



South Burlington Planning Commission

575 Dorset Street
South Burlington, VT 05403
(802) 846-4106
www.sburl.com

Meeting Tuesday, August 25, 2020

7:00 pm

IMPORTANT:

This will be a fully electronic meeting, consistent with recently-passed legislation. Presenters and members of the public are invited to participate either by interactive online meeting or by telephone. There will be no physical site at which to attend the meeting.

Participation Options:

Interactive Online Meeting (audio & video): <https://www.gotomeet.me/SBCity/pc-2020-08-25>

By Telephone (audio only): Phone # (571) 317-3122, access code: 960-660-709

AGENDA:

1. **Agenda: Additions, deletions or changes in order of agenda items** (7:00 pm)
2. **Open to the public for items not related to the agenda** (7:02 pm)
3. **Announcements and staff report** (7:10 pm)
4. *****Work Session on Land Development Regulation Overhaul** (7:15 pm)
 - a. Presentation and discussion of Subdivision, Master Plan, and PUD Standards (7:15 pm)
 - b. Review and discussion of key questions (8:20 pm)
 - c. Staff update on Habitat Block map analysis; Commissioner questions (8:40 pm)
5. *****Review and approve minutes of November 27, 2018; December 17, 2019; February 3, 2020; February 11, 2020; August 11, 2020** (8:58 pm)
6. **Other Business** (8:59 pm)
7. **Adjourn** (9:00 pm)

Respectfully submitted,

Paul Conner, AICP,
Director of Planning & Zoning

*** attachments enclosed

South Burlington Planning Commission Meeting Participation Guidelines

1. The Planning Commission Chair presents these guidelines for the public attending Planning Commission meetings to ensure that everyone has a chance to speak and that meetings proceed smoothly.
2. Initial discussion on an agenda item will generally be conducted by the Commission. As this is our opportunity to engage with the subject, we would like to hear from all commissioners first. After the Commission has discussed an item, the Chair will ask for public comment. Please raise your hand to be recognized to speak and the Chair will try to call on each participant in sequence.
3. Once recognized by the Chair, please identify yourself to the Commission.
4. If the Commission suggests time limits, please respect them. Time limits will be used when they can aid in making sure everyone is heard and sufficient time is available for Commission to conduct business items.
5. Side conversations between audience members should be kept to an absolute minimum. The hallway outside the Community Room is available should people wish to chat more fully.
6. Please address the Chair. Please do not address other audience members or staff or presenters and please do not interrupt others when they are speaking.
7. Make every effort not to repeat the points made by others.
8. The Chair will make reasonable efforts to allow everyone who is interested in participating to speak once before speakers address the Commission for a second time.
9. The Planning Commission desires to be as open and informal as possible within the construct that the Planning Commission meeting is an opportunity for commissioners to discuss, debate and decide upon policy matters. Regular Planning Commission meetings are not "town meetings". A warned public hearing is a fuller opportunity to explore an issue, provide input and sway public opinion on the matter.
10. Comments may be submitted before, during or after the meeting to the Planning and Zoning Department. All written comments will be circulated to the Planning Commission and kept as part of the City Planner's official records of meetings. Comments must include your first and last name and a contact (e-mail, phone, address) to be included in the record.



TO: South Burlington Planning Commission
FROM: Paul Conner, Director of Planning & Zoning
SUBJECT: PC Staff Memo
DATE: August 25, 2020 Planning Commission meeting

1. **Agenda: Additions, deletions or changes in order of agenda items (7:00 pm)**
2. **Open to the public for items not related to the agenda (7:02 pm)**
3. **Announcements and staff report (7:10 pm)**

Staff Report:

Presentation from housing working group to Council: a volunteer group of residents and property owners in South Burlington presented the results of their recently-complete housing report. The presentation and Q&A session is available for viewing via the [Council meeting recording](#).

Library & City Hall under construction: if you have not recently been down Market Street, take a look! The building is going up quickly.

4. *****Work Session on [Land Development Regulation Overhaul](#) (7:15 pm)**

- a. *Presentation and discussion of Subdivision, Master Plan, and PUD Standards (7:15 pm)*
- b. *Review and discussion of key questions (8:20 pm)*

See enclosed staff memo. Staff will provide an accompanying presentation to the staff memo which will be made available for review. See the memo for recommended meeting objectives for this meeting.

- c. *Staff update on Habitat Block map analysis; Commissioner questions (8:40 pm)*

At the August 11th meeting, staff was asked to prepare two mapping analyses around Habitat Blocks. The Natural Resources Considerations for Zoning [Interactive Map Viewer](#) has been updated to include these two layers:

- Areas of Habitat Blocks that exclude mapped Hazards, the NRP, and Parks zoning districts. [Hazards are: wetlands & buffers, streams & buffers, 1% floodplains, river corridors, and steep slopes over 25%]
 - Results: total land area = **465 acres**
- “Core” vs “Outer” Habitat Block with the same calculation above. Core Habitat Blocks measured as being 100 meters inside the mapped Habitat Block.
 - Results: Core Habitat excluding hazards, NRP, Parks Zone = **277 acres**
 - Results: Outer Habitat Block excluding hazards, NRP, Parks Zone = **187 acres**

5. ***Review and approve [minutes](#) of November 27, 2018; December 17, 2019; February 3, 2020; February 11, 2020; August 11, 2020 (8:58 pm)

Over the past few months we took a few minutes to go back and make sure that all minutes are in order. We found one set from 2018 that had not been approved – my apologies – as well as minutes from the end of 2019 and early 2020.

6. Other Business (8:59 pm)

7. Adjourn (9:00 pm)

*** *item has attachments*



MEMORANDUM

TO: South Burlington Planning Commission
FROM: Paul Conner, Director of Planning & Zoning
SUBJECT: Subdivisions, PUDs, Master Plans, Site Plans
DATE: August 25, 2020 Planning Commission meeting

At your last meeting, the focus was on Article 12 and the draft Environmental Protection Standards. At this meeting we'd like to take a similar tact, but on the "built environment" side of the equation, and then tie them together.

Over the past year-plus, you've seen and provided input on a multitude of different pieces of this puzzle. I'm sure it's been a challenge to keep track of, and we appreciate all of your attention. At this meeting we'd like to give you a snapshot of where we are with each of the pieces, what each does, and most importantly, gather Commission feedback on a handful of extremely important remaining decision points.

Included in this memo are updates, proposed thresholds for, and key questions on the following:

1. *Subdivision Standards*
2. *Planned Unit Developments*
3. *Master Plans*
4. *Site Plans*

Staff will begin the meeting with a presentation. The presentation will highlight the goals of the project, what these updates include and intended to do (and what they do not do), and where pieces of the work – namely PUDs – complement other updates to the LDRs that the Commission may elect to undertake in the future.

*Included in this presentation will be a discussion of two possible ways that the Commission may elect to assign maximum density in a PUD (which may also vary by PUD type): **Land-Based vs. Building-Type Based**. This determination in various PUD settings is the most significant remaining decision for the Commission in terms of completing the PUD project. Most of the remaining key questions are about thresholds and how to achieve the stated goals for this project.*

The presentation will also reference the current Commission's work, including expansion of the TDR program and integration with Inclusionary Zoning. These will be addressed more fully at an upcoming meeting

Meeting objectives:

- Commissioners are clear proposed structure and role of subdivisions, master plan, PUD, site plan
- Commissioners are clear on role of Hazards, Level 1, Level 2 Resources
- Commissioners are clear on how a Conservation subdivision works or pose questions they have
- Commissioners are clear on options for calculating maximum density or pose questions they have
- Commissioners have identified any additional information needed to make decisions on critical questions at upcoming meetings

Below please find a status report on each topic, staff recommendations, and key Commission questions
Key questions / future decisions for Commission consideration are in Red

1. Subdivisions:

Summary:

This is a major upgrade to this Article. Currently nearly all subdivisions, except for minor subdivisions resulting in two lots, are also Planned Unit Developments (PUDs), and therefore not generally tied to underlying zoning district standards. This amended Article establishes clear standards for the subdivision of land (creation and merger of lots, supporting infrastructure) under the City's current zoning district and environmental protection regulations. As proposed, all planned unit developments are considered subdivisions, but not all subdivisions will qualify as types of planned unit development.

Principal Functions

- Establishes the pattern of land subdivision and subsequent development: arrangement of streets, blocks, building lots, supporting infrastructure, civic and other open spaces, and connectivity with transportation networks, adjoining parcels.
- Establishes street and block length standards applicable to residential & mixed-use zoning districts
- Newly created building lots must meet zoning district (or PUD) lot standards, and accommodate development (uses) allowed within the zoning district.
- In a non-PUD subdivision, development density is based only on the Buildable Area, and is not transferable from undevelopable land within the subdivision.

