

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

David White, AICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, CFM, Associate Planner
Anita Wade, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Scott Gustin
DATE: July 5, 2016
RE: 16-1145CA/MA; 207 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.

Zone: ELM Ward: 5S

Owner/Applicant: Vermont Railway, Inc. / City Market

Request: Construct new retail grocery building and related site improvements and subdivide lot.

Applicable Regulations:

Article 3 (Applications and Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking), Article 10 (Subdivision)

Background Information:

The applicant is seeking approval to construct a new retail grocery store, parking lot, and related site improvements. The single parcel will also be subdivided into two lots. Nearly all of the development will take place on lot 1. Lot 2 will remain as-is. Demolition of existing buildings onsite has been approved under separate zoning permits.

No sketch plan was submitted. While recommended, it is not required. The required NPA meeting took place February 18, 2016. This project was reviewed by the Technical Review Committee on April 14, 2016.

The Conservation Board reviewed it May 2, 2016 and unanimously recommended approval, subject to final review and approval of the stormwater management plan and erosion prevention and sediment control plan by the city's stormwater program staff.

The Design Advisory Board reviewed this application May 10, 2016 and unanimously recommended approval subject to the following conditions:

1. Provide a safe, well-defined pedestrian route through the parking lot, such as by adding an east/west walkway within the parking lot to connect to the Briggs Street walkway.
2. Provide a parking lot shading analysis demonstrating at least 30% parking lot shading. Also provide anticipated mature tree canopy dimensions.
3. Provide screening for all rooftop mechanicals visible from Flynn Avenue or Briggs Street.

Revised project plans have been submitted that address these conditions. Note that revisions are limited to the architectural and landscaping plans. The civil drawings have not yet been updated and must be.

Previous zoning actions for this property are noted below.

4/21/16, Approval to demolish buildings 1, 9, and 10 on the property
9/13/02, Approval for freestanding sign
9/24/98, Approval for 3 parallel signs
7/23/98, Approval to change use in existing commercial space from office to retail
6/11/98, Approval to amend site plan approval related to approved salt shed
12/11/97, Approval for revised landscaping plan related to approved salt shed
6/5/97, Approval to change use from upholstery/canvas to retail
5/13/97, Approval for freestanding sign
1/27/97, Approval to replace outdoor site lighting
7/27/95, Approval to change roofing and façade materials
3/28/95, Approval to install fire separation and vents
9/8/94, Approval to construct 26,000 sf salt storage shed
5/17/94, Approval to install freestanding sign
10/28/93, Approval of amendment to prior roadway connection to adjacent truck terminal
9/23/93, Approval to demolish portion of existing building and related site work
8/11/93, Approval for freestanding sign
8/11/93, Approval to change use from vacant industrial to taxi operation
6/17/93, Approval to change use from vacant office space to upholstery shop
4/19/90, Approval to establish cardboard recycling center
4/17/89, Approval to allow truck terminal and related construction
12/1/88, Approval for construction of stairwell and for installation of replacement siding
3/13/80, Approval of 2-lot subdivision
7/3/75, Approval to erect a 20' X 24' industrial building
12/13/73, Approval to install an 8,500 underground gasoline storage tank

Recommendation: Initial Major Impact & Certificate of Appropriateness review and continue hearing to address outstanding items noted in these findings:

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:

- 1. Existing or planned public utilities, facilities or services are capable of supporting the proposed use in addition to the existing uses in the area;*

The proposed development will be served by municipal utilities. Sufficient water and sewer service are available. A State of Vermont wastewater permit will be required. A capacity letter issued by the Dept. of Public Works will be required prior to issuance. **(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 subject property is located within the Enterprise – Light Manufacturing zone. This zone is intended primarily for manufacturing, distribution, processing and the like; however, other commercial uses are allowed. The proposed grocery store is one of those allowed uses. It is situated in a location with ready access from other nearby commercial uses and a large residential neighborhood. **(Affirmative finding)**

- 3. The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

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

A traffic analysis has been provided. The analysis centers on anticipated peak trip generation for the grocery store – weekday PM peak hour. It does not address anticipated total daily trip generation or weekend peak hours. Intersection analyses are also included in the study – Pine Street/Flynn Avenue, Briggs Street/Flynn Avenue, Flynn Avenue/Champlain Parkway, and driveway intersections with Briggs Street and Flynn Avenue. Build and no-build scenarios are addressed in 2017 and 2022.

