

cc: Lori Obeng 2/18/14

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TO: Burlington City Councilors  
FROM: Barbara Headrick, Ward 6  
DATE: February 18, 2014  
RE: MDP and planBTV discussion at City Council Meeting on 2/18/14

At tonight's City Council meeting, Planning and Zoning is requesting City Council's approval to rebrand our Municipal Development Plan as "planBTV" and then re-adopt the MDP.

When Planning and Zoning asked for the public's input to develop planBTV, they explained that planBTV was a master plan for downtown/waterfront. "Welcome to planBTV: A Master Plan for Burlington's Downtown and Waterfront." page 6, planBTV, June 10, 2013.

Three major initiatives that came from planBTV include: (1) increase density through infill and a more diverse range of housing choices; (2) increase mixed use; and (3) reduce off-street parking requirements.

**I am opposed to re-branding our city's MDP as planBTV, at this point in time, because most city residents would not want planBTV's goals, as listed above, to be applied to other parts of the city including our residential neighborhoods.**

When planBTV was being developed, P/Z engaged people to develop a strategy for downtown and the waterfront. *There was little to no engagement of city residents to ascertain if we want more density, more mixed use, and more on-street parking in other parts of the city, including our residential neighborhoods.*

As a result of planBTV's stated scope on downtown and waterfront districts, many city residents did not actively engage, or even follow the progress of planBTV. If the City had said that planBTV was going to be a planning document for the entire city, then many more homeowners would have been keenly involved in planBTV in order to protect their neighborhoods. Framed as it was, only 2000 people provided input on planBTV and not all of these people were city residents. 2000 is a very small percentage of our city's population.

Increasing density downtown is completely different from increasing density in residential zoned districts. In order to develop a strategic plan for neighborhoods that are outside of the downtown and waterfront districts, the city's Planning and Zoning staff needs to solicit extensive input from people who live in those areas. Zoning, density, and diversity of housing stock needs to reflect the wishes of home owners and other long-term residents who currently live in each neighborhood.

**Given that the City has not yet engaged residents about an updated plan for their own residential zoned districts, it is an injustice upon our city residents for Planning and Zoning to change zoning ordinances that impact residential districts in order to make the ordinance consistent with planBTV.**

*Unfortunately, Planning and Zoning has been actively modifying zoning ordinances to increase density and mixed use in residential districts. This is being done with very little community engagement and information on how it impacts residential zoned neighborhoods. The lack of engagement is completely inappropriate. Renaming the city's MDP to planBTV would exasperate this problem because all zoning ordinances are to be written in a way that is consistent with the MDP. If the MDP is to be rebranded (new name) as planBTV, then planBTV would apply to the entire city and not just the waterfront and downtown districts. It is a shell game to say the development of a plan is for "X", and then rename the plan for Y as X, with the result that X's plan also applies to Y.*

**REQUEST #1:** Therefore, I ask please, that starting tonight, City Officials stop proposing and approving zoning amendments that increase density, mixed use, and on on-street parking for parts of the city outside of downtown and the waterfront districts. Before any more zoning amendments are approved that impact residential districts, people in those neighborhoods and zoning districts need to be engaged and informed by P/Z with what they have in mind for changing ordinances that impact the residential neighborhood.

**REQUEST #2:** In addition, City Officials need to revisit some recently approved zoning amendments to reverse or modify recent changes that will adversely impact neighborhoods outside of the Downtown and Waterfront districts. **planBTV's priorities should not be not imposed on districts outside of the downtown and waterfront area without due engagement of residents of that neighborhood.**

Examples are of zoning amendments *for residential districts* that need to be reversed or modified include:

- ZA 13-05 Allows non-conforming buildings to be replaced with non-conforming buildings;
- Changes to Sec 5.3.5 allows non-conforming structures in residential districts to increase their height. Combined with 13-05, we end up with larger non-conforming buildings in residential districts.
- **ZA 13-11 Allows high density residences regardless of the density limits of the zoning district;** (For example, this might allow UVM to convert a historic building like Continuing Ed into a dorm of some type, and the lot and woods into a planned unit development "PUD" of student apartment buildings. This kind of development would have an adverse impact.)
- ZA 13-10 Allows single family owner occupied residences to add accessory dwelling units;
- Changes to Sec 4.4.5(d) 6 A allow new non-conforming uses to be established in residential neighborhood if it will be a Neighborhood Commercial Use.
- Changes to Sec. 5.1.2 (g) allow any use to be an accessory use without a DRB review provided certain standards are met. (A statement needs to be added to this section to clarify that proposed uses are subject to the city's Appendix A-Use Table.)

