


## Department of Planning and Zoning

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**TO:** Development Review Board  
**FROM:** Scott Gustin   
**DATE:** May 1, 2018  
**RE:** 18-0793SP; 75 Briggs Street

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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: ELM Ward: 5S

Owner/Applicant: Onion River Cooperative, Inc. / Charest Alpinism, LLC

**Request:** Sketch plan review for new health club/climbing center. Includes a new building and related site improvements.

### **Applicable Regulations:**

Article 3 (Applications and Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking)

### **Background Information:**

The applicant has requested sketch plan review of a new health club/climbing center and related site improvements at 75 Briggs Street. This parcel is presently vacant with one remaining building left over from the former railroad use of the property. This proposal is a comprehensive redevelopment of the site involving the new 13,000 sf building, retention of the existing 4,000 sf building, and new parking, landscaping, and stormwater management features. The sketch plan materials also make note of an associated daycare facility. Both the health club and daycare are conditional uses in the E-LM zone. As the project entails a development footprint of > 40,000 sf, major impact review is also triggered.

This project was reviewed by the Technical Review Committee on February 8, 2018. Sketch plan review with the Conservation Board occurred April 2, 2018 and with the Design Advisory Board on April 10, 2018. Revised east and north elevations have been provided following DAB review.

Previous zoning actions for this property are noted below.

11/21/16, Approval to remove portion of gravel lot and convert to green space

10/4/16, Approval to construct new grocery store and subdivide the property in two (creating the present lot)

## **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;*

The proposed development will be served by municipal utilities. Sufficient water and sewer service are available. A State of Vermont wastewater permit will be required. A capacity letter issued by the Dept. of Public Works will be required prior to issuance.

- 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 subject property is located within the Enterprise – Light Manufacturing zone. This zone is intended primarily for manufacturing, distribution, processing and the like; however, other commercial uses are allowed. The proposed health club with related daycare is one of those allowed uses. It is situated in a location with ready access from other nearby commercial uses and a large residential neighborhood.

- 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 proposed health club is not expected to generate nuisance impacts from noise, odor, dust, and the like that may be more typically associated with industrial uses. The proposed construction is set relatively far from homes in the adjacent neighborhood.

- 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;*

No traffic information is included in the sketch plans. An estimate of peak hour traffic is needed. Based on that estimate, a complete traffic analysis may or may not be required. A comprehensive traffic study was conducted for the adjacent City Market. That analysis could serve as the basis for an updated traffic study for this application. The applicants should be in touch with the engineering division at the Department of Public Works to address required traffic information.

*and,*

- 5. The utilization of renewable energy resources;*

The sketch plans make note of solar energy utilization. Incorporation into the project design is encouraged.

*and,*

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

Technical Review Committee comments relative to applicable City bylaws have been provided.

(b) Major Impact Review Standards

*1. Not result in undue water, air, or noise pollution;*

No significant air or noise pollution is anticipated as a result of this development.

See Sec. 5.5.3 for stormwater management.

*2. Have sufficient water available for its needs;*

See Sec. 3.5.6 (a) 1.

*3. Not unreasonably burden the city's present or future water supply or distribution system;*

See Sec. 3.5.6 (a) 1.

*4. Not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;*

See Sec. 5.5.3.

*5. Not cause unreasonable congestion or unsafe conditions on highways, streets, waterways, railways, bikeways, pedestrian pathways or other means of transportation, existing or proposed;*

See Sec. 3.5.6 (a) 4.

*6. Not cause an unreasonable burden on the city's ability to provide educational services;*

No impacts on the city's educational system are anticipated as a result of this purely commercial development.

*7. Not place an unreasonable burden on the city's ability to provide municipal services;*

The proposed development will generate additional impacts on city services; however, those impacts are expected to be relatively modest. Impacts will be mitigated by payment of impact fees if the zoning permit application is approved.

*8. Not have an undue adverse effect on rare, irreplaceable or significant natural areas, historic or archaeological sites, nor on the scenic or natural beauty of the area or any part of the city;*

See Article 6 for effects on significant natural areas, historic buildings, and archaeological significance.

*9. Not have an undue adverse effect on the city's present or future growth patterns nor on the city's fiscal ability to accommodate such growth, nor on the city's investment in public services and facilities;*

The proposed development is located within the ELM zone – an area of the city specifically zoned for a variety of commercial land uses. The project will not adversely impact the city's present or future growth patterns. The development is of a relatively moderate scale and is not expected to have an undue adverse impact on the city's ability to accommodate growth.

