

Burlington Planning Commission

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Andrew Saba
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Harris Roen
Andy Montroll
Jennifer Wallace-Brodeur
Vacant, Youth Member*



Burlington Planning Commission Minutes

Tuesday, July 8, 2014 - 6:35 pm

PC Present: L. Buffinton, H. Roen, J. Wallace-Brodeur, Y. Bradley, E. Lee, A. Montroll

Absent: B. Baker

Staff: D. White, E. Tillotson

I. Agenda

There are two amendments items to address: the fee schedule and proposed corrections to CDO.

On a motion by Y. Bradley, seconded by L. Buffinton, the Commission unanimously approved the changes to the agenda.

II. Public Forum

No members of the public were present.

III. Annual Organizational Meeting

On a motion by A. Montroll, seconded by L. Buffinton and E. Lee, the Commission unanimously appointed Y. Bradley Planning Commission Chair.

On a motion by J. Wallace-Brodeur, seconded by L. Buffinton, the Commission unanimously appointed B. Baker Planning Commission Vice-Chair.

On a motion by A. Montroll, seconded by H. Roen, the Commission unanimously appointed J. Wallace-Brodeur as Executive Committee member-at-Large.

On a motion by A. Montroll, seconded by L. Buffinton, the Commission unanimously appointed E. Tillotson Planning Commission Clerk.

Committees:

Y. Bradley: Has the sense that the LRPC might be trying to meet too frequently, are there thoughts on the frequency of the need to meet?

J. Wallace-Brodeur: Is open to a different schedule.

H. Roen: He feels lately that the Long Range Planning Committee is taking things as they come as opposed to stating goals, that's a valuable discussion to have.

Y. Bradley: The department continues to be more forward thinking. Presently the department is macro managing which is good.

J. Wallace-Brodeur: It might be good to have a LRPC meeting with all members where we could remind ourselves of our charge.

H. Roen: We may need to set goals to evaluate the committee's function.

Y. Bradley: This seems like a nimble suggestion. Suggests the membership of committees remain status quo.

On a motion by A. Montroll, seconded by L. Buffinton, the Commission unanimously reappointed all members of the committees to remain in current positions.

As approved by the Burlington Planning Commission on August 12, 2014.

D. White: There is some confusion in the clerk's office about the fee schedule and addressing this has been a little delayed, but the fee schedule proposed is budget neutral, it creates simplicity whereas presently there are multiple fee methods based on the estimated cost of construction, and lot divisions.

L. Buffinton: The cost of construction is usually verified by the building inspector.

D. White: The other issue is fees between departments. The CAO's office wished to eliminate cross billing. As an example, a DPW project funded by the city is just an exchange of monies in the general fund; it really changes nothing and creates book keeping work. If such a project were state or federally funded, DPW would have access to outside (state or federal) monies that is another matter.

A. Montroll: Between city departments seems fine. Large projects that would produce large fees which are city projects are reflected in the budget.

D. White: The department rarely takes in enough revenues to cover all expenses.

A. Montroll: Will that come back to haunt the department?

Y. Bradley: Look at the effect of waste of staff hours, etc, seems that it would outweigh the budget gain.

D. White: Those will be small projects anyway.

A. Montroll: He would suggest that the department keep track of unrecognized revenue, if there is any question.

On a motion by A. Montroll, seconded by E. Lee, the Commission moved to unanimously approve the financial changes as described to be instituted.

IV. Downtown Housing Report

Brian Pine, Housing Specialist from Community and Economic Development Office: Presents a report from a study conducted and concluded just recently. There have been a lot of written comments on the CEDO website about the report. Housing is an issue for people at all economic levels. Does this report make a shift in approach? No it doesn't. There is now meaningful data to back up assumptions, the rate of production is so low, it has created a shortage of supply. The question now is what is the magic number of units. A 5% vacancy rate is normal. There is no simple answer about the number of new units.

The Stratos project on St Paul St transitioned from rental to condos and back several times before it moved forward as condos. About 50% of units were sold before construction.

Part of the process was comparison to peer cities, Austin, Nashville, and Portland OR. They are now looking at the next tier cities which are setting the pace.

In Chittenden County, 35% of residents are Vermonters; the remaining 65% are migrators. There are 17250 plus students in the county. Affordability is the issue through the entire spectrum. In Burlington, the rental vacancy rate is 1 to 1.5% whereas 5% is a more typical rate. Rental market rates are very high. Average annual rent growth in the county is 3.1 percent. There is an exodus of young professionals, age groups 25 to 34, and 35 to 54, from the City.

Employment in a large share of households is service or lower wage jobs, so a housing/job mismatch exists. There is a high percentage of jobs and people who work and live in Burlington, about 55%. A high need for affordable homes/ rentals is projected.

There is little opportunity for suburban type development in downtown; housing will meet only certain kinds of needs, likely for students or elders moving to denser housing which frees up single family homes for families. He will have a plan in about ten days to present too many interested groups. Some locations of possible development are the corner of Main Street and South Winooski Avenue, the mall area, and marina redevelopment.

