

## Department of Planning and Zoning

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### MEMORANDUM

To: Development Review Board

From: Ryan Morrison, Associate Planner

Date: November 20, 2018

RE: 19-0326CA & 19-0367CA; 121 & 133 Crescent Beach Drive

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**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.**

**File:** ZP19-0326CA & ZP19-0367CA

**Location:** 121 & 133 Crescent Beach Drive

**Zone:** RL-W **Ward:** 4N

**Date application accepted:** October 4, 2018

**Applicant/ Owner:** Crescent Beach Association, Inc.

**Parking District:** Neighborhood

**Request:** Install stone parking lot over existing sand parking lot.

**Applicable Regulations:**

Article 2 (Administrative Mechanisms), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards)

**Overview:**

The applicant is seeking approval to install a stone parking lot over an existing sand parking lot that spans two properties under the same ownership – 121 & 133 Crescent Beach Drive.

The property sits within the Riparian and Littoral Conservation Zone and the Special Flood Hazard Area. This location triggers review under the Riparian and Littoral Conservation Zone and SFHA criteria of Sec. 4.5.4. Project plans have been provided to the state floodplain coordinator. No comments have been received. Any comments received within the 30-day comment period will be incorporated into this permit.

There are no previous zoning actions for 121 Crescent Beach Drive.

Previous zoning actions for 133 Crescent Beach Drive include:

- 11/4/92, Approval to replace the asphalt roof with a metal roof on the beach house
- 5/1/13, Approval to install a new door on the parking lot side of the beach house

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

**I. Findings**

**Article 2: Administrative Mechanisms**

***Part 7: Enforcement***

***Sec. 2.7.8, Withhold Permit***

Two zoning permits have been approved for 133 Crescent Beach Drive. Only one has a final certificate of occupancy. Per this section, prior to issuance of a final certificate of occupancy for this permit, any zoning permits not yet closed out with final certificates of occupancy must be addressed. **Affirmative finding as conditioned**

**Article 4: Zoning Maps and Districts**

***Section 4.4.5 Residential Districts***

***(a) Purpose***

***(2) Waterfront Residential Low Density (RL-W)***

The subject property is located in the RL-W zone. This zone is intended primarily for low density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential pattern reflective of the respective neighborhoods' development history. This district is distinguished from the Residential Low Density district by its proximity to Lake Champlain, and a greater consideration needed for views from the lake and stormwater runoff. The property has been used as a private beach and community beach house for the Crescent Beach Association. The beach house was built in 1960, and the overall use of the property is common with waterfront neighborhoods.

**Affirmative finding**

***(b) Dimensional Standards & Density***

Dimensional standards of the parking area are unaffected by this project. The proposal involves resurfacing the existing parking lot, which will result in no additional lot coverage or change in setbacks. The parking area has maintained the same dimension for many years, as evidenced by 1978, 2004, and current aerial photos. The proposal will not expand the existing footprint.

**Affirmative finding**

***(c) Permitted and Conditional Uses***

The existing beach house was permitted years ago as an accessory feature of the subdivision. There are no changes proposed to the existing use. **Affirmative finding**

***(d) District Specific Regulations***

***1. Setbacks***

Not applicable.

***2. Height***

Not applicable.

***3. Lot Coverage***

Not applicable.

***4. Accessory Residential Structures and Uses***

Not applicable.

5. *Residential Density*

Not applicable.

6. *Uses*

Not applicable.

7. *Residential Development Bonuses*

Not applicable.

