

## 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 Special Meeting Tuesday, May 16, 2017, 6:30 P.M. Conference Room 12, City Hall, 149 Church Street Minutes

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

## **I. Agenda**

The Chair called the meeting to order at 6:31pm. No changes to the agenda.

## **II. Public Forum**

Jonathon Abadeely: Tom Girl Juice Co- want to move to the Majestic Car rental company building. Asking the Commission to consider rezoning to allow this to become their new home.

D White: Refer to the ordinance committee to consider the zoning of commercial properties along this corridor that are currently zoned low-density residential.

The Commission referred the request to the Ordinance Committee.

## **III. Report of the Chair**

No report.

## **IV. Report of the Director**

- 4 staff members attended the National Planning Conference in New York last week
- Layne Dafler – our new Planning Technician - starts 5/23
- Planning & Zoning FY18 budget presentation on 5/24
- Reminder to Andy & Emily to reapply if interested for Commission appointments by 5/24

## **V. Proposed ZA-17-14 Preschool Technical Amendments**

D White: Updates missing items from recently adopted amendments. Includes preschools as a permitted use in NAC-CR, and to add parking standards for preschools consistent with daycares.

The Commission unanimously approved a motion by A Friend, seconded by Y Bradley, to warn the proposed amendment for public hearing and approve the statutory report.

## **VI. Permit Reform Study**

D White: reviewed the goals of the study and priority action items from the recommendations that were presented at the last meeting, including:

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*Tuesday, May 16, 2017*

- Biggest recommendation is that all permitting functions for land use and development be collocated and eventually fall within one department/city function. Will begin offering combined P&Z and ISD office hours at DPW for a few hours a week, while developing a long-term plan for collocation.
- Improve the operation of the City's Technical Review Committee/internal communications, to highlight issues with projects and help get applicant's questions answered earlier in the process.
- Hire a planning technician, which has been done. Also looking at how to transition the UCO inspections back to P&Z. Would be beneficial for all if the project manager that reviewed and approved a project is ensuring that what was permitted is what is built. This would require at least another staff person.
- Recommended ordinance change to increase the threshold for administrative approval. Currently based on \$21,000 value of work, regardless of type. Is there a higher or different threshold? Additionally, find an alternative to the Non-Applicability determination.
- Permit technician in ISD to issue over-the-counter permits and answer technical questions rather than applicants having to wait for inspectors' office hours.
- Have already deployed mobile technology for inspectors to record information in the field.
- Make all forms available online as fillable PDF's to streamline process for applicants submitting information and for staff recording information on them. Also, create a catalog of P&Z interpretations and determinations online for anyone to see.
- Regularly posting a customer satisfaction survey and performance metrics online.
- Will be looking at our permitting system in the coming year—could be a big undertaking, but could help tremendously with how to apply for permits, how to increase internal efficiency, etc.
- Evaluate the fees to make sure we are covering our costs, while also figuring out if there are any that are duplicative and/or too high.

B Baker: Happy to see change in administrative review criteria—the dollar amount is not the most effective threshold. Need to decide what we care about and what criteria apply to that. Current threshold hurts single-family homeowners.

Y Bradley: Maybe the dollar amount only applies to exterior work.

B Baker: Making a P&Z person available in one place and making them implement the permit they issued is very important. Bigger issue is that Burlington does not record permits like other towns do; there is no reason not to do this, and it impacts a lot of people. When we have to have a disclaimer on our permit database that says "don't rely on it" that undermines people's confidence in the documents. Under Title 24, City cannot enforce permits without a record. Request the City Attorney provide a memo with the pros and cons of our current system versus recordings—is it similar to other towns and does it expose us to liability? Not asking for an advocacy piece for how the current process complies with statute. Should follow VT League of Cities and Towns guidance on the issue.

E Lee: We should have files digitized; right now everyone has to come into City Hall during business hours and pull out hard copies. That is not accessible.

B Anderson: Agree with digitizing, but it is not as straightforward or cheap as it seems like it should be.

D White: Part of this is how to fix what happened in the past, versus how can we do it differently in the future.

Y Bradley: How do we get a factual, unbiased opinion of what we should do with land records?

A Montroll: Start with City Attorney's office to see if it raises other questions, and go from there.

The Commission unanimously approved a motion by E Lee, seconded by Y Bradley, to recommend the report's conclusions to Council with a request for information from the City Attorney regarding permit recordation, and another recommendation regarding digitization of records.

## **VII. planBTV Downtown Code**

D White: Joint Committee will meet May 18 meeting to continue discussion; in particular, want to look at height. Today, CDO allows 105 ft. with bonuses; Committee proposed to change this to 95 ft. and south of Main Street to 85 ft. Under form-based code, administrative review occurs based on building height and meeting requirements within that height. Committee wants to revisit where the areas for various by-right building heights are. Form-based code tries to simplify the map of where various heights are permitted, because it is not uniform today, and move away from bonuses as a tool for increasing height.

A Montroll: Not sure Commission should weigh in without the context of the code and the Committee's discussion driving this change. Maybe should wait to discuss and provide feedback when full code received.

D White: This is a policy discussion ultimately that will need to be considered by the Commission.

Jeff Nick: Setting a max height with no flexibility doesn't allow for projects on sites with unique constraints. Costs are very high, so another floor could help with projects actually happen. 65 ft and 6 stories doesn't really work due to modern building types where commercial floors are taller. Some sites are not big enough to push parking back 40 feet. Some of this seems arbitrary. Why lower heights?

D White: Committee feels that people aren't taking advantage of the bonuses to get to the permitted height.

Jeff Nick: To say we can't do it because no one ever has eliminates the creativity for how to redevelop underutilized sites. What about sites that don't have frontage? Do bonuses go away?

D White: Height is no longer met through bonuses; achieved through DRB process and meeting additional standards.

E Lee: Committee trying to set the limit at what can actually get built and find a common ground.

A Montroll: Trying to form a code that mandates what we want and is discretionary.

Y Bradley: Form based code is an exercise in a general concept for the downtown and it can be tweaked. Can't look at it by parcel. If City is calling for dense urban infill, need to look at make sure that the policy makes sense, and can tweak after the fact. What the Committee has doesn't make everyone happy, but need to find a balancing act.

E Lee: If we want this to go anywhere, need to be very sensitive about height. Form based code is a huge concept change for Burlington, needs to be palatable.

Jeff Nick: Agree with the form based code approach, but seems counterintuitive to lower what is already allowed. Process of tweaking after the fact seems to be a risk. Otherwise, need to put the public on notice that changes are still forthcoming.

A Montroll: We have been told by people, including developers that current heights are not achievable; so effective heights are lower than what the bonuses allow. Trying to keep heights where they are so this doesn't fall apart around it. Can start amendments as soon as it is adopted to make minor refinements. Commission is really responsive to logical requests.

## **VIII. Committee Reports**

A Friend: Ordinance Committee is discussing bonuses and some discrepancies between Article 6 and 9.

## **IX. Commissioner Items**

Y Bradley: Absent at the next meeting.

E Dunn: Still getting the hang of the Commission; some topics aren't as interesting, but learning more.

**X. Minutes & Communications**

The Commission unanimously approved a motion by Y Bradley, seconded by E Lee, to approve the minutes of the April 18, 2017 meeting and accept communications.

**XI. Adjourn**

The Commission unanimously approved a motion by E Lee, seconded by A Friend, to adjourn the meeting at 8:00pm.



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Andy Montroll, Chair

Signed: May 25, 2017



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Submitted by: Meagan Tuttle, Comprehensive Planner