*10. Be in substantial conformance with the city's municipal development plan;*

Several provisions of the Municipal Development Plan target the Enterprise zones for new commercial investment and development (Land Use Policies, pg. I-2; Growth Areas, pg. I-22 {The Enterprise District}). Further, this project brings about new investment to a site with significant

soil contaminants (Land Use Policies, pg. I-23 {Brownfields}). As required, the new building will comply with present energy efficiency standards of the city and state (Energy Plan, pg. VIII-1).

*11. Not have an undue adverse impact on the present or projected housing needs of the city in terms of amount, type, affordability and location;*

The proposed commercial development will have no impact on the present or projected housing needs of the city.

*12. Not have an undue adverse impact on the present or projected park and recreation needs of the city.*

Little impact on the city's park and recreation needs is expected as a result of this development. What impact there is will be mitigated by payment of impact fees.

(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 will likely not generate offsite noise or glare substantial enough to require mitigation. Screening of the parking lot along Briggs Street is proposed in an effort to reduce the visual impact associated with the relatively large parking lot.

*2. Time limits for construction.*

No construction timeline or phasing are included in the sketch plans. Unless a longer timeframe is specifically requested and approved, the standard 2-year timeframe for zoning permits will apply.

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

Hours of operation are not noted and must be in the zoning permit application. The must specify for the health club and for the related daycare.

No construction schedule is included in the sketch plans. One must accompany the zoning permit application.

*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.

*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.*

See the recommended conditions.

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

##### **Sec. 4.4.3, Enterprise Districts:**

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

***(1) Light Manufacturing (E-LM)***

The subject property is located in the E-LM zone which is intended as the primary commercial/industrial center of Burlington. The proposed health club and related daycare are consistent with the array of commercial uses allowed in this zone.

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

Proposed building area is 13,000 sf. Along with the existing 4,000 sf building to remain, FAR is 0.23 on the 1.68 acre lot. This FAR is well below the 2.0 FAR limit in this zone.

Proposed lot coverage will be 65.5%. This percentage is under the maximum allowable 80% coverage.

The proposed front yard setback is 12' along Briggs Street. The minimum required is 5'. Side yard setbacks are not applicable in the E-LM zone. The minimum required rear yard setback is 10% of the lot depth – in this case about 12.5,' although the rear lot line is somewhat angled. The building is set about 45' from the rear property line.

Maximum building height will be 44' to the midpoint of the sloped shed roof and is under the maximum permissible 45' height.

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

The proposed climbing center is a “health club” under Appendix A of the CDO and is a conditional use in the E-LM zone. The associated daycare center is also a conditional use and is allowed only as accessory to another use. Whether the daycare is “large” (> 20 children) or “small” (20 or fewer children) needs to be noted.

***(d) District Specific Regulations***

Not applicable.

**Article 5: Citywide General Regulations**

***Sec. 5.2.3, Lot Coverage Requirements***

See Sec. 4.4.3 (b) above.

***Sec. 5.2.4, Buildable Area Calculation***

Not applicable.

***Sec. 5.2.5, Setbacks***

See Sec. 4.4.3 (b) above.

***Sec. 5.2.6, Building Height Limits***

See Sec. 4.4.3 (b) above.

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

See Sec. 4.5.3 (b) above.

***Sec. 5.5.1, Nuisance Regulations***

Nothing in the proposal appears to constitute a nuisance under this criterion.

***Sec. 5.5.2, Outdoor Lighting***

No outdoor lighting info is included in the sketch plans. The permit application must include fixture cutsheets and depict fixture locations on the building exterior and the site. A photometric plan will be needed in order to demonstrate compliance with the illumination standards for the building entries and parking and circulation areas.

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

Presently, there are no stormwater management features onsite. The proposed project design includes three bioretention areas. These areas will collect stormwater runoff from the parking area and building rooftop and will attenuate flows prior to discharge to the city's combined sewer system. The contaminated soils onsite prevent utilizing infiltration, but post-development peak flows will be reduced by 50% for the one year design storm.

**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 property does not contain any important natural features as identified in the Open Space Protection Plan or as outlined in Sec. 4.5.4, *Natural Resource Protection Overlay Districts*. In fact, the property is nearly devoid of any green space at all. It is a vacant former railroad property. The proposed construction will have no impact on Burlington's diversity of important natural features.

*(b) Topographical alterations*

The existing property is essentially flat and will remain so. Proposed grading will direct stormwater runoff into newly proposed stormwater management measures.

*(c) Protection of important public views*

There are no significant public views from or through the subject property. The proposed construction will not adversely impact any identified public view corridor.

*(d) Protection of important cultural resources*

The property has no known archaeological significance. It contains no archaeological site points, nor is it located within an archaeologically sensitive area.

*(e) Supporting the use of alternative energy*

See Sec. 6.3.2 (f).