Anticipated weekday PM peak hour trip generation is 225. Interestingly, this figure includes 45 non-vehicular trips (i.e. walk, bike, transit). Of the 180 vehicular trips, 80 are expected to be newly generated destination type trips (i.e. newly generated specifically to go to-from the supermarket). The analysis also states this total figure incorporates the 30 anticipated weekly truck trip ends; however, truck trips are mostly between 6:00 AM and 10:00 AM. The PM peak hour trip generation would necessarily exclude most of the truck traffic.

Intersection level of service (LOS) remains good in most scenarios with A's and B's. The Briggs and Flynn intersection will drop from B to C in 2022 under the "build" scenario. The Flynn and Champlain Parkway intersection will be impacted most significantly with a 20-second increase in delay and a concurrent drop in LOS from D to E in the 2022 "build" scenario.

Substantial public comment has been received that requests closing off Ferguson, Lyman, and Morse to prevent cut-through traffic associated with the new supermarket. The traffic analysis does not specifically address what impacts, if any, doing so would have on anticipated traffic volumes and movements. This change would be significant and, if pursued, should be expressly addressed in the traffic analysis.

Written comments and recommendations from the Department of Public Works are pending. **(No finding yet possible)**

and,

5. *The utilization of renewable energy resources;*

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

and,

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

Technical Review Committee comments relative to applicable City bylaws have been provided following the April 2016 review.

(b) Major Impact Review Standards

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

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

See Sec. 5.5.3 for stormwater management. **(Affirmative finding)**

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

See Sec. 3.5.6 (a) 1.

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

See Sec. 3.5.6 (a) 1.

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

See Sec. 5.5.3.

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

See Sec. 3.5.6 (a) 4.

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

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

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

The proposed development will generate additional impacts on city services; however, those impacts are expected to be relatively modest. Impacts will be mitigated by payment of impact fees. **(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 Article 6 for effects on significant natural areas, historic buildings, and archaeological significance.

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

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

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

Several provisions of the Municipal Development Plan target the Enterprise zones for new commercial investment and development (Land Use Policies, pg. I-2; Growth Areas, pg. I-22 {The Enterprise District}). Further, this project brings about new investment to a site with significant soil contaminants (Land Use Policies, pg. I-23 {Brownfields}). City Market encourages the use of alternative transportation and is working with CCTA to provide bus service to the site (Transportation System Plan, pg. V-12). As required, the new building will comply with present energy efficiency standards of the city and state (Energy Plan, pg. VIII-1). **(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 proposed commercial development will have no impact on the present or projected housing needs of the city. **(Affirmative finding)**

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

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

(c) Conditions of Approval:

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:

1. Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.

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

2. Time limits for construction.

No construction timeline or phasing are included in the project plans. The standard 2-year timeframe for zoning permits will apply. **(Affirmative finding)**

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

No days or hours of operation are noted in the application plans and must be. No days or hours of construction are proposed either. Both of these items must be provided. **(No finding yet possible)**

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

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time.

5. Such additional reasonable performance standards, conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.

See the recommended conditions.

Article 4: Maps & Districts

Sec. 4.4.3, Enterprise Districts:

(a) Purpose

(1) Light Manufacturing (E-LM)

The subject property is located in the E-LM zone which is intended as the primary commercial/industrial center of Burlington. The proposed grocery store is consistent with the array of commercial uses allowed in this zone. **(Affirmative finding)**

(b) Dimensional Standards & Density

Proposed building area is 88,847 sf. FAR is 0.73 on the resultant (i.e. subdivided) 2.81 acre lot 1. This FAR is well below the 2.0 FAR limit in this zone.

Lot coverage on lot 1 will be 76%. This percentage is under the maximum allowable 80% coverage.

