

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)

www.burlingtonvt.gov/pz

Andy Montrall, Chair

Bruce Baker, Vice-Chair

Yves Bradley

Alexander Friend

Emily Lee

Harris Roen

Jennifer Wallace-Brodeur

Eamon Dunn, Youth Member



Burlington Planning Commission

Tuesday, July 11, 2017, 6:30 P.M.
Conference Room 12, City Hall, 149 Church Street
AGENDA

Note: times given are approximate unless otherwise noted.

I. **Agenda**

II. **Public Forum**- Time Certain 6:30 p.m.

III. **Report of the Chair**

IV. **Report of the Director**

V. **Annual Organizational Meeting** (10 min)

The Planning Commission will elect officers and appoint members to its committees to serve for the 2018 Fiscal Year:

- Election of Officers: Chair & Vice-Chair
- Election of Executive Committee At-Large Member
- Appointment of Commission Clerk
- Appointment of Committees
 - Long Range Planning Committee:
 - One member of the Executive Committee, Two At-Large Members
 - One member of DRB
 - One member of Conservation Board
 - Ordinance Committee:
 - One member of the Executive Committee, Two At-Large Members
 - Two additional members from the DRB, DAB, or CB

VI. **Proposed ZA-18-01 planBTV Downtown Code** (45-60 min)

At its meeting on June 19, the joint City Council and Planning Commission form-based code committee voted to refer the final draft *planBTV Downtown Code* to the Planning Commission. Staff will present the code to the Planning Commission; the Commission is requested to warn the proposed amendment for public hearing and continue discussion during subsequent meetings. Information related to this amendment are included in the agenda packet on page 3.

- The full draft of *planBTV Downtown Code* can be found here:
https://www.burlingtonvt.gov/sites/default/files/Agendas/SupportingDocuments/ZA-18-01-planBTV%20Downtown%20Code_part1.pdf
- Additional ordinance modifications relating to the proposed ZA-18-01 can be found here:
https://www.burlingtonvt.gov/sites/default/files/Agendas/SupportingDocuments/ZA-18-01-planBTV%20Downtown%20Code_part2.pdf

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VII. Committee Reports

VIII. Commissioner Items - *Next meeting is Tuesday, July 25, 2017 @ 6:30 pm in Conference Room 12*

IX. Minutes & Communications

The Commission will review and approve the minutes of the June 13, 2017 meeting, enclosed on pages 4-7 of the agenda packet.

X. Adjourn

Department of Planning and Zoning

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Burlington Planning Commission Report Municipal Bylaw Amendment

DRAFT

ZA-18-01 planBTV: Downtown Code

This report is submitted in accordance with the provisions of 24 V.S.A. §4441(c).

Explanation of the proposed bylaw, amendment, or repeal and statement of purpose:

The purpose of this amendment is to establish a new Article 14 – planBTV: Downtown Code that will regulate all development in the Downtown and Waterfront District emphasizing the intended physical form, character of place, and compatibility of uses. This amendment replaces all existing regulations pertaining to development in the Downtown, Downtown Waterfront, Downtown Transition, and Battery Street Transition zoning districts

Conformity with and furtherance of the goals and policies contained in the municipal development plan, including the availability of safe and affordable housing:

In 2013, the City of Burlington completed a comprehensive downtown and waterfront master plan called *planBTV: Downtown and Waterfront Master Plan*, which was unanimously supported and adopted by the City Council and adopted as part of the City's Municipal Development Plan. The *planBTV: Downtown and Waterfront Master Plan* includes a cohesive vision that emerged from a planning process grounded in real-world present-day context. This vision for the future of the downtown and waterfront joins other major City policy documents such as the 2014 Climate Action Plan to ensure a "Sustainable Burlington" for the benefit of this generation and those that follow.

The proposed amendment completes one of the most important implementation tools identified in the *planBTV: Downtown and Waterfront Master Plan* - the development of a new form-based code for the Downtown and Waterfront area. This is seen as a critical tool with which to facilitate infill, allow for a more diverse range of building types, and create a more predictable and transparent public approvals process for new and future development within the city's core.

Compatibility with the proposed future land uses and densities of the municipal development plan:

The proposed amendment directly advances the goals and policies contained within the Municipal Development Plan as it relates to future land uses, character of place, and development mass and scale.

Implementation of specific proposals for planned community facilities:

The proposed amendment has no impact on the implementation of any specific proposal for planned community facilities.

