

ZA-19-07: Commercial Uses in ELM

Why are we considering this approach to this amendment?

- **Series of requests from business/property owners in the ELM**
 - *Consistent with requests in recent years about evolution of ELM zone, and long-standing concern that standards need to be revisited to allow continued success of district*
- **Balance these requests with the guidance from draft *planBTV: South End*, realities of the market dynamics**
 - *Plan is about how to preserve and enhance the unique identities of the South End, strike a balance among them*
- **Find a solution that is timely in response to requests**
 - *What can we address today, what should be considered as part of a larger analysis of the entire ELM*

Commission Direction following Public Hearing on Jan 9:

- **Need to consider manufacturing and performing arts uses as separate issues:**

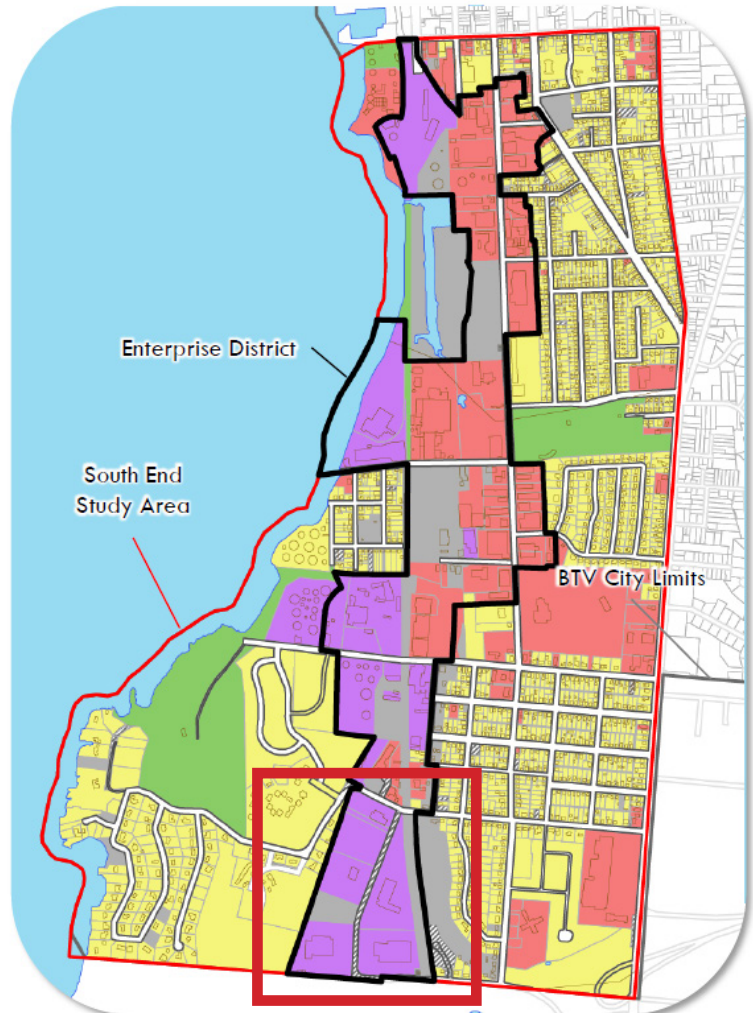
Regarding Manufacturing/Industrial Uses:

- *How to define manufacturing in a way that recognizes the evolving nature of the industry, provides flexibility for it to thrive in Burlington/the South End?*
- *How do we protect industry while not “doing harm” to current property values and vested interests?*

Regarding Performing Arts Centers:

- *Where do we allow Performing Arts Centers in the ELM, and how to mitigate their impact?*

Defining focus area for manufacturing element of amendment



Land Use	Acres	% of Total
Residential	376.5	45.4%
Commercial	164.8	19.9%
Industrial	113.8	13.7%
Vacant	92.3	11.1%
Open Space	70.6	8.5%

HR&A 2014 Market Study that informed *planBTV: South End*:

“Even if no changes are made to the zoning of the Enterprise District, the character of commercial uses in the South End may change as a result of a naturally evolving market. **Strong commercial demand (for example, for retail and services that support the growing office market) could push out artists and other businesses valuing low cost space...** Thus, the conversation about the future of the Enterprise District is not only a question about whether residential development¹ would displace long-time businesses, but also **how to facilitate future commercial growth in a way that preserves, to the extent desired, the area’s character.**” (Emphasis added)

2018 Allen, Brooks & Minor Report:

Reviews properties south of Home Ave as BTV’s ‘Industrial Park’:

- Chittenden Co. industrial market has slowed, consistent with national trends, but
- “One significant factor limiting industrial sales activity is the scarcity of available industrial lots in centrally located parts of Chittenden County”
- “...there is considered to be a supply shortage of industrial land available for development in established industrial locations...”