Proposed Applicability / Thresholds:

- Administrative Review for minor Boundary Line adjustments and lot mergers.
- DRB review required for all subdivisions per state law. The level of review varies by type of subdivision, as currently defined under the LDRs:
 - Minor Subdivision: 2 lots (final review)
 - Major Subdivision: 3+ lots (preliminary, final review)

How Environmental Protection Standards are applied

- Resource protection standards under Articles 10 and 12 apply, as applicable to any form of development, including allowed encroachments.
- Subdivision and building lot lines must avoid or, to the extent allowed under applicable regulations, minimize the subdivision and physical fragmentation of protected resources. A building lot may extend into a protected resource area only as necessary to meet minimum lot area and frontage standards.
- Hazards / Level I Resource Areas must be set aside as undevelopable land (e.g., conserved open space), and excluded from the calculation of "Buildable Area." (*see note re: Conservation Subdivisions*)
- Level I and II Resource Areas may be incorporated into a building lot so long as the building envelope on the lot is delineated to exclude these resources.

How Density is Applied:

In a non-PUD subdivision, development density is determined based on zoning district standards (lot sizes, frontage, etc.) as applied to the net buildable area. It is not transferrable from undevelopable areas to developable areas within the subdivision.

Status:

Draft ready for Commission review (*with adjustments to natural resource classification underway based on Commission feedback*). Final language to be modified based on Commission feedback on key items. Staff to provide complete draft in September 2020.

Related Documents:

Standard	Status
Environmental Protection Standards	Provided to PC 5/26/20
Street types	PC previously reviewed; complete
Civic Space Types	PC previously reviewed; need to assign to zoning districts for subdivision
Updated planned rights-of-way	Draft ready for review
Official Map	On PC work plan; to be updated following IZ

Critical Remaining Commission Decisions Points on Subdivisions

- Confirm that in future subdivisions, Hazards and Level 1 Resources must be set aside as undevelopable land (e.g., conservation lots) and excluded from density calculations
- Application of “walkable” street and block standards in residential and mixed use districts

Non-critical, important decision points on Subdivisions [future meeting this summer/fall]

- Review traffic level of service thresholds
- Review proposed standards for public vs private roads
- Confirm requirements for construction / payment of infrastructure connections
- Review proposed minimum civic space standards [non-PUD subdivisions]

2. Planned Unit Developments

Summary:

Planned Unit Development (PUD) provisions, as currently required for all subdivisions of 10 or more acres under the LDRs and all major subdivisions in the SEQ (and elective for 2 or more acres), provide flexibility from applicable zoning district requirements by allowing the DRB to modify or waive required lot sizes, setbacks, and other dimensional standards, ostensibly to meet stated community objectives in conformance with the comprehensive plan. Current standards also allow for the calculation and transfer of density across the entire subdivision, as applied within designated development areas. PUDs currently function primarily as a means to modify or waive zoning standards, without any additional design or development criteria intended to meet city objectives.

The intent of new PUD provisions, is to more clearly and specifically define planned unit development as one or more “types” of planned development that allow for some flexibility within defined dimensional and design parameters specific to each type. As proposed, PUD types function as “floating” zones that relate to underlying zoning districts with regard to allowed uses (with limited additions) and minimum densities of development, but otherwise incorporate dimensional and design standards – including land allocation, and street, building, and civic space type standards – that vary by PUD type.

Principal Functions

- Allow or require integrated, comprehensive forms of planned development, e.g.:
 - Traditional Neighborhood Development – walkable residential neighborhoods
 - Neighborhood Commercial Development – walkable, mixed use centers
 - Conservation PUDs – resource conservation, walkable neighborhoods
 - Infill/Redevelopment – context sensitive modifications allowing integration, “best fit”
- Each PUD type is proposed as a “floating zone” – an overlay zone as defined under the current LDRs, which is generally affiliated with an underlying zoning district in terms of allowed uses (with additional uses assigned to certain PUD types), but dimensional and design standards for blocks lots, and building form vary by PUD type.
- Each PUD type has minimum thresholds (triggers) for applicability.
- More than one PUD type may be permitted within a parcel or parcels, so long as minimums for each are met

How Environmental Protection Standards are applied

- Resource protection standards under Articles 10 and 12 apply, as applicable to any form of development, including allowed encroachments.
- Subdivision and building lot lines must avoid or, to the extent allowed under applicable regulations, minimize the subdivision and physical fragmentation of protected resources
- Hazards Resource Areas must be set aside as undevelopable land (e.g., conserved open space), and excluded from the calculation of “buildable area.”
- Level I Resource Areas are treated as follows:
 - In a TND, NCD, or Infill/Redevelopment PUD, they are treated as a Hazard Resource Area
 - In a Conservation PUD, they are treated as a Level II Resource Areas *[note, this is a work in progress based on Commissioner feedback at 8/11 meeting]*
- Level II Resource Areas are included in the calculation of “buildable area” – e.g., for purposes of determining the allowed density of development, and minimum land use (and resource land in Conservation PUD) allocations as applicable; however resource protections standards apply

- Level II Resources may include land that is not otherwise regulated in Article 12, such as Agricultural soils or farms, expanded riparian areas, other
- In a conservation PUD, the applicant has a right to build on 30% of non-Hazard land, which may include some Level II Resources if these Level II resources exceed 70% of the remaining property. Level II resources recommended be ranked for purposes of Conservation PUD allocations.

Proposed Thresholds for PUDs:

Area	Applicability	Conservation	TND	NCD	Infill/Redevelopment
0-2 acres	Not Permitted				
2-4 acres	Elective	Permitted			Permitted up to TND/NCD threshold
4+ acres	Mandatory (1)	Permitted			Permitted up to TND/NCD threshold
5+ acres	Mandatory (1,2)	Permitted		Permitted	Permitted up to TND threshold
10+ acres	Mandatory (2)	Permitted	Permitted	Permitted	

- (1) The Commission had previously indicated that PUDs should be required for all neighborhoods over 4 acres in size in order to preclude large-lot, sub-Act 250 neighborhoods from being built. An alternative to requiring a PUD for these 4-10 acre lots could be to establish a *maximum* lot size under standard subdivision. This has not been fully examined but is an option for the Commission.
- (2) Staff is working with Sharon Murray to review circumstances of single-buildings on large lots and how these would related to PUD requirements.

Proposed Applicability of Individual PUD/PRD Types:

PUD Type	Allowable Zoning Districts
Infill/ Redevelopment	Applicable TND / NCD districts
Conservation PUD	All Zoning Districts where thresholds are exceeded; R1, R2, SEQ-NR, SEQ-NRT, SEQ-VR, SEQ-VC, SEQ-NRP <i>[additional limitations apply]</i>
TND	R1-PRD, R1-LV, R2, R4, R7, Lakeshore, Allen Rd, Swift St, C1-LR, R7-NC, SEQ NR, SEQ-NRT, SEQ-NRT, SEQ-VR, SEQ-VC
NCD	R12, All C1- Districts, C2, Allen Road, Swift St, R7-NC

Simplified Developable Land Allocations [simplified, full version to be provided next month]

PUD Type	Residential Min	Non-Residential Min	Open Space Min	Unallocated
TND	70%	5%	10% (Civic)	15%
NCD	40%	25%	10% (Civic)	25%
Conservation	15%	0%	70% (65% Resource, 2% civic)	15%

Minimum and Maximum Residential Density, by PUD type

PUD Type	Minimum Density	Maximum Density
Infill/Redevelopment	Greater of 4 units per Buildable Acre or underlying zoning district max gross density	<i>Land-Based 1 or 2, or Building-Based [staff recommends Commission discuss pros & cons of each]</i>
TND	Greater of 4 units per Buildable Acre or underlying zoning district max gross density, whichever is greater <i>Option: Minimum of 8 units per Buildable Acre within ¼ mile of transit routes</i>	<i>Land-Based 1 or 2, or Building-Based [staff recommends Building-Based]</i>
NCD	Greater of 8 units per Buildable Acre or underlying zoning district max gross density whichever is greater	<i>Land-Based 1 or 2, or Building-Based [staff recommends Building-Based]</i>
Conservation	Greater of 4 units per Buildable Acre or underlying zoning district max gross density	<i>Land-Based 1 or 2, or Building-Based [staff recommends Commission discuss pros and cons of each]</i>

Maximum Density Alternatives:

	Land Based Option 1	Land Based Option 2	Building Based
Source	Underlying Zoning	Minimum Density for applicable PUD	Building Types
Base calculation	Total land area underlying zoning district maximum	1.5 – 2 times the minimum density for the PUD	Determined based on allowed building types and associated lot sizes as applied within Buildable Areas
Bonuses, TDRs	Added (eg, current affordable housing)	2 – XX times the minimum density for the PUD	Additional more compact building types and/or greater allowed percentage of more compact building types

Status:

In development; awaiting PC review and determination on how to calculate Maximum Density

Related Documents:

Standard	Status
Environmental Protection Standards	Provided to PC 5/26/20
Subdivision Standards	See above
Master Plan Standards	See above
Street types	PC previously reviewed; complete
Civic Space Types	PC previously reviewed; need to assign to zoning districts for subdivision
Building Types <i>[except PRD]</i>	PC previously reviewed; Commission to review updated detailed requirements
TDR standards for sending / receiving areas	Under development
Site Plan Standards	Ready for Commission Review

Critical Remaining Commission Decisions Points on Planned Unit Developments

- Determine whether to include infill/redevelopment PUDs for smaller residential parcels
- Determine How Maximum Density is to be calculated in TNDs, NCDs, Conservation, Infill/Redevelopment
- Finalize list of Hazards, Level 1 Resource Protection Areas, Level 2 Resource Protection Areas

Non-critical, important decision points on master plans [future meeting this summer/fall]

- Finalize thresholds for PUDs and PUD types
- Review and Finalize Building Type standards
- Finalize allocations for each PUD type
- Determine standards for Infill/Redevelopment
- Determine allowed uses to apply to each
- Incorporate TDRs (sending, receiving) into PUD types
- Incorporate Inclusionary Zoning into PUD types

3. Master Plan

Summary:

As with subdivisions, this is a major upgrade to Article 15, to include more specific submission requirements and review criteria. Master plans are intended to provide an overall plan for the orderly, coordinated development of large tracts of land, and for more complex, phased development projects, including most forms of planned unit development. The current Master Plan requirement under Article 15 applies to:

- Development of more than 10 dwelling units in the SEQ (also referred to in the SEQ as a “regulating plan”)
- Development of more than 10 dwelling units in a 5-year period in the R1-Lakeshore District.

