

## Department of Planning and Zoning

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### MEMORANDUM

To: Development Review Board  
From: Mary O'Neil, AICP, Principal Planner  
Date: June 20, 2017  
RE: 79 Industrial Avenue ZP17-1097CA/MA

**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:** ZP17-1097CA/MA

**Location:** 79 Industrial Parkway (Rhino Foods)

**Zone:** E-LM **Ward:** 5S

**Date application accepted:** May 9, 2017

**Conservation Board Review:** June 5, 2017

**Technical Review:** June 8, 2017

**Staff Site Visit:** June 8, 2017

**Applicant/ Owner:** Rhino Foods Inc. / Zoo Holdings LLC

**Request:** Two building additions approximately 14,200 sf footprint; paving existing parking lot, construction of new parking lot, construct fire access drive, stormwater system; remove 2 storage boxes, site grading.



#### Background:

- Zoning Permit 16-1434CA; Exterior lighting package. July 2016.
- Zoning Permit 16-1433CA; three new pole lights in front of building. July 2016.
- Zoning Permit 16-1126CA; place office trailer onsite for approximately one year. May 2016.
- Zoning Permit 16-1000CA; remove one existing light, replace with motion sensitive light, add two new lights. April 2016.

The programs and services of the City of Burlington are accessible to people with disabilities. For accessibility information call 865-7188 (for TTY users 865-7142).

- Zoning Permit 16-0613CA; 5-year tree maintenance plan. January 2016.
- Zoning Permit 16-0673FC, installation of approximately 80 feet of vinyl fencing. December 2015.
- Zoning Permit 16-0400CA; install temporary loading dock and door. September 2015.
- Zoning Permit 15-0842CA; construct new addition for trash and recycling enclosure. Amendment of zoning permit 15-0252CA. March 2015.
- Zoning Permit 15-0252CA; construction new addition for trash and recycling enclosure. September 2014.
- Zoning Permit 15-0411SN; install lettering on existing freestanding concrete sign platform for “Rhino Foods” and “79”. September 2014.
- Zoning Permit 14-0354SN; replace existing sign with new metal, non illuminated sign for Rhino Foods. September 2013.
- Zoning Permit 09-087CA; two temporary trailers/containers for storage. August 2008.
- Zoning Permit 09-088CA; erect a 7 x 10 shed. August 2008.
- Zoning Permit 07-293CA; add 8 x 20 outdoor storage shed on existing gravel surface. No increase in lot coverage. October 2006.
- Zoning Permit 07-025CA; temporary trailer/shipping container 8’ x 40’ to be kept on an existing concrete pad to provide additional storage space. No change in lot coverage. To be removed by July 1, 2007. July, 2006.
- Zoning Permit 06-759CA; extension of permit 06-210CA for temporary field office. Field office to be removed six months from end of appeal period for this permit (December 1, 2006.) May, 2006.
- Zoning Permit 06-446CA; install an air cooled chiller inside existing fenced equipment area on south side of building. January 2006.
- Zoning Permit 06-210CA; temporary 36’ x 10’ field office for additional meeting space. Shall be removed within eight months from end of appeal period. September 2005.
- Zoning Permit 04-576; fence around chiller and HVAC and noise barrier on south side. Apply for additional parking on existing gravel. Storing shed on south side and rocks on south side as parking barrier. June 2004.
- Zoning Permit 04-145, boundary line adjustment to increase 70 Industrial Parkway by 1.41 acres to become 5.01 acres and reduce 159 Industrial Parkway by 1.41 acres to become 11.0 acres. September 2003.
- Zoning Permit 02-584; installation of 8’ chain link fence around existing chiller and HVAC on south side of building and installation of a 16’ x 30’ concrete slab on north side of building for compost bin. June 2002.
- Zoning Permit 01-535; installation of HVAC unit on south side of building. June 2001.
- Zoning Permit 01-261; increase parking lot for 22 spaces, install 500-gallon fuel tank, demolish shed, enclosed roof vent with 7’ high 8’ x 8’ fence. November 2000.
- Zoning Permit 00-090 / COA 000-005; installation of five trailers (3 dry storage and 2 refrigeration) as storage units for the existing frozen food manufacturer. August 1999.
- Zoning Permit 99-591; replace one horizontal tank with two vertical nitrogen tans 36’ high on the north side of the existing Rhino Foods manufacturing plant. June 1999.
- Zoning Permit 97-249 / COA 092-086B; revised site and landscaping plan for the existing manufacturing facility. Proposal represents as-built conditions for COA 92-086. January 1997.
- Zoning Permit 97-227 / COA 092-086A; renewal of COA 92-086, dated 4/23/1992, to utilize the originally approved maximum of 4300 sf. within the existing manufacturing space for associated office space. November 1996.

