

Department of Planning and Zoning

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MEMORANDUM

To: Development Review Board

From: Mary O'Neil, AICP, Principal Planner

Date: January 31, 2017

RE: ZP17-0388CA/MA; 66, 72, 80, 94 and 96 Colchester Avenue; 27 and 49 Fletcher Place

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: ZP17-0388CA/MA

Location: 66, 72, 80, 94, 96 Colchester Avenue

Zone: I **Ward:** 1E

Date application accepted: September 23, 2016

Applicant/ Owner: Colchester Avenue Housing LLC/Frank Von Turkovich

Request: Planned Unit Development, construct 3 story residential building containing 75 apartment units, combine and reconfigure surface parking areas.

1st DAB review: October 12, 2016

2nd DAB review: October 25, 2016

Receipt of supplementary materials: December 2 and 8, 2016

3rd DAB review: January 10, 2017

Revised Plans received: January 12 and 18, 2017



Recommendation: Table the application and review when all missing materials have been submitted and compliance assured.

Background:

66 Colchester Avenue

- **Sketch Plan Review ZP16-0904SP;** Sketch Plan Review for 66, 72, 80, 94 and 96 Colchester Avenue; 27 and 49 Fletcher Place, Construct 2 three story buildings containing 78 apartment units with above-ground and underground parking. April 2016.
- **Sketch Plan Review 16-0746SP;** Sketch Plan review for proposed three story, two building multi-residential building complex with associated parking. December 2015. (Design Advisory review.)
- **Sketch Plan Review ZP16-0393SP,** Construct 79 apartment units in 3 story building with underground and above-ground parking facilities. November 2015.
- **Zoning Permit 87-853;** construct 250 sf. addition to rear of existing office use, provide one additional parking space. (5 + 1 = 6) Approved May 1988.
- **Zoning Permit,** install a 2' x 24' drain trough on the west side of the building. June 1974.
- **Zoning Permit;** convert property to a dental office. Five paved parking spaces. January 1961.

72 Colchester Avenue

- **Sketch Plan Review ZP16-0904SP;** Sketch Plan Review for 66, 72, 80, 94 and 96 Colchester Avenue; 27 and 49 Fletcher Place, Construct 2 three story buildings containing 78 apartment units with above-ground and underground parking. April 2016.
- **Sketch Plan Review 16-0746SP;** Sketch Plan review for proposed three story, two building multi-residential building complex with associated parking. December 2015. (Design Advisory review.)
- **Sketch Plan Review ZP16-0393SP,** Construct 79 apartment units in 3 story building with underground and above-ground parking facilities. November 2015.
- **CU-97-050;** Housing replacement exemption. Approved with conditions March 1997.
- **Zoning Permit 89-051 / COA 89-013;** construct 18' x 20' second story addition on rear of existing single family home, no change to site plan. Approved February 27, 1989.

80 Colchester Avenue

- **Zoning Permit 16-1400LL;** lot line adjustment with 27 and 49 Fletcher Place. September, 2016. Appealed to DRB; DRB upheld administrative approval 12/15/2016.
- **Sketch Plan Review ZP16-0904SP;** Sketch Plan Review for 66, 72, 80, 94 and 96 Colchester Avenue; 27 and 49 Fletcher Place, Construct 2 three story buildings containing 78 apartment units with above-ground and underground parking. April 2016.

- **Sketch Plan Review 16-0746SP**; Sketch Plan review for proposed three story, two building multi-residential building complex with associated parking. December 2015. (Design Advisory review.)
- **Sketch Plan Review ZP16-0393SP**, Construct 79 apartment units in 3 story building with underground and above-ground parking facilities. November 2015.
- **Sketch Plan Review 15-0896SP**, construct 79 apartment units in 3 story building with underground and above-ground parking facilities, April 2015.
- **Zoning Permit 15-0390SN**; install new freestanding sign for Hillel. Approved October, 2014.
- **Zoning Permit 15-0042CA/CU**, change of use from office to membership club; exterior staircase and install bike rack. Approved August 2014.
- **Zoning Permit CU 2004-016**; application for use by UVM affiliated Center for Children, Youth and Families Administrative offices. Approved with conditions, January 2004.
- **Zoning Permit 01-389**; installation of an externally illuminated freestanding sign for the existing medical (chiropractic) office. Approved April 2001; not pick up and confirmed expired in 2011.
- **Zoning Permit CU 2001-035**; change of use of first floor space from office to medical chiropractic office. Removed from agenda as determined that the proposed conversion from a medical billing office to a chiropractic office on the first floor does not require conditional use review. February 2001.
- **Zoning Permit 00-516**; refurbish existing side porch to allow ramping of deck for handicapped accessibility to the existing medical office. No increase in footprint. December, 2000.
- **Zoning Permit 99-277**; removal of slate roofing material, replacing with asphalt shingles for the existing medical office. Approved December 1998.
- **Zoning Permit 92-123**; construction of ten additional parking spaces for a total of sixteen for the existing medical office and residential unit. Existing curb cut to be eliminated, with joint use of adjacent property's (medical office / 94 Colchester Avenue) curb cut. Approved September 1991.
- **Zoning Permit CU92-011 / COA 92-025**; eliminate curb cut and driveway from #80 and utilize widened drive at traffic light at #94. Remove existing garage, change configuration and size of paved parking area. No change to use of #80 as office and apartment. Approved with conditions September 1991.
- **Request for Conditional Use Permit** to construct a private parking lot. July 1990. Application withdrawn by applicant.
- Notice of appeal to the Zoning Board of Adjustment seeking a special exception to erect a 16' x 16' addition to the northeast corner of existing doctor's office. Approved July 1968.

94 Colchester Avenue

- **Sketch Plan Review ZP16-0904SP**; Sketch Plan Review for 66, 72, 80, 94 and 96 Colchester Avenue; 27 and 49 Fletcher Place, Construct 2 three story buildings containing 78 apartment units with above-ground and underground parking. April 2016.
- **Sketch Plan Review 16-0746SP**; Sketch Plan review for proposed three story, two building multi-residential building complex with associated parking. December 2015. (Design Advisory review.)
- **Sketch Plan Review ZP16-0393SP**, Construct 79 apartment units in 3 story building with underground and above-ground parking facilities. November 2015.
- **Sketch Plan Review 15-0896SP**, construct 79 apartment units in 3 story building with underground and above-ground parking facilities, April 2015.
- **Non-Applicability of Zoning Permit Requirements 07-703NA**; replace asphalt shingle roof with same. May 2007.
- **Zoning Permit 92-025**; site changes for combined access with #80. See above. Approved September 1991.
- **Zoning Permit 91-154**; remove two windows and one door from north elevation and install three windows on same side. No change in use. See 89-012. October 1990.
- **Zoning Permit 89-042 / COA 89-012?** (Illegible); replace existing vestibule, new siding and windows, new walkways and landscaping. February 1989.
- **Zoning Permit 780073**; erect an 18' x 30 addition in rear of existing building. June 1977.
- **Zoning Permit**; desire to rent portion of premises for doctor's office. Approved May 1963.

96 Colchester Avenue

- **Zoning Permit 10-0979CA**; convert 304 sf. Of basement into apartment. May 2010.
- **Zoning Permit 08-158SN**; Freestanding sign for OB-Gyn Affiliates. August 2007.
- **Zoning Permit 81-383**; 36' long ramp for handicapped access. March 1981.
- **Zoning Permit 78-109**; connect inside of building to accommodate one physician. No additional coverage. September 1978.
- **Zoning Permit**, erect a 28' x 68'6" addition to the rear of the existing building to be used for two doctor's offices. February 1969.

Overview: The application seeks to construct two connected three story residential buildings. The buildings will contain 75 new apartments configured as studio and one bedroom units. Both buildings will have underground parking. Surface parking, access driveways and interior circulation paths will be reconfigured to serve all associated parcels. As boundary line adjustment have occurred between 80 Colchester Avenue and 27 and 49 Fletcher Place, the latter properties are now segregated from the development area and are therefore no longer included within the PUD.

Applicable Regulations:

Article 3 (Applications, Permit and Project Reviews), Article 4 (Zoning Maps and Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking), Article 9 (Inclusionary and Replacement Housing), Article 10 (Subdivision), and Article 11 (Planned Unit Development)

Article 3: Applications and Reviews

Section 3.2.1 (c) Sketch Plan Review

Upon request of the applicant, or as may be required under Article 10 – Subdivision or Article 11 – Planned Development of this ordinance, A Sketch Plan Review may be scheduled before the DRB prior to the submission of an application in order to provide the applicant with constructive suggestions regarding a conceptual development proposal.