The proposed front yard setbacks are 16' along Flynn Avenue and 6' along Briggs Street. The minimum required is 5'. Side yard setbacks are not applicable in the E-LM zone. This corner lot has no rear yard setback.

Maximum building height will be 40' 10" and is under the maximum permissible 45' height.

Note that, while no new development is proposed on lot 2, existing development will affect FAR and lot coverage percentages. That information must be provided. **(Affirmative finding as conditioned)**

(c) Permitted & Conditional Uses

The proposed grocery store, at 33,874 sf, qualifies as "large" in the use table of the Comprehensive Development Ordinance. Large grocery stores are a conditional use in the E-LM zone so long as they do not exceed 30,000 sf and are located between Flynn and Home Avenues. This proposed store is somewhat too large but is located acceptably. **(Adverse finding)**

(d) District Specific Regulations

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.5.5 (b) above.

Sec. 5.5.1, Nuisance Regulations

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

Sec. 5.5.2, Outdoor Lighting

A revised outdoor lighting plan has been provided. Fixture locations are noted within the parking and circulation areas and for the loading bays. Fixture locations for the building's pedestrian entries are also noted. Fixture cutsheets have been provided and depict acceptable cutoff lighting fixtures. The parking lot lights are acceptably mounted at 20'. The photometric plan shows parking and circulation illumination levels in excess of the applicable standards. Maximum illumination reaches to 6.4 footcandles, whereas 4.0 is the maximum permissible. Downward adjustment is needed to avoid these hot spots. The uniformity ratio (maximum : average illumination) is acceptable. No averages are noted for the pedestrian entry illumination levels. The point-by-point numbers look to be largely acceptable. Confirmation that averages do not exceed 5.0 footcandles is needed. **(Affirmative finding as conditioned)**

Sec. 5.5.3, Stormwater and Erosion Control

The proposed stormwater management system contains both structural and nonstructural elements. Two rain gardens are proposed along with an overall reduction in pervious surface. The contaminated soils onsite prevent utilizing infiltration, but the under-drained rain gardens will provide stormwater treatment and attenuation. Structural elements include catch basins and piping that will connect to the city's combined storm/sanitary sewer. Overall stormwater discharge volumes will decrease for all design storm events. As noted by the Conservation Board, final approval of the proposed stormwater management plan (and erosion control plan) by the city's stormwater program is required. **(Affirmative finding as conditioned)**

Article 6: Development Review Standards:

Part 1, Land Division Design Standards

Sec. 6.1.2, Review Standards

(a) Protection of important natural features

The proposed subdivision will have no impact on important natural features. **(Affirmative finding)**

(b) Block size and arrangement

Block size and arrangement will remain unchanged. **(Affirmative finding)**

(c) Arrangement of Lots

Both resultant lots will be regularly shaped, and both will have sufficient frontage on public streets. **(Affirmative finding)**

(d) Connectivity of streets within the city street grid

Not applicable.

(e) Connectivity of sidewalks, trails, and natural systems

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

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

(b) Topographical alterations

The existing property is essentially flat and will remain so. Proposed grading will direct stormwater runoff into receiving stormwater management measures. **(Affirmative finding)**

(c) Protection of important public views

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

(d) Protection of important cultural resources

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

(e) Supporting the use of alternative energy

See Sec. 6.3.2 (f).

(f) Brownfield sites

The Vermont DEC Hazardous Site List specifically lists 207 Flynn Avenue as a contaminated site. Its brownfield status is active, and phase I and II assessments have been done. Contaminants include VOC's, metals, and PAH's. With the Conservation Board, the applicants addressed at length the site contamination and corrective actions to take place. Contaminated soils will be capped with proposed construction or clean top soil. A vapor barrier and associated ventilation will be installed with the store's foundation. The applicants continue to work with VT DEC to address onsite contaminants. **(Affirmative finding)**

(g) Provide for nature's events

See Sec. 5.5.3 for stormwater management.