Current Master Plan provisions do not include specific review criteria; they simply establish a handful thresholds for required amendments. They also give the DRB authority to determine the level of review for future phases of development, but do not require phasing or overall design plans, and do not give the applicant any vested rights.

The amended Master Plan would require applicants to identify protected resource areas, areas reserved for future development, and the overall pattern of development (street, block layouts) within designated development areas, to include the allocation of proposed land uses and civic space. The master plan would also provide overall buildout estimates (budgets), proposed phasing schedules, and (potentially) establish common design palates to be carried through the development. Where a design palate is submitted and approved, it can be carried through future approvals. For the applicant, an approved Master Plan would vest the project under current Land Development Regulations for a period of up to 10 years, for all future applications submitted under that Master Plan.

Principal Functions

- Applies to larger, more complex development – larger parcels, phased development, planned unit development, multiple principal uses or buildings on a parcel
- Consists of a development (subdivision, land use, transportation, design) plan prepared to scale, that establishes the overall framework for orderly, integrated subdivision and development of one or more parcels of land.
- Used to determine project budgets at buildout (e.g., total developed area, acreage allocations by use type, total housing units or gross square feet, total trip generation, stormwater volume, water and sewer capacity allocations, etc.) and anticipated mitigation measures, improvements.
- Serves as the basis for project phasing (phasing plan), specifying the timing and sequence of development, provision of civic space, public amenities, etc. in relation existing and planned infrastructure capacity, required improvements, adopted capital improvement plan.
- May also serve as the basis for formal development agreements with the City (e.g., with regard to provision of infrastructure, public facilities, amenities).
- Subsequent subdivision, development applications must be found to be consistent with the master plan as approved.
- Vests the project under the current regulations for a period of up to 10 years, to provide assurances necessary for project financing as necessary for large-scale projects, e.g.,

Proposed Thresholds:

As proposed, required for:

- Subdivision, development of any parcel equal to or greater than 4 acres (elective 2-4 acres)
- All Planned Unit Development
- Development occurring over 2 or more phases or 3 or more years
- Multiple principal buildings on a single lot (in association with preliminary site plan review)

How Environmental Protection Standards are applied

- Per Article 12 / Subdivision / PUD type standards

How Density is Applied:

- Per underlying zoning / PUD type standards
- Master Plan may approve multiple PUDs within a single application

Status:

Draft complete for Commission review in September. Minor modifications will be needed based on Commission guidance on Subdivisions, PUDs

Related Documents:

Standard	Status
Subdivision	See above
PUDs	See below
Site Plans	See below

Critical Remaining Commission Decisions Points on Master Plans

- Thresholds for applicability [review in early September]

Non-critical, important decision points on master plans [future meeting this summer/fall]

- Amount of information required [include design palate]

4. Site Plans

Summary: Site plans are the specific, site-level design of how a building and its support infrastructure are arranged on a lot. They apply to all development other than the subdivision of land, and single or two family home properties in South Burlington. In the past these have been closely linked to PUDs and in fact many commercial properties have applied as PUDs in order to obtain dimensional waivers, etc. The proposed amendments would make clear the DRB / Administrative Officer's purview with site plans specifically, and establish clear (limited) authority to grant dimensional waivers where appropriate, thus reserving the PUD tool for its intended purpose.

Principal Functions:

- Site level design for all development except single family homes & two family homes
- Includes building bulk, placement and architectural standards, as applicable
- Standards and arrangement of site features: parking, lighting, stormwater, site-level civic space, landscaping, refuse removal, snow removal, etc.
- Allows for limited waiver of dimensional standards by the DRB
- Density, housing preservation, and inclusionary zoning standards applied
- Site-level traffic and transportation demand management [subset of a subdivision or PUD]

How Environmental Protection Standards are applied

Per Article 12 [may have been partially addressed via subdivision / PUD if lot was created after adoption of regulations]

Proposed Thresholds: As presently applied: all development other than single and two-family homes

Status: Draft ready for Commission review.

Related Documents:

Standard	Status
Environmental Protection Standards	Provided to PC 5/26/20
Subdivision Standards	See above
Master Plan Standards	See above
TDR Standards [may be applied now or later]	Under development
Site-Level Civic Space Types [possible later addition]	PC previously reviewed; need to assign amounts per site plan – may be later project
Update underlying Zoning Districts if not a PUD [including possible future modifications]	Not yet started

Critical Remaining Commission Decisions Points on Planned Unit Developments

- Review proposed changes to underlying zoning districts [in September]

Non-critical, important decision points on master plans [future meeting this summer/fall]

- Determine waiver authority for site plan applications
- Consider options for infill via TDR
- Consider site-level civic space requirements

SOUTH BURLINGTON PLANNING COMMISSION
MEETING MINUTES
27 NOVEMBER 2018

The South Burlington Planning Commission held a regular meeting on Tuesday, 27 November 2018, at 7:00 p.m., in the Conference Room, City Hall, 575 Dorset Street.

MEMBERS PRESENT: J. Louisos, Chair; B. Gagnon, M. Ostby, M. Mittag, A. Klugo, D. Macdonald

ALSO PRESENT: P. Conner, Director of Planning and Zoning; C. LaRose, Planner; S. Dooley, A. Chalnack, D. Leban, T. Barritt, D. Burke, L. Murphy, D. Angus

1. Directions on emergency evacuation procedures from conference room:

Ms. Louisos provided directions on emergency evacuation procedures.

2. Agenda: Additions, deletions or changes in order of agenda items:

Mr. Conner asked to add to Other Business a 45-day notice from the Public Service Board.

3. Open to the public for items not related to the Agenda:

Mr. Chalnack said that the Energy Committee would like to work with the Planning Commission regarding changes to the LDRs to support South Burlington's climate change pledge. Ms. Louisos noted that Mr. Conner is the city's Sustainability Coordinator. She also noted that the Commission will be evaluating its work plan at this meeting and will sort out what it has been asked to do. The Commission has been considering a possible bonus structure for developments that provide something "extra special," which could involve energy. The Energy Committee could suggest possible changes to the LDRs for the Commission to review as it has done in the past.

Ms. Leban said the Bike & Pedestrian Committee would like to help promote bike and pedestrian structure for new streets and streets that are redone. Ms. Louisos noted that the Commission will be consolidating roadway standards. A preliminary draft of the standards is posted on the city's website.

4. Planning Commissioner announcements and staff report:

Ms. Ostby: She is hoping to attend the Vermont Energy and Climate Conference on Saturday. She also noted that the Affordable Housing Committee has been invited to tour Allard Square next Thursday.

Mr. Conner's: Voters very substantially passed the 4 ballot items regarding the new City Hall-Library-Senior Center.

Staff has been doing the math to see where new dwelling units in the city have been located this year. 126 of these units have been located in the City Center/Form Based Code area (this does not include the Cathedral Square building).

5. Recap of November 13th City Council Meeting /Adoption of Interim Zoning Bylaws:

Ms. Louisos noted that she and Mr. Gagnon attended the meeting. The City Council voted 4-1 to adopt Interim Zoning with the 4 study areas the Commission had discussed. The City Manager then sent a letter summarizing the approach the Council wants to take. The Commission will continue to have the consultants for the PUD project, but staff time will be a big concern.

Mr. Mittag asked if there will be staff/legal time to review what the Commission comes up with. Mr. Conner said if there is a need to review anything, that is within the Council's priorities.

Mr. Mittag asked if Inclusionary Zoning will be included in what the Commission needs to work on during Interim Zoning. Ms. Louisos said that is not part of the 4 assigned committees, but the Commission should talk about that. Mr. Mittag said the Affordably Housing Committee has done most of that work. Ms. Dooley said there was a lot of talk at the Council meeting regarding Inclusionary Zoning. Ms. Ostby said she recalls asking if that was a priority and the Council chair said yes. Mr. Klugo noted there was no direct instruction to include it. Mr. Conner said that Mr. Dorn had felt that the City Council saw Inclusionary Zoning as a "secondary priority" to the elements of Interim Zoning. Mr. Gagnon cautioned to be careful of "scope creep." Mr. Klugo said the Commission should deal with the primary priorities first and can ask for clarification regarding Inclusionary Zoning.