The project has had 4 prior Sketch Plan reviews. See dates, above.

Part 3: Impact Fees

Article 3.3.2 Applicability

Any new development or additions to existing buildings which result in new dwelling units or in new nonresidential buildings square footage are subject to impact fees as is any change of use which results in an added impact according to Section 3.3.4.

Impact fees will be calculated by staff based on the gross new area. New gross area has been provided as 77,222 sq. ft, including the parking decks. An estimate of applicable Impact Fees are as follows:

SF of Project 77,222

| | <u>Residential</u> | |
|--------------|--------------------|----------------------|
| Department | Rate | Fee |
| Traffic | 0.190 | 14,672.18 |
| Fire | 0.216 | 16,679.95 |
| Police | 0.043 | 3,320.55 |
| Parks | 0.723 | 55,831.51 |
| Library | 0.448 | 34,595.46 |
| Schools | 0.934 | 72,125.35 |
| Total | 2.554 | \$ 197,225.00 |

Impact Fees may be waived in whole or in part by the Housing Trust Fund Manager, based upon the number of inclusionary units. See Article 9, below. **Affirmative finding as conditioned.**

Section 3.3.7 Time and Place of Payment

(a) New Buildings: Impact fees must be paid at least seven (7) days prior to occupancy of a new building or any portion thereof.

As noted. **Affirmative finding as conditioned.**

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards (as adopted by City Council 8.10.2015)

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 would be served by municipal water and sewer. A request for an allocation letter has been forwarded to the Water department. Wastewater and service capacity is available, but anticipated demand is not yet known. A state wastewater permit will also be needed prior to construction. Impact Fees will be assessed for impacts to public services, which will address newly introduced demand. **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 project is proposed within the Institutional zone, where greater scale and intensity of use can be considered; however, respect for historic residential buildings and sensitive transitions are required. The character of the area is divided by Colchester Avenue: To the north are existing residential scale buildings; many of those converted to medical offices.

66 Colchester Avenue was permitted as a dental office in 1961, yet retains its historic residential character and massing. 72 Colchester Avenue received an exemption from housing replacement in 1997 when it was a single family house. No change-of-use permit is within the zoning record. If the use will change (duplex suggested within submitted narrative of 10.27.2015), that change should be reflected in this application and decision. Duplex is a permitted use in the Institutional Zoning District.) 80 Colchester Avenue is home to Hillel; both structures reflect the residential character associated with historic Colchester Avenue. 94 Colchester Avenue is a medical office, however residential in appearance and scale.

Fletcher Place properties are no longer part of the PUD.

See Section 3.5.6 (b) 10 for conformance with Municipal Development Plan.

As most of the structures on the north side of Colchester Avenue / west side of Fletcher Place are residential, additional residential development would be in keeping with the current use of the area.

Architectural elevations have been updated for this application. Three stories is generally greater in size than existing buildings within the project area, but the scale is ameliorated with the location behind existing buildings and a distance from public roads. **Affirmative finding as conditioned.**

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 new residential units will be located within the rear area, behind existing medical offices, institutional uses and residential units. Impacts will be consistent with existing residential use.

The traffic circulation has been formalized (see Trudell Consulting Engineers memo, dated August 10, 2016); however, several of these parcels already have significant parking areas

associated with their medical practices. The reorganization and formalization of parking and circulation will benefit all involved parcels, and minimize vehicular access drives along the bus corridor.

The dumpster location has been re-defined to facilitate access for trash haulers and minimize visibility.

Odor, dust, heat and vibration are not anticipated as associated impacts. **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;*

The new development proposes to utilize the traffic signal that currently serves UVM Medical Center; organizing the traffic circulation for all uses within the PUD to the traffic light. In-bound access will remain available east of the medical office at 96 Colchester Avenue at an existing entry, which will join the interior circulation path. Two other driveways along Colchester Avenue will be removed. A traffic analysis has been provided (dated August 10, 2016) that anticipates approximately 39 trips during the AM peak hour and 47 trips during the PM peak hour. These apartment units are likely to serve UVM Medical Center employees resulting in an overall reduction in the estimated peak hour project generated traffic.

Additionally, the proposal, within the Institutional zoning district, is anticipated in its proximity to local medical and institutional facilities to provide opportunities for pedestrian and bicycle transportation options.

The applicant team has made contact with CarShare to initiate membership and potentially siting a vehicle within the project area.

An email from the Department of Public Works 1/18/2018 withholds support of the project without further detail as it relates to the connections to Colchester Avenue and the public ROW. That review is ongoing at present.

If a parking waiver is sought, a parking management plan should include those strategies that will demonstrate adequacy of meeting the demand of the new residential units.

Affirmative finding as conditioned.

And

5. *The utilization of renewable energy resources;*
Building plans include the inclusion of a significant solar array on a flat rooftop of both buildings. See Plan A105. **Affirmative finding.**

And

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

Zoning Amendment ZA17-03 (now Section 2.7.8 of the Comprehensive Development Ordinance) will require correcting any open violations and closing all expired permits on all involved parcels prior to application of a Final Certificate of Occupancy for this project. All requirements for Erosion Protection, Sediment Control and Stormwater management, as defined by conditions imposed by the Stormwater Division will be applicable. A state waste water permit will be required. This, and Act 250 Review (if appropriate) are the responsibility of the applicant/owners. **Affirmative finding as conditioned.**

(b) Major Impact Review Standards

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

Stormwater Management and EPSC plans have been forwarded to the Department of Public Works. The applicant has a third review with the Conservation Board, January 23, 2017, and received their approval. The Stormwater Plan has been approved by the Stormwater Division.

As the proposed use (aside from the existing Colchester Avenue medical offices and the Hillel use) is exclusively residential, no undue air or noise pollution is anticipated. **Affirmative finding as conditioned.**

2. Have sufficient water available for its needs;

Written assurance from the city water engineers of adequate water and sewer capacity will be a condition of approval. **Affirmative finding as conditioned.**

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

An assessment of city water engineers will be critical to understanding demand and capacity. See Section 3.5.6 (a) 4.

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;

An erosion prevention and sediment control plan in compliance with Chapter 26, Wastewater, Stormwater, & Pollution Control will be required. Approval has been received from the Stormwater Administrator. **Affirmative finding.**

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 Section 3.5.6 (a) 4.

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

Plan A102 (First Floor Plan) defines 16 one bedroom units and 7 studio apartments. If this is consistent across all three floors, units are limited to one bedroom and studio units. The applicant has defined the intention to serve a professional population associated with area institutions. These limited size units are less likely to have school age children; higher bedroom count increases the possibility. Given the floor plan, the development is unlikely to have school age children; however, required Impact fees will help offset any impact to the school system. **Affirmative finding as conditioned.**

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, Impact Fees will offset those impacts. See condition about providing assurance of waste and water capacity. **Affirmative finding as conditioned.**

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 Section 5.4.8, 6.2.2. and 6.2.3.

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 project seeks to utilize open space on the interior of multiple lots. There will be increased demands on city infrastructure; however, the location is advantageous in its proximity to area institutions, travel ways, pedestrian paths and the downtown. Technical Review of this project was held December 11, 2014 (with a differently configured building layout), but the project applicants observed the comments made by department representatives in revised plans.

Affirmative finding as conditioned.

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

The project supports the aspirations of the MDP in the following ways:

- *Support the development of additional housing opportunities within the city, with concentrations of higher-density housing within neighborhood activity centers, the downtown and institutional core campuses. (MDP, Housing Plan, Page IX-1.)* Technically, the project site is within the Institutional zone, not core campus. The addition of new housing units, however, is a consistent theme in the MDP.
- *Provide a range of housing types that meet the needs and interests of the student population. These should include apartments that give students an opportunity to get away from the typical dormitory living situation. (MDP, Housing Plan, Page IX-11.)*
- *Addressing Parking and Circulation. Every effort should be made to provide parking either underground or within a structure to minimize the amount of land dedicated to surface parking. Additionally, traffic circulation patterns within residential neighborhoods and through the University campus must be evaluated to minimize through traffic off campus, and the need to use cars all together. (MDP, Housing Plan, Page IX-11.)*
- *Support the creation of new rental and owner-occupied housing on every parcel of land in Burlington that is zoned for residential development at the number of units allowed by zoning. Identify buildable sites for eventual housing construction/conversion. (MDP, Housing Plan, Page IX-12.)*

Affirmative finding.