There is sufficient room for onsite snow storage. Building entries are sheltered. **(Affirmative finding)**

(h) Building location and orientation

The proposed building will be set to the northeast corner of the site. It will serve as an anchor point at the corner of Briggs Street and Flynn Avenue. Multiple entries will provide access into the building. Entries will face Flynn Avenue, Briggs Street, and the parking lot. The west elevation, facing the railroad tracks, is the back-of-house elevation. **(Affirmative finding)**

(i) Vehicular access

Two access points will serve the property. The driveway from Briggs Street appears to be the primary public access point in and out of the property. The other driveway from Flynn Avenue is one-way only (into the site) and will be used for delivery trucks.

As a corner lot, there are two street frontages and no way to put parking fully behind the building. As proposed, the parking will be set to the south of the proposed building. It will be screened by the new grocery store as viewed from Flynn Avenue and set to the side as viewed from Briggs Street.

The Briggs Street driveway is 24' wide, sufficient to allow simultaneous in-and-out movement under the vehicular circulation standards of Article 8. The Flynn Avenue driveway is 30' wide, and appears to be as wide to afford access to the loading bays on the building's west side.

(Affirmative finding)

(j) Pedestrian access

Walkways and related hardscaping afford direct pedestrian access into the building from the public sidewalk. As recommended by the Design Advisory Board, project plans have been revised to create a pedestrian crossing midway in the parking lot. This new element provides direct access to the walkway along the eastern edge of the site. This walkway then provides access to the building.

Striping is depicted across the Briggs Street driveway to delineate pedestrian crossing continuous with the proposed walkway along the eastern edge of the property. No such delineation is depicted across the Flynn Avenue driveway. This arrangement may be acceptable because there is no public sidewalk further west along Flynn Avenue. Note that this section of sidewalk along Flynn Avenue will be constructed as part of this project. Other related hardscape encroachments extend into the public street right-of-way at the Flynn Avenue and Briggs Street intersection.

Construction of the sidewalk and encroachments into the public ROW is subject to review and approval by the Department of Public Works and (for encroachments) the City Council.

(Affirmative finding as conditioned)

(k) Accessibility for the handicapped

A group of handicap parking spaces is depicted near the primary building entrance. Entries into the building appear to be at-grade. It is the applicant's responsibility to comply with all applicable ADA requirements. **(Affirmative finding)**

(l) Parking and circulation

As noted above, parking is set to the side or rear of the building as perceived from Briggs Street or Flynn Avenue, respectively. Along Briggs Street, the parking lot will be screened with a line of new landscaping consisting of deciduous trees and shrubs. A single large center island will be

provided in the parking lot. The westernmost double-stacked row of parking has no such island. The DAB declined to recommend one.

Parking spaces and circulation isles appear to be dimensionally compliant. Parking spaces are 9' X 20', and circulation isles are 20' wide allowing for 10' wide travel lanes. Back-up distance is slightly substandard at 20', whereas 24' is the standard for 90-degree spaces. Some variation from this standard is permissible per Sec. 8.1.11, *Parking Dimensional Requirements*.

Curbing is proposed along the eastern and northern ends of the parking area. None is evident along the western or southern ends. Landscaping along the periphery also serves to delineate the boundaries of the parking and circulation areas.

The proposed parking lot will require shade trees. This criterion establishes a target of 30% shading of the parking area with new shade trees. At least 1 shade tree for every 5 parking spaces is required. The new parking lot will contain 109 parking spaces and will require 22 shade trees. As proposed, 32 new trees will be planted within or around the parking lot. Minimum caliper size at the time of planting must be 2.5" – 3.5." As proposed, caliper size is compliant. A mature canopy diameter of at least 25' is needed. Canopy information provided denotes compliance. As recommended by the DAB, a parking lot shading analysis has been provided and depicts 34.7% shading at maturity.

Bike parking information has been provided. Bike racks will be provided near the building's Flynn Avenue entrance and by the Briggs Street entry. Enclosed long term bike parking facilities will be provided inside the building along with associated shower and locker facilities.