Mr. Mittag also noted that he had done a draft of a TDR Ordinance which would need a legal review. Ms. Louisos said that should be considered by the TDR Committee that is being set up.

Ms. Ostby asked whether having the LDRs catch up with the Comprehensive Plan is part of Interim Zoning. Ms. Louisos said that all the recommendations of the Interim Zoning committees will have to come to the Planning Commission for vetting. Mr. Klugo said there are open issues from the last Interim Zoning that weren't implemented, and there was a lot of public comment about that. He felt they need to understand where their base line is.

Ms. Louisos said she felt the Commission's entire work plan addresses elements of the Comprehensive Plan.

Mr. Mittag said he thought that what the Council wants from the Commission are draft LDRs. Ms. Louisos said that was the Commission's goal with the PUD project.

Ms. Louisos suggested there be time on every agenda to get feedback from representatives to the Interim Zoning committees so there are no surprises when the Commission gets the final products. Mr. Klugo said he would like to see information prior to a meeting in order to review it before the Commission has to respond to it. He asked who will set out the "master calendar" of when drafts, final reports, etc. are due. Mr. Conner said that would be by the City Manager implementing the City Council's request. Staff has laid out a timetable, but it is a work in progress.

The floor was then opened for nominations to represent the Planning Commission on the TDR and Open Space Interim Zoning Committees.

Ms. Louisos nominated Mr. Gagnon for the Open Space IZ Committee and Mr. Mittag for the TDR IZ Committee. Mr. Mittag seconded. There were no further nominations, and Mr. Gagnon and Mr. Mittag were elected 6-0.

Mr. Klugo asked if there will be a statement of what the committees are supposed to accomplish. Mr. Conner said Mr. Dorn and the Council will provide that. All committee meetings will be public and subject to the open meeting law. The Council will take action on committee nominations at their 17 December meeting.

6. Scheduling action concerning initial consideration of requests for amendments to the Land Development Regulations discussed on 9 October 2018:

Ms. Louisos reviewed the history of discussion as to whether the Commission would take up LDR amendment requests in the near future.

Mr. Conner noted there are two requests pending, the first would allow parking in front of buildings (the specific request involves buildings on Shelburne Road) and the second relates to scenic views.

Ms. Louisos noted the Council has indicated the Commission shouldn't take up anything that is not related to the Interim Zoning instructions. Mr. Gagnon felt the requests should be deferred if they are not what the Commission has been told to do.

Mr. Burke noted that their request regarding scenic views started before Interim Zoning. He asked that it should be addressed as soon as the Commission has time for it. Mr. Murphy made the same request regarding front of building parking. Commission members agreed.

7. **Commission Work Session: Planned Unit Developments:**
 - a. **Which elements to complete, which to phase for post IZ period**
 - b. **Introduction to application spreadsheet and review elements**

Ms. LaRose reminded members that at the 23 October meeting staff presented a long list of projects to complete. The Commission asked staff to see if anything could/should be moved to a later date. Ms. LaRose said there are some pieces that could be done after the PUD standard and a few that can be phased out.

Ms. LaRose then explained the nature of a PUD and noted that it has been used most often because it is an easy way to get waivers. Mr. Conner added that some projects that are PUDs now shouldn't be. This means that some site standards have to be revised so this doesn't continue to happen.

Ms. LaRose then reviewed the 3 types of applications: site plans, subdivisions, and planned unit developments (PUDs). She said there needs to be clarity as to what is expected under each of these types. She then reviewed some of the issues that need to be addressed:

1. Master Plan Standards: these need to be clearer
2. Open Space, Building, Street Standards: These will be important for all the types of applications.
3. Graphic Illustrations: These will be critical for understanding what is being required. It makes it easier to understand if you can actually see what something should look like.
4. Natural Resource Standards: After the JM Golf decision, staff realized that these standards were vague and a rewrite began. But because of the first interim zoning and work on the update of the Comprehensive Plan, work did not progress. There is some grant money with the Regional Planning Commission to do some of the work. Ms. LaRose noted that some of the "big picture" items were already pulled out and put into the Comprehensive Plan, but nothing specific got into the LDRs. Mr. Conner said the first thing the Commission should address is buildable/nonbuildable areas and what it means to be a "secondary resource." Is it OK to have an incursion if there is mitigation? Ms. LaRose added that they are also working on consistent terminology. Mr. Conner stressed that the Comprehensive Plan can be implemented in many ways, not only by regulatory solutions (e.g., education). Ms. LaRose said they are trying to build a connection between the Comprehensive Plan strategies and what exists in the LDRs. One of the

standards is “compliance with the Comprehensive Plan,” and that’s like “cherry picking.” She suggested there could be a requirement for 5 specific things and then a choice of 5 more from a list of 10. She felt this is one of the biggest improvements that can be made and one which the DRB would appreciate the most.

5. Re-evaluation of Underlying Zoning Districts: Ms. LaRose noted that PUDs were tied to a zoning district (there wouldn’t be a Conservation PUD on Shelburne Rd.) Staff has been looking at all the zoning districts to be sure a PUD type is right for that district. They have to look at every use in every district to be sure something isn’t left out from where it could/should be. Mr. Klugo asked if it is possible to do this by just saying it supersedes the underlying zoning. Ms. LaRose said that is the intent, but you have to be sure the right PUD districts are in the right zoning districts. Ms. Ostby asked what if an IZ Committee comes back with a different recommendation. Mr. Gagnon said every piece of land in the city has to have an underlying zoning. If the Open Space IZ Committee recommends that something be kept open and the city chooses not to use a mechanism to conserve it, there has to be a zoning district to direct the development that happens there. Ms. Ostby said there could be a bonus that the TDRs could offer. Ms. LaRose said still will provide a chart of zoning districts and what changes could occur there. Mr. Klugo said the Commission should only be looking at zoning in the IZ areas. The others can be a “phase 2.”

Ms. LaRose said the issues to cover at a later date include: Master Plan standards related to City Center, Miscellaneous clean-ups (there are many), and Natural Resource Standards to areas specifically excluded from Interim Zoning.

Ms. LaRose then showed what an application for a PUD could look like. It would include restraints (unbuildable areas) which would have a number associated with them. There would then be a buildable number. For parcels that fall into 2 zoning districts, there would be an average density.

Mr. Conner said there would be elements of the PUD standards that determine where the development goes (e.g., in a Transit PUD, development would go near the transit).

Mr. LaRose said the purpose of a PUD is to allow for efficiency and creativity. She noted that for certain PUD types, there would be a minimum land size, no matter what the underlying zone is. Mr. Conner said there may be cases where a small project is in an area with larger neighborhoods. Mr. Klugo said there is a need to figure out how to navigate the Act 250 “loophole” which allows up to 9 units to escape Act 250 review.

Ms. Dooley noted that the Kirby Cottages took up less than 2 acres (which would be a PUD minimum) and was a great development. Mr. Conner said that is a great point and staff is considering that. Mr. Klugo said they also have to understand that “highest and best use” can change daily.

Mr. Klugo asked if there would be an administrative approval if a development proposal meets all criteria and standards. Ms. LaRose didn’t think so. Mr. Klugo asked why a developer would go through all of that and still not know if the project is going to be approved. Mr. Conner said that is the lesson of the JM Golf decision: neighbors have a right to know what is like to be built. Mr. Klugo felt that if a development meets all the standards it should be viewed the same as in the Form Based Code district where there is administrative approval. Members agreed to continue this discussion after Interim Zoning.

Mr. Angus cited an issue where he has attempted to put a tenant (skin care service) into a building and has been turned down because of zoning. Ms. LaRose acknowledged that the property is one of those where the underlying zoning doesn’t make sense. Part of the PUD project could involve a new zoning for that area. Mr. Conner felt there could be a very simple solution to this problem which wouldn’t take much time to do.

Ms. LaRose then explained how a formula would work: In the Traditional Neighborhood PUD, you would eliminate the unbuildable areas and then be allowed to develop 70% of the buildable areas with a distribution of housing types, some non-residential and usable open space (e.g., a soccer field). 10% of the housing types would be of the developer’s choice. Mr. Klugo said that would help address the market demand. Ms. LaRose noted that certain building types would not be appropriate in all PUD types.

Mr. Klugo asked why there is a maximum density in a PUD. Mr. Conner said you don’t have to have a maximum density. Realistically, there won’t be more than that. It will just be easier to explain to the public.

Ms. LaRose noted there would be a minimum density based on the underlying density and the proportion of buildable land. Mr. Klugo questioned whether the minimum density is too low from the taxability point of view. Mr. Conner felt that is a good conversation to have.

Mr. Conner noted that the Traditional Neighborhood PUD doesn’t not work at less than 4 units per acre.