**Section 4.5.4 Natural Resource Protection Overlay District:**

**(c) District Specific Regulations: Riparian and Littoral Conservation Zone**

**(4) Requirements**

1. *Any land disturbing activities (i.e., vegetation has been removed, or the landscape has been graded or filled resulting in bare soil surfaces) shall include a stormwater management, erosion prevention and sediment control plan pursuant to the requirements of Sec. 5.5.3 to be reviewed by the conservation board and approved by the city engineer.*

*In making determinations and decisions required herein, the city engineer shall consider the requirements of the most recent State of Vermont Stormwater Management Rules and Guidance document. The city engineer shall require the best practicable means be used to manage stormwater, prevent erosion, and control sedimentation. The city engineer is hereby authorized to develop performance standards to ensure conformance with these state stormwater management rules;*

The proposal amounts to simply resurfacing the existing parking area with no change in dimension or further encroachment into the riparian and littoral conservation zone. As a result, review by the Conservation Board is not required.

The project includes earthwork that requires an erosion prevention and sediment control (EPSC) plan, which is under review by the stormwater program manager. The EPSC must be approved before the permit may be released. **Affirmative finding as conditioned**

2. *Agricultural and silvicultural activities shall follow Best Management Practices for the Protection of Water Quality;*

Not applicable.

3. *Installation of any seawalls, rip-rap or other shoreland retention structures shall be submitted for review by the conservation board who shall consult with the city engineer prior to issuance of a recommendation to the DRB; and*

Not applicable.

4. *No new stormwater outfall shall directly discharge into any surface water without approval and implementation of a stormwater management plan approved by the city engineer.*

No new stormwater outfall is included in this proposal. **Affirmative finding**

**(f) District Specific Regulations: Special Flood Hazard Area:**

**(7) Special Review Criteria**

*A. The danger to life and property due to increased flood heights or velocities caused by encroachments;*

The resurfacing of the parking lot will have no impact on flood heights or velocities.

**Affirmative finding**

*B. The danger that material may be swept on to other lands or down stream to the injury of others;*

There is little danger that the new stone parking lot surface will be swept away by flood waters. **Affirmative finding**

*C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions;*

No changes to water and sewer systems are proposed. **Affirmative finding**

*D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;*

The potential for flood damage to the parking lot surface itself is minimal. **Affirmative finding**

*E. The importance of the services provided by the proposed facility to the community;*

The parking lot is of importance to the Crescent Beach community, and by resurfacing it with stone, it will provide a more reliable parking situation for visitors. **Affirmative finding**

*F. The availability of alternative locations not subject to flooding for the proposed use;*

The parking lot and community beach house already exist in their current locations.

**Affirmative finding**

*G. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;*

The community beach house and associated parking lot already exist. The project simply involves re-surfacing the parking lot. **Affirmative finding**

*H. The relationship of the proposed use to the municipal development plan;*

No new use is proposed. **Affirmative finding**

*I. The safety of access to the property in times of flood for ordinary and emergency vehicles;*

A stone-surface parking lot, as opposed to a sand parking lot, should provide a more stable access and parking scenario for ordinary and emergency vehicles. **Affirmative finding**

*J. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and*

The maximum regulatory flood elevation along the lakeshore is 102' above sea level. The velocity of flood waters along the lakeshore is not problematic. Water is more or less stationary as it rises and falls. The duration of flooding and the rate of its rise depend entirely on spring snowmelt and precipitation events. The lake has risen above 102' just once on

record (spring 2011). Sediment transport is insubstantial. Sediment transport is associated with moving waterways such as rivers. The resurfaced parking lot pavement will have no impact on flood height, velocity, duration, rate of rise, or sediment transport. **Affirmative finding**

*K. Conformance with all other applicable requirements of this ordinance.*  
See Articles 4, 5, and 6 of these findings.

**Article 5: Citywide General Regulations**

**Section 5.2.3 Lot Coverage Requirements**

See Sec. 4.4.5 (b) above.

**Section 5.2.4 Buildable Area Calculation**

Not applicable.

**Section 5.2.5 Setbacks**

**(b) Exceptions to Yard Setback Requirements**

**(5) Accessory Structures and Parking Areas**

*Accessory structures no more than fifteen (15) feet in height, parking areas, and driveways may project into a required side and rear yard setback provided they are no less than five (5) feet from a side or rear property line where such a setback is required.*

While the parking lot appears to have a minimum side yard setback of 7 feet, the proposal will not increase its footprint, nor will it decrease existing setbacks to the side yard property lines.

