

Burlington Development Review Board
149 Church Street
Burlington, VT 05401
www.burlingtonvt.gov/PZ
Telephone: (802) 865-7188
(802) 865-7195 (FAX)

Austin Hart, Chair
Geoff Hand
Alexander J. LaRosa
Brad Rabinowitz
Israel Smith
Wayne Senville
Alexandra Zipparo,
Jim Drummond, (alternate)
Rob Purvee, (alternate)



Burlington Development Review Board
Findings of Fact
Deliberative Hearing Monday, June 12, 2017

Board Members Present: Austin Hart, Geoff Hand, Brad Rabinowitz, Alexander LaRosa, Ali Zipparo, Wayne Senville, Jim Drummond (alternate) and Rob Purvee (alternate.)

Absent: Israel Smith

Staff member present: Mary O'Neil

File: ZP17-1047CU

Location: 158 South Willard Street

Zone: Institutional **Ward:** 6S

Date application accepted: May 1, 2017

Applicant/ Owner: Champlain College, Inc. / Phi Gamma Delta Housing Corp

Request: Change of use from Fraternity to Dormitory. No change in number of beds, occupancy, parking, or exterior of building.

Evidence Presented:

The Board examined the materials submitted in support of this request.

I. Findings

Background:

- Zoning Permit 08-822CA; Add handicap ramp. Repair of windows, soffit/trim and moulding damage. Repair rear porch columns, repair front porch and 2nd floor porch. Repair to downspouts, gutters and roof. Limited slate repair/replacement. All materials to match existing. June, 2008.

Overview: The issuance of a multi-year suspension to fraternity Phi Gamma Delta ("Fiji") has introduced an opportunity for Champlain College to repurpose the building as a student dormitory. Residency by a similar population is proposed; however, the Comprehensive Development Ordinance articulates a difference between "fraternity/sorority" and "dormitory" as specific uses; therefore, requiring conditional use review by the DRB (Footnote 5; Appendix A.) Only interior alterations are proposed to prepare the building for occupancy. Similar to a previously approved decision for 371 Main Street, the conversion from fraternity to dormitory will continue the same number of beds (30), occupancy, and parking. The

College will extend its property management oversight to the facility for the duration of the lease agreement, which is anticipated as 5 years.

Article 3: Applications, Permits and Project Reviews

Sec. 3.5.6 – Review Criteria

(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 proposed use as a student dormitory will serve a similar population with the same number of occupants. No additional demand on public utilities, facilities or services are anticipated.

Affirmative finding.

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 parcel is within the Institutional Zoning District, intended to “support continued growth and flexibility of the city’s major educational and health care institutions within their respective institutional missions.” **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 assured oversight from the lessee as part of their property management of residential facilities promises increased supervision, response, and remediation should any nuisance activities occur. Odor, dust, heat and vibration and not anticipated as likely impacts.

The submission narrative includes the intent to have an on-site resident supervisor, which is consistent with other college residences for this institution.

Affirmative finding as conditioned.

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;*

Champlain College has a sophisticated and finely articulated transportation plan, adopted as part of the Joint Institutional Parking Management Plan (JIPMP.) Those efforts for supervision and compliance will be extended to this parcel. The submitted narrative defines the consistent requirement for student vehicles to be registered with the college and parked at their remote lot on Lakeside Avenue. Students would then utilize Champlain’s transportation shuttles.

The property remains centrally located, existing access available from Main Street and within a developed street network that includes pedestrian and bicycle paths.

Although the lease is anticipated to be for five years, Champlain College shall include this facility as appropriate in scheduled revisions to their submission for the institutional transportation/parking plan. **Affirmative finding as conditioned.**

and,

5. *The utilization of renewable energy resources;*

The requested change-of-use will not preclude the inclusion of any renewable energy resources. **Affirmative finding**

and,

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

None identified. It is the applicant's obligation to secure any additional permits (from state or federal offices) as required. **Affirmative finding as conditioned.**

(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.*

As no parking or exterior changes are proposed, no mitigation measures are warranted.

Affirmative finding.

2. *Time limits for construction.*

No exterior alterations are proposed. Interior work will be subject to trades permits, under the regulation of the Department of Public Works. **Affirmative finding as conditioned.**

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

No exterior construction is proposed. Hours of operation are not applicable to residential uses.

Not applicable.

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

Any request to expand the use will require review under the regulations in effect at the time of application. **Affirmative finding as conditioned.**

and,

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.*

This remains at the discretion of the Development Review Board.

Article 4: Maps and Districts
Sec. 4.4.4 Institutional District

Per Appendix A of the Comprehensive Development Ordinance, dormitory use is a Conditional use in the Institutional zone. Footnote #5 states:

An existing fraternity, sorority, or other institutional use may be converted to dormitory use subject to conditional use approval by the DRB.

See Article 3, Section 3.5.2, above.

Article 8: Parking

In the Shared Use parking district, the parking requirement is the same for dormitory and fraternity (1 parking space is required for every 2 beds.) As the occupancy is not proposed to change, the parking requirement remains the same. The submission narrative, however, states that “the existing on-site parking spaces will not be used by student residents living at the property. Consistent with College policy, any student having a vehicle must register it with the College, and the vehicle must be parked at our remote lot on Lakeside Avenue.”

Affirmative finding.

II. Minutes

The meeting minutes will be distributed separately upon review and approval by the Development Review Board.

III. Motion by Geoff Hand

In the matter of ZP17-1047CU, 158 South Willard Street, I move we approve the application and adopt findings and conditions in support of the request.

IV. Conditions of Approval

1. Parking management will be subject to the current requirements and oversight as currently exercised by Champlain College for its properties.
2. The property will be managed per current policies of Champlain College and exercised in the same manner as all existing Champlain College dormitories.
3. Champlain College shall include, as appropriate, this facility in any scheduled revisions to the Joint Institutional Parking Management Plan within the lease period.
4. Any signage will require a separate permit, and will be subject to conditions approved under Master Sign Plan ZP 12-0763MP.
5. Any change or expansion of the Conditional Use will require separate review and approval by the Development Review Board under regulations in effect at the time of application.
6. Standard Permit Conditions 1-15.

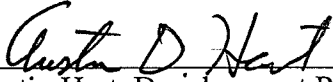
Second: Ali Zipparo

Vote: 7-0 (JD not participating.)

Vote: motion carried

Dated at Burlington, Vermont, this 14th day of June, 2017.

Respectfully Submitted,



Austin Hart, Development Review Board Chair

Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court, Environmental Division. (Comprehensive Development Ordinance Article 12, Section 12.2.3 Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development Review Board to the Vermont Environmental Court within 30 days of the date of the written decision as follows:

(a) Notice of Appeal: The appeal shall be taken in such a manner as the Supreme Court or the environmental court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3, Vermont Statutes Annotated. Notice of the appeal shall be sent by mail to every interested person appearing and having been heard at the hearing before the DRB, and, if any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.)