- Zoning Permit 92-313 / COA 092-086; fenestration and façade renovations to existing industrial complex. Relocated front entryway, with installation of horizontal above ground 48’ long tank on side of building. April 1992.
- Zoning Permit 79-210A / COA 79-27; construction of 18,000 sf pre-engineered frame addition (metal clad) at rear of existing building. To be accomplished in 2 phases. Phase I refers to excavation and foundation; Phase II refers to frame addition. May 1979.

**Overview:** 79 Industrial Avenue is an existing food manufacturing facility within the Enterprise – Light Manufacturing zoning district. The proposal is for an expansion in both facility and parking. The project is Major Impact (under revised MA standards) because the development footprint (total area of impervious coverage, buildings and parking) exceeds 20,000 sf.

**Recommendation:** Major Impact and Certificate of Appropriateness **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 addition of 2 building additions with a square foot calculation of 14,200 s.f., the following is an estimate of Impact Fees:

<b>SF of Project</b>	<b>14,200</b>	
	<b><u>Industrial</u></b>	
<b>Department</b>	<b>Rate</b>	<b>Fee</b>
Traffic	0.255	3,621.00
Fire	0.190	2,698.00
Police	0.341	4,842.20
Parks	0.411	5,836.20
Library	0.000	0.00
Schools	0.000	0.00
<b>Total</b>	1.197	<b>\$ 16,997.40</b>

**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:*

*(b)Existing 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.***

**Part 5: Conditional use and Major Impact Review**

**Sec. 3.5.2 Applicability**

**(a) Conditional Use Review:**

*Conditional Use Review shall be required for the approval of all development subject to the following provisions of this ordinance:*

1. *any use identified under Article 4 and Appendix A – Use Table as a “Conditional Use” or “CU;”*
2. *any Special Use specifically identified as being subject to conditional use review under Article 5, Part 3;*

Unless explicitly exempted, all Major Impact projects are subject to Conditional Use review.

**(b) Major Impact Review:**

*Major Impact Review shall be required for the approval of all development involving any one or more of the following:*

	<b>Zoning Districts</b>				
	<b>Downtown Mixed Use</b>	<b>Neighborhood Mixed Use, Institutional, Enterprise,</b>	<b>Residential-Medium Density, Residential – High Density</b>	<b>Residential-Low Density</b>	<b>RCO-A, RCO-C, RCO-RG, UR</b>
<b>Dwelling Units</b>	Creation of fifty (50) or more dwelling units	Creation of twenty-five (25) or more dwelling units (not applicable here)	Creation of ten (10) or more dwelling units	Creation of five (5) or more dwelling units	NA
<b>Land Subdivision</b>	NA	Not applicable here	Creation of ten (10) or more lots;	Creation of five (5) or more lots	NA

<b>Non-residential or Mixed Use Development</b>	A development footprint <sup>1</sup> of fifty thousand (50,000) s.f. or more, or the creation of one hundred thousand (100,000) s.f. or more of gross floor area.	<b>A development footprint<sup>1</sup> of twenty thousand (20,000) s.f. or more, or the creation of forty thousand (40,000) s.f. or more of gross floor area.</b>	A development footprint <sup>1</sup> of eight thousand (8,000) s.f. or more, or the creation of fifteen thousand (15,000) s.f. or more of gross floor area.	A development footprint <sup>1</sup> of five thousand (5,000) s.f. or more, or the creation of ten thousand (10,000) s.f. or more of gross floor area.	Creation of five thousand (5,000) s.f. or more of gross floor area <sup>2</sup>
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<sup>1</sup> Development Footprint: total area of impervious coverage – buildings and parking.

<sup>2</sup> Farm structures are exempt per 10 VSA 6001.

The total area of the new addition *and* parking lot exceed the 20,000 sf threshold of impervious coverage. See Standards of Review, below.

