

Burlington Planning Commission

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



Burlington Planning Commission Tuesday, January 23, 2018, 6:30 P.M. Conference Room 12, City Hall, 149 Church Street Minutes

Board Members Present: A Montroll, E Lee, J Wallace-Brodeur, H Roen, B Baker, A Friend

Board Members Absent: Y Bradley, E Dunn,

Staff Members: D White, S Gustin, M Tuttle, A Wade

I. Agenda

The Chair called the meeting to order at 6:33pm. Item 5 was postponed until after Items 6 and 7.

II. Public Forum

M Trombley: Representing the Advance Music site, attending to answer questions about the requested zoning district change to 75 Maple St area.

III. Report of the Chair

No report.

IV. Report of the Director

D White: Zoning permit activity is down by 15% from last fiscal year as a result of fewer applications coming through the door. 10-year trend was increasing each year, with peak for zoning permits two years ago. Will provide a more detailed report on permitting activity at a future meeting. Staff is currently working on updating the master plan; an intern has started working with Meagan this week for this purpose. Reminder about Economics of Housing being held at Trader Duke's on Monday, January 29th and Joint Meeting of all boards on Tuesday, January 30.

H Roen: How many years until the plan expires?

M Tuttle: Current plan expires after 5—in 2019—but going forward, will be in effect for 8 years.

V. Proposed ZA-18-06: Article 8 Bike Parking Amendments

S Gustin: Follow up from initial draft to better incorporate more specific recommendations of planBTV Bike/Walk, and follow up discussion with DPW, Local Motion, particularly on bike racks in public areas and payment in lieu. This resulted in some additions and changes to Section 8.2.2, 8.2.3, and 8.2.5.

A Montroll: How can zoning tie a requirement to number of employees if the number could change? Should stick to building size.

M Tuttle: This is trying to address potential demand. Depending on number of employees, same size space can have a wide ranging demand.

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Tuesday, January 23, 2018

B Baker: Uncomfortable with setting standards by outside groups. These don't always consider local variances—we know what is needed.

N Losch: Current ordinance refers to DPW Standards, and DPW uses APBP. This ensure we don't have to rewrite our standards each time the APBP changes. APBP describes the rack types, dimensions to consider to allow enough space.

D White: Is there enough specificity in Great Streets standards?

M Tuttle: General info on all elements and where they can be placed in the ROW including issues like distance from the curb. Did not get into greater detail because where bike parking is placed is an individual decision that DPW will assist with.

B Baker: Need to look at APBP to know what's in it and understand what burden it might place on owners.

J Wallace-Brodeur: Basing parking requirements on number of employees is an important concept to encourage people to drive less. How have other communities set ratios that recognize demand?

M Tuttle: We do have examples of other metrics that are defined and provide parking based on number of residents and caretakers, etc.

B Baker: Does bike racks in individual units satisfy the requirement for long-term bike parking? If so, does the ordinance specify?

N Losch: Yes, and there is more flexibility for creating long-term spaces. It is really the short-term for which APBP guidelines will be important.

S Gustin: Another option is payment in lieu to Public Works

H Roen: Should be some guidance for when to evaluate that in-lieu or in the ROW is actually necessary vs being able to achieve on site. Shouldn't just be at the discretion of the engineer.

N Losch: Under constrained scenarios DPW might recommend placement in the ROW, or try to accommodate on another site.

D White: Standards on how DPW will place in ROW?

M Tuttle: Standards indicate how things can be placed in the ROW—criteria for evaluating all requests for encumbrance. But the question is more about how to determine that they won't actually fit on a site. This came up in discussion of conflict between form-based code requiring building to the frontage line, but also requiring short term parking accessible in the front.

B Baker: Need to look at different lot types and frontage. In the downtown district, I imagine it is not that easy with frontage requirements and constraints of ROW.

S Gustin: The options for this scenario include a request for waiver and payment in-lieu. Short-term parking can be inside an entry lobby.

M Tuttle: If placement is within a lobby, need to make sure it's not going to meet definition and then be counted as long-term parking, and not get credit for it.

H Roen: Is off-site parking possible.

A Montroll: Is there bike parking in any parking lots?

S Gustin: Yes, off site is allowed within 200 ft. And yes, there are racks in City parking garages.

B Baker: Right now DPW hands off review of bike parking to Planning and Zoning. Do these changes mean there is another layer to certify?

N Losch: Not necessarily, but will provide more clarity on whether it has been built the way it was identified.

H Roen: Can shared parking be further than 200 feet?

N Losch: For short-term parking, more than 200 feet is too far.

S Gustin: Staff will revisit employee parking metric, and provide a link to APBP standards for PC to review, and bring back to a future meeting.

VI. Proposed ZA-18-04: Density Calculations

S Gustin: Need to make a decision about whether or not to allow rounding when calculating allowable density. Mainly impacts RM and RH zones.

L Murphy: There are two issues: one is that the calculation method described is difficult, and no guidance about how many decimals to round to. Second is that the ordinance doesn't define development site. Furthermore, there are internally inconsistencies throughout the ordinance which impact the application and interpretation of this method, such as whether or not density is based on gross or net area. Providing proposed language that is a compromise on the policy choice, and an easier way to come up with the density intended.