*(f) Brownfield sites*

The Vermont DEC Hazardous Site List specifically lists this property as a contaminated site. The applicants are working with VT DEC to establish a corrective action plan (CAP) to address onsite contaminants. The zoning permit application, when filed, should address at least generally the corrective measures that will be utilized to address the onsite contaminants.

*(g) Provide for nature's events*

See Sec. 5.5.3 for stormwater management.

The main building entry will be sheltered. There is sufficient room onsite for snow storage during the winter months.

*(h) Building location and orientation*

The proposed building will be set close to the street, reflecting similar front yard setbacks on neighboring properties. As required, the new building presents an entryway facing Briggs Street.

*(i) Vehicular access*

The site plan depicts two driveways accessing the property, although one is labeled “potential.” One driveway and curb cut is recommended in the zoning standards; however, the Department of Public Works has final authority over the number of curb cuts allowed. The zoning permit application must include a final access plan.

*(j) Pedestrian access*

Pedestrian access to the property will be afforded by way of a new sidewalk and onsite walkways. The new sidewalk within the Briggs Street right-of-way is subject to Department of Public Works review and approval. The northern extension crosses over onto the private property and connects with that on the adjacent City Market property. This configuration should include review by the Department of Public Works. The new sidewalk is continuous across both driveways as required. The site plan depicts a new crosswalk across Briggs Street. DPW review and approval will be required for this feature.

Within the site, walkways will provide clear pedestrian routes towards the building entry. The walkway through the parking area is clearly delineated.

*(k) Accessibility for the handicapped*

Handicap parking spaces are depicted near the south-facing building entrance. Entries into the building appear to be at-grade. It is the applicant’s responsibility to comply with all applicable ADA requirements.

*(l) Parking and circulation*

Parking is set to the side and rear of the buildings. Given the lengthwise orientation of the property along Briggs Street, the side parking lot also has frontage along the street. Proposed landscaping, including a mix of trees and shrubs will be installed to provide screening of the parking lot.

Parking spaces and circulation isles appear to be dimensionally compliant. Parking spaces are 9’ X 18’, and circulation isles are 24’ wide allowing for 10’ wide travel lanes and compliant back-up space. The 18’ parking space depth is acceptable given that all of the spaces are peripheral.

Curbing is evident along much of the parking lot’s edge. There is no curbing along the western edge where stormwater runoff will sheetflow into the linear bioretention area. As recommended by this criterion, the parking area is divided into smaller components with peripheral landscaping to delineate the boundaries of the parking and circulation areas.

The proposed parking lot will require shade trees. No parking lot shading analysis is included in the sketch plans. One will be required with the permit application. This criterion establishes a target of 30% shading of the parking area with new shade trees. At least 1 shade tree for every 5 parking spaces is required. The new parking lot will contain 66 parking spaces and will require 13 shade trees. As proposed, 22 new trees will be planted within or around the parking lot (not counting the row of new trees along the northern edge – they will provide minimal, if any, shade for the parking lot). Species and size information is not included in the sketch plans. Minimum caliper size at the time of planting must be 2.5” – 3.5.” A mature canopy diameter of at least 25’ is needed.

Bike racks are depicted on the site plan near the building’s southern entry. Details as to the number and type (short and long term) of bike parking spaces will be needed with the permit application.

*(m) Landscaping, fences, and retaining walls*

The sketch plans include a landscaping plan that encompasses a variety of plantings. Proposed landscaping will be used to frame the property and to screen parking from the street. It will be used to break up the surface parking lot and to define spaces within the site. Species and planting size information has not been provided and will be required with the permit application.

*(n) Public plazas and open space*

No public plazas or open space are included in this proposal.

*(o) Outdoor lighting*

See Sec. 5.5.2.

*(p) Integrate infrastructure into the design*

No ground-mounted mechanical equipment is apparent in the sketch plans, nor is any dumpster enclosure. Such items, if proposed, must be depicted and screened. Any new utility lines must be buried.

**Part 3, Architectural Design Standards**

**Sec. 6.3.2, Review Standards**

*(a) Relate development to its environment*

*1. Massing, Height, and Scale*

The proposed building contains 13,000 sf GFA with a 9,000 sf footprint. The massing of the structure is broken into distinct building components as required by this criterion. Varying roof forms and materials reinforce the perception of separate building components. Its height, as measured to the midpoint of the sloped roof, is within the 45’ height limit in the ELM zone. Overall building scale fits within the context of the built environment. The newly constructed City Market next door is ~ 30,000 sf, while the remaining building on the subject site is 4,000 sf. Significantly larger commercial buildings exist to the north, while significantly smaller residential structures exist to the east.

