

Department of Planning and Zoning

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MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner *monell*
Date: December, 19, 2017
RE: ZP18-0534CA, 14-0671CA/MA; 194 St. Paul 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.

Permit Number: ZP 18-0534CA; parent permit ZP14-0671CA/MA

Address: 194 St. Paul Street; "Eagles Landing"

Zone: FD5 **Ward:** 6S

Date application accepted: November 29, 2017

Original Decision Date: Stipulation Agreement reached with City March 16 2015; approval date tolled to Act 250 Commission Approval July 11, 2015. Permit extension granted April 11, 2016.

Applicant/ Owner: John Caulo for Champlain College.

Request: Modify permit condition regarding allocation of on-site parking spaces for public use.

Background:

- 10/20/2017; Install soffit accent lighting at southwest corner of building.
- 8/23/2017; Two signs for the duration of construction to advertise commercial space to let. Will be removed when building is complete.
- 6/6/2016; Miscellaneous modifications to project plans.
- 7/11/2015; Construction of mixed use building with ground-floor commercial space, 104 residential units and enclosed parking. Development to merge three existing lots.
- 11/13/13, Approval to demolish structure and parking areas and to excavate
- 1/9/09, Approval to change use to temporary boarding house
- 7/27/06, Approval to install freestanding sign
- 11/9/99, Approval to install parallel sign
- 8/27/97, Approval to install replacement 2nd floor windows
- 1/28/93, Approval to install a telecommunications cabinet

Overview: Zoning Permit 14-0671CA/MA allowed for the construction of a mixed use building with ground-floor commercial space, 104 residential units and enclosed parking. The approved plan merged three existing lots. That approval included two height bonuses for providing public parking; each parking bonus afforded an additional 10' in height and corresponding increase in FAR. The applicant seeks to modify the approved plan as conditioned in the Stipulation Agreement of March, 2015.

Under the original approval, height bonuses were offered under Article 4 (Section 4.4.1(d) 7.) for achieving 65' height. The parcel is now within the newly adopted Form District 5, which allows 65' by DRB approval. Bonuses are no longer offered.

Recommendation: Consent approval, per the following findings and conditions:

I. Findings

Height bonuses are no longer included in the ordinance, and the zoning regulations have changed for this district. The specific conditions of the Stipulation Agreement require notice to parties of the appeal. Changing the specific condition requires DRB approval.

The original project was reviewed under regulations in effect (Article 4, Downtown Transition District) and approved under a Stipulation Agreement (March 2015) that included 2 bonuses related to public parking. The cumulative height bonuses required that **65** parking spaces be made available to the public in the following manner:

- at least **40** parking spaces to be made available to the public at all hours of holidays, between the hours of 5:00 pm and 6:00 am on weekdays, and from 5:00 pm Friday until 6:00 am on the following Monday.
- At least **25** parking spaces to be made available to the public at all times.

The applicant requests reallocation, providing **53** parking spaces 24/7, which will equal the public/private parking hours provided under the original Stipulation Agreement (See Public/Private Parking allocation, attached.) Breaking the public parking benefit down in hours finds a greater public benefit in *more* public parking available around the clock, rather than limitations of nights/weekends/holidays.

The Department of Public Works and the Public Works Commission support the change.

No changes are proposed to the building (currently under construction), to the parking layout or count. The same number of parking spaces approved in the original permit will be constructed. All other conditions remain in effect. The request is simply in reallocation of the public spaces to make more public parking available around the clock.

The applicant has demonstrated compliance with the condition to provide written notice to parties of the appeal. That correspondence is attached.

Affirmative finding as conditioned.

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

Per this standard, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See attached list for guidance on open permits/violations. **Affirmative finding as conditioned.**

II. Conditions of Approval

1. All conditions of ZP14-0671CA/MA as defined by the Stipulation Agreement of March 2015 not herein altered shall remain in effect.
2. **Per Section 2.7.8, Withhold Permit**, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See attached list for guidance on open permits/violations.
3. Standard Permit Conditions 1-15.

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