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 proposal is infill in undeveloped rear yards of existing adjoining neighborhoods. The proposed new residential units will moderately contribute to the city's housing stock. Inclusionary housing units will be required. The location is probably the most desirable feature; in close proximity to area institutions: UVM Medical Center, the university, and downtown.

The project will be providing an estimated 11 inclusionary housing units as well. **Affirmative finding as conditioned.**

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

Modest impacts on the city's park and recreation needs are anticipated. Payment of impact fees will help offset such impacts. The project will be enhanced with on-site gardens, park benches and similar amenities for use of the immediate residents. **Affirmative finding.**

(c) Conditions of Approval for Conditional Use applications

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 application includes an evolved landscape plan (See Plan L1-01.) Trees are proposed around the eastern edge of the central parking area, and the western edge of the parking area behind 66 Colchester Avenue; reducing the likelihood of headlight trespass. Additionally, heavy plantings are proposed behind the adjacent properties of Fletcher Place.

Tree requirements must be consistent and compliant with the requirements of 6.2.2. (1).

Affirmative finding as conditioned.

2. Time limits for construction.

Zoning permits are valid for two years; if development is likely to extend beyond that time frame, a phasing schedule will be required for DRB consideration to allow for occupancy of part of the building as the project continues.

The specific hours of construction are typically limited to M-F 7:00 am to 5:30 pm, with Saturday hours restricted to interior work. The DRB has the discretion to alter those hours based on the demands of the project and the context of the development area. **Affirmative finding as conditioned.**

3. Hours of operation and/or construction to reduce the impact on surrounding properties.
See above.

4. That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions,

As a PUD and a Major Impact/Conditional Use, this is a statutory requirement. **Affirmative finding as conditioned.**

And

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.

Any such performance standards are at the discretion of the DRB.

Article 4: Maps & Districts

(a) *Purpose: The Institutional District allows for an increased development scale and intensity than would typically be found in the adjacent residential districts to support continued growth and flexibility of the city’s major educational and health care institutions within their respective institutional missions. New development is intended to be sensitive to the historic development pattern of the existing campuses as well as the surrounding residential neighborhoods.*

The district is intended to support a broad range of related uses reflecting the resident institutions role as regional educational, health care, cultural and research centers. Buildings should be designed with a high level of architectural detailing to provide visual interest and create enjoyable, human-scale spaces. Sensitive transitions between adjacent lower scale residential areas and larger scale institutional development should be provided. Sites should be designed to be pedestrian friendly and encourage walking between buildings. Where parking is provided onsite, it is intended to be hidden behind, to the side, within, or underneath structures.

The proposed building is larger in scale than those that surround it on Colchester Avenue and Fletcher Place, but the difference is largely ameliorated with the siting of the building far within the parcel and placement behind existing buildings. The design of the building has been articulated with developed exteriors, including plane changes, building recesses, balconies, articulated window and roofline treatments and site amenities. There is an enhanced pedestrian and parking circulation system that will permit residents to traverse from building to vehicle or building to off site with relative ease and safety. Parking for residents will be undergrounded; the remaining parking to serve on-site existing uses has been reorganized and arranged for broad user benefit. As development is interior to the lot, surface parking is located behind and to the rear of existing buildings. **Affirmative finding.**

Table 4.4.4-1 Dimensional Standards and Density

Calculation of total acreage:

| | |
|----------------------|-------------------|
| 66 Colchester Avenue | .2502 A |
| 72 Colchester Avenue | .3212 A |
| 80 Colchester Avenue | 3.38 A |
| 94 Colchester Avenue | .2167 A |
| 96 Colchester Avenue | .2638 A |
| Total area | 4.43 Acres |

| Institutional District | Max. Intensity 20 du/acre 24 du/acre with IZ | Max. Lot Coverage 40% 48% with IZ | Building setbacks | | | Max. Height 35' |
|------------------------|---|---|--------------------------------------|--|--|--|
| | | | Front ² Minimum 15' | Side ³ 10% of lot width, Min. 5', Max 20'. | Rear 25% lot depth, min. 20', max 75' | |
| Proposed development | 15 existing / equivalent units + 75 new = 90/4.43 acres = 20.31, less than the 24-unit limitation with IZ | The applicant has not provided coverage calculated across the entire PUD area, not just 80 Colchester Avenue. | No change to Colchester Avenue. | New building meets max 20' side yard setback from west; parking area on east will meet minimum 5' setback. See | Meets maximum setback. | Measurement from average grade to roof is < 35' (see Plans A201, 202); calculation for allowable exceptions to height limits |

| | | | | | | |
|--|--|--|--|----------------------|--|--|
| | | | | plan C2-03 or L1-01. | | defined in roof plan A105 (areas exceeding height limit See ZA 16-14 for amended zoning standards.) ¹ |
|--|--|--|--|----------------------|--|--|

Boundary line adjustments have already occurred between 80 Colchester Avenue, 27 Fletcher Place and 49 Fletcher Place. Reciprocal easement arrangements for parking and access will be effected for all involved parcels and will be a condition of approval.

As 66, 94 and 96 Colchester Avenue will remain separate lots, their side yard setbacks remain as existing and will only be analyzed for setback compliance along the periphery of the project which is the ultimate consideration for a PUD.

Internal setbacks are not considered, as only setbacks around the periphery of the PUD are scrutinized.

No finding possible without coverage calculated across entire PUD area;

Section 4.4.4 (c) Permitted and Conditional Uses

Attached dwellings, multi-family are a conditional use in the Institutional Zone, per Appendix A. Seer 3.5.6, above and Appendix A. **Affirmative finding as conditioned.**

Article 5: Citywide General Regulations

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.4-1, above. A calculation of coverage for all lots within the PUD will be required. **No finding possible.**

Section 5.2.4 Buildable Area Calculation

Although the combined parcels exceed the 2 acres threshold, they are within the Institutional Zone which is not subject to this criterion. Not applicable.

Section 5.2.5 Setbacks

¹ Section 5.2.6 (b), as amended under ZA-16-14 – Downtown Mixed Use Core Overlay.

3. Ornamental and symbolic architectural features, including towers, spires, cupolas, belfries and domes; greenhouses, garden sheds, gazebos, rooftop gardens, terraces, and similar features; and fully enclosed stair towers, elevator towers and mechanical rooms, where such features are not used for human occupancy or commercial identification, **are exempt from specific height limitations** but shall be subject to the design review provisions of Art. 3 and 6. Such features and structures shall be designed and clad in a manner consistent and complementary with the overall architecture of the Building. 4. Exposed mechanical equipment shall be allowed to encroach beyond the maximum building height by no more than 15-feet provided that portion exceeding the height limit does not exceed **20%** of the roof area.

Exposed mechanical equipment shall be fully screened on all sides to the full height of the equipment, and positioned on the roof to be unseen from view at the street level. Screening may consist of parapets, screens, latticework, louvered panels, and/or other similar methods. Such features and structures shall be designed and clad in a manner consistent and complementary with the overall architecture of the Building. Where mechanical equipment is incorporated into and hidden within the roof structure, or a mechanical penthouse setback a minimum of 10-ft from the roof edge, no such area limit shall apply and the structure shall be considered pursuant with 4 above.

See Table 4.4.4-1, above.

Section 5.2.6 Building Height Limits

Height is limited to 35', except under provisions of Section 5.2.6 (b). Exceptions to Height Limits has recently undergone amendment (ZA16-14, see excerpt in footnote above) which excludes elevator towers. The mechanical equipment is screened, and collectively does not exceed 20% of the roof area. **Affirmative finding.**

Section 5.2.7. Density and Intensity of Development Calculations

See Table 4.4.4-1, above. This meets the limitation for intensity of use including IZ.

Affirmative finding.

Part 3: Non-Conformities

Section 5.3.5 Nonconforming Structures

(a) Changes and modifications:

Any change or modification to a nonconforming structure, other than to full conformity under this Ordinance, shall only be allowed subject to the following:

- 1. Such change or modification may reduce the degree of nonconformity and shall not increase the nonconformity except as provided below.*
- 2. Such change or modification shall not create any new nonconformity,*

There are no changes to the existing non-conformity to setback of 66 or 72 Colchester Avenue. The new building meets the maximum setback of 20' on the easterly boundary of the 80 Colchester Avenue parcel. Other, independent lots (66, 94 and 96 Colchester Avenue will have no implications for setbacks, as they are existing and the lots are within the PUD. A small sliver of the 80 Colchester Avenue parcel connects to Colchester Avenue next to 96, and that will retain its existing setback.