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Burlington Planning Commission

Tuesday, June 13, 2017, 6:30 P.M.
Conference Room 12, City Hall, 149 Church Street
DRAFT Minutes

Note: times given are approximate unless otherwise noted.

Commissioners Present: B Baker, H Roen, E Lee, A Friend

Commissioners Absent: A Montrull, J Wallace-Brodeur, Y Bradley, E Dunn

Staff Present: S. Gustin, M Tuttle, D White, A Wade

I. Agenda

B Baker: Called the meeting to order at 6:30 pm.

M Tuttle: Staff addition to reapprove two statutory reports for ZA-17-08 and ZA-17-13 after Item VIII.

II. Public Forum

Michael Monte: CHT submitted a request for a zoning change for the St Joseph's School. Property is currently within two zones. Requesting rezoning to NMU to be consistent with the use of the property and for more clear guidance on what can be done on site.

B Baker: Staff to provide guidance on this request to the whole commission.

III. Report of the Chair

No report.

IV. Report of the Director

D White: Form-based code, Great Streets, many development projects continue to advance.

M Tuttle: Introduced Anita Wade as new secretary to the Commission.

V. DRAFT Planning Commission Annual Report FY 2017

M Tuttle: Report was shared with chair and discussed at last Executive Committee. Report reviews this year's activities, including zoning amendments reviewed and adopted, and participation of members on committees. Requesting the Commission approve the report to send to City Council for the chair's presentation.

E Lee: Report says 45 meetings, but attendance shows fewer.

M Tuttle: 45 includes all committees and other working groups. Attendance record is only for regularly scheduled Commission meetings.

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

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VI. Regional Energy Plan Comments

M Tuttle: Provided a memo with the LRPC and BED & P&Z staff comments in response to a CCRPC memo regarding Regional Energy Plan Data Guides. The memo included projections on current and future energy demand for Burlington, and pathways to comply with state energy plan. LRPC advised not able to comment on preferred sites until policy decisions about siting are made by the CCRPC Board and additional public input, perhaps through the MDP update. Additionally, provide feedback on the methodology used to allocate demand to municipalities so that it more accurately reflects each municipality's generation.

D White: CCRPC is looking for host communities to provide input on this draft.

H Roen: State's intent with this process is a good goal, but when it comes to a decision on where to place resources, Burlington doesn't have the land base in relation to its population. Agree with intent of the law, but not sure how to reach those goals.

M Tuttle: Likewise, Burlington Electric provided data from a recent integrated report, and shared that they felt the low range targets could be achievable.

H Roen: Want to make sure efforts on district heat are taken into account.

M Tuttle: Targets include electric, thermal, and transportation sectors, so that can be taken into account for the thermal sector. Request Planning Commission approval of this memo to send to the CCRPC to consider in updating the Regional Energy Plan.

B Baker: Commission is in favor of communicating this memo to the CCRPC.

VII. Proposed CDO Amendment: Replacement Mobile Home

S Gustin: Correction to clarify a recent amendment regarding mobile home parks. Parks are intended to go through conditional use review, but replacing one mobile home with new one or fixing a porch was not the intent and does not have to be conditional use.

The Commission unanimously approved a motion by E Lee, seconded by A Friend, to approve the municipal bylaw amendment report and warn the amendment for public hearing.

VIII. Proposed CDO Amendments: Retaining Walls

S Gustin: A 2011 amendment that expired, establishes standards for retaining walls and their encroachment into setbacks. DRB will review walls within 2ft of property line or more than 5ft tall. DPW suggested the 2' setback for maintenance and requiring a survey. CDO does not require a survey in any other scenario.

H Roen: What is the reason for recommending survey?

S Gustin: To ensure it is being placed on the property.

D White: And to ensure it's not in the public right of way.

E Lee: For small projects, a survey requirement could jeopardize a project. Could be better for larger walls, but don't want to discourage owners from improving their property.

B Baker: Survey could uncover other lot conditions that result in violations.

D White: Not sure survey requirement should be exclusive to this situation. If the Commission feels it should be required, should consider the broad range of improvements that should require one.

H Roen: What about material of retaining walls?

S Gustin: Article 6 includes design standards, including materials.

D White: And DPW involved, to ensure the material is safe for the purpose.

E Lee: Should this be the role of the fence viewer?

