

Burlington Planning Commission

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Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Emily Lee
Harris Roen
Jennifer Wallace-Brodeur
Eamon Dunn, Youth Member



Burlington Planning Commission Tuesday, August 8, 2017, 6:30 P.M. Conference Room 12, City Hall, 149 Church Street Minutes

Commissioners Present: A. Montroll, B. Baker, Y. Bradley, H. Roen, A. Friend, E. Dunn
Commissioners Absent: E. Lee, J. Wallace-Brodeur
Staff Members Present: D. White, M. Tuttle, S. Gustin, A. Wade

I. Agenda

A. Montroll: called the meeting to order at 6:34pm. No changes to the agenda.

II. Public Forum

Two speakers shared comments to be included in the public hearings for the items addressed.

III. Report of the Chair

Nothing to report.

IV. Report of the Director

D White: Council adopted three amendments on Monday: food and beverage, technical amendments, and signage in enterprise zone. Staff continues to work on the form based code and Great Streets projects.

V. Annual Organizational Meeting

The Commission unanimously approved a motion by B Baker, seconded by A Friend, to appoint the slate of DAB and DRB members to serve on the Ordinance and Long Range Committees.

VI. Public Hearing: ZA-17-14 Preschool Technical Amendment

S Gustin: This amendment is follow up to correct the use and parking tables resulting from the timing of this amendment and the Cambrian Rise amendment. Adds preschools to these two sections of the ordinance for the Cambrian Rise district.

The Chair opened the public hearing at 6:46pm. The hearing was closed at 6:47pm with no comments from the public or Commission.

The Commission unanimously approved a motion by Y Bradley, seconded by B Baker, to approve the municipal bylaw report and forward the proposed amendment to Council with recommendation.

VII. Public Hearing: 17-17-15 Article 4 Development Bonuses

S Gustin: This amendment cleans up an existing inconsistency between Article 4 and Article 9 development bonuses.

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The Chair opened the public hearing at 6:48pm.

B Hedrick: Support a zoning change for residential use and adaptive use, but should be required to be conforming and more in compliance with current zoning. Whole neighborhoods are affected when individual properties are not consistent with the RL zone. There is a need to conserve and strengthen our residential areas.

A Montroll: If a project meets underlying zoning and any bonuses entitled to, isn't it conforming?

S Gustin: Anything over a single family is not conforming in RL zone.

A Friend: The point is two bonuses are conflicting and need to be cleaned up.

B Hedrick: Should not allow triplexes or four-plexes in RL zone because they are counter to RL.

S Gustin: Purpose of bonus is someone can come in with nonconforming use and make a change.

D White: Need an incentive to change a nonconforming use to a residential one. There needs to be a benefit to preserve space and convert it to be more consistent with the neighborhood.

B Hedrick: People could put in an illegal office and then convert to residential to make a claim to use bonuses. Would like to see neighborhoods preserved to be more consistent with character, not bonuses.

A Montroll: If a project uses bonuses, isn't it conforming with its allowable exceptions?

D White: The proposed ordinance takes out the word conforming, but in application, it doesn't make a difference.

A Friend: Providing 25% more floor area or up to 25,000 sq. ft. is possible.

A Montroll: Perhaps the wording should say "conforming with any permitted exceptions" to express that it still has to be conforming to RL and meet any conditions. Removing it doesn't suggest that it has to be conforming.

K Sturtevant: May need to add language to clarify.

S Gustin: If a project meets criteria and any permitted exceptions and the Board approves it, then its conforming.

A Montroll: Recommend keeping "conforming" in the language.

D White: The ordinance describes what conformity is and how to treat non-conformity; taking it out may cause unnecessary confusion.

B Baker: Conforming refers to the base residential use.

M Tuttle: Suggest keeping it in the language and have staff issue an interpretation on conformity.

B Baker: How to avoid this being a case-by-case issue?

D White: It is a formal written interpretation, entered into a record book in the P&Z office and on the website.

K Sturtevant: Another option is to add language to the amendment for clarification.

The Chair closed the public hearing at 7:13pm.

The Commission approved a motion by Y Bradley, seconded by H Roen, to retain "conforming" in the language of the proposed amendment, to approve a modified municipal bylaw amendment report, and to forward to Council with recommendation. A Montroll, Y Bradley, H Roen, and A Friend voted in the affirmative, with B Baker opposed.

VIII. Public Hearing: ZA-17-16 Replacement Mobile Homes

S Gustin: The amendment will treat mobile home replacements as a regular zoning permit, and any other alterations will go before the ORB.

The Chair opened the public hearing at 7:14pm. The hearing was closed at 7:14pm with no comments from the public or Commission.

The Commission unanimously approved a motion by Y Bradley, seconded by A Friend, to approve the municipal bylaw amendment report and forward the amendment to Council with recommendation.