Affirmative finding.

Sec. 5.4.8 Historic Buildings and Sites

72, 80, and 94 Colchester Avenue are all listed on the Vermont State Register of Historic Resources. As the development is proposed for the interior of these combined parcels, the most significant concern may be that of compatibility, particularly in regard to massing and proportion.

(b) Standards and Guidelines:

- 1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

Each of the identified historic resources along Colchester Avenue and Fletcher Place were constructed as residential dwellings. The addition of new housing in the rear of these combined parcels will not alter the historic or current use of each structure.

The single car garage behind 72 Colchester Avenue is proposed for removal, to accommodate the interior circulation and parking plan. See Section 5.4.8 (d), below.

- 2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

No alterations to the structures are proposed for 66, 72, 80, 94 or 96 Colchester Avenue. The roadway that is proposed to be the principle entrance to the development between 80 and 94 Colchester Avenue is currently an access to a parking area. Two driveways west of 80 Colchester Avenue have been eliminated. The most significant change will be the introduction of a large extended residential structure in the rear of the assembled lots. The structure will occupy an area of the backyards behind these older structures, and introduce a building of a larger scale and mass than those on the north side of Colchester Avenue or Fletcher Place. The significant setback from existing buildings and the streetfront tempers the change in massing.

The single car, wood frame garage behind 72 Colchester Avenue is proposed to be removed to accommodate the new circulation and parking plan. It, also, is listed on the Vermont State Register as associated with 72 Colchester Avenue, and dates from 1930-50. In appearance and presentation, the small accessory building clearly recalls the single family residential use of the property. See Section 5.4.8 (d), below.

- 3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

There is no proposal for conjectural features on any of the subject properties. **Affirmative finding.**

- 4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

Other than the removal of the garage at 72 Colchester Avenue, the application does not include alteration to the existing historic properties. See Section 5.4.8 (d), below for discussion of the garage.

- 5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

No changes to features or finishes are proposed. **Affirmative finding.**

- 6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

No replacement of historic features is proposed. **Affirmative finding.**

- 7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

No chemical or physical treatments are proposed for the historic buildings. **Affirmative finding.**

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

As noted.

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*

Spatial relationships will be altered in that these included properties will no longer have the expansive rear yards as is currently present. As an example of modern infill, the project provides an opportunity for attractive, functional infill housing complementary to its existing residential neighbors. Other historic examples of residential development off Colchester Avenue would be Nash Place, Thibault Parkway, and even Fletcher Place itself.

Growing cities commonly utilized open area tangent to existing development along major thoroughfares to expand residential opportunities; but each successively created a nucleus neighborhood that was independent of but related to neighboring development. This proposal seeks to introduce a residential nub within a collection of existing buildings.

Revised building elevations define a housing model of more modern vocabulary, contrasting in proportion, massing (3 stories), and scale with its most immediate residential neighbors. The substantial setback from the historic buildings that line Colchester Avenue and Fletcher Place, its influence is assuaged by distance. Modeling studies may help analysis of compatibility with and impact to its abutting neighbors, particularly in regard to scale, proportion, and appearance.

In design, material and scale, the new development is clearly differentiated from older surrounding structures and distinctly new. **Affirmative finding.**

10. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

It would be possible to consider the removal of a single large detached structure, so the project might be reversible. **Affirmative finding.**

(d) Demolition of Historic Buildings

Demolition of a historic structure shall only be approved by the DRB pursuant to the provisions of Art. 3, Part 5 for Conditional Use Review and in accordance with the following standards:

- A. *The structure proposed for demolition is structurally unsound despite ongoing efforts by the owner to properly maintain the structure;*

No evidence has been provided that the accessory structure at 72 Colchester Avenue is structurally unsound.



or,

- B. *The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property in conformance with the intent and requirements of the underlying zoning district; and, the structure cannot be practicably moved to another site within the district;*

There is no indication that alternatives to demolition have been explored, including removal to another area on or off site. Its function will be replaced with the new parking garage; its location in conflict with the proposed circulation path of the new development. Even with relocation, the small accessory building would likely look out of context if repurposed in the area of new development. The Design Advisory Board considered the potential for relocation within the project area, potentially to function as a dumpster or recycling enclosure. The structural integrity of the building came into discussion, and the likely difficulty of housing (and emptying) a dumpster within the shell.

Other potential relocation sites were not considered: 27 Fletcher Place may be an opportunity, or some other residential property along Fletcher Place, as its age, function and appearance would be consistent with those dwellings. **Affirmative finding if conditioned.**

or,

- C. *The proposed redevelopment of the site will provide a substantial community-wide benefit that outweighs the historic or architectural significance of the building proposed for demolition.*

The overall development will provide 75 new housing units in close proximity to major institutions. The subject building is a small accessory structure, common for its period and association with changing mobility and modes of transit. The Design Advisory Board believed the addition of new housing units supported the sacrifice of the small accessory structure.

Affirmative finding.

And all of the following:

- D. *The demolition and redevelopment proposal mitigates to the greatest extent practical any impact to the historical importance of other structures located on the property and adjacent properties;*

This is the sole historic building proposed for alteration or removal within the development area. Its demolition, although regrettable, will not substantively impact the historic importance of the principal buildings that line Colchester Avenue and Fletcher Place. **Affirmative finding.**

- E. *All historically and architecturally important design, features, construction techniques, examples of craftsmanship and materials have been properly documented using the applicable standards of the Historic American Building Survey (HABS) and made available to historians, architectural historians and others interested in Burlington's architectural history;*

Photo documentation of the structure prior to its removal is highly recommended. The building's importance, on the Vermont State Register of Historic Resources, does not rise to the benchmark requiring Historic American Building Survey documentation. **Affirmative finding as conditioned.**

and,

- F. *The applicant has agreed to redevelop the site after demolition pursuant to an approved redevelopment plan which provides for a replacement structure(s).*

- (i) Such a plan shall be compatible with the historical integrity and enhances the architectural character of the immediate area, neighborhood, and district;*
- (ii) Such plans must include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project; and,*
- (iii) The time between demolition and commencement of new construction generally shall not exceed six (6) months.*

This requirement may be waived if the applicant agrees to deed restrict the property to provide for open space or recreational uses where such a restriction constitutes a greater benefit to the community than the property's redevelopment.

The removal of the garage is incorporated into a much larger development proposal that includes new construction and parking facilities within new buildings. The timetable of such development, if approved, will be consistent with the life of the zoning permit unless phasing is requested.

New construction must commence within 6 months of the removal of this building per this standard. **Affirmative finding as conditioned.**

3. Deconstruction: Salvage and Reuse of Historic Building Materials.

The applicant shall be encouraged to sell or reclaim a structure and all historic building materials, or permit others to salvage them and to provide an opportunity for others to purchase or reclaim the building or its materials for future use. An applicant may be required to advertise the availability of the structure and materials for sale or salvage in a local newspaper on at least three (3) occasions prior to demolition.

If approved by the DRB and documented in photographs for the record, it is recommended that the garage be made available for reuse, relocation, sale, or salvage per this standard. **Affirmative finding if conditioned.**

Section 5.5.1 Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. Lighting, must meet the standards of Section 5.5.2, below. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting

Plan L2-01 defines light distribution acceptable for parking lots/walkways. Entry lighting should not exceed 5 fc. There are 2 hot spots identified; at the principal entrance on the south elevation (7,4 fc) and either side of the connector entry (5.5 and 7.6.) With adjustment of these fixtures, the photometric may be brought into compliance with these standards. **Affirmative finding as conditioned.**

Section 5.5.3 Stormwater and Erosion Control

A stormwater management plan, and Erosion Prevention and Sediment Control Plan has been submitted and has been approved in writing by the City Stormwater staff. Additionally, conditions will require compliance post construction with each approved plan prior to issuance of any Certificate of Occupancy. **Affirmative finding.**

Article 6: Development Review Standards

Part 1: Land Division Design Standards

No land division is proposed. Recent property line boundary adjustments have altered the parcel boundaries of 80 Colchester Avenue, 27 and 49 Fletcher Place. This application reflects those newly defined property boundaries.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features

There is a significant ravine to the north of the site, which the project development avoids. The proposal intends to incorporate grade changes to facilitate underground parking for the new residential building. **Affirmative finding.**

(b) Topographical alterations

Revised site plan C2-01 defines grade contours post construction. C2-03 is specific for grading and layout. Plan C1-04 clearly defines removal of parking areas, sheds, garage, and walls, as well as the tree clearing limits to the north. **Affirmative finding.**

(c) Protection of important public views

There are no important public views from or through the property. **Affirmative finding.**

(d) Protection of important cultural resources

See Section 5.4.8 (b).

