

Department of Planning and Zoning

149 Church Street

Burlington, VT 05401

<http://www.burlingtonvt.gov/PZ/>

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

David E. White, AICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, CFM, Associate Planner
Layne Darfler, Planning Technician
Anita Wade, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: September 19, 2017
RE: ZP18-0210CA; 180 Flynn Avenue

Note: These are staff comments only. Decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

File: ZP18-0210CA

Location: 180 Flynn Avenue

Zone: E-LM Ward: 5S

Date application accepted: August 22, 2017

Applicant/ Owner: Citizen Cider, Justin Heilenbach; SAS Architects, Bren Alvarez

Request: Renovation to existing warehouse building, new addition, improvements to existing loading dock. Change of use from warehouse/showroom to warehouse/applepress (Food and Beverage Processing.)

Background:

180 Flynn Avenue is a collection of commercial/industrial buildings. The following zoning history includes **all** buildings and uses on that parcel:

- Non-Applicability of Zoning Permit Requirements 16-0066NA; build 2 office rooms in warehouse area. July 2015.
- Zoning Permit 14-099CA; add entry stairs to front door of building one. **Denied** as incomplete, August 2014.
- Non-Applicability of Zoning Permit Requirements, 14-0653NA, showroom remodel. December 2013.



- Zoning Permit 13-1004CA; replace four doors with metal doors, replace six double window units with new vinyl windows, infill one window with siding, replace wood siding with vinyl on front gable end of building. All work to be on the Granite Group building. April 29, 2013.
- Zoning Permit 10-0674CU, Conditional Use review for establishing seasonal open air market. Approved April 2010.
- Zoning Permit 06-742CA; change of use from manufacturing and storage to auto parts sales, storage, boat service, office, machine shop, and manufacturing. Approved June 2006. Permit relinquished by owner July 2008. (Permit not exercised.)
- Zoning Permit 98-332; change of use from warehouse to office (no retail; create newsletters, newspaper, t-shirt designs, etc.) No exterior changes, including signage. Approved February 1998.
- Zoning Permit 00-224 / COA000-013A; extension of ZP00-162 to allow the installation of the temporary office trailer for a period not to exceed February 1, 2000 in support of the existing National Gardening offices within the existing commercial complex. October 1999.
- Zoning Permit 00-162 / COA 000-013 / MA2000-017; Installation of a temporary office trailer for National Gardening staff. To be located behind their existing facility in the industrial complex. September 1999.
- Zoning Permit 99-634 / COA 099-080; removal of wood siding on the tower portion of the existing VT Hardware Industrial/commercial structure, replacing with vinyl siding. Existing windows to be removed. August 1999.
- Zoning Permit 99-235; repairs to the existing skylight in the roof of VT Hardware. October 1998.
- Zoning Permit 97-502 / COA 094-054C; temporary (two year) establishment of an accessory theatre (172 seats) to the Magic Hat Brewery. Parking and circulation improvements. May 1997.
- Zoning Permit 96-405; construction of a fire escape; change of use from office to design manufacturing. April 1996.
- Zoning Permit 95-508 / COA 095-074; remove two existing storage sheds replacing with one retail/office building. Proposal includes paving parking area. Major Impact Review 95-050; 9,340 sf commercial building that includes a natural area of significance. Approved June 1995.
- Zoning Permit 95-419; installation of two freestanding signs at the entrance to the complex with business names; the other to direct to each building. Approved May 1995.
- Zoning Permit 95-198 / COA 094-054B; revise previously approved tour oriented beer manufacturing facility to retain the overhead connection with the adjacent building. November 1994.
- Zoning Permit 95-179 / COA 095-030A; change of use for 1075 sf space from industrial to a silk screen printing establishment. No exterior changes. October 1994.