### Sec. 3.5.6 Review Criteria

*The application and supporting documentation submitted for proposed development involving Conditional Use and/or Major Impact Review, including the plans contained therein, shall indicate how the proposed use and associated development will comply with the review criteria specified below:*

#### (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:*

- 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 development is proposed within a zoning district specifically identified for manufacturing uses; the existing food processing facility is surrounded by similar manufacturing and industrial facilities (Edlund, Burton Snowboards, CCTA and Barrett Trucking.) The supporting narrative defines no conflict with existing or planned public utilities, facilities or services. **Affirmative finding.**

- 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 **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. From the Municipal Development Plan:

- *Protect core industrial areas by limited residential development and other uses that threaten to erode the continued viability of industry and manufacturing.* [MDP, Land Use Plan, P. I-31.
  - *Undertake an analysis to better understand the physical capacity of specific parts of the city to accommodate additional development.* [MDP, Land Use Plan, Page I-30.]
  - *Promote and strengthen a mixed economy, and work actively to retain existing businesses and jobs.* [MDP, Economic Development Plan, Page VI-2.]
  - *Support sustainable development activities in target areas of the city including the Enterprise Community....*[MDP, Economic Development Plan, page VI-2.
- 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 applicant has defined two instances of noise issuance; filling of liquid nitrogen tanks (2x day; tanks are existing), and the boiler (required for sanitizing the process equipment.) The plan includes landscaping and fencing to buffer audible impacts. See Plan L-1. The applicant will relocate HVAC equipment to the rooftop where it will be surrounded on all sides by screening.

The current and anticipated character of this facility is consistent with the type and scale of enterprise activities within the immediate E –LM area.

**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 proposed building additions are on an existing manufacturing facility within the Enterprise-Light Manufacturing zoning district. Existing roadways/arterials will not change. There will be no increase in the number of employees at the facility, so no transportation impacts or increased levels of service are anticipated. **Affirmative finding.**

*and,*

5. *The utilization of renewable energy resources;*

No part of the application precludes the utilization of wind, water, solar, geothermal or other forms of renewable energy resources. The importance of maintained building temperature makes it undesirable for the applicant to consider the inclusion of solar

infrastructure at this facility. Given the particular character of product(s) produced here, the underlying reasoning is understandable. **Affirmative finding.**

*and,*

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

It is the applicant's responsibility to secure any required additional state or city permits. Technical Review identified the need for a State Stormwater Permit.

**Section 2.7.8, Withhold Permit,** will apply to this property. See conditions.

**Affirmative finding as conditioned.**

**(b) Major Impact Review Standards:**

*Before a major impact development may receive approval, the DRB must be satisfied, based on documentation provided by appropriate city agencies, experts, interested parties and/or the applicant that the proposed development shall:*

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

The development will not result in undue water, air or noise pollution. Mechanical equipment will be relocated to the roof, where it will have full height fencing on all sides for visual and audible screening.

Reference is made to the narrative for a description of wastewater distribution. Flows will not increase. Stormwater runoff will be addressed in compliance with State of Vermont Watershed Management Division regulations. The EPSC and Stormwater Plans must be compliant with Burlington's Chapter 26 regulations, and receive written approval from the City Stormwater Engineering program.

The applicants note that two separate activities emit noise: Filling the liquid nitrogen tanks (tanks are existing; filled up to 2x day) and the boiler (required to heat the water used for equipment sanitation process.) After meeting with neighborhood groups, the landscaping plan has been revised to include landscaping of increasing height to be planted in concert with fencing along the western property line to further buffer noise. Landscaping will be extended further north along that boundary as well. See sheet L1 for landscaping detail. This plan has been reviewed by the City arborist as well.

**Affirmative finding as conditioned.**

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

The current State of Vermont Wastewater System and Potable Water Supply permit defines allocation for 140 employees and process water. The actual and proposed employee count is 125. The project does not propose to increase the water demand for production. See narrative for description of process equipment set-up. Most of the water is used for sanitation of process equipment.

**Affirmative finding.**

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

The project does not propose to increase water demands for the manufacturing function. **Affirmative finding.**

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;*

The plan includes erosion prevention and sediment controls during construction phase of the development. These plans have been reviewed and approved the Stormwater Management program [Final approval received via email June 6, 2017.] The narrative defines long term (post development) ground cover including vegetation, compacted gravel, asphalt, concrete and stone fill; all consistent with erosion prevention. **Affirmative finding as conditioned.**

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

The development does not propose any increase in the number of employees on site. No change is anticipated to transportation and/or circulation patterns of the existing manufacturing facility. **Affirmative finding.**

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

The structural expansion of the manufacturing facility will have no impact on educational services. As noted, there will be no increase in the number of employees with this plan. **Affirmative finding.**

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

The plant will continue to use existing connections to municipal water and sewer systems, with no crease of flows for the site. Pursuant to Act 250 review, the applicant has made a request to City administrative officers from differing departments requesting review for any foreseeable impacts. Impact fees will be assessed for the new area; those fees will offset any new impacts. **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;*

The project area has no known or identified historic or archaeological sites. There exists a Class III wetland (related to a roadside ditch along Industrial Parkway) that is not designated under Burlington's Natural Resource Protection District Map 4.5.4-1. It has been determined that the wetland does not provide any function or value that is significant enough to merit protection under the Vermont Wetland Rules. Any disturbance to the area will be minimal and properly permitted with the Army Corps of Engineers.