**REQUEST #3:** Please, given all the reasons and examples provided above, **I ask that City Council *deny* Planning and Zoning's request to adopt planBTV as the new name of our city's MDP because it would be misleading, confusing and adverse to guide our entire city's development using the strategic goals developed for the downtown and waterfront. After new plans are developed for residential areas using the input of the people who live there, then it may be a more appropriate time for City Council to consider using the name planBTV to "rebrand" our city's MDP.**

**REQUEST #4:** I ask please that City Council not approve the adoption of the new versions of the MDP documents. Many of the changes in these documents reflect planBTV goals for downtown and the waterfront overlaid on the entire city. For example:

- A. In the MDP document titled "Land Use" there is the statement that: "Local streets are reclaimed as public spaces." This reminds me of the recently failed efforts to charge fees for residential only parking permits and to allow broader access to on-street parking in residential zoned neighborhoods. Residents have already indicated that it is not okay to increase access on-street parking on all local streets.
- B. Also in the MDP document titled "Land Use", *there is preference stated for mixed housing in neighborhoods.* I know that my neighbors do not want to see UVM or Champlain College or a developer build high density or diverse structures close to our homes along South Prospect Street. We want to protect the cohesive character of our neighborhood with historic single-family homes. I am certain that many other homeowners in single family residences do not want to see a duplex, apartment, condo or non-conforming use building constructed next door or across the street.

**REQUEST #5:** I ask please that City Council send the proposed amendment for downtown parking (ZA 13-06) to the Ordinance Committee. Please do not consider this meeting as the first reading of the ordinance because a 1<sup>st</sup> reading makes the ordinance change effective.

Downtown Parking (ZA-13-06) includes a table (Table 8.1.7-1) and the first column in the table is labeled: "Neighborhood District". The term "Neighborhood District" is not defined in ZA 13-06. However, in ZA 14-07 (Residential Off-Street Parking), Neighborhood District is defined as the baseline for the entire city.

I have three concerns/questions about Table 8.1.7-1:

- 1) Should this table be removed from ZA 13-06 and added to ZA 14-07? Better yet, should the Table be deleted?
- 2) Why are city-wide parking requirements being established for activities that are not permitted in many neighborhoods across the city? Is this because the city intends to allow more mixed use across the city?
- 3) Why are the parking requirements more developer friendly for the entire city when there has been no public buy-in for more on-street parking in areas of the city outside of downtown and the waterfront districts?

It seems likely that Table 8.1.7-1 and ZA 14-07 are examples of planBTV's scope expanding beyond the downtown and waterfront districts. The changes reduce the requirements for off-street parking and facilitate more mixed use and non-conforming uses across the city. Table 8.1.7-1 is one step towards enabling more mixed use and density across the city; and when all the various ordinances are modified to make it possible, it will result in adverse impacts within our residential zoned neighborhoods.

**REQUEST #6:** There should be a requirement that the already required pre-application neighborhood meeting take place before ordinances are changed to accommodate a prospective development project that P/Z knows is in pipeline because of conversations with developers and institutions. (Sometimes P/Z seems to change ordinances to accommodate not-yet-made permit requests for large developments that they know will require a permit application and conditional review about 12 months out. Neighbors need this information before an ordinance is changed in order to evaluate a proposed zoning amendment in context of the potential project and impacts. The Conditional Use review provides insufficient protection for neighborhoods when the zoning ordinances have already been changed incrementally and by stages to make it so the proposed use or structure does not violate any ordinances.

**Conclusion:** The proposals within planBTV should not be influencing ordinance changes that apply to other parts of the city or the entire city. The work of planBTV should be limited to its stated focus: downtown and the waterfront. Before implementing zoning amendments to affect changes outside of downtown and the waterfront districts, much more engagement is needed of residents in residential zones.

*Thank you for considering these opinions.*