(e) Supporting the use of alternative energy

Submission documents include the intent to incorporate rooftop solar, which is encouraged. A roofplan has been submitted, including a calculation for roof area in excessive of the height limitation, allowable under Section Section 5.2.6 (b) 4. **Affirmative finding.**

(f) Brownfield sites

The properties are not listed on the Vermont DEC Hazardous Waste Site. Not applicable.

(g) Provide for nature's events

A Stormwater Management plan, was approved by the City Stormwater team per **Section 5.5.3**, Stormwater and Erosion Control. The applicant received approval of the Conservation Board January 23, 2017. Newly submitted plans include EPSC construction and stabilization plans (C5-01 and 02), which have received approval of the City Stormwater team.

Snow storage is identified on the b&w Plan L1-01. The applicant defines a plan to move all snow from the westerly parking lot to the easterly lot and store as noted. Some snow may require trucking from the site; it will be evaluated as the project nears completion. **Affirmative finding.**

(h) Building location and orientation

The visible public streetscape along Colchester Avenue is an important component; however, equally important is the establishment of a well-defined built environment, functional open spaces, and interconnectivity between the new dwellings and the existing streetscape/sidewalks that connect physically and visually to Colchester Avenue and on a lesser note, Fletcher Place. The site plan has been redesigned to create and orient a primary façade (south building) to front Colchester Avenue. A pedestrian way and crosswalk to Colchester Avenue are illustrated on the plan. The proposed circular drive will provide visual access to both buildings, providing a ring of parking spaces to the east of both buildings. Pedestrian drop off may casually occur within that circle, or at the pedestrian crosswalk in front of the southerly building. Open space or common land is required as part of Article 11.

The CDO and Municipal Development Plan articulate a vision for vibrant city neighborhoods with a fabric of cohesive streetscapes and call for new neighborhoods to reflect this vision. The proposed development increases residential density through utilization of undeveloped rear yards. This concept is hardly new, with much residential conversion and new construction on rear yards throughout the city. The application here has the potential to introduce a significant number of new residential units in a district that can support the density in a manner that is respectful of the existing pattern of development and streetscape. **Affirmative finding.**

(i) Vehicular access

Access to this inner site is proposed directly across from the UVM Medical Center, intending to utilize the existing traffic light. Two driveways west of this access will be eliminated; all traffic will be directed through the the light. Revised plans include proposed signage for traffic flow. The proposed access and circulation pattern will make available interior parking behind 66, 72, 80, 94 and 96 Colchester Avenue. A vehicular connection to 106 Colchester Avenue is illustrated up to the property line; without a companion zoning permit for that specific parcel, no shared drive is acknowledged and any driveway must meet a required setback. That extension

should be eliminated from the plan until such time as shared access is formalized between parcels.

The principal entry at the traffic light would also offer the opportunity to turn “left” in front of the proposed south building; and then turn right to access to the underground garage. The existing access drive east of 96 Colchester Avenue is proposed to be retained and connected to the inner network as well as specific parking spaces for the existing medical office. This drive is for ingress only; and will have signage to indicate such.

Affirmative finding as conditioned.

(j) Pedestrian access

Sidewalks connect directly to those on Colchester Avenue, and continue along the easterly side of the south building, connecting to the northerly building. A “promenade” type pedestrian path provides a focal entry to the south building from Colchester Avenue; something recommended in earlier sketch plan review.

Revised site plan (C2-01) and Landscape plan (L1-01) reflect the recommended sidewalk west of the new building, with landscaping. A crosswalk has been added to access the dumpster or the dental office at 66 Colchester.

Sidewalks ring both the north and south of the circular parking area behind 94 and 96 Colchester Avenue. A new crosswalk for pedestrian use from the parking lot to the sidewalks in the rear of 94 and 96 Colchester Avenue has been added. **Affirmative finding.**

(k) Accessibility for the handicapped

The project will be required to meet ADA standards, as directed by the building inspector. Elevators are proposed to serve both the north and south buildings. H/C parking will be required, with identification, signage and access area. Some h/c parking areas are defined on the site plan (specifically, behind 72 Colchester Avenue, immediately east of the south building and one in underground parking of same.) The existing diagonal parking places next to 96 Colchester Avenue are now illustrated on revised plans, and include h/c parking. Adequacy of these parking spaces must be confirmed with the building inspector; additional h/c parking may be appropriate near medical buildings. **Affirmative finding as conditioned.**

(l) Parking and circulation

Parking is proposed under both new buildings and with surface parking. The applicant will be obliged to meet the parking requirements of Table 8.1.8-1 of the CDO. The parking requirement for multi-unit attached dwellings in the Shared Use Parking District is 1/unit.

Circulation as best understood is proposed via an access drive at the traffic light on Colchester Avenue; proceeding through a choice of paths. Turning right will afford access to a circular loop double-lined with 51 surface parking spaces. A secondary surface parking area west of the south building permits access to another 14 surface parking spaces and entrance to two subsurface parking decks. The far easterly access (next to 96 Colchester Avenue) will first admit access to 6 surface parking spaces intended for the medical office (one h/c), and lead to the circular loop. These parking spaces are now illustrated on revised plans. As circulation paths and parking cross property boundaries, the applicant must effect easement or other instrument to allow use of included parcels within the PUD to provide the suggested access and circulation. This will be critical for the 96 Colchester Avenue parcel, as the parking and circulation lanes rely on that lot.

Access to the 106 Colchester Avenue parcel as a suggested shared driveway will require a separate zoning permit and coverage calculation for that lot. Until that occurs, the access drive to the boundary line shall be omitted from plans and respect the minimum required 5' setback.

The proposed vehicular circulation plans will be dependent on informative signage to direct drivers to correct paths. The applicants have provided such a plan (C2-04). Overall, there is a substantial amount of surface parking proposed, although the plan realizes the abandonment of several access drives and is largely behind the existing buildings on Colchester Avenue.

Surface parking requires shading to reduce the effect on the local microclimate, air quality, and stormwater runoff. At least 30% of the parking lot must be shaded. 1 shade tree shall be provided for every 5 parking spaces with a minimum caliper size of 2 ½ -3" at planting. For the circular loop, 10 trees will be required (only 8 are illustrated on Plan L1-01); for the parking behind 66/72 Colchester four new trees are needed ($5+14=19/5 = 4$. 7 are shown on landscaping plan.) The plant list accompanying L1-01 provides appropriate caliber size at time of planting. Specimen choice and size at maturity should be reviewed by the City Arborist for appropriateness and acceptability. [Plan sent to Warren Spinner 12.19.2016.)

Exterior (short term) bicycle parking is provided east of 72 Colchester Avenue, as required with access along vehicular driveways or paths. Plans C202-204 show this as a six bike parking rack; but there is inconsistency in plan, as L1-01 indicates short term bike parking adjacent to the promenade, behind 80 Colchester Ave. The applicant needs to specifically define. Additional (long term) bike storage will be provided within the new structure. See Plan A101. Given the high number of residential units, more exterior short term bicycle parking will be required than is reflected in the revised plans. Bicycle parking must be linked to pedestrian routes to a building entrance. Bike parking must conform to applicable design and construction details as provided by the City of Burlington Bicycle Parking Guidelines:

https://www.burlingtonvt.gov/uploadedFiles/BurlingtonVTgov/Departments/Public_Works/Transportation_Policy_and_Planning/Bicycling_and_Walking/Bicycle%20Parking%20Guidelines.pdf

A total calculation of required bicycle parking and where provided will be required for DRB review. **No finding** possible until bike parking locations confirmed, access drive to 106 Colchester Avenue removed and setback met. **Adverse finding** for inadequate number of trees provided for easterly parking lot.