S Gustin: Fence viewer has no authority. Amendment says if it is closer than 2 ft to property line or taller than 5ft, it goes before DRB. Otherwise administrative approval.

A Friend: What about front yard setbacks?

S Gustin: Suggest removing "side and rear" from the encroachment language to include all yard setbacks.

E Lee: Feel like the language in this amendment could have provided a tool for the DRB when the apartments on Pearl Street were built with the large retaining wall blocking the view from the homes on Union Street.

The Commission unanimously approved a motion by H Roen, seconded by A Friend, to approve the municipal bylaw amendment report, and warn the amendment, including the change to eliminate references to 2' setback on side and rear property lines, for public hearing.

IX. Municipal Bylaw Amendment Report: ZA-17-08

M Tuttle: Council Ordinance Committee added "on and off site" production to the retail bakery definition, and changed CU to N for bakeries in the RCA-A zone. Changes require the amendment be sent back to the Commission to review, opportunity to comment, and reapprove the municipal bylaw amendment report. Revised report at seat.

H Roen: Would this permit a Dunkin Donuts in the Enterprise Zone?

M Tuttle: There are some examples of bakeries in the Enterprise Zone, but produce on-site. If the definition was changed to remove the off-site production allowance, would affect all bakeries in the City.

E Lee: Production uses in the Enterprise Zone produce on-site. Bakery inherently seems like a place where production happens on-site. If food is being produced at another location, does it fit in another land use category? Don't agree with the additional language Council added to this definition.

The Commission approved the updated municipal bylaw amendment report, and asked that the feedback about the language regarding off-site production for bakeries be communicated to Council.

X. Municipal Bylaw Amendment Report: ZA-17-13

M Tuttle: Change simply incorporates the rest of the table regarding lighting that was not included.

D White: Staff has no recommended changes to the report.

The Commission made no changes to the municipal bylaw amendment report.

XI. Permit Reform Study – Historic Buildings

D White: Provided an overview of the Permit Reform process recommendations regarding historic buildings. Recommendations start with the question of how we determine what is historic or eligible, how to more clearly communicate it to applicants, and who has the authority to make those determinations.

E Lee: Can you elaborate on the state register?

D White: Have historic resources on state and/or federal register. Anyone can go to the state to request to be listed or delisted. Use the Secretary of the Interior's standards for eligibility, which include age, but are more about contributing character and whether it is intact. Currently all responsibility for listing in Burlington is with the State. Other recommendations include more clear process for what can be added; design standards for districts; an up-to-date inventory; and a plan and best practices regarding local designation; ad hoc committee to review claims of economic hardship; how to reduce regulations so that owning an historic asset is seen as a positive; and whether there are incentives that can be provided to owners of historic properties.

B Baker: Feel this would be helpful because currently sees disagreement between staff and DRB on some criteria in current ordinance. Overtime, there have been changes to how preservation is viewed.

D White: Guidelines can evolve, some need to be part of a package of the CDO.

E Lee: Need more flexibility for modern materials that look the same as historic materials but provide energy or maintenance efficiencies. Seems that moving these recommendations forward will address some of the problems that currently make some owners unhappy with owning an historic property.

D White: Will need to work together on this. The first step is inventory, which is time consuming, and second identifying regulatory pieces. There may be some short term fixes while considering long term planning, so we can do both in conjunction. Next step will be to send this on to City Council.

H Roen: The regulatory issues are critical issues to address.

E Lee: Vinyl windows are a big issue, but requiring them to be removed is wasteful in the useful life of the windows. Is there a way to create a permit that would require them to be phased out, perhaps requiring a remedy in 10 years? Could help provide a practical solution for people to try to meet their obligations.

B Baker: Sounds like an opportunity for responsible and humane enforcement.

XII. Committee Reports

A Friend: Ordinance Committee discussed zoning of Majestic site and whether or not to consider rezoning, and the Retaining Wall and Mobile Home amendments discussed tonight.

H Roen: Long Range Committee met to talk about the memo on the Regional Energy Plan.

XIII. Commissioner Items

No items.

XIV. Minutes & Communications

The Commission unanimously approved a motion by A Friend, seconded by H Roen, to approve the minutes from the May 23, 2017 meeting and to accept communications.

XV. Adjourn

The Commission unanimously approved a motion by H Roen, seconded by A Friend, to adjourn the meeting at 8:04 pm.