Y. Bradley: Is the public trust area of 40 acres up for discussion? When is it okay to put it on the table?

As approved by the Burlington Planning Commission on August 12, 2014.

D. White: The Mayor and City Council have concurred to have that conversation. Time and money are holding this conversation back presently.

L. Buffinton; It is really important to start with small incremental issues before approaching development of the 40 acres. It is necessary now to reduce our energy need, not to expand the urban footprint. We need to be so careful about the waterfront, it's our jewel.

B. Pine: There are financial incentives: public land, density bonuses, real estate tax abatements, tax increment financing. There has been growth and evolution in land use and zoning policy; a regional approach to inclusionary zoning, neighborhood development area designation, Form Based Code are all tools that can be used as forms of regulatory relief. There are state and local groups, education and health organizations, private and non profit entities, traditional and emerging housing investments to broaden economic development goals.

J. Wallace-Brodeur: Is there agreement on a solution?

Y. Bradley: Right now in the housing market, the public sector is the only resource to make housing grow, private development is marginal economically.

B. Pine: 30 years ago, the Reagan era tax code wiped out rental housing production and that is when the city became involved.

V. Statute of Limitation Discussion

Y. Bradley: Would like to take the temperature of the Commission as the Executive Committee has discussed this issue. Enforce even if beyond 15 years. Some cases where 15 year limitation is not appropriate.

A. Montroll: It is important to make sure things aren't grandfathered if there has been an earlier error, we do not want to endorse grandfathered violations.

Y. Bradley: It might depend on the violation perhaps.

D. White: There are a couple of different issues.

What did the city know and when did they know it?

To answer this question there are zoning records, assessors records, code enforcement records, inspector records, and a need to establish a straight face policy for the general public.

J. Wallace-Brodeur: Holding people accountable for non functioning records is inherently unfair.

L. Buffinton: Code enforcement has rental inspections, every three years and they have a record of the number of units.

A. Montroll: Code enforcement does zoning enforcement.

E. Lee: Are we asking code enforcement to verify if everything is permitted?

J. Wallace-Brodeur: Adding living units is a significant issue.

Y. Bradley: Which goes to Andy's point, you can't stop people from not getting permits. Either catch people, get information from neighbors, take remedial action over time. There is only a certain level of monitoring we can expect.

D. White: This is a life safety issue; it does not apply to the 5 years discussion.

A. Montroll: When a property has gotten back its economic value, you don't have to grandfather. Can't make them lose the economic value, but we don't have to allow grandfathering to continue.

Y. Bradley: The historic materials discussion and this are separate. This is about asking people to do things beyond a reasonable amount of time.

J. Wallace-Brodeur: The city needs to function as one entity. On important points, there usually is general agreement. The onus is on the city to get the records together, have them be associated.

As approved by the Burlington Planning Commission on August 12, 2014.

L. Buffinton: State statute is fifteen years.

D. White: Has spoken to K Sturtevant, city attorney, who will come to the August 12th meeting. Bill Ward, Director of Code Enforcement, as well should be present.

Y. Bradley: The goal is we fail to understand the bureaucracy of the city.

H. Roen: B Baker would be able to create clean title when there is a sale.

VI. Summer Schedule

July 22, the Director will be away. August 12th is chosen as the next meeting date, August 26th will be cancelled with the regular schedule to resume in September.

On a motion by J. Wallace-Brodeur, seconded by A. Montroll, the Commission unanimously approved the changes to the meeting schedule as discussed.

VII. Committee Reports

Ordinance Committee – will meet this Thursday.

Executive Committee – has met, discussed the Director's evaluation and Form Based Code.

VIII. Commissioners Items

D. White: Staff identified residential side and rear yard set back, omitted includes: a building already encroaching can be expanded vertically

Article 5 frontage and access, two articles conflict, revised version 5.3.6 makes reference to 5.2.2

On a motion by A. Montroll, seconded by L. Buffinton, the Commission recommended approval of front yard and side yard setback corrections. E. Lee abstained.

Y. Bradley: The ordinance in RM zone looks as if there is a difference square footage requirement; section 4 and section 5 are in conflict. This could have a similar sort of fix.

D. White: State statute doesn't recognize that there are many small lots in cities.

On a motion by A. Montroll, seconded by J. Wallace-Brodeur, the Commission unanimously recommended approval of technical corrections.

H. Roen: Has been following the Board of Health livestock slaughter regulations which are quite restrictive. He will continue to follow this issue.

IX. Minutes/Communications

None.

X. Adjourn

On a motion by L. Buffinton, seconded by H. Roen, the Commission unanimously adjourned at 8:35 pm.



Y Bradley, Chair

8-22-14

Date



E. Tillotson, recording secretary

As approved by the Burlington Planning Commission on August 12, 2014.