(m) Landscaping and fences

A landscaping plan has been provided as part of the revised submission packet. See (above) for shading requirements. Landscaping shall be distinctly arranged to prevent parking lot creep, with installation of barriers to prevent vehicles from encroaching into abutting greenspace. This is particularly important with the parking east of 96 Colchester Avenue and at the edge of surface parking areas.

Affirmative finding as conditioned.

(n) Public plazas and open space

While there are no formal public plazas included in the plan, the concourse entrance from Colchester Avenue acts as a public meeting area with benches, lighting, new landscaping and potentially a bike rack. It is appropriate to evaluate the overall availability of open space available for residents as part of a PUD. North of the development site is unreceptive for open

space amenities due to the challenging topography. An open area behind 27 Fletcher Place has been identified as a community garden. An area for picnic tables, clothes lines, or play areas dedicated to the enjoyment of the residents would further this effort. However, as a housing complex intended for professionals, those amenities may not be as critical as they would be for a family residential development. The proposal for a rooftop terrace is more likely an amenity to be appreciated by the anticipated tenants.

The rooftop terrace is exempt from height limitations per Section 5.2. 6 (b) as amended.

Affirmative finding.

(o) Outdoor lighting

A photometric plan has been submitted. See Section 5.5.2, above. **Affirmative finding as conditioned.**

(p) Integrate infrastructure into the design

On-site utilities will need to be undergrounded. Meters, utility connections, HVAC or similar mechanical equipment should be coordinated with the design of the building, and grouped in a service court out of public view. All need to be illustrated on elevations and/or site plans to determine appropriateness of location and necessity of screening.

Rooftop mechanicals are illustrated behind screening on Plans A201 and A202. A detail sheet should be provided for that feature.

As has been frequently mentioned, it would be preferable to integrate trash and recycling operations within the building rather than as a stand-alone. The location of recycling facilities has been redefined behind 66 Colchester Avenue, within an enclosure. This location is less visually obtrusive, and more accessible than previously defined.

The Design Advisory Board accepted the proposed location of the dumpster/enclosure, but conditioned that it should be designed to fit compatibly within the context of the site. The submitted plan (A101, detail) define a 6' high vinyl coated chain link fence surround. This does not meet the standard of "compatible design" with a congregant group of historic structures. New plans meeting that requirement are appropriate.

Any dumpster will be required to be enclosed on all four sides to prevent blowing trash; and must be screened from public view.

The location of residential mailboxes must be defined.

Affirmative finding as conditioned.

Part 3, Architectural Design Standards

Section 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

66, 72 and 80 Colchester Avenue maintain the 1 ½ story, residential scale of mid 19th century dwellings. 94 Colchester Avenue is a more modern, one story medical office structure; and 96 is a 2 ½ story foursquare. Compared to the existing buildings, the massing and scale of the proposed new residential building diverges from the residential scaled buildings that surround it. The distance between them and the proposed building (and distance from both Colchester Avenue and Fletcher Place) somewhat ameliorates that discord. **Affirmative finding.**

2. Roofs and Rooflines.

Flat roofs are proposed; within the context of the immediate area (north side of Colchester Avenue, west side of Fletcher Place) most buildings have gable, bonnet, hipped or compound roofs with dormers. The exception may be Mater Christi School, west of this parcel, which is flat-roofed.

Porches typically have shed or modified hip roofs. Flat roofs are not commonplace on the residential buildings north of Colchester Avenue.

This development is set back from the surrounding residential scale buildings and removed from their immediate context; differences that reflect the newer construction aesthetic and date are acceptable.

The application submittal includes specification sheets for condensing units. The roof plan also defines the intended location of the units. A barrier is illustrated around those units, but no detail sheet provided.

Affirmative finding if conditioned.

3. Building Openings

Windows on the southerly building are ganged in threes on the south elevation (facing Colchester Avenue), with the principal entry flanked in plate glass. The westerly elevation displays rhythm and thoughtful arrangement. The west elevation of the northerly building features symmetrically organized windows, with a central spine (of glass, or metal?) through which an entry is located. The same elevation of the southerly building has window and door arrangements organized into related groups associated with the arrangement of units. Windows are more vertical than horizontal.

Easterly elevations of both buildings illustrate the desire to distinguish one building from the other with material and window arrangement. The connector between the two is also among glass or metal panels, with a double entry door. First floor doors to units are easily distinguishable by entry stairs and either alcove or canopy.

The north elevation of the northerly building now enjoys more glazing, with triple patio doors onto balconies at the upper floor. Similar features are evident on the south elevation of the same wing. **Affirmative finding.**

(b) Protection of Important Architectural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

See Section 5.4.8.

(c) Protection of Important Public Views:

There are no protected important public views from this site. Not applicable.

(d) Provide an active and inviting street edge:



The core of the development is behind existing structures. The most visible street presence will be the main entry facing Colchester Avenue, which will be visible at the pedestrian entryway between 74 and 80 Colchester. That entrance is defined by the prominence of the façade design, the pedestrian pathway from Colchester Avenue, and the allée of Honey Locust that will give focus and presence to that entry. The building will be marginally visible from the Fletcher Place roadway. The applicant has provided newly rendered plans to illustrate the view from Fletcher Place. No principal point of entry is proposed from that streetscape to the larger development.

Affirmative finding.

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

Sheathing is proposed to be a mix of clapboard (fiber cement or wood), metal, hardi-panels, brick and wood panel. The design relies upon alteration of building material to provide interest and articulation to the plan. Window materials are not defined.

All material suggested are of acceptable durability in new construction.

The rooftop screening has not been defined.

The dumpster enclosure is of an inferior design/material, and is recommended for redesign to meet the recommended condition of the Design Advisory Board.

Affirmative finding as conditioned.

(f) Reduce energy utilization:

All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances. **Affirmative finding as conditioned.**

(g) Make advertising features complementary to the site:

No signage is proposed. Any signs will require a separate sign permit.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p.)

(i) Make spaces secure and safe:

All applicable building and life safety code as defined by the building inspector and fire marshal will be required. Building entrances need to be adequately illuminated (but not to exceed 5 fc.) An intercom system is recommended to maximize personal safety of the residents. **Affirmative finding as conditioned.**

Article 8: Parking

Section 8.1.8 Minimum Off-Street Parking Requirements

The applicant needs to clearly define the properties and the existing uses that are being included in the overall plan so an accurate parking requirement can be made.

The last approved site plan for 66 Colchester Avenue (1988) featured a paved parking area with 6 spaces. As portrayed, there is a significant expansion in parking behind that structure, which will need to be brought into the PUD to formalize the arrangement, or otherwise brought into compliance.

From an examination of the zoning record, the final number of permitted parking spaces per parcel:

| Address | Use | Permitted Bike parking | Permitted Car parking | Zoning Permit |
|---|------------------------------------|------------------------|---------------------------------------|---------------|
| 66 Colchester Avenue | Medical office | 0 | 6 | 87-853 |
| 72 Colchester Avenue | Single family house | 0 | 2 | 97-050 |
| 80 Colchester Avenue | Community House (Hillel) | 2 | 5 required; see 94 below) | 15-0042CA/CU |
| 94 Colchester Avenue | Med office and basement apartment | 0 | 16 shared with 80 Colchester (aabove) | 92-025 |
| 96 Colchester Avenue | Med office with basement apartment | 0 | 25 | 10-0979CA |
| Total approved parking with existing uses | | 2 | 49 | |

In the Shared Use Parking District, 1 parking space is required for each dwelling unit. For 75 new residential units, 75 parking spaces will be required in addition to the current demand by existing use. $75 + 49 = 124$ parking spaces to meet existing and proposed uses. Plans show 77 surface and 48 interior parking deck, for a total of 125 parking spaces.

Affirmative finding for vehicular parking.

Section 8.2.5 Bicycle Parking Requirements

Table 8.2.5-1 defines the bicycle parking requirement as 1 per 4 units for long term storage, and 1 per 10 units for short term. For 75 new residential units, bicycle parking requirements would be **19 long term spaces, and 8 short term**. Bicycle parking meeting these requirements shall be illustrated on submitted site plan/floor plans, as appropriate. As previously noted, exterior bicycle parking should be linked to pedestrian paths that connect to the buildings and public sidewalks. Interior long term bicycle storage is illustrated on Plan A101 for the proposed residential units, but does not confirm the adequacy of number required.

Previous permitting for 80 Colchester Avenue required 2 bicycle parking spaces for that use (ZP15-0042CA/CU.) Those should be included in the calculation.

