

## 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:** January 31, 2017  
**RE:** 15-0801PD; 140 Grove Street

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

Zone: RL      Ward: 1E

Owner/Applicant: Bayberry, LLC

**Request:** Amend final plat approval to relocate community recreation building and to adjust grading around the 8-unit buildings.

### **Applicable Regulations:**

Article 4 (Zoning Maps and Districts), Article 5 (Citywide General Regulations), and Article 6 (Development Review Standards)

**Recommendation:** Amended final plat approval as per, and subject to, the following findings and conditions:

### **I. Findings**

#### **Background Information:**

The applicant is seeking approval to make some adjustments to the layout of the 232-unit residential development. The community center building was originally to be located on the lower plateau within the green. As revised, the community center would be relocated to the green in the upper plateau and would replace a 6-plex previously proposed in this location. The lower plateau would receive a relocated pavilion and new garden beds. The 6 units lost to the deleted 6-plex would be regained by adding 2 units to each of three former 6-plexes (the three 6-plexes along the entry road would become 8-plexes). The 2 additional units in each of these buildings would be added as ground-level units enabled by adjusted grading around these buildings. The overall building mass would remain unchanged; however, more of the foundation would be exposed along the sides and rears. Lastly, parallel on-street parking spaces along interior streets within the lower plateau would be converted to perpendicular spaces resulting in a net increase of 17 parking spaces.

Previous zoning actions for this property are noted below.

- 8/26/16, Amended final plat approval to adjust phasing schedule
- 5/19/15, Final plat approval of 232-unit PUD
- 3/20/14, Preliminary plat approval of 245-unit PUD
- 11/10/97, Approval of lot line adjustment with neighboring parcel

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

### ***Sec. 4.4.5, Residential Districts:***

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

##### ***(1) Residential Low Density (RL)***

Nothing about the proposed amendment affects the use of the project nor its relationship to the purpose of the zoning district. **(Not applicable)**

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

The development contains 232 residential units. This total remains unchanged.

As originally approved, lot coverage within the buildable area was 42.8%. With development bonuses applicable to this project, up to 50% coverage is possible. The proposed changes seemingly affect lot coverage; however, no revised lot coverage information is evident. A revised lot coverage figure is needed.

Within this planned unit development, only peripheral setbacks apply. None are affected by the proposed revisions.

Building height was a significant concern during review of this project. The Development Review Board required that all of the buildings on the upper plateau (nearer Grove Street) remain below 35'. The buildings on the lower plateau were allowed to be taller. The revisions to the three newly expanded 8-plexes along the main entry road do not affect the physical volume of the structures; however, the revised grading does affect their height as calculated under zoning (calculated from the average finished grade around the buildings). Their height as perceived from the upper plateau remains unchanged at 34' 6". They now rise up to ~45' as perceived from the lower plateau. This change is seemingly consistent with the DRB's intent to restrict height within the upper plateau while allowing taller buildings below. As revised, building height is now ~ 40.' No final height calculation is provided and is needed. Within the lower plateau, apartment buildings T and S are slightly below 40' tall, and building R (the tallest) is 49.9' tall. **(Affirmative finding as conditioned)**

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

No change in use is requested.

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

##### ***1. Setbacks***

No setback encroachments are sought.

##### ***2. Height***

Not applicable in RL.

##### ***3. Lot Coverage***

No lot coverage exceptions are sought.

##### ***4. Accessory Residential Structures and Uses***

The proposed office/clubhouse remains, albeit in a different location with slightly revised appearance. **(Affirmative finding)**

**5. Residential Density**

All of the residential units are subject an occupancy limit of 4 unrelated adults or a family as defined in the CDO. **(Affirmative finding)**

**6. Uses**

Not applicable.

**7. Residential Development Bonuses**

Not applicable to this amendment.

**Article 5: Citywide General Regulations**

**Sec. 5.2.3, Lot Coverage Requirements**

See Sec. 4.4.5 (b) above.