**Affirmative finding**

**Section 5.2.6 Building Height Limits**

Not applicable.

**Section 5.2.7 Density and Intensity of Development Calculations**

Not applicable.

**Section 5.5.1 Nuisance Regulations**

Nothing in the proposal appears to result in creating a nuisance under this criterion. **Affirmative finding**

**Section 5.5.2 Outdoor Lighting**

No new outdoor lighting is proposed. **Affirmative finding**

**Section 5.5.3 Stormwater and Erosion Control**

The applicant has submitted an Erosion Prevention and Sedimentation Control Plan (EPSC) for the project which is currently under review by the Stormwater Program Manager. Before the zoning permit can be released, the EPSC must be approved. **Affirmative finding as conditioned**

**Article 6: Development Review Standards**

**Part 1: Land Division Design Standards**

Not applicable.

**Part 2: Site Plan Design Standards**

**Sec. 6.2.2 Review Standards**

*a) Protection of Important Natural Features*

The subject property is located along the Lake Champlain shoreline. The shoreline is identified as a significant natural area. Much of the property, and almost the entire parking lot, is affected by the Natural Resource Protection Overlay District, specifically the special flood hazard area and the riparian and littoral conservation zone, which stretches inland 250' from the 95.5' lakeshore elevation. As required, an EPSC plan was submitted and is currently under review by the Stormwater Program Manager. As noted above, the EPSC plan must conform to stormwater program requirements and be approved by the Program Manager before this zoning permit can be released.

**Affirmative finding**

*b) Topographical Alterations*

There are no topographical alterations proposed. The new stone parking lot surface will be at-grade. **Affirmative finding**

*c) Protection of Important Public Views*

Not applicable.

*d) Protection of Important Cultural Resources*

Not applicable.

*e) Supporting the Use of Renewable Energy Resources*

Not applicable.

*f) Brownfield Sites*

Not applicable.

*g) Provide for Nature's Events*

See Sec. 5.5.3.

*h) Building Location and Orientation*

Not applicable

*i) Vehicular Access*

Not applicable.

*j) Pedestrian Access*

Not applicable.

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*k) Accessibility for the Handicapped*

Not applicable.

*l) Parking and Circulation*

Not applicable.

*m) Landscaping and Fences*

There is a significant hedgerow that screens the existing parking lot from view from the public street. No new landscaping is included in this proposal. **Affirmative finding**

*n) Public Plazas and Open Space*

Not applicable.

*o) Outdoor Lighting*

Not applicable.

*p) Integrate Infrastructure into the Design*

Not applicable.

**Part 3: Architectural Design Standards**

**Sec. 6.3.2 Review Standards**

Not applicable.

**II. Conditions of Approval**

1. Per **Section 2.7.8, Withhold Permit**, all zoning permits issued after July 13, 1989 must be closed out (issued a Certificate of Occupancy) prior to issuance of a Final Certificate of Occupancy for this permit. See attached permit list. Upon expiration of this new zoning permit, no additional zoning permits may be issued until it, and all prior zoning permits, have been closed out with final certificate(s) of occupancy. It is recommended that certificates of occupancy for the old zoning permits be sought prior to seeking a certificate of occupancy for the new zoning permit.
2. **Prior to the release of the zoning permit**, the EPSC shall be reviewed and approved by the Stormwater Program Manager.
3. All development shall be designed to minimize flood damage to the proposed development and to public facilities and utilities.
4. All development shall be designed to provide adequate surface drainage to reduce exposure to flood hazards.
5. Any proposed alteration or enlargement of parking lot will be subject to DRB review and approval.
6. The applicant/property owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required.

7. Standard Permit Conditions 1-15.