

## Department of Planning and Zoning

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**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** January 8, 2019  
**RE:** 19-0468CA; 43 Starr Farm Road

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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.**

Zone: RL Ward: 4N

Owner/Applicant: KND Real Estate Escrow Holding

**Request:** Parking expansion and related maximum parking space waiver.

### **Applicable Regulations:**

Article 2 (Administrative Mechanisms), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking)

### **Background Information:**

The applicant is seeking approval to construct additional surface parking. The extent of construction is fairly limited. A related waiver of the maximum parking limitation is sought. This application comes following a Code Enforcement action related to unpermitted yard parking. An agreement between the applicant and the city has been executed in an effort to resolve the matter.

Previous zoning actions for this property are noted below:

- 9/15/14, Approval to replace access ramp with new
- 8/13/12, Approval to replace sign
- 4/2/12, Approval to replace sign
- 10/19/10, Approval for wall-mounted LED light fixtures
- 8/13/10, Approval to construct courtyards, storage shed, gazebo, and fence
- 6/17/03, Approval to install emergency generator
- 4/3/02, Approval to construct pavilion
- 11/14/00, Approval to replace canopy
- 5/20/97, Approval to install sign
- 11/2/92, Approval of adult daycare
- 10/8/92, Approval to install storage shed and additional fencing
- 8/24/92, Approval to replace fencing
- 6/4/85, Approval to enclose covered entry
- 8/11/82, Approval to install chain link fence
- 7/30/82, Approval to replace flat roof with pitched roof
- 9/21/79, Approval to relocate dishwashing area

- 4/16/74, Denial to construct medical services building
- 4/17/73, Approval to construct a 50' X 59' addition
- 5/19/70, Approval to construct a 1,200 sf front entry addition
- 5/20/69, Approval to construct a 50-bed addition
- 10/15/68, Approval to construct a 100-bed addition
- 3/28/67, Approval to construct a 1,500 sf kitchen addition
- 10/19/65, Approval to construct a 48' X 90' addition
- 1/24/64, Amended approval to construct a nursing home
- 5/29/63, Approval to construct a nursing home

**Recommendation:** Certificate of appropriateness approval as per, and subject to, the following findings and conditions.

## **I. Findings**

### **Article 2: Administrative Mechanisms**

#### ***Sec. 2.7.8 Withhold Permit***

The subject property has a number of older, expired zoning permits without their required certificates of occupancy. All of these expired zoning permits lacking certificates of occupancy must be closed out with final certificates of occupancy prior to closing out this new zoning permit with a certificate of occupancy. **(Affirmative finding as conditioned)**

### **Article 4: Maps & Districts**

#### ***Sec. 4.4.5, Residential Districts:***

##### ***(a) Purpose***

##### ***(1) Residential Low Density (RL)***

The subject property is located in the RL zone. This zone is intended primarily for low density residential development in the form of single detached dwellings and duplexes. Some other residential uses, such as this convalescent facility, are allowed as conditional uses. No change or expansion of use is proposed. **(Affirmative finding)**

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

No change in residential density is proposed.

Lot coverage will increase to 40%. This coverage is allowable per the provisions of Sec. 4.4.5 (d) 7 B, which affords an additional 5% on top of the standard 35% allowable lot coverage for senior housing facilities.

Given the three street frontages, the property has three front yards and just one side yard. Two front yard setbacks, along North Avenue and Starr Farm Road, come in to play as does the side yard setback. The expanded parking area complies with the applicable front and side yard setbacks.

Building height remains unchanged. **(Affirmative finding)**

##### ***(c) Permitted & Conditional Uses***

The convalescent home is a conditional use in the RL zone. No change or expansion of use is proposed. **(Affirmative finding)**

*(d) District Specific Regulations*

**1. Setbacks**

No setback encroachments are sought. **(Not applicable)**

**2. Height**

No height bonuses are being sought. **(Not applicable)**

**3. Lot Coverage**

No lot coverage exceptions are being sought. **(Not applicable)**

**4. Accessory Residential Structures and Uses**

**(Not applicable)**

**5. Residential Density**

**(Not applicable)**

**6. Uses**

No neighborhood commercial use is included in this proposal. **(Not applicable)**

**7. Residential Development Bonuses**

See Sec. 4.4.5 (b) as to additional lot coverage allowance for senior housing.

**Article 5: Citywide General Regulations**

**Sec. 5.2.3, Lot Coverage Requirements**

See Sec. 4.4.5 (b) above.

**Sec. 5.2.4, Buildable Area Calculation**

The subject property does not contain steep slopes or wetlands. The lot is composed entirely of buildable area. **(Affirmative finding)**

**Sec. 5.2.5, Setbacks**

See Sec. 4.4.5 (b) above.

**Sec. 5.2.6, Building Height Limits**

See Sec. 4.4.5 (b) above.