¹The draft *planBTV: South End* does not anticipate changes to permit residential uses in E-LM

Why does this matter?

Again, HR&A 2014 Market Study that informed *planBTV: South End*:

*“Finally, we note that the case studies provide some anecdotal evidence that the [sic] **permitting a retail presence in an industrial area may accelerate the demise of industrial uses.**”*

(Emphasis from report)

How are other communities addressing this concern?

- *Just allow it (“it” = retail/commercial uses generally)*
- *Don’t allow it at all (again, general retail/commercial uses)*
- **Hybrid approach** *(allow certain retail/commercial, in certain locations, limit as a %, etc...)*
- *Support with other economic development strategies (outside the scope of zoning)*

In a 3-year report card measuring progress on Mayor de Blasio’s 2015 ‘10-point Industrial Action Plan’ for NYC:

*Found generally positive, yet mixed, results on implementation of general economic development efforts supporting industry, but ad-hoc decisions about appropriate mixed-use: “...**the lack of progress on zoning reform severely hinders the otherwise commendable work done by the administration to advance the industrial and manufacturing sector.**”* *(Emphasis from report)*

Prioritizing traditional & emerging industry south of Home Ave:

- **Proposed amendment does not prohibit uses which are currently permitted or conditionally permitted.**
 - *No existing use has been changed from “Y” or “CU” to “N” in Appendix A- Use Table (The inverse is true, however...)*
- **Rather, general retail, office and service uses are limited to a supporting role within this portion of the district**
 - *Establishes an “if-then” relationship*
 - *Use are still permitted or conditionally permitted, but “if” use is desired south of Home Ave, “then”*
 - *Must be on a lot with an industrial, R&D, arts use; and*
 - *Cannot exceed more than 49% of the GFA on the lot*

Prioritizing traditional & emerging industry south of Home Ave:

- **Proposed amendment simplifies definitions for traditional industrial/manufacturing uses, and recognizes common incidental business activities**
 - *Manufacturing and Light-Manufacturing*
 - *May include show room and/or public tours*
 - *May include incidental storage, distribution, and sales of products*
- **Intended to complement other uses already defined and permitted in the district, including south of Home Ave**
 - *Food & Beverage Production*
 - *Warehousing, Operations, Plants*
 - *Storage, Contracting, Trucking/Transit Operation*
 - *Etc...*

Prioritizing traditional & emerging industry south of Home Ave:

- **Need to address gaps, overlap with “maker uses” and evolving needs of industry:**
 - *Research & Development (currently defined in CDO, need to add to Appendix A- Use Table)*
 - *Arts-based uses, except Performing Arts Center (remove from bucket of “if/then” uses, a change from 1/9 hearing)*
 - *Technical Office (create definition to recognize the evolving nature of production businesses)*

How does this amendment seek to balance these uses?

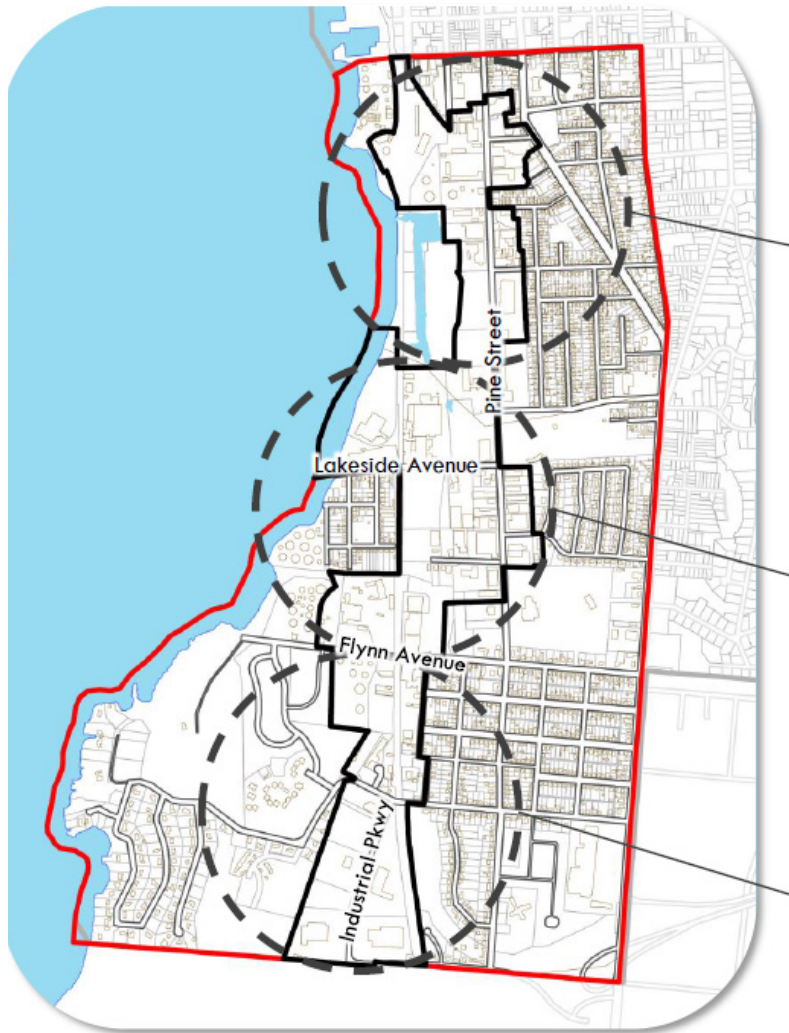
Permitted in ELM, including south of Home Ave:

- Research & Development, Labs, Technical Office
- Manufacturing, Light Manufacturing
- Food & Beverage Processing
- Studios for art, photography, printing, radio/tv/recording, performance
- Warehousing, Storage, Distribution
- Transportation & Contracting operations facilities
- Hazardous/Solid waste, recycling
- Parking lots & garages

Permitted south of Home Ave per “if/then” relationship:

- General retail & specific retail types
- General Office, Medical/Dental Office
- Variety of auto, marine, bike, rail related sales and service uses
- Animal care & services
- Health clubs & studios, services
- Cafes & Bakeries
- Daycare, Preschool, schools
- Community Centers/Parks
- **Bank & Performing Arts Center**

Uses limited or not permitted today, that change:

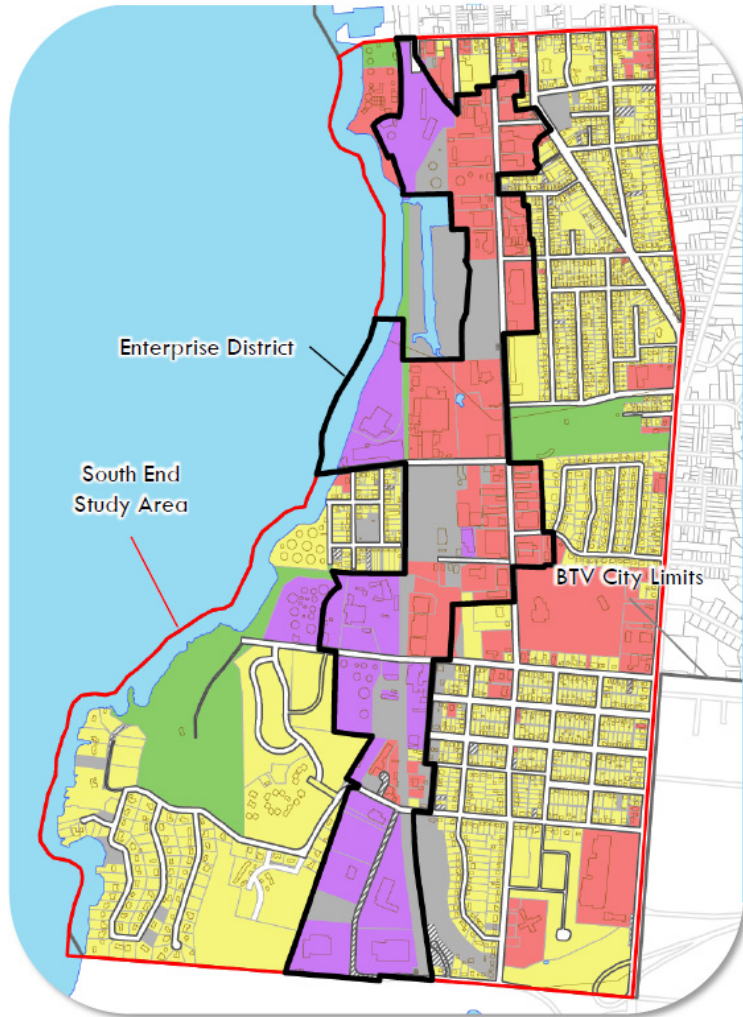


- **Compatible or drivers of change? Ultimately, depends on where and in combination with what other uses.**

- *Banks (changed to permitted use in ELM)*
- *Performing Arts Center (remove size and geographic limit, but maintain limit on accessory food and beverage)*

- **In the proposal, both are limited to the bucket of “if/then” uses south of Home Avenue**

Performing Arts Centers



Where do we allow Performing Arts Centers in the ELM, and how to mitigate their impact?

- *Conditional Use in ELM, reviewed by DRB for:*
 - *impact on existing or planned public facilities*
 - *impact on the character of the area,*
 - *nuisance impacts*
 - *impact on transportation system and transportation demand management*
 - *utilization of renewable energy*
 - *compatibility with other policies, laws*
- *Limit accessory food/beverage*
- *South of Home Ave, limited by “if/then” relationship to other uses*