A breakdown of bicycle parking (both short and long term) linked to locations on the site will be required.

Affirmative finding as conditioned.

Article 9: Inclusionary and Replacement Housing

Section 9.1.5 Applicability (As amended by the City Council 8/10/2015.)

As the proposed development includes more than 5 new dwelling units, it is subject to the inclusionary housing provisions of this Article. Fifteen percent of the total unit count must be inclusionary (Per Section 9.1.10, 15% of 75 is **11** dwelling units). The project would not meet the exemption from Inclusionary Housing within the Institutional Zone, as the proposed units are not being developed by an educational institution.

Approval for the adequacy of the inclusionary units will be required from the manager of the city's Housing Trust Fund. Any stipulations would be included as a condition of approval.

Affirmative finding as conditioned.

Section 9.1.12 Additional Density and Other Development Allowances

As a covered project, it will be entitled to increases in the development allowances of the underlying zoning district. As per Table 4.4.4-1, Maximum intensity increases from 20 dwelling units/acre to 24; maximum coverage from 40% to 48%. The applicant has not confirmed overall coverage for the PUD area, **so this needs confirmation**. See Table 4.4.1, above. 90 total units (75 + 15 equivalent) calculate to 20.31 units per acre, under the allowable 24 units with IZ inclusion. For the method for calculating intensity of use, see Section 5.2.7 (a).

As noted, the overall coverage for the PUD area needs to be submitted to determine coverage.

Other possible allowances for the provision of Inclusionary Units may include:

- (b) 1. A waiver of up to 50% waiver of parking spaces as outlined in Article 8, Section 8.1.14 (not requested or needed);
2. A waiver of a portion of the impact fees associated with the Inclusionary Units, pursuant to the Art. 3, Part 3 Impact Fee Administration Regulations.

The applicant is encouraged to confer with the Housing Trust Fund Manager to confirm the number of required IZ units, and any potential diminution of Impacts Fees.

All provisions of Section 9.1.8 through 9.1.11 (rental and sales, percentage of Inclusionary Units, and income eligibility) shall apply, without exception, to any inclusionary units that are constructed.

No finding possible for compliance with coverage.

Section 9.1.13 Off-Site Option

The applicant has not proposed any inclusionary units be located off site. If the applicant decides to seek an off-site option or to make a payment in lieu of constructing inclusionary units, the provisions of this section will apply. **Affirmative finding as conditioned.**

Section 9.1.14 General Requirements for Inclusionary Units

(a) In order to assure an adequate distribution of inclusionary units by household size, the bedroom mix of inclusionary units in any project shall be in the same ratio as the bedroom mix of the non-inclusionary units of the project.

As noted. Additional provisions of Inclusionary standards, including gross floor area, interior amenities, marketing, and affordability will be required to meet the approval of the City's Housing Trust Manager.

Sec. 9.1.17 DRB Review of Proposal for Phasing

If phasing of the project development is desired, the request shall be reviewed as a component of the initial project review and included in conditions of approval. A schedule setting forth the phasing of the required inclusionary units will need to be presented to the DRB for review and approval. If phasing is not included as part of the review process, no phasing of the inclusionary units shall be allowed. **Affirmative finding as conditioned.**

Sec. 9.1.18 Timeline for Availability/Phasing of Inclusionary Units for Issuance of Certificate of Occupancy

Inclusionary units shall be made available for occupancy on approximately the same schedule as a covered project's market units, except that certificates of occupancy for the last 10% of the market units will be withheld until certificates of occupancy have been issued for all inclusionary units. If the project is to be constructed in phases, certificates of occupancy may be issued on a phased basis consistent with the conditions of approval per Section 9.1.17. **Affirmative finding as conditioned.**

Sec. 10.1.6 Sketch Plan Review

Whenever a subdivision is proposed that will create five (5) or more lots or dwelling units, the applicant shall submit sketch plans and data pursuant to Article 3, Section 3.2.1(c) Sketch Plan Review showing existing conditions within the site and its vicinity and the proposed layout and development of the subdivision prior to the preparation of any preliminary and/or final plats.

The current Sketch Plan Review meets this standard. Additional plans will be required at the time of preliminary plat review (landscaping, elevations, utility, etc.).

Section 10.1.18 Preliminary Plat Review

After sketch plan review if applicable, the applicant may submit an application for Preliminary Plat Review pursuant to requirements specified below and containing any additional information requested by the administrative officer after completion of the sketch plan review.

Zoning amendments relative to subdivision review have largely separated PUDs from Article 10. As no lot will be subdivided as part of the PUD (27 and 49 Fletcher Place boundary line adjustments done separately) and no new lots will be created, no subdivision will occur. There will be no requirements for Preliminary and Final Plat review.

Article 11: Planned Unit Development

Section 11.1.3 General Requirements and Applicability (As adopted by City Council 8.10.2015.)

*Any development involving **multiple lots, tracts or parcels of land to be developed as a single entity**, or seeking to place multiple structures and/or uses on a single lot where not otherwise permitted, may be permitted as a PUD subject to the provisions of this Article.*

A Planned Unit Development may be permitted subject to minimum project size as follows in the following districts:

Institutional – no minimum project size.

Footnote: Subject to Conditional Use Review pursuant to Article 3, Part 5.

This standard allows development of multiple lots with no minimum lot size for a PUD in the Institutional Zone. See Section 3.5.6 for Conditional Use Review standards.

Section 11.1.4 Modification of Regulations

With the approval of the DRB after a public hearing, the following modifications the requirements of the underlying zoning may be altered within a planned unit development:

- *Density, frontage, lot coverage and setback requirements may be met as calculated across the entire project rather than on an individual lot-by-lot basis.*
- *Required setbacks may apply only to the periphery of the project rather than on an individual lot-by-lot basis;*
- *More than one principal use and more than one principal structure may be permitted on a single lot, and*
- *Buildings may be of varied types including single detached, attached, duplex or apartment construction.*

Any proposed modifications of regulations shall be listed in a statement accompanying the application submission and such modifications shall be subject to the provisions of Section 11.1.5 and Section 11.1.6.

Calculations for lot area, intensity of use and setbacks have been provided for 72, 80, 94 and 96 Colchester Avenue. Parking has been calculated for the uses on those lots, in addition to the existing uses. **Affirmative finding.**

Section 11.1.5 Approval Requirements

(a) The minimum project size requirements of Section 11.1.3 shall be met;

There is no minimum project size for a PUD within the Institutional Zone.

(b) The minimum setbacks required for the district have been met at the periphery of the project;

See table 4.4.4-1, above.

(c) The project shall be subject to design review and site plan review of Article 3, Part 4 and the standards of Article 6.

See Articles 3 and 6, above.

(d) The project shall meet the requirements of Article 10 for subdivision review where applicable;

Not applicable. The boundary line adjustments between 80 Colchester Avenue, 27 and 49 Fletcher Place have been finalized.

(e) Density, frontage, and lot coverage requirements of the underlying zoning district have been met as calculated across the entire project;

See Table 4.4.1 (above.) Coverage for the entire development area across all parcels needs to be provided to assure compliance. **No finding possible.**

(f) All other requirements of the underlying zoning district have been met as calculated across the entire project;

See Section 4.4.4, above. **No finding possible** without coverage calculation.

(g) Open space or common land shall be assured and maintained in accordance with the conditions as prescribed by the DRB

A community garden for the residential units is illustrated on the easterly side of the lot; additional common land for the collective use of the intended residents has been suggested and is encouraged. **Affirmative finding.**

(h) The development plan shall specify reasonable periods within which development of each phase of the planned unit development may be started and shall be completed. Deviation from the required amount of usable open space per dwelling unit may be allowed provided such deviation shall be provided for in other sections of the planned unit development.

A phasing schedule has not been requested or suggested. Any proposed phasing plan will need to be approved by the DRB and included as part of decision and conditions.

