

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin
DATE: August 15, 2017
RE: 18-0051CU; 29 Allen Street
18-0154CA; 31 Elmwood 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.

Zone: RM Ward: 3C

Owner/Applicant: St. Joseph's Co-Cathedral / Spectrum Youth & Family Services

Request: Establish warming shelter (community house) for 10 individuals from November, 2017 – March, 2018

Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 3 (Applications and Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 8 (Parking)

Background Information:

The applicant is seeking approval to establish a temporary warming shelter in the basement of St. Joseph's Co-Cathedral from November, 2017 – March, 2018. Up to 10 individuals would be accommodated. There would be 1 full-time coordinator along with 3 part time employees and volunteers. No site or exterior building alterations are proposed. A related parking waiver amendment at 31 Elmwood Avenue is also included to address the parking requirement. The two applications are reviewed concurrently.

The zoning code does not yet contain express provision for warming or emergency shelters. As a matter of practice, such applications have been handled as community houses. A zoning amendment to address this deficiency is pending but has not yet been enacted.

Previous zoning actions for this property are noted below.

10/12/16, Approval for renovation of existing porch and removal of walkway
8/14/00, Approval for amendment of previous parking lot and landscaping improvements
5/2/00, Approval of lot line adjustment (merger) with adjacent property
12/15/88, Approval for renovations to belfry tower

Recommendation: Consent approval as per, and subject to, the following findings and conditions:

I. Findings

Article 2: Administrative Mechanisms

Part 7: Enforcement

Sec. 2.7.8, Withhold Permit

Several zoning permits have been approved for the subject property. Most, but not all, have final certificates of occupancy. Per this criterion, all prior zoning permits requiring certificates of occupancy must be closed out with final certificates of occupancy prior to closing out this new zoning permit. **(Affirmative finding as conditioned)**

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 property is served by municipal utilities. Sufficient water and sewer service are available.

While the use is temporary, a State of Vermont wastewater permit may be required. The applicant is advised to inquire with VT DEC as to wastewater permit requirements. **(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;*

The church is located within the Residential – Medium Density zone. This zone is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments. A variety of residential uses are allowed, including “special residential uses” such as community houses. The temporary warming shelter fits within the residential context of the RM zone. **(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 proposed warming shelter will be small – limited to 10 individuals – and is not expected to generate nuisance impacts from noise, odor, dust, and the like that may be more typically associated with industrial uses. **(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;*

No traffic analysis has been provided or is required for this application. The anticipated occupants of the warming shelter are not expected to generate any traffic impacts. Staff will park offsite. **(Affirmative finding)**

and,

5. *The utilization of renewable energy resources;*

No renewable energy utilization is included in this proposal. Future incorporation is not precluded by the temporary use. **(Affirmative finding)**

and,

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

It is the applicant's responsibility to comply with other applicable city and state bylaws and ordinances.

(b) Major Impact Review Standards

Not applicable.

(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.*

Mitigation measures related to screening and landscaping are unnecessary for this temporary warming shelter located entirely within an existing building. **(Affirmative finding)**

2. *Time limits for construction.*

No construction is included. **(Affirmative finding)**

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

The temporary warming shelter will operate between 6:00 PM and 7:00 AM, 7 days per week from November, 2017 through March 2018. **(Affirmative finding)**

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. 4.4.5, Residential Districts:

(a) Purpose

(3) Residential Medium Density (RM)

As noted previously, the subject property is located within the Residential – Medium Density zone. This zone is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments. A variety of residential uses are allowed, including “special residential uses” such as community houses. The temporary warming shelter fits within the residential context of the RM zone. **(Affirmative finding)**

(b) Dimensional Standards & Density

Not applicable.

(c) Permitted & Conditional Uses

A community house is a conditional use in the RM zone. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b).

Sec. 5.2.4, Buildable Area Calculation

See Sec. 4.4.5 (b).

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b).

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b).

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b).

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 space to be utilized for the temporary warming shelter is 4,047 sf. This size is more than sufficient for the 10 occupants. **(Affirmative finding)**

(b) All dimensional standards for the underlying zoning per the requirements of Art. 4 shall be applicable; and

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 500 feet of the subject property. The closest one appears to be at 175 Pearl Street, some 1,600' away. **(Affirmative finding)**

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. **(Affirmative finding)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The proposed warming shelter requires 1 parking space. That space will be provided off-site at the applicant's 31 Elmwood Avenue property. **(Affirmative finding)**

Sec. 8.1.12, Limitations, Locations, Use of Facilities

(a) Off-Site parking facilities

The 1 required parking space for the temporary warming shelter will be located off-site at 31 Elmwood Avenue. The property is owned by the applicant and is located ~ 500' from the temporary warming shelter location (within 600' as required). The off-site parking space must be secured for the duration of the use by way of easement or deed, subject to approval by the City Attorney. The applicant is aware of this requirement. **(Affirmative finding as conditioned)**

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

The property at 31 Elmwood Avenue has 9 parking spaces and a standard requirement of 14 spaces. A zoning permit for an office addition in 1992 included a 5-space parking waiver resulting in acceptable provision of 9 spaces instead of 14. The temporary warming shelter proposal would increase the necessary waiver by 1 to allow for the warming shelter's single parking space. The shared parking arrangement in this case is very simple. The 1 space for the warming shelter would be occupied during the overnight hours when the office is not in use. Revision of the present parking waiver to 6-spaces under this shared use scenario is consistent with the provisions of this criterion. **(Affirmative finding)**

II. Conditions of Approval

1. **Prior to issuance of a certificate of occupancy**, unclosed zoning permits for the property shall be closed out with final certificates of occupancy or superseded, as applicable.
2. The 1 off-site parking space must be secured for the duration of the temporary warming shelter use by way of easement or deed, subject to approval by the City Attorney.
3. A State of Vermont wastewater permit may be required.
4. Standard Conditions 1-15.