


Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin 
DATE: April 3, 2018
RE: 18-0703CA; 5 Rock Point Road

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: RCO-C Ward: 4N

Owner/Applicant: The Episcopal Diocese of Vermont

Request: Construct single family home and storage structure.

Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 3 (Applications, Permits, and Project Reviews), 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 a new caretaker's residence and nearby storage structure. The proposed buildings are located far from any public street and are accessory components to the larger institutional use of the property as the headquarters of the Episcopal Diocese of Vermont.

The Episcopal Diocese of Vermont is a religious and educational institution and, therefore, is subject to only limited zoning review per 24 VSA, Sec. 4413, *Limitations on municipal bylaws*. This application may be reviewed only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements.

Previous zoning actions for this property are as follows:

- 8/11/17, Approval for trail improvements at Eagle Bay
- 2/12/16, Approval to construct pavilion in association with gardening program
- 8/8/14, Approval to erect a hoop house
- 10/22/12, Approval to demolish single family home
- 6/27/11, Approval to install egress windows
- 2/6/09, Approval to construct sugar house
- 10/3/06, Approval for A-frame awning
- 7/25/06, Approval to install HC access ramp
- 7/17/02, Approval to install standing seam pitched roof

- 4/13/02, Approval to install shed
- 6/15/00, Approval to replace hood/ventilation system
- 6/6/97, Approval to construct a deck and stairway
- 12/21/93, Approval to construct HC access ramp
- 6/2/92, Approval to construct sunroom
- 4/10/90, Approval to install fencing
- 3/24/88, Approval to construct an open-bay garage
- 7/18/86, Approval to construct a shed
- 4/5/81, Approval to construct an open air building
- 10/11/79, Approval to construct a conference center
- 7/27/79, Approval to construct above-ground pool
- 7/20/79, Approval to construct chimney
- 4/9/76, Approval to construct two small cottages

Recommendation: Consent 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 significant zoning permit history. Zoning certificates of occupancy have been required since July 13, 1989. About half of these previous zoning permits issued since 1989 lack their required certificates of occupancy. Per this criterion, these older zoning permits must be closed out with final certificates of occupancy prior to issuance of a certificate of occupancy for this new zoning permit. **(Affirmative finding as conditioned)**

Article 3: Applications, Permits, and Project Reviews

Part 3: Impact Fees

Sec. 3.3.2, Applicability

The new construction triggers applicability of impact fees. Impact fees must be paid on the net new square footage of the new home. **(Affirmative finding as conditioned)**

Article 4: Maps & Districts

Sec. 4.4.6, Recreation, Conservation, and Open Space Districts:

(a) Purpose

(3) RCO-Conservation (RCO-C)

The subject property is located in the RCO-C zone. This zone is intended primarily for conservation of the city's significant natural communities in their natural state. Indeed, much of the property is identified as a significant natural area in the Open Space Protection Plan; however, the proposed caretaker's home and associated storage building will not be located within a significant natural area. **(Affirmative finding)**

(b) Dimensional Standards & Density

Lot coverage is presently 4.4%. Addition of the two structures will result in less than 0.1% increase in lot coverage on this large parcel of land. It will remain below the 5% limit.

The property fronts on Institute Road. The minimum front yard setback is 15.’ The proposed structures comply with this setback. The parcel is about 1,000’ wide where the two structures will be built. The 10% minimum side yard setback is, therefore, about 100.’ As proposed, the two buildings will be more than 200’ from the nearer side property line. The property is about 2,570’ deep. The minimum required 25% rear yard setback is 643.’ As proposed, the buildings will be set some 1,600’ from the rear property line.

The proposed single story home is about 12’ tall to the midpoint of the roof rise. This height is below the 25’ height limit. Height of the proposed storage building is not evident and must be noted. Seemingly, the midpoint of its roof rise is also within the 25’ height limit. **(Affirmative finding as conditioned)**

(c) Permitted & Conditional Uses

The property is an educational and religious institution and may be regulated under local zoning only as outlined in 24 VSA, Sec. 4413, *Limitations on municipal bylaws*. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.6 (b) above.