(i) The intent as defined in Sec. 11.1.1 is met in a way not detrimental to the city's interests; Sec. 11.1.1, Intent

(a) Promote the most appropriate use of land through flexibility of design and development of land;

The concept of developing underutilized area behind existing structures is a traditional method of infill and intensification of use where encouraged though the Municipal Development Plan. See Section 3.5.6. (b) 10, above. **Affirmative finding.**

(b) Facilitate the adequate and economical provision of streets and utilities;

The proposed new structure can be served by extended access road(s) within the site and utilizing public utilities. **Affirmative finding as conditioned.**

(c) Preserve the natural and scenic qualities of open space;

The natural area/open space to the north will be retained and visible from many of the proposed residences within the new development. The revised site plan has re-aligned the building mass to provide greater exposure for vistas to that natural area. Surface parking within the site should not hinder the opportunity to meet the requirement for common area for the development, as required by Section 11.1.6 (g). **Affirmative finding.**

(d) Provide for a variety of housing types;

The new units will be one bedroom or studio units, to satisfy demand for housing for professionals. **Affirmative finding.**

(e) Provide a method of development for existing parcels which because of physical, topographical, or geological conditions could not otherwise be developed;

The project area retains an existing amount of infrastructure, buildings and use that front Colchester Avenue. The ravine area to the north will be partially annexed as part of the PUD; appending the land area to allow for greater development and density within the buildable area of the collective parcels but avoiding the sensitive area to the north. **Affirmative finding.**

And;

(f) Achieve a high level of design qualities and amenities.

As proposed, the building design proposes intensifying the density with construction of a single connected residential building. The building is articulated with differentiated materials and building planes; welcoming building entrances, porches and balconies. Customary residential appurtenances like porches, patios, breezeways, gardens, pergolas, play areas, or clotheslines are recommended for inclusion, as typical and welcome amenities for attractive residential complexes, particularly within established neighborhoods. **Affirmative finding.**

(j) The proposed development shall be consistent with the Municipal Development Plan See Sec. 3.5.6 (b) 10.

(k) Any proposed accessory uses and facilities shall meet the requirements of Section 11.1.6 below.

Section 11.1.6 Accessory Facilities

(a) A planned unit development may contain a building or buildings intended for non-residential uses, such as but not limited to a community center, recreation facility, and child care center and/or business office if the DRB determines that such use or uses are compatible with the intended principle residential use.

The applicant has suggested the option to convert 94 Colchester Avenue to a business office associated with the management of the new residential units. Inclusion of any accessory facilities shall be confirmed with the DRB for appropriate review and permit issuance.

Affirmative finding as conditioned.

(b) A planned unit development may contain a building or buildings intended for use as a community convenience store if approved by the DRB under the following standards:

- 1. A determination shall be made by the DRB that the community convenience store will not contribute to parking problems on site or in the surrounding area.*
- 2. The maximum size of the store is 1000 sq. ft.*
- 3. Only one sign is permitted limited to the following:*
 - A. The maximum size is 4 sq. Ft.*

- B. *The sign shall be a parallel sign.*
- C. *The sign shall not be illuminated.*
- D. *No window signs, temporary or permanent shall be allowed.*
- E. *No freestanding signs on the site or within the street ROW are allowed.*
- 4. *No outside storage or displays or vending machines, except for a telephone and a screened dumpster, is allowed.*
- 5. *There shall be no exterior service windows or exterior ATM's allowed.*
- 6. *There shall be no gas pumps allowed.*
- 7. *The building(s), sign and site for any such store shall be subject to the development review criteria under Article 6.*
- 8. *Parking shall be in back or at the side of the community convenience store building with the building oriented for pedestrian access.*

The applicant has not suggested the inclusion of a community store in the PUD. Not applicable.

Conditions of Approval:

1. Impacts shall be paid based on the gross new area, and paid at least seven days prior to the occupancy of any part of the building. Based upon submitted gross new area, impact fees are estimated to be:

SF of Project 77,222

| <u>Residential</u> | | |
|--------------------|-------|----------------------|
| Department | Rate | Fee |
| Traffic | 0.190 | 14,672.18 |
| Fire | 0.216 | 16,679.95 |
| Police | 0.043 | 3,320.55 |
| Parks | 0.723 | 55,831.51 |
| Library | 0.448 | 34,595.46 |
| Schools | 0.934 | 72,125.35 |
| Total | 2.554 | \$ 197,225.00 |

Said fees may be waived in whole or in part based on the number of inclusionary housing units. Any waiver shall be substantiated by the Housing Trust Fund Manager and formalized with a letter of compliance from that office.

2. The use at 72 Colchester Avenue shall be defined and incorporated within this permit approval.
3. The applicant must provide the coverage calculation across all involved parcels to assure compliance with Table 4.4.4-1. Maximum lot coverage is 40% for the Institutional zoning district, up to 48% with inclusionary.
4. Per Zoning Amendment ZA17-03 / Section 2.7.8, all expired zoning permits issued after July 1989 for any of the involved parcels (66, 72, 80, 94, 96 Colchester Avenue) shall be

closed out and Certificates of Occupancy issued prior to issuance of any FCO for this permit.²

5. If Carshare or any similar transportation partner is intended to facilitate parking demand within the project, proof of that alliance shall be submitted for DRB review.
6. **Prior to release of the zoning permit**, a letter from DPW shall be submitted supporting the adequacy of the traffic memorandum for redevelopment of this project.
7. **Prior to release of the zoning permit**, written assurance of adequate waste and water capacity shall be provided.
8. **Prior to release of the zoning permit**, a revised photometric shall be submitted correcting the high illumination levels at building entrances.
9. If a Phasing schedule is desired, it must be clearly defined for the DRB's consideration prior to decision. Permit life will reflect any approved phasing schedule.
10. Unless altered by the DRB, hours of construction are limited to M-F 7:00 am to 5:30 pm, with Saturday hours restricted to interior work. No work shall occur on Sundays.
11. Approval for the adequacy of the inclusionary units will be required from the manager of the city's Housing Trust Fund.
12. It is recommended that the garage, if approved for demolition, is photo-documented in color imaging as a record to be archived in the zoning file. Similarly, the applicant is encouraged to sell or reclaim the structure and all historic building materials, or permit others to safely salvage them and to provide an opportunity for others to purchase or reclaim the building or its materials for future use. An applicant will be required to advertise the availability of the structure and materials for sale or salvage in a local newspaper on at least three (3) occasions prior to demolition.
13. The illustrated access drive connecting to 106 Colchester Avenue shall be eliminated from the plan, unless a companion permit for that parcel is approved for the suggested shared use. Any new driveway that is not shared must meet required minimum setbacks.
14. For the circular parking area/loop, 10 trees will be required (only 8 are illustrated on Plan L1-01). A revised landscaping plan shall be provided with two additional trees in that area **prior to release of the zoning permit**.
15. Bike parking is inconsistent across revised site plan/landscaping plan. All exterior bicycle parking shall be illustrated and consistent across plans, and calculated within an overall bicycle parking count. Internal bicycle parking shall be identified on floor plans as appropriate. For the new units, **19 long term spaces, and 8 short term bike parking spaces** must be defined.
16. It is recommended that bike lockers, if included, be placed in close proximity to a building entrance but not along the tree lined promenade from Colchester Avenue. Relocation near a residential building is recommended.
17. Garbage and recycling totes located east of 80 Colchester Avenue (Hillel) shall be relocated to a more appropriate (less visible) location than the entrance promenade.

² ZA 17-03, Section 2.7.8: *The administrative officer is also authorized to deny all zoning permits for any property with an expired zoning permit without a final certificate of occupancy. Instead of withholding or denying a zoning permit, the administrative officer may grant such permit subject to the condition that the uncorrected zoning violation is corrected or the expired zoning permit is closed out with a final certificate of occupancy. Such action(s) shall take place before the issuance of a final certificate of occupancy on the new permit.*

18. Improved design for the proposed dumpster enclosure, as recommended by the DAB, shall be submitted for staff review and approval prior to release of the zoning permit.
19. **Prior to release of the zoning permit**, the applicant shall provide a detail sheet about the proposed rooftop mechanical screening.
20. The easterly access drive (next to 96 Colchester Avenue) shall be identified as ingress only.
21. Easements will be required for all involved parcels to assure adequate parking and circulation throughout the site.
22. Parking lots shall have appropriate barriers to prevent vehicular trespass onto greenspace and parking lot creep. Such barriers (curb stops, landscaping, fencing) shall be defined.
23. Two parking spaces on the east side of the parking circle shall be pulled back to assure the minimum 5' side yard setback, and marked as "Compact Spaces Only."
24. New construction must commence within 6 months of the removal of the accessory garage.
25. The applicant shall define any new use proposed for 94 Colchester Avenue; an accessory facility for property management has been suggested and may be included within this permit review.
26. All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
27. Standard Permit Conditions 1-15.

NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.