8. Consider Resolution for Electric Vehicle charging Station Grant:

Mr. Gagnon moved to approve the Resolution for the Electric Vehicle Charging Station Grant as presented. Ms. Louisos seconded. Motion passed 6-0.

9. Meeting Minutes of 23 October 2018:

Mr. Gagnon moved to approve the Minutes of 23 October 2018 as written. Mr. Mittag seconded. Motion passed 5-0 with Mr. Macdonald abstaining.

10. Other Business:

- a. Public Hearing by Burlington Planning Commission on draft amendments to Burlington Comprehensive Development Ordinance, 27 November 2018, 7 p.m., Burlington City Hall**
- b. Public Hearing by Burlington Planning Commission on draft plan BTV Burlington Comprehensive Plan, December 5, 2018, Burlington City Hall**
- c. Public Hearing by Winooski Planning Commission on Draft Winooski Master Plan, December 13, 2018, 6:30 p.m., Winooski City Hall**

Mr. Conner noted these are information items.

Mr. Conner then presented 2 Public Service Board 45-day pre-application notices and identified where the solar panels would be located. Mr. Klugo said he wouldn't support either request because of the process. Mr. Mittag agrees and noted this panels make the land unusable. Mr. Klugo said the PSB should provide land that is usable as a mitigation similar to what happens with wetlands, etc. Ms. Ostby asked if the Commission can request that the land below the panels be filled with wildflowers and pollinators and possibly use for grazing. Commission comments will be passed along to the Public Service Board.

Members agreed to hold only 1 meeting in December (11 December) as the second meeting would fall on Christmas night.

As there was no further business to come before the Commission, the meeting was adjourned by common consent at 10:25 p.m.

Clerk

**SOUTH BURLINGTON PLANNING COMMISSION
SPECIAL MEETING MINUTES
17 DECEMBER 2019**

The South Burlington Planning Commission held a special meeting on Tuesday, 17 December 2019 at 7:00 p.m., in the Conference Room, City Hall, 575 Dorset Street.

MEMBERS PRESENT: J. Louisos, Chair; B. Gagnon, M. Ostby, M. Mittag, D. Macdonald

ALSO PRESENT: P. Conner, Director of Planning and Zoning; J. Simson, S. Dooley, E. Langfeldt, A. Gill, R. Mahony, M. Simoneau

1. **Directions on emergency evacuation procedures from conference room** (7:00 pm)
2. **Agenda: Additions, deletions or changes in order of agenda items** (7:02 pm)
3. **Open to the public for items not related to the agenda** (7:03 pm)
4. **Planning Commissioner announcements and staff report** (7:06 pm)
5. **Continue Review proposed Land Development Regulation amendments:** (7:10 pm)
 - a. *LDR-19-13A: Modify existing Inclusionary Zoning requirements and extend applicability to include all lands that underlie the Transit Overlay District, all lands within the City Center Form Based Code District, and all lands in the vicinity of Hinesburg Road and Old Farm Road that are north of I-89 and are outside the Transit Overlay District.*
 - b. *LDR-19-13B: Modify Affordable Housing Density Bonus standards as follows: (1) reduce applicable area to only those areas not subject to proposed Inclusionary Zoning standards [LDR-19-13A], and; (2) adjust requirements for income eligibility and continued affordability for all remaining parts of the City.*

Commissioners held a work session to review draft amendments.

Mr. Conner reported that the legal review was completed for the draft in the packet, however not yet for items that had been modified following delivery of the packet.

Commissioners discussed the draft amendments and items where the Commission had provided guidance or sought further discussion from the prior meeting.

Commissioners discussed the contents of a letter received from O'Brien Brothers.

Staff was directed to make several modifications, to complete the legal review, and to have a fresh draft in advance of the next meeting (January 14th).

6. **Possible action to approve and submit proposed amendments and Report to City Council**

No action taken
7. **Meeting Minutes (7:45 pm): December 11, 2018, November 26, 2019, December 10, 2019**

Mr. Gagnon moved to approved minutes of December 11, 2018; November 26, 2019; and December 10, 2019. Motion seconded by Duncan Macdonald. Approved 5-0.
8. **Other Business** No other business
9. **Adjourn** The meeting was adjourned at 9:32 pm

Clerk

DRAFT

**SOUTH BURLINGTON PLANNING COMMISSION
MEETING MINUTES
3 FEBRUARY 2020**

The South Burlington Planning Commission held a special meeting on Monday, 3 February 2020, at 7:00 p.m., in the Conference Room, City Hall, 575 Dorset Street.

MEMBERS PRESENT: J. Louisos, Chair; B. Gagnon, T. Riehle, M. Ostby, M. Mittag, D. Macdonald

ALSO PRESENT: C. LaRose, City Planner; P. Conner, Director of Planning & Zoning; P. Kahn; K. Montgomery; C. Jensen; A. Chalnack; A. Gill; F. Von Turkovich; E. Von Turkovich; M. Cota; E. Langfeldt; M. Cota; M. Simoneau; S. Dooley; P. O'Brien; J. Larkin; J. Morway; J. Morway; K. Lord; J. Nick

1. Directions on emergency evacuation procedures from conference room:

Ms. Louisos provided directions on emergency evacuation procedures.

2. Agenda: Additions, deletions or changes in order of agenda items:

No changes were made to the agenda.

3. Open to the public for items not related to the Agenda:

No issues were raised.

4. Planning Commissioner announcements and staff report:

No announcements.

5. Continued Discussion of Transfer of Development Rights Interim Zoning Committee Report recommendations

Staff shared an updated set of recommendations from the TDR Interim Zoning Committee Report based on the Commission's prior meeting discussions and feedback.

Commissioners reviewed the draft recommendations and members indicated that they felt they generally represented the Commission's feedback to date.

Ms. Louisos solicited comments from the public.

Mr. Langfeldt said that not being able to use a hazard as sending TDR doesn't make sense; if the receiving area can absorb the density, why not? Mr. Mittag said that TDR may be used to tweak conditions elsewhere

Mr. Kahn said that if one can build by transferring density within a property, should allow it to be used as TDR as well.

Mr. O'Brien said that if you're a landowner and deciding whether to build or conserve a piece of land, the City may wish to give the benefit of selling TDRs from hazards in order to get additional value for conservation.

Mr. F Von Turkovich said that starting with a clean slate, wetlands do have an economic value of wetlands. If you have a wetland next to your developable land, it enhances the value of the developable part. Perhaps a wetland has a fraction of a TDR value?

Ms. Lord said that if you have an owner of TDRs, if you take some away, that's a direct economic impact.

Mr. Montgomery said that he was concerned that the Open Space report would be used in a regulatory form.

Ms. Dooley said that in looking at new receiving areas, the Commission needs to consider traffic impact.

Mr. E .Von Turkovich asked whether there has been a study of the economic value of TDRs? Mr. Mittag replied that he had spoken with several TDR program managers and they have said it's difficult to estimate TDRs until you determine the areas where you want to use them.

Ms. Morway said it's important for everyone to remember why the TDR program started. Everyone feels that they're not sure what's coming next, except that their property will be worth less. She said that they had sold some, and that it's not a quick process and it's not cheap. And it's not easy to find someone to buy them.

Mr. Kahn asked whether the Commission is contemplating retaining the NRP and adding, or replacing the NRP? Ms. Louisos replied that the Commission has not talked about removing the NRP

Mr. Kahn said that a major focus has to be on new receiving areas.

Mr. Gill said that he is concerned that both allowing development on Open Space IZ parcels and also having them be TDR sending areas. Could be creating uncertainty at Act 250.

Mr. Larkin said he wasn't sure why he'd buy TDRs if there are other places, like City center FBC, don't require them.

Mr. Langfeldt inquired about steep slopes. Members of the audience and Commissions had a extended discussion of steep slope considerations.

Following discussion, Mr. Gagnon moved that the Commission accept the revised recommendations as written for our future work as a path forward on items 1-6 from the packet. Mr. Riehle seconded. Motion approved 6-0.

6. Affirm Planning Commission Policy Intentions Related to Interim Zoning Committee and PUD Project Work

Ms. Louisos discussed the list of items in the Commission's packet. She reported that she and staff had worked to prepare a list of the guidance previously given on various elements of Interim Zoning Work and PUD project for review together and possible action by the Commission to affirm the list. This would be helpful in preparing the Planning Commission's presentation to Council next week, she said.

Members reviewed the numbered items one by one.

1. Regulated Natural Resources:

- a. *Tiered levels to include hazards, level 1, and level 2, per the resource considerations document reviewed October 29, 2019, with updates per Arrowwood 2020 report and continued work on steep slopes and agriculture. These will apply citywide as part of Chapter 12 update.*
- b. *Accept findings of 2019 Arrowwood Report*

- i. *Habitat blocks shall be defined per identified areas of report; Commission to evaluate whether to include all blocks and/or regulate at the same levels. No additional lands to be regulated as Level 1 habitat blocks.*
- c. *Some exemptions or reduction in regulation (example, City Center area) are intended to be reviewed shortly.*
- d. *No additional natural resources regulated as hazards or level 1 beyond those identified and accepted above. Those portions of parcels identified in the 2019 IZ Open Space report, that are not a regulated hazard, level 1 or level 2 natural resource shall not be regulated as a hazard, level 1 or level 2 natural resource.*

Commissioners discussed. Staff was asked to clarify #1b. What did “findings” mean, as the Commission has only received the prior week. It was suggested that it be changed to “findings & methodology”. Commissioners agreed.