Neighbors expressed concerns about wildlife habitat, tree cutting, and stormwater. The Conservation Board made the following recommendations:

- New plantings, including additional evergreens such as arborvitae, should be added along the northern property boundary in a staggered configuration.



- To the northwest of that line, the area should be left unmanaged to allow understory growth providing for wildlife habitat in that corridor.
- If the fence is to be extended, it should be staggered as well. The fence should be installed in such a way as to avoid additional tree clearing. Tree clearing should be limited to the triangular spot shown on the site plan.

**Affirmative finding as conditioned.**

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 is proposed within the Enterprise-Light Manufacturing zoning district where such activities are a permitted use. There will be no additional demand on existing street and municipal utility service. The payment of Impact Fees will address anticipated impacts of the industrial growth to appropriate departments. Additionally, the expanded manufacturing facility will add to the City's tax base. **Affirmative finding as conditioned.**

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

See Section 3.5.6 (a) above for conformance with the Municipal Development Plan. The applicant narrative defines further conformance with Chittenden County ECOS (Regional) Plan. **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;*

There will be no increase in the employee count with this project. As a result, there are no anticipated demands on housing needs or impact on affordability and location of housing.

**Affirmative finding.**

*and/or*

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

The project area is not adjacent to or impacting any city park. There will be no increase in employees as a result of the development. The payment of Impact Fees to the Parks, Recreation and Waterfront Department will address any potential ancillary impacts.

**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 applicant has identified areas of increased screening, landscaping and fencing (rooftop, and west elevation) to address periodic noise discharge. As an industrial area, a level of activity consistent with manufacturing and processing is anticipated. **Affirmative finding.**

2. *Time limits for construction.*

The zoning permit will limit the project to be completed within 2 years. **Affirmative finding as conditioned.**

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

Construction activities shall be limited to 7:00 am to 6:00 pm, Monday through Saturday. There shall be no construction on Sundays. No change to the current hours of operation are intended or implied. **Affirmative finding as conditioned.**

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

Any application for enlargement or expansion shall be viewed under the regulations in effect at the time of submittal. **Affirmative finding.**

*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.*

This remains at the discretion of the Board.

#### **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.*

Rhino Foods is an existing food processing facility; the use and proposed expansion is 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 <sup>1</sup> )	Max. Lot Coverage <sup>1</sup>	Minimum Building Setbacks <sup>1</sup> (feet)			Max. Height <sup>1</sup> (feet)
			Front	Side	Rear <sup>3</sup>	
<b>Light Manufacturing</b>	2.0 FAR	80%	5 min	0 <sup>2</sup>	10% <sup>2</sup>	45'
<b>Proposed 79 Industrial Pkwy</b>	.21 FAR	52%	>120'	>20'	> 110' (10% of lot depth = 50.6')	26'

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.*

Manufacturing is a permitted use in the E-LM zoning district per Appendix A. **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 Industrial Parkway.

**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**

Not applicable

**Section 5.4.9 Brownfield Remediation**

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. Appropriate measures will be defined by the plan for construction site debris and dust management.

Noise from two sources (Nitrogen tank filling, boiler) are limited in frequency and window of occurrence. Additionally, enhanced landscaping, screening, and fencing will be utilized to buffer noise impacts to abutting property. See submission narrative for definition and plans.

**Affirmative finding as conditioned.**

**Section 5.5.2 Lighting**

Twelve new LED cutoff lighting fixtures will be installed on the building exterior and within the new parking lot area. Fixtures will be photo cell; those intended for security purposes will be on motion sensor.

