: Family was one that was displaced from downtown before the mall was built. Residents in the neighborhood were poor, proud, displaced. Building up equals warehousing human beings, and height will take sunlight away. City can do better than a fourteen story mall, not crazy about students being downtown because greedy slumlords have contributed to the housing situation. Lived on Fletcher Place and never considered that it was institutional. Think long and hard about what you are doing to downtown Burlington. Small businesses are the clay and mortar of this town. Be the citizens for us.

G Grill: Beseeches the Commission to be concerned about process and outcome, should proceed according to planBTV. A lot of people say this is spot zoning and will set a dangerous precedent. Unique and historic buildings will come down if this is approved. Hope you will demand to see an architectural model. Process is backwards. Demand that Commission address this proposal in a democratic planning process.

R Herendeen; Bike ride to meeting was an inspirational experience with views of Lake Champlain. Environmental background and member of the BED Commission. Do not believe we should raise the height limit one inch. Burlington is in competition with Boulder Colorado to be most sustainable City, but seem to want to compromise away our natural assets. Boulder has had a height limit of 55 feet; purpose is to preserve the scenic views and distinctive character. We can grow green, please hold on height.

B Headrick, S Prospect St: Mall is too tall, planBTV new mall only four or five stories higher which would be within 105 feet. That is what the public wanted and City Council approved. The City Council has put the Planning Commission in a difficult position, so consider requiring developer to provide everything that the city provides and that all studies should conclude with a 30 day public comment period. In off-site parking ordinance, parking waivers granted by administrative officer, advise it be stricken. It is important to include consequences for permitting.

Resident, S Prospect St: Reiterate others previous comments and encourage implementation of planBTV support. Drastic changes should be done by referendum.

S Overby: Process has been a problem, second the suggestion of underground parking reassessment and what others have said about planBTV. 160 foot height limit is not in planBTV, which states three to ten stories. In Washington, DC., this height is only allowed along Pennsylvania Ave. Uncomfortable with the process, difficult decision, want to see something good.

L Ravin, Campus Planning, UVM: UVM opposes rezoning 50 Fletcher Place. University has no intent to change the use of the property, but want to unite campus property. Zoning that splits the parcel into two zones doesn't allow planning as needed, UVM considers spot zoning.

A Radcliffe: Seems to be a trend where the city is eager to please developers; need to shift so it is other way around. plan BTV should be incorporated, the city should be strong about their regulations. Mall does not provide much affordable housing, shouldn't be supporting student housing. Washington DC built housing with a gym and beautiful amenities to house their homeless—not cost effective, but what we should focus on.

E Morrow: The City Council could have asked for model earlier. FBC Committee had opportunity to comment on height but did not. Boards are for decentralizing, people want to see process. The Commission has authority to control process.

C Simpson: There should be an explanation of public/ private partnership. In the PDA, public cannot hold developer to any standards, which is a reversal of normal planning process. Two streets will ameliorate the developer's project, but it is being sold as a concession to city. As if we have no power over public property.

L Martin: Providence, RI did what Burlington wants to do which resulted in a downtown not accessible, traffic awful. We are told that we can't let this pass us by, but big money drives out local businesses. We need more foot traffic or a city we know and care for will disappear forever. Please don't let this happen.

R Butani, 31 Fletcher Place: Supports rezoning to RM zone, following the property boundaries as presented by staff. 19 and 37 Fletcher Place have been transformed from party houses to appropriate rentals. RM will reflect historic use as residential street. Encourage the Commission to support P & Z recommendation.

B McGrew, Downtown: Particularly exercised that this project does not have to go through Act 250. The Mayor's office can bring undue pressure on city staff to see things a certain way. 274 units is a constructive way to avoid the law. There are umpteen plots that start with an attractive stranger with a lot of money.

Resident: Thank you for the fifteen year statute. Suggest more 90 days for a former use to be eliminated to honor people who have applied for a variance or change of use. Regarding burden of proof, need more examples of what proof is.

Resident: Initially the city wanted to hear what the citizens wanted. Where is the public voice in this now?

D Greenberg, local attorney: In support of 15 year statute of limitations. During the last few years he has learned more than ever about the process in Burlington, which is not always clear. Open permits go on forever, court says it is unfair to grant use of something when you insert it secretly, properties are inspected by one city department but assessed by another. City staff is helpful, but it took a month and a half to solve. Need to get this problem behind us.

C Messing, Pine & College: Doesn't understand opening up Pine Street when there is a building in the way; difficulties with St Paul St as well. The building is too large, doesn't belong here. This gift horse has bad teeth. Building it is a great source of money, but the saying that if you build it they will come, is not necessarily true. Jane Jacobs said, "We expect too much of new buildings and too little of ourselves."

M Fordham: Late to the process and very concerned like many others who are uninformed in our town. Concerned about height and domino effect of other developers suing to allow the same height. Advertisements for Burlington will not be enhanced with the height of building. Burlington is people sized and that is its attraction. This is not a responsible way for governance to proceed. What does that say about democracy, that back room deals can guide future developments? Fourteen stories is wrong.

B Hickok, 26 Fletcher Place: Recommends that rezoning be change to RM zone according to staff's original proposal.

## **II. Report of the Chair**

Chair absent, no report.

## **III. Report of the Director**

Given interest of time, no report.

## **IV. 15 Year Statute of Limitations**

H Roen: Addressing public questions, what constitutes proof?