S Gustin: Agree with the point about how many decimals to round to. Development site is intentionally worded in the ordinance, and while not defined in Article 13 it means all lots collectively intended for development with a certain zoning district.

L Murphy: Simply eliminating the last sentence of the ordinance is disservice, because it doesn't solve any problems. Better to come up with something that's easy to understand and apply.

A Montroll: Ordinance Committee all had different takes, which is why there's no recommendation. Personal position is that wherever we set the density, we stick to it and don't create a scenario that allows more than that density.

B Baker: Lots of places where the ordinance has the effect of rounding down. Part of the reason why housing is so expensive. We will never get to the allowable density in most districts.

J Wallace-Brodeur: Liam was suggesting an interesting solution for rounding when it's a little more than half of an additional unit.

A Montroll: Commission agrees that if there is rounding, it should be from a higher fraction. However, disagreement about whether to round or not.

The Commission approves a motion by E Lee, seconded by H Roen, to send back to the Ordinance Committee to discuss rounding up or down. A Montroll opposed.

A Montroll: Opposed for the reasons that rounding up would have the effect of allowing more units than ordinance states.

VII. Proposed CDO Amendment: FD5 Boundaries

M Tuttle: The maps in packet identify properties on the boundaries that could be included in Form District 5; includes a mixture of commercial, mixed use, residential and nonconforming. Two concerns in reviewing where what properties should be included in mixed use district, and what properties provide an opportunity to alleviate nonconformities.

D White: We're trying to establish areas of continuity with a district based uses, areas of higher pedestrian activity. Also thinking of creating a new district, FD 4, for downtown residential and multi-family residential.

E Lee: About 99% of properties in RH are likely nonconforming and in this area is extremely diverse. No problem with #1, but #2 is interesting in its historic nature.

A Montroll: Consensus that #1 becomes part of FD5 and that #2 stays as existing.

M Tuttle: Number 3 includes two abutting that front on Clarke St and N Winooski St. Clarke St was requested by the property owner who is interested in including it in a potential development on Pearl Street. For this one, looked at if there were redevelopment at these properties what would make the most sense in terms of the compatibility and cohesion of properties around.

A Montroll: What are dimensional and other standards for each district.

M Tuttle: Setbacks aren't easy to articulate because they are based on averages of the properties around them, or a percent of the lot dimensions. In the RM and RH height is 35 feet, FD5 is 45 feet. FD5 has no required front setback.

E Lee: This conversation doesn't seem to be about nonconformity, but about something else. So we should have an honest conversation about what the real reasons are for wanting rezone.

D White: Depends on what the nonconformities are. Regarding Clarke St, there are a number of things at issue. The objective is to create opportunities for conformity as well as cohesion in how block faces are zoned.

J Wallace-Brodeur: We could do a lot better with the whole block, but trying to decide if this is a good transition building between more intense development on Pearl, or better off as part of bigger development at this site.

A Montroll: Let's skip to #7 at 75 Maple Street, and come back to this one.

M Trombley: The concern is about being grandfathered and losing the opportunity to have retail if for some reason it wasn't continued for a year. Ground floor is not a good place for housing. Would like to be part of FD5 for more opportunities for reuse.

M Tuttle: This is a good example of how the nonconformity is limiting the current use, and how changing could allow more opportunities and flexibility for uses to allow it to stay the way it is today.

A Montroll: We want to keep it the way it's being used—it's a good use of the property, and good example of an FD5 building.

D White: Being a corner lot also makes it well suited for FD5.

The Commission unanimously approved a motion by J Wallace-Brodeur, seconded by A Friend, to propose rezoning of Advanced and Freeman French Freeman sites to FD5.

J Wallace-Brodeur: Provide more information about how to retain the special character of some of the single-family homes tucked into this area.

M Tuttle: Will look into how it integrates other parts of the ordinance for next discussion. For example, we allow SF homes in this district if they were originally built for that.

VIII. Proposed ZA-18-07: Article 3 Amendments

Postponed due to time.

IX. Proposed CDO Amendment: Article 7 Sign Regulations

Postponed due to time.

X. Committee Reports

None

XI. Commissioner Items

B Baker: Concerned about City records and search-ability of records among city departments. He would like to know if the department could provide an index, or work with the Bar Association to help.

E Lee: Hearing concerns about staff report on YMCA at DAB, and requiring frontage on Bradley Street. Why are we applying form-based code requirements outside of the districts? This will be a radical and expensive

change for the YMCA that seems unnecessary. The YMCA is a non-profit and this project has a lot of support in the community.

S Gustin: Has nothing to do with the form-based code. The lot is a through-lot and has two frontages. Article 6 requires a structure on the frontages.

D White: The reason why this might seem like the application of form-based code, is because the code codifies the design guidance from Article 6. There are other issues with the design regarding parking and height. Zoning does not make distinctions about who owns the property.

A Montroll: Commissioner Lee can think about a proposed change to the rules that could address this problem.

XII. Minutes & Communications

The commission unanimously approved a motion by A Friend, seconded by H Roen, to approve the minutes of January 9, 2018 and communications.

XIII. Adjourn

The Commission unanimously approved a motion by J Wallace-Brodeur, seconded by H Roen, to adjourn the meeting at 8:32pm.



Andy Montroll, Chair

Signed: February 13, 2018



Anita Wade, Planning Commission Clerk