IX. Public Hearing: ZA-17-18 Retaining Walls

S Gustin: The amendment lays out in greater detail the requirements for retaining walls regarding distance to property lines and height.

The Chair opened the public hearing at 7:15pm.

E Morrow: What initiated this amendment?

S Gustin: Request of neighbors regarding visual impacts on properties.

The Chair closed the public hearing at 7:16pm.

The Commission unanimously approved a motion by A Friend, seconded by H Roen, to approve the municipal bylaw amendment report and forward to Council with recommendation.

X. Public Hearing: Za-18-01 planBTV: Downtown Code

D White: Amendment to re-envision zoning regulations in the downtown core.

The Chair opened the public hearing at 7:18pm.

E Morrow: Support form based code and recommend the City make the same commitment to all city buildings, working in concert with the private and nonprofit sectors. Read statements from residents unable to attend the meeting regarding support of a sustainable design/green built rating system to help increase the quality of design and construction; general support for passive house; and bringing attention to the potential duplication of the code's reference to accessibility and ADA requirements; a concern about glazing requirements and sustainability.

R Deane: Member of form base code committee. Have questions about boundary of District 5 including other properties been addressed?

D White: Yes, agreed to consider any changes at a subsequent time. At last meeting, Commission wanted to share comments with Council regarding green building; shopfronts; substantial modification; and historic buildings. Packet includes a draft memo with recommendations on each of these. Includes a larger size limit to trigger LEED, included B.Leet's recommended language.

E Morrow: LEED requirements are a big step forward, glad for inclusion of Passivhaus. However, would like to see only rating programs with national recognition.

A Montroll: Purpose is to forward code and recommended changes via memo to Council, not yet making changes to the ordinance itself.

M Tuttle: The proposed language on the screen is not an amendment to the current draft ordinance, but in a memo to be considered for incorporation by City Council.

Y Bradley: Projects in Burlington are reaching levels where construction costs are so expensive its resulting in higher rents that are not sustainable in our community. Could lead to creating an oversupply of housing or commercial space around Burlington. Presently have 3,000 units of oversupply.

D White: In discussing code with design professionals, concern was that the requirements need to demonstrate a meaningful effect. Adding real value is what's key. LEED is a very expensive design process. Next issue is substantial modification; clarified definition to major renovation and what that means in context of LEED. The concern in current language is that the 50% threshold could be triggered by upgrading a building's systems to comply with codes.

A Friend: Don't want the requirement to be an impediment.

E Dunn: Don't understand the shopfront issue because it feels like shops are already located where they're needed the most.

A Friend: Purpose is to encourage retail.

M Tuttle: It may seem duplicative, but zoning not only helps us say what we want to see happen in the future, but to maintain the character of what is there now.

D White: Regarding historic review process, it was noted that nothing had been mentioned about the review and decision making for historic buildings. Added a recommendation in memo.

B Baker: Does staff make decisions?

D White: In conjunction with DAB, which we do with regularity. The DRB applies subject to all other matters listed or eligible for listed.

B Baker: Concern is that we will see far different results from initial meeting to formal decisions.

Richard: Have heard that design professionals are challenged by staff review; feel there is too much emphasis on historic materials rather than embracing new materials with higher performance and which look the same.

E Morrow: Have heard people can't remove a chimney on an old house even when it's not architecturally significant.

D White: This language treats it the same way as the code, other alternative is current process through DAB and DRB.

B Baker: With DRB, have flexibility to treat issues site-by-site, in creative ways.

A Montroll: Proposing then that do not use language proposed, but follow existing process.

E Morrow: Advocates LEED Gold equivalent to Council, and that any eligible standards are by nationally recognized third party.

D White: Purpose was to allow mechanism to look at projects that comply with Efficiency VT or State programs.

E Morrow: There is no monitor from the State on energy codes. Third party will ensure enforcement.

D White: BED is monitoring this.

The Chair closed the public hearing at 8:19pm.

The Commission unanimously approved a motion by Y Bradley, seconded by B Baker, approve the municipal bylaw amendment report, and forward the proposed ordinance, along with the revisions to the Planning Commission memo per discussion, to Council with recommendation.

H Roen: Was this presented in a way that the community will be comfortable with?

A Montroll: Many meetings on form based code. Getting information out was a concern, but understand that it will get attention is when it goes to City Council.

D White: Anticipated to be before City Council on Aug 28th.

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XI. Committee Reports

No reports.

XII. Commissioner Items

No items.

XIII. Minutes & Communications

The Commission unanimously approved a motion by Y Bradley, seconded by H Roen, to approve the minutes of the July 25, 2017 meeting and accept the communications.

XIV. Adjourn

The Commission unanimously approved a motion by Y Bradley, seconded by H Roen, to adjourn the meeting 8:24pm.



Andy Montroll, Chair

Signed: September 12, 2017



Submitted by: Meagan Tuttle, Comprehensive Planner