- Zoning Permit 95-184 / COA 095-030; change of use from wholesale warehouse to offices and sign manufacturing. Exterior changes include adding an entrance on the first and second floors of the north elevation and infilling an existing garage style door with a pedestrian sized door on the east elevation. Restoration work to windows, brick included for the structure listed on the state list of historic buildings. October 1994.
- Zoning Permit 94-357; change of use from retail sale and storage to screen printing of t-shirts and storage. No exterior changes proposed. April 1994.
- Zoning Permit 95-167 / COA 094-054A; revise previously approved tour oriented beer manufacturing to smaller space with only production and tour operations offered. No food, entertainment or other uses included.) December 1993.
- Zoning Permit 94-254/ COA 094-054 / AP94-028; change of use from Vermont Hardware to tour oriented beer manufacturing with an entertainment and restaurant component. Window improvements and reconfiguration of the existing parking area. December 1993.
- Zoning Permit 91-196 / COA 91-037; addition of solarium to front entrance of building to add expanded entry area with plants. December 1990.
- Zoning Permit 87-078; place individual letters spelling the name of the company on the side of the building facing Flynn Avenue. (Capital Plumbing and Heating Supply Company.) March 1987.
- Zoning Permit 84-357 / COA 84-095; erect a 24' x 42' storage addition to the existing gardens for all buildings on Flynn Avenue and to construct a second story addition over the existing building for additional office space. July 1984.
- Zoning Permit 79-513; open "Chicken King" home delivery service; sit down breakfast and lunch. Sign to be installed on building. September 1979.
- Zoning Permit 78-43; secondhand products, retail/wholesale. Add 2'x4' sign. August 1978.
- Zoning Permit 77-24; 24' x 40' wood frame addition (storage) to present building. May 1977.
- Zoning Permit 7-297; Thomas Reid to erect a 24' x 40'7" wood frame building to be used for light manufacturing, furniture finishing, and the sale thereof. September 1976.
- Sign permit for the Hodge Podge, April 1977.
- Zoning permit; erect a 40' x 62' steel building on the lot to be used for an auto body shop. November 1976.
- Zoning Permit, 2' x 3' sign to be hung on the fence. August 1976.
- Zoning Permit; to erect a 60'x 200' pole barn and a 20' x 25' office area. October 1974. Requires Planning commission approval.

Overview:

The application proposes renovations and a small addition to an existing warehouse, including improvements to an existing loading dock for use by Citizen Cider as a warehouse/apple press. This is anticipated to be Phase 1 of an expansion for the cidery.

Recommendation: Certificate of Appropriateness Consent approval, per the following findings and conditions:

I. Findings

Article 3: Applications, Permits, and Project Reviews

Part 3: Impacts Fees

Section 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.*

Based on submitted information for the approximately 1,500 sf building addition, the following is an estimate of Impact Fees:

Department	<u>Industrial</u>	
	Rate	Fee
Traffic	0.256	384.00
Fire	0.191	286.50
Police	0.342	513.00
Parks	0.412	618.00
Library	0.000	0.00
Schools	0.000	0.00
Total	1.201	\$ 1,801.50

Section 3.3.8 Time and Place of Payment

Impact fees must be paid to the city’s chief administrative officer/city treasurer according to the following schedule:

*(a) New buildings: Impact fees must be paid at least seven (7) days prior to occupancy of a new building or any portion thereof. **Affirmative finding as conditioned.***

Article 4: Zoning Maps and Districts

Sec. 4.4.3 Enterprise Districts

(a)Purpose:

The 2 Enterprise districts as illustrated in Map 4.4.3-1 are described as follows:

*The **Light Manufacturing (E-LM)** district is the primary commercial/industrial center of Burlington, and is intended primarily to accommodate enterprises engaged in the manufacturing, processing, distribution, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment without potential conflicts from interspersed residential uses. Other accessory commercial uses are allowed to support a wide range of services and employment opportunities. This district is intended*

to ensure that sufficient land area is appropriately designated within the city to provide an adequate and diversified economic base that will facilitate high-density job creation and retention. This district is primarily intended to provide for industrial uses suitable for location in areas of proximity to residential development. Development is intended to respect interspersed historic industrial buildings, and reflect the industrial aesthetic of the district's past. Parking is intended to be hidden within, behind, or to the side of structures.

180 Flynn Avenue is a commercial complex with multiple buildings and uses. The subject building is an existing warehouse with manufacturing onsite. The use and proposed loading dock improvements and building addition are consistent with the intent of the E-LM zoning district. **Affirmative finding.**

Table 4.4.3 -1 Dimensional Standards and Density

Districts	Max. Intensity (floor area ratio ¹)	Max. Lot Coverage ¹	Minimum Building Setbacks ¹ (feet)			Max. Height ¹ (feet)
			Front	Side	Rear ³	
Light Manufacturing	2.0 FAR	80%	5 min	0 ²	10% ²	45'
Proposed 180 Flynn Avenue	0.19 FAR	68%	No change	New addition approx. 43' from easterly property line.	No change. Meets required 25' setback from abutting residential district.	Addition is 1 story.

1 – Floor area ratio is further described in Art 5. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5. Actual maximum build out potential may be reduced by site plan and architectural design considerations of Art 6.

2 – Structures shall be setback a minimum of 25-feet along any zoning district boundary line that abuts a residential zoning district. Lots of record existing as of September 9, 2015 that are split by enterprise and residential zones are exempt from this district boundary setback.

