



South Burlington Planning Commission Proposed Land Development Regulations Amendment & Adoption Report

In accordance with 24 V.S.A. §4441, the South Burlington Planning Commission has prepared the following report regarding the proposed amendments and adoption of the City's Land Development Regulations.

Outline of the Proposed Overall Amendments

The South Burlington Planning Commission held a public hearing on Tuesday, October 25, 2022 at 7:00 pm, in person and via electronic platform, to consider the following amendments to the South Burlington Land Development Regulations:

- A. LDR-22-07: Modify the Zoning Map in a manner generally described as follows:
 - 1) Redesignate land immediately north of Holmes Road from Commercial 1-Auto to Commercial 2
 - 2) Redesignate land north and south of Fayette Road, immediately west of Shelburne Road, from Commercial 1-Auto to Commercial 1-Residential 15
 - 3) Redesignate land beginning ~75' west of Fayette Road and ~280' west of Fayette Road's planned extension, north of Old Orchard Park and south of the Chittenden County Humane Society, from Commercial 1-Residential 15 to Commercial 1-Auto

- B. LDR-22-08 Allow Municipal Uses in the Commercial 2 District and allow the following uses within Commercial 1 Auto District: Congregate Care, Assisted Living, Continuum of Care; Educational Facility; Educational Support Facilities; Hospice; Municipal Facility; Skilled Nursing; Social Services

Brief Description and Findings Concerning the Proposed Amendments

The proposed amendments have been considered by the Planning Commission for their consistency with the text, goals, and objectives of the City of South Burlington's Comprehensive Plan, adopted February 1, 2016. For each of the amendments, the Commission has addressed the following as enumerated under 24 VSA 4441(c):

"...The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title, and shall include findings regarding how the proposal:

- (1) *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*
- (2) *Is compatible with the proposed future land uses and densities of the municipal plan.*
- (3) *Carries out, as applicable, any specific proposals for any planned community facilities.”*

A. LDR-22-07: Modify the Zoning Map in a manner generally described as follows:

Area 1: Redesignate land immediately north of Holmes Road from Commercial 1-Auto to Commercial 2

Area 2: Redesignate land north and south of Fayette Road, immediately west of Shelburne Road, from Commercial 1-Auto to Commercial 1-Residential 15

Area 3: Redesignate land beginning ~75’ west of Fayette Road and ~280’ west of Fayette Road’s planned extension, north of Old Orchard Park and south of the Chittenden County Humane Society, from Commercial 1-Residential 15 to Commercial 1-Auto

Brief explanation of the proposed amendment:

This amendment would modify the boundaries of three zoning districts on the west side of Shelburne Road as described above and shown on the draft Map. Specifically:

In Area (1), allowed uses would be modified and residential base densities reduced on the subject properties. Lot and building coverages and setbacks would not be affected. Two of the three involved properties are presently approved for auto sales in the C1-Auto district; this use is allowed in the Commercial 2 district as well. The third property is a municipal fire station. LDR-22-08 would continue to permit that use.

In Area (2), auto sales would no longer allowed following a change from C1-Auto and C1-R15. No auto sales uses are presently approved in the affected area.

In Area (3), auto sales would be newly allowed following a change from C1-R15 to C1-Auto. No auto sales uses are presently approved in the affected area, but would become eligible.

Findings Concerning the Proposed Amendments

- (1) *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*

The change would facilitate the re-use of properties presently laid out as large format retail spaces to allow re-use or re-development for auto sales in an area removed from the primary transportation network, Shelburne Road, disallow new auto sales in a portion of land immediately west of Shelburne Road where mixed residential-commercial redevelopment is ongoing.

The proposed changes are generally neutral to the availability of safe and affordable housing, with both the C1-R15 and C1-Auto districts allowing a base residential density of 15 dwelling units per acre. The re-alignment of these two districts would modify where auto sales are

permitted, away from Shelburne Road, to west of Fayette Road. Shelburne Road is served by transit. Parcels proposed to move from C1-Auto to C2 would have a reduced base residential density, however two are currently auto sales and the third is a municipal fire station.

The 2016 Comprehensive Plan includes several goals and policies, described in the Plan as objectives and strategies:

Comprehensive Plan Goals, Objectives & Strategies:

- Goal: Opportunity Oriented. Being a supportive and engaged member of the larger regional and statewide community.
- Sub-Goal: Prioritize development that occurs within the community into the higher intensity areas identified within this Plan;
- Objective 9: Be a good partner with business in helping them locate in South Burlington or continue to grow here.
- Objective 39: The majority of all new development will occur within the Shelburne Road, Williston Road, and Kennedy Drive Corridors, and other areas within the Transit service area.
- Objective 54. Promote higher-density, mixed use development and redevelopment along Shelburne Road and foster effective transitions to adjacent residential areas.
- Objective 55: Maintain Shelburne Road as a roadway for both regional and local circulation.
- Strategy 124: Review the city's Land Development Regulations in key transition areas: between the Southwest and Southeast Quadrants; between Swift Street and adjacent areas; between Allen Road and adjacent areas.

(2) Is compatible with the proposed future land uses and densities of the municipal plan.

The proposed amendments would re-align zoning districts along the Shelburne Road corridor. The amendments better align proposed future land uses with existing and planned infrastructure, such as transit services, by re-locating allowable area for future auto sales and repair, which tend to be land intensive, to areas further removed from Shelburne Road. Base residential densities are affected on three parcels as noted above, however maximum density through the use of TDRs (presently before City Council) and Inclusionary Zoning are unaffected.

(3) Carries out, as applicable, any specific proposals for any planned community facilities.

This proposed amendment does not relate directly to any planned community facilities.

- B. LDR-22-08 Allow Municipal Uses in the Commercial 2 District and allow the following uses within Commercial 1 Auto District: Congregate Care, Assisted Living, Continuum of Care; Educational Facility; Educational Support Facilities; Hospice; Municipal Facility; Skilled Nursing; Social Services**

Brief explanation of the proposed amendment:

The proposed amendment would allow Municipal Facilities within the Commercial 2 district, located in the southern half of the Shelburne Road corridor, a portion of Dorset Street north of Kennedy Drive, and a portion of Patchen Road near Landfill Road.

The proposed amendment would allow several additional uses within the Commercial 1-Auto District, located along a portion of Shelburne Road, in the same manner as they are permitted within the adjacent Commercial 1-Residential 15 Zoning District.

Findings Concerning the Proposed Amendments

- (1) *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*

The proposed changes would provide additional opportunities for congregate care facilities in the Shelburne Road corridor, an area served by transit and services. The amendment will also ensure that existing municipal facilities along Shelburne Road implicated in LDR-22-07 remain allowed uses.

- (2) *Is compatible with the proposed future land uses and densities of the municipal plan.*

The proposed changes would enable new uses, including municipal facilities, within the Commercial 2 and C1-Auto Districts District. The majority of the Commercial 2 District, and all of the C1-Auto District, is well served by public transit and infrastructure, while the one area not served by transit is located adjacent to the existing public work facility. The proposed allowed uses are already allowed in adjacent districts along Shelburne Road.

- (3) *Carries out, as applicable, any specific proposals for any planned community facilities.”*

The proposed changes do not implicate any specific proposals for planned community facilities.