**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 above.

**Sec. 5.5.1, Nuisance Regulations**

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

**Sec. 5.5.2, Outdoor Lighting**

No additional outdoor lighting is included in this amendment. Lighting will change only insofar as lighting associated with the relocated community center building will also be relocated.

**(Affirmative finding)**

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

Stormwater management and erosion control are unaffected by this amendment. **(Affirmative finding)**

**Article 6: Development Review Standards:**

**Part 1, Land Division Design Standards**

**Sec. 6.1.2, Review Standards**

Not applicable.

**Part 2, Site Plan Design Standards**

**Sec. 6.2.2, Review Standards**

*(a) Protection of important natural features*

Not applicable.

*(b) Topographical alterations*

As originally approved, the grade around the three 6-plexes was to be built up and held in place, at least in part, with retaining walls along the roadway connecting to the lower plateau. The effect was an essentially even grade on all sides of the buildings. As revised, the grade would not be built up. Prior to reconstruction, the site sloped down from the upper to lower plateaus. While some new grading is proposed to set the buildings into the slope, that general slope will be retained. The retaining walls along the roadway will be eliminated, and more of the building foundations will be exposed. The 6-plexes will become 8-plexes. **(Affirmative finding)**

*(c) Protection of important public views*

Not applicable.

*(d) Protection of important cultural resources*

Not applicable.

*(e) Supporting the use of alternative energy*

Not applicable.

*(f) Brownfield sites*

Not applicable.

*(g) Provide for nature's events*

Not applicable.

*(h) Building location and orientation*

Building layout around the upper green will remain unchanged. The relocated community building will simply replace the former 6-plex in the same location. Entries into the community building face the adjacent streets. **(Affirmative finding)**

*(i) Vehicular access*

Not applicable.

*(j) Pedestrian access*

Not applicable.

*(k) Accessibility for the handicapped*

Handicap parking spaces are depicted on the site plans, including spaces associated with the relocated community building. As with the original approval, the buildings will require handicap accessible features per the ADA as administered through the city's building code. **(Affirmative finding)**

*(l) Parking and circulation*

Parking was a point of significant discussion during review of the original project. There was significant effort to limit surface parking lots and to incorporate parallel on-street parking. Prior iterations of the project had depicted angled parking along the interior streets. Doing so was discouraged, as it rendered the streets more parking lot-like than neighborhood streets. Some angled parking was included in the final approval; however, it was very limited. The proposed amendment seeks to significantly expand the angled parking within the lower plateau. Doing so has the same effect it had previously – to render the streets more as circulation aisles within

parking lots. This change is unacceptable. The look and feel of neighborhood streets within the development should be preserved insofar as possible. (**Adverse finding**)

*(m) Landscaping and fences*

Landscaping and fencing are virtually unchanged. Those changes that are proposed are associated only with the relocation of the community building as reflected in sheet L-CC. (**Affirmative finding**)

*(n) Public plazas and open space*

Not applicable.

*(o) Outdoor lighting*

See Sec. 5.5.2.

*(p) Integrate infrastructure into the design*

Not applicable.

**Part 3, Architectural Design Standards**

**Sec. 6.3.2, Review Standards**

The proposed amendment includes little change to the architectural qualities of the buildings. Except for some additional siding and fenestration related to grade changes, there is little outward change to the three 8-plexes along the main entry road. The community building is dimensionally similar to the previous approval. It has received some minor cladding changes, revised fenestration, and reworked rooflines. In general, its revised appearance is more consistent with that that of the apartment buildings onsite. (**Affirmative finding**)

**II. Conditions of Approval**

Approval of the amendment without the requested parking changes is recommended.

1. Except as specifically modified in this amendment, all conditions of the original final plat approval dated May 19, 2015 shall remain in effect.
2. No change to the number or configuration of on-street parking is included in this approval.
3. **Prior to release of the zoning permit**, revised lot coverage and building height calculations shall be submitted, subject to staff review and approval.
4. Standard permit conditions 1-15.