3 – Percentage of the lot depth.

Affirmative finding.

(c) Permitted and Conditional Uses:

The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the Enterprise districts shall be as defined in Appendix A – Use Table.

Both warehouse and Food and Beverage Processing are permitted uses in the E-LM zoning district per Appendix A as amended. **Affirmative finding.**

(d) District Specific Regulations:

1. Convenience Stores. Not applicable.

Article 5: General Citywide Regulations

Section 5.2.1 Existing Small Lots

Not applicable.

Section 5.2.2 Required Frontage or Access

Development is proposed on a parcel with existing access and frontage on Flynn Avenue.

Affirmative finding.

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.3-1, above.

Section 5.2.4 Buildable Area Calculation

The parcel is not within RCO, WRM, RM, WRL or RL zoning districts. Not applicable.

Section 5.2.5 Setbacks.

See Table 4.4.3-1, above.

Section 5.2.6 Building Height Limits

See Table 4.4.3-1, above.

Section 5.2.7 Density and Intensive of Development Calculations

See Table 4.4.3-1, above.

Part 3: Non-conformities

Not applicable.

Part 4: Special Use Regulations

Section 5.4.8 Historic Buildings and Sites

Although some buildings within the complex are historically sensitive, this warehouse is not.

Not applicable

Section 5.4.9 Brownfield Remediation

The site is not listed on the DEC Brownfields website. Not applicable.

Part 5: Performance Standards

Section 5.5.1 Nuisance Regulations

Construction activities will be limited Monday-Saturday 7:00 am – 6:00 pm, with no construction on Sundays. This is an active, multi-use commercial / industrial complex; the redevelopment of the existing warehouse is not anticipated to generate any new nuisance impacts.

Affirmative finding as conditioned.

Section 5.5.2 Lighting

Full cut-off light fixtures are proposed immediately above both galvanized steel overhead doors.

All other lighting is existing. **Affirmative finding.**

Section 5.5.3 Stormwater and Erosion Control

Written approval of the EPSC Plan by the Stormwater Engineering team shall be a requirement prior to release of the zoning permit. It is anticipated that a Stormwater Management Plan will be required for subsequent phases, but the Stormwater Engineer finds the project, as redevelopment, only triggers the EPSC standard. **Affirmative finding as conditioned.**

Section 5.5.4 Tree Removal

Not applicable.

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

Section 6.2.2 Review Standards

(a) Protection of Important Natural Features

This is an existing, developed site within a commercial / industrial complex. Englesby Brook runs north of this parcel, and will be taken into consideration as project plans intensity in future phases. For this redevelopment application, the application is subject to EPSC review only. **Affirmative finding as conditioned.**

(b) Topographical Alterations

Other than re-grading and repaving at the northwest area of the building, no topographical changes are proposed. **Affirmative finding.**

(c) Protection of Important Public Views

There are no protected or important views from this parcel. Not applicable.

(d) Protection of Important Cultural Resources

Although there are some historically sensitive buildings within the complex, this warehouse is not among them. Not applicable.

(e) Supporting the Use of Renewable Energy Resources

No part of the application precludes the use of wind, solar, water, geothermal or other renewable energy resource. **Affirmative finding.**

(f) Brownfield Sites

None identified. Not applicable.

(g) Provide for Nature's Events

The application is required to submit an Erosion Prevention and Sediment Control Plan for review and approval by the Stormwater Engineering program. **Affirmative finding as conditioned.**

(h) Building Location and Orientation

A structural addition is proposed to an existing warehouse. The addition is consistent with the orientation and circulation pattern of the existing building. The enhanced entry area will be re-graded and paved. **Affirmative finding.**

(i) *Vehicular Access*

Access will be maintained via the existing entrance off Flynn Avenue. **Affirmative finding.**



(j) *Pedestrian Access*

There are sidewalks along the north side of Flynn Avenue, connecting to this parcel.

Affirmative finding.

(k) *Accessibility for the Handicapped*

ADA compliance is under the jurisdiction of the building inspector. Two handicap parking spaces are identified adjacent to a westerly building. It is recommended that some h/c parking spaces should be identified on the site plan for the benefit of this use when build-out progresses and there is greater public circulation. **Affirmative finding.**

(l) *Parking and Circulation*

There are 109 parking spaces illustrated on the “existing conditions” site plan for the entire complex, with the proposed relocation of three spaces to assure adequate truck circulation/radius. See plan C-2. The three relocated spaces, and two additional to meeting the parking requirement for the 1,500 sf addition are identified on revised plan L-1.0.