**Sec. 5.2.7, Density and Intensity of Development Calculations**

See Sec. 4.4.5 (b) above.

**Sec. 5.5.1, Nuisance Regulations**

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

**Sec. 5.5.2, Outdoor Lighting**

New outdoor lighting is proposed and consists of pole-mounted fixtures to illuminate existing and expanded parking areas. Mounting heights are acceptable. Locations are noted, and cutsheets

have been provided. The photometric plan depicts acceptable illumination levels throughout. **(Affirmative finding)**

***Sec. 5.5.3, Stormwater and Erosion Control***

An erosion control plan has been submitted as required. Given the relatively small expansion of impervious surface, only a stormwater management questionnaire is required. That, too, has been submitted. Both are subject to review and approval by the city's stormwater program staff.

**(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 contains no important natural features as defined in the Open Space Protection Plan. Much of the area to be paved is currently grassy lawn. Some existing landscaping will be removed, including several trees; however, a number of new trees and shrubs will be installed as noted in criterion (m) below. **(Affirmative finding)**

***(b) Topographical alterations***

The property is essentially flat and will remain so. **(Affirmative finding)**

***(c) Protection of important public views***

The subject property is not affected by any identified public view corridor. **(Affirmative finding)**

***(d) Protection of important cultural resources***

The property contains no known archaeologically significant features. **(Affirmative finding)**

***(e) Supporting the use of alternative energy***

This application contains no provision for alternative energy utilization, nor does it adversely affect potential for such utilization on the subject or neighboring properties. **(Affirmative finding)**

***(f) Brownfield sites***

The subject property is not an identified brownfield. **(Affirmative finding)**

***(g) Provide for nature's events***

See Sec. 5.5.3 for stormwater management.

Ample room remains onsite for seasonal snow storage. **(Affirmative finding)**

***(h) Building location and orientation***

**(Not applicable)**

***(i) Vehicular access***

Vehicular access will remain unchanged. Private driveways will provide access to the site.

**(Affirmative finding)**

*(j) Pedestrian access*

Pedestrian access remains unchanged. The building's primary entrance abuts the public sidewalk along Starr Farm Road. **(Affirmative finding)**

*(k) Accessibility for the handicapped*

Handicap accessibility features are present onsite. No changes to them are associated with this proposal. **(Affirmative finding)**

*(l) Parking and circulation*

See Article 8 below.

*(m) Landscaping and fences*

Trees to be cleared are noted. Proposed areas of new landscaping are noted on the site plan. An accompanying list of species notes the types and variety of new plantings. Much of the new landscaping will provide screening of the easterly parking area. **(Affirmative finding)**

*(n) Public plazas and open space*

No public plaza or open space is included or required in this proposal. **(Not applicable)**

*(o) Outdoor lighting*

See Sec. 5.5.2.

*(p) Integrate infrastructure into the design*

No new ground mounted mechanical equipment is included in the project plans. A new freestanding sign is included in the application materials. This sign, and any other, is subject to a separate sign permit. **(Affirmative finding as conditioned)**

***Part 3, Architectural Design Standards***

***Sec. 6.3.2, Review Standards***

**(Not applicable)**

***Sec. 8.1.8, Minimum Off-Street Parking Requirements***

The subject property is located within the Neighborhood Parking District. Within that district, the minimum parking requirement for a convalescent/nursing home is 1 parking space per 4 beds. In this case, the facility is permitted for 160 beds and requires at least 40 parking spaces. The property contains 54 parking spaces, and an additional 21 are proposed for a total of 75 spaces. Note that the existing parking numbers depicted on the site plan (54) do not match the numbers referenced in the parking analysis (68). This discrepancy needs to be corrected. **(Affirmative finding as conditioned)**

***Sec. 8.1.9, Maximum Parking Spaces***

This section limits surface parking to 125% of the Neighborhood Parking District minimum parking requirement. In this case, the maximum permissible parking for a 160-bed convalescent/nursing home is 50 spaces. Given that 75 spaces are proposed, a maximum parking waiver is required.

- A. *The applicant requesting the waiver shall also provide a peak demand parking study for two similar uses in the area; and,*

A parking analysis has been provided. It includes the subject property and two other area nursing homes. The current parking ratio at the subject facility is 0.425. The expressed need is 0.6. The other two facilities, Starr Farm Nursing Center and Green Mountain Nursing have ratios of 0.66 and 0.932, respectively. **(Affirmative finding)**

- B. *The following additional criteria shall be addressed regarding how:*

- (i) *The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses;*

On-street parking is not allowed along Starr Farm Road or the nearby stretch of North Avenue. Most neighboring uses are single family homes. The nearby public school has its own parking challenges without surplus to share. **(Affirmative finding)**

