

Department of Planning and Zoning

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MEMORANDUM

To: Development Review Board
From: Ryan Morrison, CFM, Associate Planner
Date: March 21, 2017
RE: ZP17-0763CU – 311 North 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.

File: ZP17-0763CU

Location: 311 North Avenue

Zone: RM **Ward:** 4N

Date application accepted: February 2, 2017

Applicant/ Owner: Jesse Bridges, City DPW Parks Rec Dept

Request: Allow for conditional use of the existing stone house as a community house.

Background:

- **Zoning Permit 11-0280CU;** Convert existing institutional office use and group home use to post-secondary school. No site or exterior building changes proposed. Approved November 3, 2010.
- **Zoning Permit 12-0627CA;** Replace five existing double windows to basement on side of building with new clad wood single casement windows with vertical mullion to simulate the look of a double window. Approved December 16, 2011.
- **Zoning Permit 12-0705SN;** Install new freestanding sign for Burlington College – Stone House Residence Hall. Approved February 16, 2012.
- **Zoning Permit 13-0037FC;** Install new wire fence around existing community garden. Approved July 12, 2012.
- **Zoning Permit 15-0548NA;** Replacement of damaged asphalt shingle roof with same. Approved October 29, 2014.
- **Zoning Permit 16-1077MP;** Tree maintenance plan for 311 and 329 North Avenue. Approved November 17, 2015.
- **Zoning Permit 16-0649LL;** Lot line adjustment with 329 North Avenue. Approved December 7, 2015.
- **Zoning Permit 16-0785LL;** Lot line adjustment with 329 North Avenue. Approved January 21, 2016.
- **Zoning Permit 16-1026CA;** Relocation of existing garden shed to site. Approved April 6, 2016.
- **Zoning Permit 16-1347CA;** Replace 3 garage doors, replace front half of garage roof (sheathing and shingles). Approved May 31, 2016.

- **Zoning Permit 17-0267SD**; Preliminary plat review of 11-lot subdivision. No development included. Approved October 19, 2016.
- **Zoning Permit 17-0581SP**; DAB sketch plan review of development proposed on 33.65 acre PUD, development limited to 329-375 North Avenue. Held November 22, 2016.
- **Zoning Permit 17-0694CA**; Replace windows. Wood core aluminum clad windows will be replaced in the original stone house and vinyl windows replaced in the addition. Approved January 20, 2017.

Overview: Burlington Parks, Recreation & Waterfront (owner) is looking into potential partnerships for the City owned Stone House at 311 North Avenue until the City has the funds to historically restore and repurpose the building for City use. The house will potentially be used to house a minimum of 13 homeless or at risk, unhoused individuals.

The City of Burlington took ownership of the property on February 18, 2016 with the closing of the former Burlington College land. Previously, the building had been a private home, a group home for the Howard Center with a license for up to 18 persons, and most recently, a dormitory for the former Burlington College.

The house has 15 rooms, 3 shared bathrooms, a common kitchen/dining area, and a living room. Any partner agency will have full time staff on site, as well as additional supervision from regular full time employees.

Additional uses include expanded community gardens, repurposing of the garage for conservation and bike path maintenance equipment storage, as well as BPD and BFD use of the property for training.

Applicable Regulations: Article 3 (Applications, Permits, and Project Reviews); Article 4 (Zoning Maps and Districts); Article 5 (Citywide General Regulations); Article 8 (Parking)

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

I. Findings

Article 3: Applications and 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;*

An increase in demand on municipal utilities, facilities, and services is not anticipated with the re-use of the property as a community home for 13+ individuals. The building was previously used as a group home for up to 18 individuals, and most recently as dormitories for the former Burlington College. This section of North Avenue has supported an institutional use for over 40

years. Previous uses aside, the applicant will be responsible for securing verification of adequate wastewater capacity from the Department of Public Works. **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;*

As noted above, the proposed use is not one that will result in a shift of impacts on the surrounding area. The RM zoning district is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments. Given the property's zoning and lot size (9 acres), the property has the potential to support a density of well over a 100 dwelling units.