Mr. Nick asked whether there could be field verification? Ms. Louisos suggested that there could be a commitment to update the report regularly.

2. *Density Calculations:*

- a. *Max Residential Density calculated: multiply total land area less hazards by average weighted density*
 - i. *Maximum density would remove hazard lands in all cases. For development without PUD, would also remove lands classified as Level 1 resource areas.*
 - ii. *Some exceptions for conservation PUDs.*
- b. *Minimum residential densities would apply in PUDs*
 - i. *Calculate by multiplying land area exclusive of hazards and level 1 times residential allocation x underlying density maximum.*
 - ii. *For SEQ, minimum density (of 4 units/acre for NRT/NR and 8u/acre for VC and VR) would be calculated as an effective density based on impacted land. This would not mandate use of TDRs to meet minimums.*
- c. *Minimum and maximum commercial densities are intended; work is ongoing and details tbd.*

Mr. Von Turkovich said that if a property owner has land in these areas, they may need to to buy TDRs to make up for lost density on a property.

3. *Changes to PUD requirements*

- a. *Confirm PUD types (conservation, TND, NCD, Campus)*
 - b. *Remove required PUDs based on underlying zoning (airport, SEQ as example)*
 - c. *Require PUDs for 4+ acres (PC determination on 3/12/2019); special circumstances to be discussed*
 - d. *PUDs to include mix of land allocations per PUD type*
 - e. *Open space, road, and building types will be specified from typology standards*
- 4. *Master Plan- required for phased projects; details forthcoming.*
- 5. *Affirm that some desired elements of work will take place after adoption of PUD/Subdivision/Master Plan work. These phase 2 components include:*
 - a. *Score card for PUDs*
 - b. *Remainder of underlying zoning updates*
 - c. *Infill/small lot subdivision*

- d. How to fit building and open space types City-wide*
 - e. Additional update to site plan standards*
 - f. Reserved sections of article 12 and scenic views*
- 6. *TDR Report Recommendations*
 - a. Per PC decisions 02/03/2020 (see separate memo)*
- 7. *Affirm intention for community outreach. General game plan to include testing and small group meetings/listening sessions with diverse groups of stakeholders.*
- 8. *Open Space Report: for any portions of identified parcels not already restricted in PC work related to natural resources (hazards, levels 1 and level 2), Commission recommends City Council review in balance with Earth Economics report and other metrics and consider any potential conservation using tools outside of the Land Development Regulations.*

Commissioners discussed each of the above. Following discussion, Mr. Gagnon moved that the Commission affirm the Planning Commission decisions as presented in the memo for presentation to Council (with the addition of “and methodology to item #1b). Mr. Mittag Seconded. Motion approved 6-0.

Mr. Gagnon stressed that this was a working document and that these were, in his view, general affirmations.

Mr. Macdonald said that the Commission needs to be conscious of downzoning in all discussions. This must be a community conversation.

Ms. Ostby said that a helpful visual would be arrowwood report and overlay NRP on it.

9. Preparation for February 11th Joint Meeting with City Council (8:00 PM)

Ms. Louisos said she was prepared for the presentation with tonight’s guidance. The presentation would be based on the prior week’s work, rearranged and with the feedback given at that time and tonight. Mr. Mittag offered to assist with the presentation of the TDR portion of the report if needed.

10. Adjourn

As there was no further business to come before the Commission, the meeting was adjourned by common consent at 9:35 p.m.

Clerk

The South Burlington City Council and Planning Commission held a joint meeting on Tuesday, 11 February 2020, at 6:30 p.m., in the Conference Room, City Hall, 575 Dorset Street.

City Council Members Present: H. Riehle, Chair; M. Emery, T. Barritt, T. Chittenden, D. Kaufman

Planning Commission Members Present: J. Louisos, Chair; B. Gagnon, T. Riehle, D. MacDonald, M. Ostby, M. Mittag

Others Present: K. Dorn, City Manager; P. Conner, Director of Planning & Zoning; C. LaRose, Planner; V. Bolduc, J. & F. Kochman, A. Chalnack, J. Morway, E. Langfeldt, S. Dopp, J. Nick, L. Nadeau, D. Murdoch, B. Gardner, P. O'Brien, A. Gill, P. Kahn, R. Greco, M. Simoneau, D. Seff, S. Dooley, M. Cota, Ms. Peters, other members of the public

1. Instructions on exiting building in case of emergency:

Mr. Dorn provided instructions in case of an emergency.

2. Agenda Review: Additions, deletions or changes in order of agenda items:

No changes were made to the agenda.

3. Comments & Questions from the Public not related to the agenda:

No issues were raised.

4. Consent Agenda for City Council:

- A. Authorize City Manager to negotiate and sign an agreement with the recommended consultant, Stantec, to design and engineer the shared use path on the south end of Dorset Street project**

Ms. Emery moved to approve the Consent Agenda as presented. Mr. Barritt seconded. Motion passed unanimously.

5. Planning Commission presentation, followed by joint discussion, of approach to and status of the Land Development Regulations (LDR) amendments prioritized as part Interim Zoning:

Ms. Riehle noted that the purpose of this meeting is to get the Planning Commission's per-

spective on where they stand re: LDRs, PUDs, and the time-frame on studies. She added that there are clearly different points of view, and the Council needs to find a balance. She asked that everyone listen and understand the other person's perspective, honor that, and find a way to move forward.

Ms. Louisos then explained that the Planning Commission has been working on many regulations and planning pieces for many years (e.g., natural resources, PUDs, etc.) in order to bring about the city's vision as put forth in the Comprehensive Plan. Many pieces are in draft form. The goal is to have a community that is affordable, walkable, green, clean and with available opportunities.

Ms. Louisos then showed a map of existing land coverage. She identified developed parcels, open space areas, and larger parcels still available for development. She said the big thing the Commission is working on is to look at thoughtful patterns, multiple types of natural resources, and infrastructure. A lot of this, she noted, piggy-backs on what was done for City Center.

There are multiple approaches to changes in the LDRs. This is often called the PUD project, but it is bigger than that. With any new development proposed, the aim would be to create a neighborhood with connections, resources, etc. The Commission is also proposing changes to a traditional subdivision and to Master Plans to bring about "place making."

PUDs have traditionally been used to get a waiver and flexibility. The question is what the city gets for that flexibility. The Commission will be proposing several types of PUDs for the future:

- a. Traditional Neighborhood Development (TND)
- b. Neighborhood Center Development
- c. Conservation PUD
- d. Campus/Business Park

Each would have its own development pattern and different components.

Ms. Louisos then showed what a TND would look like, how the land would be broken up. It would be mostly residential with open space (e.g., resource land, civic space), and some non-residential. Unallocated land could go into any of the other categories.

Ms. Louisos showed a pie chart of each type of PUD, indicating how different land allocations change with each type. She noted that allowable housing types would also change. All

Undeveloped parcels would follow one of the types of PUDs. Smaller parcels could be re-developed.

The Commission has also created levels for natural resources:

- a. Hazards – flood plains, wetlands, etc. These would be no-build areas and would not count toward buildable density. There could be some restricted encroachment when there are no other options. These would have specific criteria. A map of hazard areas showed wetlands, streams & buffers and steep slopes
- b. Level 1 & 2 Resource areas include habitat blocks, some steep slopes and other resources valued by the community. In PUDs, these resource areas would be included for density, and there would be regulations for different types of encroachment. Ms. Louisos noted that some resources would have to be field delineated.

Ms. Louisos noted that there will be new language to calculate the top of river banks. She also showed a map of habitat blocks and noted there will be a separate meeting with the consultant on this.

A “generic” development parcel was then shown, indicating an area of hazards, level 1 resources and some level 2 resources (subject to DRB review for impacts, possibly requiring offsets), and what is left for development. Ms. Louisos noted that what is also new is the requirement for a minimum as well as a maximum density in order to get efficient use of developed land (e.g., cost of running utilities to an area). Minimum density would be calculated by subtracting hazards and level 1 resources and taking 70% of the zoning for the area. The new regulations will provide predictability regarding the tax base and what development would look like to neighbors.

Ms. Louisos noted there would be different types of open space (e.g., plaza, green,, pocket park, etc.), where they would be appropriate, and what would have to be included (e.g., benches, picnic tables, etc.), similar to City Center. Street types would also be considered including placing of sidewalks, bike accommodations, and dimensions. Building types could include row houses, cottage clusters, etc., and where they would be applicable.

Two consultants are working on the language for the new standards, and everything is being reviewed by the Commission in pieces/outline form before language is determined.

Ms. Louisos said the Commission has both an “aggressive” and a “very aggressive” schedule. The feeling is that a 90-day schedule is not realistic, but they could bring something approvable to the Council in June. This would allow time for public input but will require additional meetings.