- (ii) *The proposed development demonstrates that its design and intended uses will continue to support high levels of existing or planned transit and pedestrian activity;*

The disparity between parking demand and parking availability contributes to a significant use of alternative transportation. The parking analysis asserts that 20% of employees already use transportation other than single occupancy vehicles. The property is served by public sidewalks, a nearby GMT bus stop, and onsite bike parking. The parking management plan recommends that the applicant formalize measures to encourage alternative transportation measures to lessen onsite parking demand. Recommended new measures include providing bus pass credits, incentivizing carpools, staggering work shifts and pursuing at least a 1-year membership with CATMA. Implementation of all recommendations per Sec. 8.0, Parking Management Plan, of the RSG parking analysis are prerequisite to the requested maximum parking waiver. **(Affirmative finding as conditioned)**

- (iii) *The site plan indicates where additional parking can be redeveloped to a more intensive transit supportive use in the future.*

Transit supportive use is not a defined term in the city's Comprehensive Development Ordinance. Review of pertinent literature indicates that transit supportive use provides services or activities which are which are attractive and convenient to transit riders and pedestrians. Practically speaking, the facility is too small and too far removed from the city center to be heavily served by alternative means of transportation. As noted above, some measures are in place already to encourage use of alternative transportation, and additional steps should be taken to formalize and broaden such measures. Insofar as this particular criterion is concerned, the site could be wholly or partially redeveloped in the future. Such redevelopment could conceivably include transit supportive uses. **(Affirmative finding)**

#### **Sec. 8.1.10, Off-Street Loading Requirements (Not applicable)**

#### **Sec. 8.1.11, Parking Dimensional Requirements**

Parking spaces are striped at 9' X 18,' whereas 9' X 20' is the standard. Back up length of 22' is noted, whereas 24' is the standard. Parking spaces of 18' depth are commonly accepted as are back up lengths of 20' – 22.' Per Sec. 6.2.2 (1), the enlarged northeasterly parking area (i.e. the

one near North Avenue) shall be bordered by concrete curbing or similar barrier to prevent parking on adjacent green spaces. **(Affirmative finding as conditioned)**

***Sec. 8.1.12, Limitations, Location, Use of Facilities***

*(a) Offsite parking facilities*  
**(Not applicable)**

*(b) Downtown street level setback*  
**(Not applicable)**

*(c) Front yard parking restricted*  
The proposed parking expansion is compliant with applicable front yard setbacks as noted in Article 4 above. Given its placement between the building and the road, screening is required. Such screening will be provided as illustrated in the proposed landscaping plan.  
**(Affirmative finding)**

*(d) Shared parking in the Neighborhood Parking Districts*  
**(Not applicable)**

*(e) Single story structures in Shared Use Districts*  
**(Not applicable)**

*(f) Joint use of facilities*  
**(Not applicable)**

*(g) Availability of facilities*  
None of the proposed parking will be used for the storage or display of vehicles or materials by offsite users. Parking will be for employees and visitors. **(Affirmative finding)**

*(h) Compact car parking*  
As noted above, the parking spaces are slightly sub-standard but are acceptable. The limitation on compact parking spaces pertains only to parking garages. **(Affirmative finding)**

***Sec. 8.1.13, Parking for Disabled Persons***

The site plan depicts several existing handicap parking spaces in close proximity to the building's main entrance. Associated striping is also shown. ADA compliance is administered via the city's building permit process. **(Affirmative finding as conditioned)**

***Sec. 8.1.14, Stacked and Tandem Parking Restrictions***  
**(Not applicable)**

***Sec. 8.1.15, Waivers from Parking Requirements / Parking Management Plans***  
**(Not applicable)**

**II. Conditions of Approval**

1. All work associated with this project **shall be completed by June 1, 2019**, including restoration of green spaces damaged by lawn parking.
2. **Prior to release of the zoning permit**, the following items shall be addressed, subject to staff review and approval:
  - a. Obtain final approval of the EPSC and stormwater questionnaire from the city's stormwater program staff;
  - b. On a revised site plan, depict concrete curbing or similar barrier around the perimeter of the northeasterly parking area; and,
  - c. Resolve the discrepancy in existing parking numbers between the proposed site plan and the RSG parking analysis.
3. **Prior to issuance of a certificate of occupancy** for this zoning permit, all prior zoning permits issued for this property since July 13, 1989 shall be closed out with final certificates of occupancy.
4. Approval of the maximum parking space waiver per Sec. 8.1.9, *Maximum Parking Spaces*, is contingent on implementation of all seven (7) recommendations per Sec. 8.0, Parking Management Plan, of the RSG parking analysis (i.e. "Starr Farm Road Facility Parking").
5. All exterior signs are subject to separate zoning permits.
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, and shall meet all energy efficiency codes of the city and state as required.
7. Standard permit conditions 1-15.