Sec. 5.2.4, Buildable Area Calculation

(Not applicable)

Sec. 5.2.5, Setbacks

See Sec. 4.4.6 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.6 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.6 (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 building mounted fixtures to illuminate building entries. Locations are noted on the elevation plans. Fixture cutsheets have not been provided and must be in order to confirm compliance with applicable illumination standards. **(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

As noted above, much of the property contains mapped significant natural areas and associated buffer zones. The proposed buildings will be set outside of any mapped significant natural area or buffer zone. The caretaker's residence will be set at the edge of a grassy playing field, and the storage building will be set next to an existing parking area. **(Affirmative finding)**

(b) Topographical alterations

Not applicable per 24 VSA, Sec. 4413.

(c) Protection of important public views

Not applicable per 24 VSA, Sec. 4413.

(d) Protection of important cultural resources

Not applicable per 24 VSA, Sec. 4413.

(e) Supporting the use of alternative energy

Not applicable per 24 VSA, Sec. 4413.

(f) Brownfield sites

Not applicable per 24 VSA, Sec. 4413.

(g) Provide for nature's events

As required, plans for erosion prevention and sediment control and for post construction stormwater management have been provided to the city's stormwater program staff. These plans have been reviewed and approved. **(Affirmative finding)**

(h) Building location and orientation

Not applicable per 24 VSA, Sec. 4413.

(i) Vehicular access

Not applicable per 24 VSA, Sec. 4413.

(j) Pedestrian access

Not applicable per 24 VSA, Sec. 4413.

(k) Accessibility for the handicapped

Not applicable per 24 VSA, Sec. 4413. Applicable accessibility requirements under the City's building code continue to apply. **(Affirmative finding as conditioned)**

(l) Parking and circulation

Parking and circulation are provided within the existing adjacent parking lot. No changes are proposed. **(Affirmative finding)**

(m) Landscaping, fences, and retaining walls

No new landscaping is proposed. Both structures will be set along the edge of a heavily wooded portion of the property. Some moderate clearing will be needed to accommodate the storage building. At least some basic plantings around the new caretaker's residence are recommended. **(Affirmative finding as conditioned)**

(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

Utility lines serving the new home must be buried. No site-related infrastructure such as dumpsters or mechanical equipment is included in this application. **(Affirmative finding as conditioned)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The massing, height, and scale of buildings on the subject property vary greatly. As related to the adjacent residence, the proposed home is somewhat smaller but of similar massing and form. The proposed home is modest in appearance but incorporates a small front porch to accentuate its primary entry. Fenestration is consistent throughout and typical for a residence. **(Affirmative finding)**

2. Roofs and Rooflines

Not applicable per 24 VSA, Sec. 4413.

3. Building Openings

Not applicable per 24 VSA, Sec. 4413.

(b) Protection of important architectural resources

Not applicable per 24 VSA, Sec. 4413.

(c) Protection of important public views

Not applicable per 24 VSA, Sec. 4413.

(d) Provide an active and inviting street edge

Not applicable per 24 VSA, Sec. 4413.

(e) Quality of materials

Not applicable per 24 VSA, Sec. 4413.

(f) Reduce energy utilization

Not applicable per 24 VSA, Sec. 4413.

(g) Make advertising features complimentary to the site

No advertising is included in this proposal. **(Not applicable)**

(h) Integrate infrastructure into the building design

No building- or roof-mounted equipment is included in this proposal. Utility meter locations are not evident on the building elevations. They must be depicted and screened. **(Affirmative finding as conditioned)**

(i) Make spaces safe and secure

The proposed building must comply with the city's current egress requirements. Building entries will be illuminated. **(Affirmative finding as conditioned)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The property is within the Neighborhood Parking District. As such, the new caretaker's residence requires 2 parking spaces. These spaces will be provided within the adjacent parking lot. **(Affirmative finding)**

II. Conditions of Approval

1. Per Sec. 2.7.8, all expired zoning permits still requiring certificates of occupancy must be closed out with final certificates of occupancy **prior to issuance of a certificate of occupancy** for this new zoning permit.
2. Prior to release of the zoning permit, revised plans containing the following shall be submitted, subject to staff review and approval:
 - a. Height of the storage building;
 - b. Outdoor lighting fixture cutsheets;
 - c. New landscape plantings around the proposed home; and,
 - d. Utility meter locations and related screening.
3. Utility lines serving the new home shall be buried.
4. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Planning & Zoning Department the impact fee as calculated by staff based on the net new square footage of the proposed residence.
5. 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.
6. Standard permit conditions 1-15.