*2. Roofs and Rooflines*

As noted above, the proposed building incorporates multiple roof lines. The primary roof structure is a simple sloped shed roof. Other roof sections are flat or nearly so. These roof



forms are common in the ELM zone. Part of the roof area will be activated with programmatic uses.

### *3. Building Openings*

The primary building entrance is sheltered and oriented towards Briggs Street. It is also accessible from the parking area to the south. This primary entrance clearly reads as such. The fenestration is consistent with the angular, boxy appearance of the building and is placed proportionately throughout.

#### *(b) Protection of important architectural resources*

This new construction will not affect existing historic buildings in the area. No building demolition is included in this application.

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

See 6.2.2 (c) above.

#### *(d) Provide an active and inviting street edge*

The building is set close to the street and presents a clearly defined sheltered entrance easily accessible from the newly constructed sidewalk. The outdoor patio area and adjacent walkways further improve the perceived sense of invitation into the building. Ample street level glazing affords visual access into the building by patrons and passersby. The DAB commented on the relatively blank east elevation along Briggs Street but acknowledged this is due to the function of the climbing walls inside. Improvement was recommended nonetheless. Revised elevation plans have been provided that incorporate additional fenestration and signage.

#### *(e) Quality of materials*

Variation in materials is evident, but the sketch plans do not note specifically what the materials are. Such information will be required with the permit application.

#### *(f) Reduce energy utilization*

Few energy details are included in the sketch plans. Inclusion of solar energy into the project design is being considered. The new building must comply with the current energy efficiency requirements of the city and state.

#### *(g) Make advertising features complimentary to the site*

Exterior signs are depicted in the sketch plans. Location appears to be acceptable, but total sign area appears to exceed the maximum allowable. Sign area is limited to 2 square feet for every 1 linear foot of building street frontage. In this case, the building has 90' of street frontage. In turn, up to 180 sf of parallel signage is allowed. The total proposed appears to be 280 sf. Exterior signage is handled by way of separate zoning permit in any event.

#### *(h) Integrate infrastructure into the building design*

No rooftop mechanical units are depicted in the sketch plans, nor are utility meter locations. These items, and any other similar features that may be proposed, must be depicted on the project plans for the permit application.

#### *(i) Make spaces safe and secure*

The project underwent technical review in February 2018. As the project moves ahead, egress and fire safety standards will apply as administered through the offices of the fire marshal and of the building inspector.

**Article 8: Parking**

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

The proposed health club is located in the Shared Use Parking District. The minimum onsite parking requirement is 2 spaces per 1,000 sf. At 13,000 sf, the new facility will require 26 spaces. The use of the 4,000 sf existing building has yet to be determined. As a storage building, it would require 0.35 space per 1,000 sf – in this case 1 parking space. Parking for the daycare is dependent on the number of staff and children – information not yet provided. As proposed, 66 parking spaces will be constructed, including 2 dedicated EV spaces.

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

This section limits surface parking to 125% of the Neighborhood Parking District minimum parking requirement. The 2 EV parking spaces provided are exempt from this provision.

Without information as to the daycare parking requirement, the upper limit for onsite parking cannot yet be determined.

***Sec. 8.1.10, Off-Street Loading Requirements***

The existing 4,000 sf building will apparently use an existing loading bay. No loading bay for the new building is evident. This criterion requires that every new non-residential building provide sufficient space for loading and unloading vehicles. This criterion must be addressed in the zoning permit application.

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

See Sec. 6.2.2 (l).

***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*

**(Not applicable)**

*(d) Shared parking in the Neighborhood Parking Districts*

**(Not applicable)**

*(e) Single story structures in Shared Use Districts*

See Sec. 8.1.8.

*(f) Joint use of facilities*

As enabled by this section, parking for all of the uses onsite will be provided in a single parking facility.

*(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 clients and employees only.

*(h) Compact car parking*

Three of the parking spaces appear to be “compact;” however, the 15% limitation associated with this criterion applies only to structured parking.

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

The site plans depict several handicap parking spaces in close proximity to pathways and the building’s main entrance. Associated striping is also shown. ADA compliance is administered via the city’s building permit process.

***Sec. 8.1.14, Stacked and Tandem Parking Restrictions***

**(Not applicable)**

***Sec. 8.1.15, Waivers from Parking Requirements / Parking Management Plans***

**(Not applicable)**

***Sec. 8.2.5, Bicycle Parking Requirements***

Little bike parking information has been provided. The site plan depicts several bike racks near the new building’s main entrance. Information as to the number and type (long and short term) of bike parking spaces for both the health club and the daycare will be required with the zoning permit application.

**II. Conditions of Approval**

Not applicable for sketch plan review.