After the PUD and Master Plan work is adopted, the Commission will then be looking at additional issues and recommendations:

- a. Underlying zoning districts
- b. Smaller lot subdivisions
- c. Open space types city-wide
- d. Sit plan standards update
- e. Scenic views
- f. Recommendations from the TDR report

With regard to the TDR report, Ms. Louisos noted that the Commissions recommendations are not meshed perfectly with the Open Space report. The Commission did not mandate any TDR changes.

Ms. Louisos said there are questions as to how to move forward based on the Open Space Committee report. She showed an overlay map with recommended open space parcels added to the Resource Map. The portions of the parcels that are resources are very regulated, and the Commission is not using parcel boundaries for natural resource designations. The City Council will have options regarding the recommended open space parcels (e.g., acquisition, official city map and possible acquisition, etc.).

Mr. Chittenden asked about density minimums. Ms. Louisos stressed that no one would ever have to buy a TDR to meet the minimum.

Mr. Barritt said he would like to see a comparison of the changes to different properties. Ms. Louisos said the Commission would like to see that as well.

Ms. Riehle expressed the concern that if the door on Interim Zoning (IZ) was closed before the Commission’s work is done, there could be a rush to develop.

Mr. Mittag said this is not an easy project to complete. He had some doubts about a June date.

Ms. Ostby felt it might be worth the time to landowners to let the project complete. She also cited work being done by a volunteer group related to development.

6. Convene Public Hearing to hear comments related to the possible extension of Interim Zoning in those areas currently covered by Interim Zoning for a 3-month period:

Ms. Emery moved to open the public hearing. Mr. Barritt seconded. Motion passed unanimously.

Community input was then invited with the following responses:

Community Member: A lot of people have volunteered their time, and their recommendations should be implemented before IZ ends. Three months is just a “blink” in the city’s history.

Mr. Kahn: Asked how it would be determined what goes where in a PUD. Ms. Louisos said there is a map available which includes choices. Mr. Conner added it would generally be related to today’s zoning with a few changes.

Mr. Simoneau: Would like the City Council to “get straight” with everyone, those who support/don’t support IZ. He cited a lot of “heavy lifting.” He asked if it is the Council’s intention to keep IZ in place until all work is done. Ms. Riehle said that discussion will occur later in the agenda.

Ms. Worth: Spoke to the need for connectivity of wildlife corridors. Also questioned how open space areas would be preserved. She was concerned the identified parcels would be broken down just like any other parcels.

Mr. Gardner: Asked where a previously started development stands. Mr. Conner said it is a question of when the Preliminary Plat was submitted. The regulations at that time would prevail.

Mr. Chalnack: The TDR committee felt the open space parcels should be sending areas, never receiving areas. He felt the open space parcels should automatically become Conservation PUDs.

Ms. Morway: Noted that “steep slopes” weren’t in the City Council list but are on the Planning Commission’s list. She was concerned with this disconnect.

JOINT CITY COUNCIL & PLANNING COMMISSION

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Mr. Langfeldt: Keeping IZ in place is making the housing crisis worse.

Mr. Nadeau: The public was told the reason for IZ was overload on city services, but actually the real overload to city services is to areas outside the Southeast Quadrant that are not under IZ.

Ms. Peters: City the need to end up with acceptable items. Urged patience and everyone's respect for the work being done.

Ms. Dopp: Didn't feel affordable housing needs to be built in open areas.

Member of the Public: There is an affordable housing crisis which continues to get worse. The city has a 2% vacancy rate, and this affects everyone in the community, the quality of life and the schools.

Mr. Murdoch: Hoped for solid decisions around the work of the Open Space Committee. Cited the need to know where other species will live.

Mr. Nick: Expressed concern with the Open Space Plan. It is vague as to how it will be used. The city spent \$5,000,000 in the past to conserve properties. Now looking at over \$100,000,000 in property. He felt this could lead to a "back door taking."

Mr. Kochman: Was distressed by the polarization: affordable housing vs. open space. He said the really affordable housing can't be accomplished these days without subsidy. He felt the Open Space Report was useful as an inventory, but "back door taking" has some resonance, and the city needs to be careful what is regulated.

Ms. Greco: Asked the Council to take a broad, long-term view. Showed the stack of reports done for the city with tax-payer money. Urged preservation of open lands.

Mr. Seff: Felt there would be a scramble to develop is IZ were not extended. Was concerned that the current TDR bylaw makes areas in the Southeast Quadrant receiving areas which are now identified as high priority conservation areas. Felt this should be resolved.

Member of the Public: Balancing development and conservation is daunting. Affordable housing is a national issue and should be a shared responsibility.

Ms. Dooley: IZ depresses the production of housing and increases the price of housing. Inclusionary zoning will address housing for some people. For others, non-profits would have to be involved. Urged the city to put more money in the Housing Trust Fund. She also cited the need to have the 2 goals (affordable housing and open space) compliment each other.

Mr. Mittag: Noted the IZ was a response to people who felt the city was developing too quickly. Felt IZ should be extended so there can be draft regulations before it ends.

Mr. Kaufman: Stressed that the charge to the Open Space Committee was not to identify lands that should never be developed. It was to identify resources on the land. Even the Chair of the Open Space Committee discusses how development should occur on those lands.

Mr. Barritt then moved to close the public hearing. Ms. Emery seconded. Motion passed unanimously.

7. Status report of Studies related to the economic assessment of conservation and development:

Mr. Dorn said the Earth Economics report is due by the end of the week. Mr. Stewart's report is due by the end of the month.

8. Determine Actions and Schedule follow-up meeting for additional work:

Mr. Conner said the Planning Commission recommends not doing everything in one shot. A few important pieces need follow-up, specifically the Arrowwood Habitat Block Assessment (they would be happy to make a presentation to both the Council and Planning Commission) and areas from the Open Space report that the City Council has the tools to deal with.

A mutually convenient date for a joint meeting will be worked out.

9. Consider and possibly approve extending Interim Zoning in those areas currently covered by Interim Zoning for a 3-month period:

Mr. Chittenden said he would vote against this as he didn't feel it was necessary. He was concerned with the possibility of the "taking" of people's assets as well as with the process not being balanced for affordability and opportunity.

Ms. Riehle cited the need to balance all competing interests even though it won't please everyone. She added she is a big supporter of affordable housing but didn't think Interim Zoning was preventing it from being built.

Ms. Emery cited the irreplaceable loss of affordable housing because of the Airport taking.

Mr. Barritt said the Planning Commission presentation convinced him to extend IZ as he felt that the PUDs were the best way to see how to develop remaining land. He also cited the housing that is now being built or ready to be built.

Mr. Kaufman said "taking" of land is never going to happen. He added he wasn't overjoyed with the Planning Commission time-line, but appreciates the hard work and the difficult nature of the project. He felt it was appropriate to complete that work so that everyone can be a winner.

Mr. Mittag questioned whether staff has the manpower to get everything done.

Mr. Barritt moved to extend Interim Zoning for 3 months. Ms. Emery seconded. Motion passed 4-1 with Mr. Chittenden voting against.

10. Other Business:

No other issues were presented.

As there was no further business to come before the joint meeting, Mr. Barritt moved to adjourn. Mr. Chittenden seconded. Motion passed unanimously. The meeting was adjourned at 9:03 p.m.

Clerk

**SOUTH BURLINGTON PLANNING COMMISSION
MEETING MINUTES
11 AUGUST 2020**

The South Burlington Planning Commission held a regular meeting on Tuesday, 11 August 2020, at 7:00 p.m., via Go to Meeting remote participation.

MEMBERS PRESENT: J. Louisos, Chair; B. Gagnon, T. Riehle, M. Ostby, M. Mittag, D. Macdonald, P. Engels

ALSO PRESENT: P. Conner, Director of Planning and Zoning; B. Shearer, F. Von Turkovich, C. & A. Long, D. Long, A. Chalnack, R. Greco, J. Weith, J. Bellevance, S. Clarke

1. Opening Comments:

Ms. Louisos welcomed Mr. Engels to the Commission. She also noted that the Commission is coming back to work in a “new world” after months of dealing with the pandemic, social issues and more. She laid out the opportunities for public participation in remote meetings.

2. Agenda: Additions, deletions or changes in order of agenda items:

Ms. Ostby suggested that members acquaint themselves with the 10 March minutes which will lay the groundwork for the Commission moving forward.

3. Open to the public for items not related to the Agenda:

No issues were raised.

4. Planning Commissioner announcements and staff report:

Mr. Conner noted that Cathyann LaRose has moved on from the City. He thanked her for her 15 years of service and reported that she has left big shoes to fill. Effort is underway to fill the position.

5. Annual Appointments and Setting of Meeting Day and Time:

Mr. Conner presided over the election of a Commission Chair. He opened the floor for nominations.

Mr. Riehle nominated a slate consisting of Jessica Louisos as Chair, Bernie Gagnon as Vice Chair and Monica Ostby as Clerk. Mr. Mittag seconded. There were no further nominations. In the vote that followed Ms. Louisos, Mr. Gagnon, and Ms. Ostby were elected unanimously.