(Affirmative finding)

(m) Landscaping and fences

A comprehensive landscaping plan has been submitted and encompasses a diversity of plantings. Proposed landscaping will be used to frame the property and to screen parking from the street. It will be used to break up the surface parking lot and to define spaces within the site. Species and planting size information has been provided. There is a significant stretch of landscaping within the Briggs Street right-of-way between the proposed building and the street. This proposed landscaping has been reviewed and approved by the City Arborist. **(Affirmative finding)**

(n) Public plazas and open space

No public plazas or open space are included in this proposal. Outdoor café seating is proposed along the building's eastern elevation adjacent to the accessory café. **(Affirmative finding)**

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

No ground-mounted mechanical equipment is apparent in the site plans. Two large compactors will be tucked in along the building's western elevation. They will be screened, in large part, by the building. Any new utility lines must be buried. **(Affirmative finding as conditioned)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The proposed grocery store is 33,874 sf with a 24,250 sf 1st floor (additional area is related to a proposed stair tower and mezzanine). It reads as a moderately large single story building in character with other nearby commercial structures on Flynn Avenue.

The overall building volume is broken into distinct building sections. Recesses, protrusions, and varying rooflines emphasize perception of distinct building components. Varying materials and fenestration further serve to relieve perceived mass of the proposed building.

Building height varies depending on adjacent grade and roof plane. The highest point is ~ 41' tall. This height is under the maximum permissible 45' in the ELM zone. **(Affirmative finding)**

2. Roofs and Rooflines

The proposed building will include flat roofs on most building segments. Only the café has a shed roof. Such roof forms are common in the neighborhood and acceptable as part of the proposed building design. **(Affirmative finding)**

3. Building Openings

Sheltered entries will face Flynn Avenue and the parking lot. Both are readily identifiable. It appears that the café along Briggs Street will have its own entry with access to the outdoor seating. The fenestration is consistent with the boxy appearance of the building and is placed in consistent rhythm throughout. Storefront glazing along the café provides an open and airy feeling to this prominent feature. **(Affirmative finding)**

(b) Protection of important architectural resources

Demolition of existing structures has been approved under separate permit. Evaluation for historic significance took place via an historic site assessment and review by the VT State Historic Preservation Officer. No buildings either listed on an historic register or eligible for listing will be affected by the new construction. **(Affirmative finding)**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

The north and east building elevations define this structure's street face. Both have well defined entries sheltered underneath a projecting canopy. Ample glazing along the Briggs Street façade provide visual access into the building. The café and related outdoor seating area provide additional activation. The Flynn Avenue façade is less successful as a pedestrian interface. Half of it contains an entry and mural sheltered under a canopy. These elements clearly draw people towards the building entry. The other half, however, is fairly blank. Interior store layout drives the lack of ground-level glazing but additional improvement is encouraged. This building element was discussed at DAB, but no recommendation was made. **(Affirmative finding)**

(e) Quality of materials

The building will be clad largely in metal paneling of varying textures and coloration. Wooden panel accents will be installed near the entries. A membrane roofing system will be installed. All

of the windows appear to be fiberglass. The proposed materials are acceptable for new construction. **(Affirmative finding)**

(f) Reduce energy utilization

Few energy details are included in the application plans. The new building must comply with the current energy efficiency requirements of the city and state. **(Affirmative finding as conditioned)**

(g) Make advertising features complimentary to the site

A parallel “City Market” sign is depicted on the Briggs Street building elevation. It appears to be placed above 14’ height. Such placement is acceptable so long as the sign is not internally illuminated. Sign area is ~ 57 sf, under the maximum permissible 200 sf. This sign, and all other exterior signs, are subject to separate zoning permit. **(Affirmative finding as conditioned)**

(h) Integrate infrastructure into the building design

Loading bays are screened from the street and are set apart from active pedestrian areas of the site. Abundant rooftop mechanicals are proposed, some of which are quite large. This criterion requires screening such features within the overall roof structure, outer building walls or parapets, or integrated into the overall building design. As recommended by the DAB, plans have been revised to incorporate screening of rooftop mechanicals. Their appearance is much less obvious than previously. Note also that some of the proposed equipment is tall enough to exceed the overall 45’ height limit. The total area of such features cannot exceed 10% of the roof area. While a roof plan has been submitted, there is no tally of area exceeding 45.’ Confirmation is needed as to whether this limitation has been observed. **(No finding possible)**

