

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin
DATE: October 16, 2018
RE: 19-0233CU; 29 Allen Street

Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: RM Ward: 3C

Owner/Applicant: St. Joseph's Co-Cathedral / Spectrum Youth & Family Services

Request: Establish seasonal emergency shelter for 10 individuals from November – March on a yearly basis.

Applicable Regulations:

Article 3 (Applications and Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 8 (Parking)

Background Information:

The applicant is seeking approval to establish a seasonal warming shelter in the basement of St. Joseph's Co-Cathedral from November – March on a yearly basis. Up to 10 individuals would be accommodated. There would be 1 full-time coordinator along with 3 part time employees and volunteers. No site or exterior building alterations are proposed. A nearly identical application was approved last year for a temporary shelter for 5 months. This current application differs only insofar as it seeks approval for a seasonal shelter for use every winter.

Since last year's zoning permit approval, the Comprehensive Development Ordinance has been amended to expressly address emergency shelters. See Sec. 5.4.13. Previously, they were handled as community houses. The parking requirement has been eliminated as well.

Previous zoning actions for this property are noted below.

10/15/17, Approval for temporary warming shelter

10/12/16, Approval for renovation of existing porch and removal of walkway

8/14/00, Approval for amendment of previous parking lot and landscaping improvements

5/2/00, Approval of lot line adjustment (merger) with adjacent property

12/15/88, Approval for renovations to belfry tower

Recommendation: Consent approval as per, and subject to, the following findings and conditions:

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:

1. *Existing or planned public utilities, facilities or services are capable of supporting the proposed use in addition to the existing uses in the area;*

The property is served by municipal utilities. Sufficient water and sewer service are available. While the use is seasonal, a State of Vermont wastewater permit may be required. The applicant is advised to inquire with VT DEC as to wastewater permit requirements. **(Affirmative finding as conditioned)**

2. *The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development plan;*

The church is located within the Residential – Medium Density zone. This zone is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments. A variety of residential uses are allowed, including “special residential uses” such as emergency shelters. The seasonal warming shelter fits within the residential context of the RM zone. **(Affirmative finding)**

3. *The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

The proposed emergency shelter will be small – limited to 10 individuals – and is not expected to generate nuisance impacts from noise, odor, dust, and the like that may be more typically associated with industrial uses. **(Affirmative finding)**

4. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation; safety for all modes; and adequate transportation demand management strategies;*

No traffic analysis has been provided or is required for this application. The anticipated occupants of the shelter are not expected to generate any traffic impacts. **(Affirmative finding)**

and,

5. *The utilization of renewable energy resources;*

No renewable energy utilization is included in this proposal. Future incorporation is not precluded by the seasonal use. **(Affirmative finding)**

and,

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances;*

It is the applicant's responsibility to comply with other applicable city and state bylaws and ordinances.

(b) Major Impact Review Standards

Not applicable.

(c) Conditions of Approval:

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:

1. *Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.*

Mitigation measures related to screening and landscaping are unnecessary for this seasonal warming shelter located entirely within an existing building. **(Affirmative finding)**

2. *Time limits for construction.*

No construction is included. **(Affirmative finding)**

3. *Hours of operation and/or construction to reduce the impacts on surrounding properties.*

The seasonal shelter will operate between 6:00 PM and 7:00 AM, 7 days per week from November through March. **(Affirmative finding)**

4. *That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions; and,*

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time.

5. *Such additional reasonable performance standards, conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*

See the recommended conditions.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(3) Residential Medium Density (RM)

As noted previously, the subject property is located within the Residential – Medium Density zone. This zone is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments. A variety of residential uses are allowed, including “special residential uses” such as emergency shelters. The seasonal warming shelter fits within the residential context of the RM zone. **(Affirmative finding)**

(b) Dimensional Standards & Density

Not applicable.

(c) Permitted & Conditional Uses

An emergency shelter is a conditional use in the RM zone. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b).

Sec. 5.2.4, Buildable Area Calculation

See Sec. 4.4.5 (b).

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b).

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b).

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b).

Part 4: Special Use Regulations

Sec. 5.4.13, Emergency Shelters

(a) All dimensional standards for the underlying zoning per the requirements of Art. 4 shall be applicable;

Not applicable (no dimensional changes proposed).

(b) Density within the residential zones shall be per the residential density standards of Article 4. For the purposes of density calculation for emergency shelters, every four (4) beds shall count as one (1) dwelling unit;

The ten beds count as three dwelling units for the purposes of density calculation. The property is more than an acre in size and can easily accommodate the 3-unit density equivalent. Maximum permissible residential density on the property is 27 units. **(Affirmative finding)**

(c) Density within the neighborhood mixed use zones shall be limited to fifty (50) beds, and there is no density limit in the downtown or downtown transition zones;

Not applicable.

(d) Overnight stays by any individual are limited to 180 consecutive days. An extension of up to 60 days may be provided if no alternative housing is available;

The 5-month seasonal duration is less than 180 consecutive days. As a result, no one could stay at the facility past 180 days. **(Affirmative finding)**

(e) There shall be onsite management by qualified adults during all hours of operation with at least 1 management person for every 25 beds; and,

There will be 1 full-time coordinator onsite along with 3 part-time employees and additional volunteers. **(Affirmative finding)**

(f) An emergency shelter may be the primary use of a property, or it may be accessory to another primary use on a property.

The seasonal shelter will be accessory to the primary use of St. Joseph's Co-Cathedral.

(Affirmative finding)

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. **(Affirmative finding)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

Emergency shelters have no minimum off-street parking requirement. **(Affirmative finding)**

II. Conditions of Approval

1. A State of Vermont wastewater permit may be required.
2. Standard Conditions 1-15.