Ms. Louisos presided over the remainder of the meeting.

Mr. Gagnon then moved that the Commission continue to meet on the second and fourth Tuesdays of the month at 7 p.m. at a location to be determined for each meeting. Mr. Macdonald seconded. Motion passed unanimously.

6. Review of Draft Environmental Protection Standards:

Ms. Louisos noted that she and Mr. Gagnon and the City Council Chair and Vice Chair and Mr. Conner did a video chat as to how to coordinate on this. The hope had been for more feedback from the council, but they were waiting for all the Interim Zoning (IZ) reports to be in. That has now happened.

Ms. Louisos felt it would be good for members to look at the Chapter 12 overview to see if it is in the direction that makes sense for the City Council and then have a meeting with the Council and get their feedback and make any adjustments. The other piece of this, the PUD piece, will be presented at the next Commission meeting.

Mr. Conner suggested they focus on “big questions” and not get into wordsmithing and small details. Ms. Louisos said her idea of a “big question” is whether there is a lack of clarity as to what a forest core is and whether a forest core is Level 1 or Level 2.

Mr. Macdonald said that when he got to the habitat section, it felt incomplete to him. He also felt the mapping and delineation needs more structure.

Mr. Conner said what would be helpful is to consider what is the universe of natural resources the Commission would like to have covered in this section. The draft as written represented what the Commission had last talked about including all of the Arrowwood findings minus the Form Based Code area. It also includes some key connectors that were presented by Jens Hilke. The next level of discussion was going to be focused on other policy considerations.

Ms. Louisos said they need to be sure there are no other resources missing from the list.

Ms. Ostby felt that 12.05 and 12.07 are the 2 areas that are not thorough.

Mr. Conner then presented a series of maps:

Map #1: Current built environment (under four acres or 10% impervious or more) and also properties in various stages of review

Map #2: Delineation of current regulations including wetlands, streams, NPR areas, parks, etc.

Map #3: Proposed regulations, including forest blocks, steep slopes (over 20 or 25%), etc.

Map #4: Proposed regulations plus conservation lands.

Map #5: All of the above shown together, indicating where development would be permitted.

Map #6: Open Space IZ Committee recommendations for lands to be conserved.

Ms. Ostby recalled “fingers” of forest areas coming from forest blocks which they had just begun to discuss in March. She also noted the concern of land owners regarding planning for their property.

Mr. Conner noted that what Arrowwood put out was the best available review of habitat blocks. How the Commission translates that into their policy work is a Commission decision. He reminded members that they had removed Form Based Code areas and properties under one acre from consideration. Mr. Conner said that Arrowwood identified a minimum area needed to be a functional habitat block.

Ms. Louisos said that as it now stands, an entire habitat block is protected as Level 1. Ms. Ostby said that a minimum habitat block should have a 10-acre core which could have no encroachment and should be specifically mapped. She felt that should be identified as a “hazard.” There should also be a separate conversation about connectors. Mr. Conner said that people could do a habitat assessment as an option under the current draft, or could use the mapped boundaries. This would give an applicant a “known quantity.” Ms. Ostby said she didn’t agree with a full blanket statement and was willing to consider areas that may not be as critical.

Mr. Engels noted comments he got from attorney Tom Bailey who has written LDRs for many years. Mr. Bailey’s recommendation is to throw the draft out and start over. Mr. Macdonald said he found some of Mr. Bailey’s points valid and brought to the forefront how little land is available for housing in a city seeking to be “affordable.” He added that he wants to see the PUD piece and see how the 2 pieces complement each other.

Ms. Ostby asked how many acres of land have been added to the map beyond what already has some protection. Mr. Conner estimated 700 additional acres which were level 2 or had not previously restricted. Ms. Ostby said the question is which of those 700 acres are valuable and

where there is some flexibility. She added that connectivity is also important from “core to core.” Mr. Conner said he would work with the CCRPC to map this for the Commission.

Mr. Conner noted that Article 12 says where you can/cannot build. The PUD piece will dictate where you can draw a subdivision line around a resource. Does the development get any credits (e.g. shifting density) for the resource. He also noted there will be a Conservation Subdivision which will state how much of a natural resource can be impacted.

Mr. Conner agreed to provide members with a document they can mark up with their comments and return to him to coordinate into a compiled version.

Mr. Gagnon questioned whether members can agree on what is good and what can be tweaked. He hoped that could happen with a compiled document. He also questioned whether a higher density could be allowed in some areas in order to provide housing. He stressed the need to remember that these properties are assets to the people who own them.

Ms. Louisos said it makes sense to have the next meeting be on the PUDs so members can see how it will all fit together.

Ms. Ostby said members should also look at meeting minutes where decisions were made.

Public comment was then solicited:

Ms. Greco felt that Chapter 12 leaves out some types of environmental resources such as meadows, soils, etc., that need to be protected. She was also concerned with giving the DRB a lot to do and that their decisions would be “subjective” and could cause dissent. She felt there should be firm standards. She questioned the use of the word “hazard” and also felt “level 1” and “level 2” need to be defined. She suggested having the Land Trust people work with the Commission on this.

Mr. Gagnon was concerned with having people commenting prematurely on things that the Commission will be changing.

7. Proposed amendment to allow additional coverage within the urban design district:

Ms. Louisos apologized for the delay in addressing this request. She also noted receipt of a memo from the 3 Commission members who worked on this in recent weeks.

Mr. Gagnon noted the Commission had talked about this before the pandemic, and he felt that what is being proposed is where the Commission was heading then, specifically exchanging the additional coverage for some kind of mini-park. Mr. Riehle added that this would be applicable

to both the Shelburne Rd. and Williston Rd. corridors. The one question is how the public would know the mini-parks are there...possibly a sidewalk leading to them. The mini-parks must be adjacent to a street right-of-way. Mr. Gagnon said they did discuss the possibly having the mini-parks for employees, not necessarily open to the public.

Mr. Macdonald questioned whether there would be a liability to the property owner if the mini-parks are open to the public. Mr. Conner said he would look into that.

Ms. Ostby asked whether this could be an opportunity for a TDR. Mr. Conner said there is nothing to prevent that in the future, but it would be a very complex undertaking. He did not see it for the short term. Mr. Mittag said that since Mr. Shearer has been waiting 7 years for this to be addressed, they had decided not to deal with TDRs now.

Mr. Conner said this would be a design feature more than anything, not necessarily an allowance or a restriction at this point. It would be part of a site plan approval.

Mr. Shearer applauded the adding of Williston Road. He did question whether it would be possible to find a place for a pocket park. He also didn't think it would ever be used on his property. They have an air conditioned lunchroom, and also have traffic on 3 sides of the property. He would prefer to make a donation to something like the Library.

Mr. Gagnon said they identified 2 possible areas for a mini-park on the Google map. He also thought they could add language that would allow for a donation in lieu of a park. Mr. Conner said there would have to be a connection between the "donation" and the area where the added coverage is happening. He also noted there is no park near the Shearer property. He said he would talk with the City Attorney about what may be possible.

Mr. Mittag said the 2 areas they identified on the Shearer property were the northeast corner behind Acura and the south side of the showroom. Mr. Shearer said the Acura area is a utility location, very shady, and not pleasant. The other area is their snow removal site.

Members suggested an "either-or" option: a park or a TDR and possibly a "park fund."

Mr. Gagnon said that Mr. Shearer has been left hanging a long time, and he would like to see some language to keep this moving for his sake.

Mr. Shearer asked about the language Stephanie Clarke had provided and then coming up with a trade-off later. Ms. Clarke said her proposal was specific to this situation: a multi-structure lot with frontage on 2 roads in just the C-1Auto zone. Mr. Mittag asked whether that would be legal. Mr. Conner said it would be on the borderline. He added that the feedback he had gotten was that any plan should also meet a city goal.

Mr. Mittag suggested building into this a stipulation that he would buy a TDR in the future. TDRs are available, but there isn't currently a structure to accomplish them yet.

Mr. Gagnon proposed going with the language presented and adding the option of a TDR or contribution to a fund. Other members liked that idea. Mr. Conner said he will come back with options.

8. Commission Schedule and Work Plan:

Mr. Conner showed a listing of items on the Commission's work plan:

- a. Subdivision/Natural Resources/PUDs/TDRs/Master Plans
- b. Individual non-controversial issues
- c. Form Based Code amendments
- d. Individual amendments with policy implications

Other items for consideration include:

- a. Review of City policies in light of recent events (e.g., pandemic, social issues) and possibly working on these with other community groups

Ms. Ostby asked where they are with IZ. Mr. Conner said the next 3-month extension expires in September. The 2-year period ends in November. There is a potential for an additional year, but the Council has not discussed this. Mr. Conner said it is his feeling that the Council expects most of the work to be done by November.

9. Meeting Minutes of 10 March 2020:

Mr. Mittag moved to approve the Minutes of 10 March 2020 as written. Mr. Riehle seconded. Motion passed unanimously.

10. Other Business:

No other business was presented.

As there was no further business to come before the Commission, the meeting was adjourned by common consent at 9:05 p.m.

Clerk