

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin
DATE: October 2, 2018
RE: 19-0176CU; 322 North Winooski Avenue

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: NMU Ward: 2C

Owner/Applicant: Glenn Eames / Tank Studio, Inc.

Request: Change of use to recording studio.

Applicable Regulations:

Article 3 (Applications, Permits, & Project Reviews), Article 8 (Parking)

Background Information:

The applicant is seeking approval to convert an existing bike sales/repair facility into a recording studio. The subject space is 4,916 sf in size. A recording studio is a conditional use in the NMU zone. No site or exterior building changes are proposed.

Previous zoning actions for this property are noted below:

- 4/14/08, Approval to install a new window
- 9/29/06, Approval to install cupola and half-circle window
- 10/23/02, Approval to install sign
- 2/20/02, Approval to install awning and windows
- 11/6/01, Approval to change use to bicycle sales/repair and to install windows
- 2/23/95, Approval of a 24' X 34' addition
- 7/11/75, Approval for a manufacturing use

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

I. Findings

Article 3: Applications, Permits, and Project 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. A State of Vermont wastewater permit may be required for the new use. A capacity letter issued by the Dept. of Public Works will be required prior to issuance if applicable. **(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 subject property is located within the Neighborhood Mixed Use (NMU) zone. This zone is intended primarily to preserve and enhance historically commercial areas while reinforcing the compact scale and development patterns of the city's older neighborhoods. Uses are intended to provide neighborhood oriented goods and services and employment opportunities within walking or biking distance of residential neighborhoods. The proposed recording studio is one of many small-scale commercial uses allowed within this mixed use zone. It fits within the scale and mixed use context of the NMU 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 recording studio 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 proposed recording studio is small in scale and is expected to generate minimal 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 use. **(Affirmative finding)**

and,

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

No identified conflicts. Required building and/or life safety codes will be under the review of the building inspector. **(Affirmative finding)**

(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.

The proposed recording studio is not expected to produce offsite noise or glare substantial enough to require mitigation. **(Affirmative finding)**

2. Time limits for construction.

No construction timeline or phasing are included in this proposal. The standard 2-year timeframe for zoning permits will apply. **(Affirmative finding)**

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

Hours of operation are noted as between 8:00 AM and 2:00 AM. These hours are not expected to be continuous. Rather, the recording studio will operate on an appointment basis within these hours.

No exterior construction is associated with this proposal. **(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 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The recording studio requires 5 off-street parking spaces. There are only 3 parking spaces onsite. The 5-space requirement is the same as that for the previous bicycle sales/repair facility. That use received a 1-space parking waiver from the DRB. The other space is a grandfathered nonconforming that had been carried over from the prior use. As there is no increase in the minimum parking requirement, that 1-space nonconformity may be carried over with this new use. See Sec. 8.1.5 for the requested 1-space parking waiver. **(Affirmative finding)**

Sec. 8.1.5, Waivers from Parking Requirements/Parking Management Plans

The applicant has submitted a parking management plan that articulates the basis for a 1-space parking waiver. The property is readily accessible by foot and alternative transportation. Perhaps more importantly, the business will be by appointment only. Only one client will be present at a time. The management plan also refers to nearby after-hours parking that may be available. Without securing it by way of easement or deed, this off-site parking cannot be counted towards the minimum requirement, nor does it need to be with a 1-space waiver. **(Affirmative finding as conditioned)**

II. Conditions of Approval

1. A State of Vermont wastewater permit may be required.
2. A 1-space parking waiver is included in this approval. The applicant shall report back to the Department of Planning & Zoning every year for 3 years from the date of this approval as to the actual onsite parking demand.
3. 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, and shall meet all energy efficiency codes of the city and state as required.
4. Standard Conditions 1-15.