The total parking count does not include 4 additional spaces across the boundary into the Switchback parcel, and the large expanses of undefined parking on gravel.

The plan improves the loading dock area and adds another (enclosed) truck delivery space on the east. The proposal includes re-grading and paving the area to the north/west of this building. See Article 8 for parking requirements, below.

Affirmative finding.

(m) *Landscaping and Fences*

The application proposes the retention and protection of existing green spaces, and the removal of fencing at the north of the site that would preclude truck circulation into the proposed new addition. **Affirmative finding.**

(n) Public Plazas and Open Space

There are no public plazas or required open space as part of this application. **Affirmative finding.**

(o) Outdoor Lighting

See Section 5.5.2, above.

(p) Integrate Infrastructure into the design:

Pomace bins and the dumpster location are north of the subject building. The dumpster will need to be enclosed on all sides to prevent trash from blowing. The manner of that enclosure needs to be submitted for staff review and approval. **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

The proposed 1,500 sf addition is consistent and compatible in massing and scale with the existing building. **Affirmative finding.**

2. Roofs and rooflines

The proposed rooflines are consistent with the existing building and those of neighboring buildings. **Affirmative finding.**

3. Building Openings

Building openings are appropriate to the intended function and overall design of the building. The addition will have galvanized steel overhead doors at both ends. **Affirmative finding.**

(b) Protection of Important Architectural Resources

Not applicable.

(c) Protection of Important Public Views

Not applicable.

(d) Provide an active and inviting street edge

The proposed building addition is both consistent with the existing building design and compatible in appearance. The pre-finished corrugated metal siding and metal fascia will blend with the existing warehouse. **Affirmative finding.**

(e) Quality of Materials;

Exterior walls will be pre-finished corrugated metal siding with galvanized steel overhead doors. Both are appropriate for the intended installation. **Affirmative finding.**

(f) Reduce energy utilization;

All development 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;*

Any new or revised signage will require a separate sign permit. **Affirmative finding as conditioned.**

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

See Section 6.2.2. (p), above.

(i) *Make spaces secure and safe.*

Development shall adhere to all applicable building and life safety code as defined by the building inspector and fire marshal. **Affirmative finding as conditioned.**

Article 7: Signs

Any new or replacement signage will require separate permitting. **Affirmative finding as conditioned.**

Article 8: Parking

In the Shared Use Parking District, Manufacturing requires .35 parking spaces per 1,000 s.f. of gross floor area. The addition of 1,500 s.f. will require 2 new parking spaces. (1,500 / 1,000.) Existing conditions provide 109 + 4 (across Switchback parcel) defined parking spaces distributed throughout the commercial complex, in addition to large undefined gravel parking areas. The Assessor’s database defines this building as 90,308 sf which would require 32 parking spaces under these standards. For purposes of existing conditions and the proposed expansion, the applicant need only show 2 more parking spaces associated with this parcel than existing. Revised plan L-1.0 defines the new location of three spaces (moved to facilitate truck turn circulation) and two new spaces to meet the parking requirement for the new 1,500 sf warehouse addition. **Affirmative finding.**

Appendix A: *Warehouse*, the existing and proposed use, is a permitted use in the E –LM Zoning District. The proposed additional use (apple press) is also a permitted use under *Food and Beverage Processing* or as an accessory use to the principal, warehouse use.

II. Conditions of Approval

1. Based on submitted new square footage of new nonresidential space (1,500 sf), the following Impact fees shall be paid at least **seven days prior to occupancy of a new building** or any portion thereof. (If area differs, the applicant shall provide corrected area to staff for recalculation and allocation by department):

Department	Industrial	
	Rate	Fee
Traffic	0.256	384.00
Fire	0.191	286.50
Police	0.342	513.00
Parks	0.412	618.00

Library	0.000	0.00
Schools	0.000	0.00
Total	1.201	\$ 1,801.50

2. **Section 2.7.8, Withhold Permit** requires that any open violations on this property be remedied, and any zoning permits issued since July 13, 1989 be closed out **prior to issuance of a Certificate of Occupancy** for this project. See attached property permit history for further information.
3. The dumpster shall be enclosed on all sides to prevent blowing trash. The manner of that enclosure needs to be submitted for staff review and approval.
4. Written approval of the EPSC Plan by the Stormwater Engineering team shall be a requirement **prior to release of the zoning permit**.
5. Unless specifically altered by the DRB, construction activities shall be limited to 7:00 am to 6:00 pm, Monday through Saturday. There shall be no construction on Sundays.
6. Any new or replacement signage will require separate permitting.
7. All development 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.
8. Standard Permit Conditions 1-15.

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