Cambrian Rise, a major development on two adjacent properties to the north, consisting of 11 buildings containing 735 residential units, approximately 45,000 sf of non-residential support/amenity space, approximately 40,000 sq. ft. of neighborhood commercial spaces, and 1,093 parking spaces, was recently approved by the Development Review Board. Additionally, a Champlain Farms convenient store/gas station exists across North Ave., which further mixes the uses within the immediate area. It is not anticipated that the building's conversion to a community home will have an undue adverse effect on the area. **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;*
No nuisance impacts are expected as a result of the community home. **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;*

Only the staff are expected to have vehicles, the residents are not. This should result in a reduction to traffic flow from the previous dormitory use. The property, which fronts on North Ave. (an arterial roadway), is on a CATMA bus route, and is within walkable downtown services. **Affirmative finding.**

- 5. The utilization of renewable energy resources;*

No part of this request prohibits the use of wind, solar, water, geothermal or other renewable energy resources.

and,

- 6. Any standards or factors set forth in existing City bylaws and city and state ordinances;*
Compliance with building, fire, and energy efficiency codes will be required. A state wastewater permit may also be required. **Affirmative finding as conditioned.**

Section 3.5.6 (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 development is not expected to generate offsite noise or glare substantial enough to require mitigation. **Affirmative finding.**

2. Time limits for construction.

The application suggests that there will be no construction occurring for this change of use. **Not applicable.**

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

As noted above, there are no construction plans to change the use of the structure into a community house. **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; and,

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time. **Affirmative finding as conditioned.**

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.

To be addressed in conditions of approval.

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) Purpose

3. The Residential Medium Density (RM) district is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments.

A community house is listed as a conditional use in Appendix A – Use Table – All Zoning Districts. **Affirmative finding.**

(c) Permitted and Conditional Uses

As noted above, a community house is a conditional use per Appendix. A – Use Table – All Zoning Districts. **Affirmative finding.**

Article 5: Citywide General Regulations

Part 4: Special Use Regulations

Section 5.4.4 Community Houses

Community houses shall be considered a conditional use in any residential district and subject to all applicable provisions of Art. 3, Part 5, and the site and design review standards in Art. 6. In

addition to conditional use standards, proposals for new community houses shall also comply with the following requirements:

- (a) *Density shall not exceed 1 person per two hundred (200) square feet of gross floor area:*
The Assessor’s records identify the gross floor area to be 6,228 sf, which would result in a maximum density of 31 individuals. **Affirmative finding as conditioned.**
- (b) *All dimensional standards for the underlying zoning per the requirements of Art. 4 shall be applicable; and*
The community house will occupy within an existing building. No new construction is proposed. **Affirmative finding.**
- (c) *The minimum distance (lot line to lot line) between any two community houses shall not Exceed the following:*

<i>Total Occupancy (beds)</i>	<i>Distance (feet)</i>
<i>6 or less</i>	<i>0</i>
<i>7 – 12</i>	<i>500</i>
<i>13 – 20</i>	<i>1,000</i>
<i>21 or more</i>	<i>1,500</i>

There are no community houses within 1,500 feet of the subject property. **Affirmative finding.**

Section 5.5.1 Nuisance Regulations

No part of this application suggests the introduction of impacts deemed to be in conflict with applicable nuisance regulations and performance standards pursuant to the requirements of the Burlington Code of Ordinances. **Affirmative finding.**

Article 8: Parking

Table 8.1.8-1, Minimum Off-Street Parking Requirements

Community House requires 1 parking space per dwelling unit in the Neighborhood Parking District.

The Community House counts as 1 dwelling unit. The property currently contains 9 parking spaces, one of which is handicap accessible. **Affirmative finding.**

Table 8.2.5-1 Bicycle Parking Requirements

The community house has no minimum bike parking requirement. **Not applicable.**

II. Conditions of Approval

1. **Prior to release of the zoning permit,** the applicant shall receive written verification of adequate wastewater capacity from the Department of Public Works.

2. Occupancy shall not exceed the limitation defined in Section 5.4.4 (a).
3. Any structural or programmatic expansion of the Conditional Use will require a return to the DRB for review.
4. A state wastewater permit may be required, and will be the responsibility of the applicant to secure if needed.
5. It is the applicant's responsibility to comply with all applicable building, life safety, and ADA requirements.
6. The applicant shall secure any associated trades permits for the interior work.
7. 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.
8. Vermont Residential Building Energy Standards apply to this project. Compliance with the standards is the Owner's responsibility. Prior to requesting a Certificate of Occupancy, a copy of a completed Vermont Residential Building Energy Standards Certificate shall be submitted with a Certificate of Occupancy (final or temporary) request, and filed in the Land Records located at the Clerk/Treasurers office in City Hall (149 Church Street). For more information, see http://publicservice.vermont.gov/topics/energy_efficiency.
9. Standard Permit Conditions 1-15 shall apply.