(i) Make spaces safe and secure

The project underwent technical review on April 14, 2016. The fire marshal provided written comment to the applicants based on that review. Building accessibility by emergency service vehicles appears to be adequate. **(Affirmative finding)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The proposed grocery store is located in the Shared Use Parking District. Grocery stores require a minimum of 2 parking spaces per 1,000 sf. At 33,874 sf, the proposed grocery store requires at least 68. The proposed site plan includes 109 parking spaces (including 4 EV spaces). This number exceeds the minimum requirement but remains below the maximum parking limitation of 127 spaces. Note that a 30,000 sf store would require at least 90 parking spaces and no more than 113. **(Affirmative finding)**

Sec. 8.2.5, Bicycle Parking Requirements

Bike parking information has been provided. Twenty-eight bike racks will be provided near the building’s Flynn Avenue entrance, and an additional 9 will be provided by the Briggs Street entry. Each rack can hold 2 bikes. The minimum number of short term bike parking spaces required is just 8. Enclosed long term bike parking facilities will be provided inside the building along with associated shower and locker facilities. The minimum number of long term bike parking spaces required is just 2 spaces. The number of interior long term spaces is not evident. Confirmation of at least 2 spaces is needed. **(Affirmative finding as conditioned)**

Article 10: Subdivision

See Articles 3, 4, 5, and 6 of these findings. As a 2-lot subdivision, this application qualifies for combined preliminary and final plat review per Sec. 10.1.7. Note also that there is no minimum lot size in the E-LM zone; however, frontage on a public street is required. Both proposed lots will have frontage on public streets. The paper subdivision plat is sufficient to demonstrate the proposed subdivision and resultant boundaries and lot sizes. The required mylar subdivision plat must include all signature blocks noted in Sec. 10.1.11, *Recording of Final Plats*. (**Affirmative finding as conditioned**)

II. Conditions of Approval

Project approval is not yet warranted due to the nature and extent of outstanding items above. If the Development Review Board determines that approval is warranted, the following conditions are recommended:

1. **Prior to release of the zoning permit**, revised project plans depicting the following shall be submitted, subject to staff review and approval:
 - a. Consistent site plans throughout the plan set (i.e. reflecting the DAB's recommendations);
 - b. Days and hours of grocery store operation and days and hours of construction;
 - c. FAR and lot coverage information for lot 2;
 - d. Reduced gross floor area of 30,000 sf or less;
 - e. Outdoor illumination revisions for compliant lighting levels in the parking lot and over building entries per Sec. 5.5.2;
 - f. A tally of the area of rooftop equipment exceeding the 45' height limit (up to 10% area is allowed); and,
 - g. Confirmation of at least 2 compliant long-term bike parking spaces within the building.
2. **Prior to release of the zoning permit**, the applicant shall receive written verification of adequate wastewater capacity from the Department of Public Works.
3. **Within 180 days of this approval**, a mylar copy of the subdivision plat with all required signature blocks duly signed as required by Sec. 10.1.11 shall be filed in the land records. Failure to do so shall render this subdivision approval null and void.
4. This zoning permit incorporates recommendations from the Dept. of Public Works relative to traffic impacts and mitigation.
5. Final approval of the post-construction stormwater management system and the erosion prevention and sediment control plan by the city's stormwater program staff is required.
6. The proposed sidewalk construction within the public street right-of-way is subject to review and approval of the Dept. of Public Works. All other construction within the public street right-of-way is subject to an encumbrance permit issued by the City Council in conjunction with the Dept. of Public Works.
7. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Planning & Zoning Department the impact fee as calculated by staff based on the gross square footage of the proposed development.
8. A State of Vermont wastewater permit is required.
9. All new utility lines shall be buried.
10. It is the applicant's responsibility to comply with all applicable ADA requirements.
11. 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.

12. Any signage will require a separate sign permit.
13. Standard Conditions 1-14.