D White: Information within the Assessor, Planning & Zoning or minimum housing records. If there happens to be a file on hand in excess of the normal records, it would be considered pertinent.

B Baker: The purpose of this amendment was to set a bright line.

*As approved by the Planning Commission on , 2016.*

L Buffinton: What about other methods, like See Click Fix, or only one of the records David listed? What if there had been regular communication about a situation?

D White: The process has to be treated on a case-by-case basis. Assessor and Minimum Housing records are the best records.

J Wallace-Brodeur: An email with a complaint is not solid evidence, complaints aren't adequate unless verified.

E Lee: Language is an issue, we need a definition for "known," we need to define which city records apply.

A Montroll: The process should not be complaint driven, but acknowledgement by a City Department is acceptable. Can K Sturtevant propose language at this point?

B Baker: We were going to attempt to address the parking section, specifically parking in yards.

D White: Parking spaces are associated with the property use.

E Lee: Parking is a lightning rod issue.

B Baker: What about cases where an illegal unit never had parking? Way this is written, that will never be grandfathered.

A Montroll: Parking is a hot button issue. Start with less and add later.

K Sturtevant: Additional language regarding burden of proof, "submissions not verified by the City shall not be considered known to the City. Will continue to flesh it out.

The Commission approved a motion by L Buffinton, seconded by J Wallace-Brodeur, to warn the proposed 15 year statute of limitations amendment, to include K Sturtevant's changes regarding complains not constituting "known" unless verified by City, with E Lee opposed.

A Montroll: The public hearing is a month away. We should bring back the language before the hearing in case it should be changed.

M Tuttle: It can be submitted to the PC as a communication.

## **V. Fletcher Place Rezoning**

D White: This is an attempt to protect the original development pattern.

J Wallace-Brodeur: Is there a development proposal associated with this?

S Gustin: Overview of the properties involved in sketch plan and comments on buildable area.

H Roen: Uncomfortable not following the property lines.

S Gustin: Need to remind everyone that zoning amendments are not a fast process.

J Wallace-Brodeur: The Commission should weigh the UVM parcel.

D White: Owners of the two northernmost properties under discussion do not support any zoning change.

E Lee: UVM's ownership is not appropriate in a residential area.

A Montroll: Change needs to happen, this was historically residential.

E Lee: Zoning should reflect what is on the ground. Let's let the neighborhood win.

B Baker: The von Turkovich proposal does present a reasonable compromise and lets the street flourish.

E Lee: It comes down to the slope, and density of development. The slope rule should apply across all zones. The Commission unanimously approved a motion by A Montroll, seconded by L Buffinton, to warn a public hearing on the rezoning of Fletcher Place to RM following the parcel boundaries.

## **VI. Off Site Parking**

No action taken.

## **VII. Downtown Mixed Use Core Overlay**

L Buffinton: Planning Commission is purely advisory to the City Council and not the ultimate decision makers.

H Roen: The Commission does have statutory authority.

D White: Summary included in the packet describing mass and height of project established by the predevelopment agreement. This is looking at the amendment based on land use policy for the city, implementing the master plan. The proper location for larger infill development is downtown. The amendment establishes an overlay area which includes greater height and massing. It will amend the official map to establish the street connections, which is central to planBTV. Draft form based code massing is articulated in the overlay. Please share specific areas of concern so we can provide information needed for next meeting.

J Wallace-Brodeur: Need to be able to review public input and an overview of the process for the next meeting.

L Buffinton: The city website cut off top floor in the illustration of the proposed mall. An architectural model, shadow study, parking garage information are all concerns, but the largest concern is what the reopened streets are going to look like. Right now the proposed building seems incoherent and top heavy, height is a huge issue.

D White: The project is not yet fully baked. It is important not to put a lot of stock in present illustrations/information.

A Montroll: It would be helpful show what is permitted now vs the proposed 160 feet and what the differential would be.

E Lee: This is the moment when we need a model, don't want to weigh in on height and massing without it. It is important to show what is permitted now and proposed.

D White: For the purpose of zoning, we need to focus on buildable envelope.

E Lee: It is important to see that.

L Buffinton: A simple model, current and proposed build out at this proposed height are needed.

Brian Dunkiel: We need to see the official map also.

A Montroll: It feels as if we are being asked to increase height in this area in exchange for having the streets back.

E Lee: This is really important, it could be so great for Burlington, but needs to be done right.

L Buffinton: Does the Commission have any role in the consideration of housing college students? Any proposed changes in use?

B Dunkiel: Mall team will request to add secondary school use.

E Morrow: A model is crucial and having the Commission to take action tonight to move it forward will give people a lot of comfort.

D White: It is the agreement with Devonwood that they will provide money for production of modeling—it will get built. First, need to discuss its purpose.

**VIII. Committee Reports**

No reports.

**IX. Commissioner Items**

None.

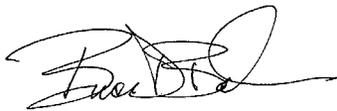
**X. Minutes/Communications**

H Roen: Do we need to respond to the Sun Common communication?

D White: Only if you would like to provide comments.

**XI. Adjourn**

On a motion by A Montroll, seconded by H Roen, the Commission unanimously adjourned at 9:07 pm.



\_\_\_\_\_  
B Baker, Vice Chair

Signed:



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E. Tillotson, Recording Secretary