Light levels immediately below pole lighting exceed the 4 fc maximum defined by 5.5.2 (f) 1. Additionally, there are occasional areas where walkway lighting exceeds the 2 footcandle maximum defined by Section 5.5.2 (f) 2. Minor adjustments in fixtures or installation heights should address these minor errant measurements. **Affirmative finding as conditioned.**

**Section 5.5.3 Stormwater and Erosion Control**

Written approval of the EPSC and Stormwater Plan by the Stormwater Engineering team shall be a requirement prior to release of the zoning permit. Confirmation of that approval was received June 6, 2017. **Affirmative finding as conditioned.**

**Section 5.5.4 Tree Removal**

To accommodate the stormwater treatment channel, grading, the access drive and the westerly addition, trees will be removed in an area of approximately 7,300 sf. The landscaping plan identifies relocation of twelve 12' tall American Arborvitae trees and eight 4' tall American

Arborvitae trees. Thirty (30) new trees and 18 new shrubs will be planted across the site (likely more, with revised landscaping plans); many of which are intended along the westerly side of the building. A planting bed with perennials will be installed adjacent to the patio. See Landscaping Plan and narrative for definition of species. At Technical Review, project applicants informed that the landscaping plan was being revised to extend the fence/landscaping buffer to the north after meeting with neighbors; those plans would be forwarded. **Affirmative finding as conditioned.**

## **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*

Construction of the fire access road and the westerly building addition will prompt the removal/relocation of an area of trees. See Section 5.5.4, above. New trees will be installed to provide a buffer between the project area and abutting neighbors to the west. The drainage area next to Industrial Parkway has been identified as a Class III wetland; however, the the State of Vermont has determined that the wetlands do not provide function or value significant enough to warrant protection. **Affirmative finding.**

*(b) Topographical Alterations*

Some grading will be required as part of the development. A retaining wall (not to exceed 3' in height) is included at the loading dock. See Plan C1.04 for specific details. Approval of the Stormwater plan (to assure flow path) is a prior-to-release condition. **Affirmative finding as conditioned.**

*(c) Protection of Important Public Views*

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

*(d) Protection of Important Cultural Resources*

There are no identified architectural or archaeological resources at the site. Not applicable.

*(e) Supporting the Use of Renewable Energy Resources*

The regulated temperature of this food processing facility precludes inclusion of solar heating. The amenity space for employees has southerly exposure with large expanses of glazing to capture passive solar/light benefits. **Affirmative finding.**

*(f) Brownfield Sites*

None identified. Not applicable.

*(g) Provide for Nature's Events*

Existing drainage patterns are not significantly modified. An enhanced stormwater management system is proposed in compliance with State requirements. **Affirmative finding as conditioned.**

*(h) Building Location and Orientation*

Structural additions are proposed to an existing manufacturing facility. The additions are consistent with the orientation of the existing building. The enhanced entry will face the street, and include an entrance patio, pergola and garden area. **Affirmative finding.**

*(i) Vehicular Access*

Access will be maintained via the existing entrance off Industrial Parkway. To facilitate free circulation of delivery vehicles, the curb cut is proposed to be revised to be 34' wide with 25' radius flares. Any changes to the curb cut will require approval (and potentially a curb cut permit) from the Department of Public Works. No work shall be executed within the public right-of-way without prior approval of DPW. **Affirmative finding as conditioned.**

*(j) Pedestrian Access*

There are no public sidewalks along Industrial Parkway. Internal sidewalks to facilitate safe pedestrian transit between the parking lot and building will be reconstructed. **Affirmative finding.**

*(k) Accessibility for the Handicapped*

ADA compliance is under the jurisdiction of the building inspector. Five h/c parking spaces are illustrated on plan C1.02. **Affirmative finding.**

*(l) Parking and Circulation*

There are 58 parking spaces illustrated on the "existing conditions" site plan. The proposal includes paving the existing gravel parking lot, and adding a new lot for a total of 86 parking spaces. See Article 8 for parking requirements, below.

The project includes the addition of an 18' wide fire access lane around all sides of the building. **Affirmative finding.**

*(m) Landscaping and Fences*

See Tree Removal in Section 5.5.4, above, and reference to landscaping plan and plant schedule on plan L1. A wooden enclosure is proposed around the trash compactors. Eight-foot-tall cedar wood board and batten fencing sections will be staggered among the proposed plantings along the westerly property to screen the building and parking from abutting properties. The applicants submitted that the landscaping plan will be enhanced in response to neighbor's comments; that revised plan is forthcoming. **Affirmative finding as conditioned.**

*(n) Public Plazas and Open Space*

There are no public plazas or required open space as part of this application. The development includes new amenity space for employees for their comfort and enjoyment. **Affirmative finding.**

*(o) Outdoor Lighting*

See Section 5.5.2, above.

*(p) Integrate Infrastructure into the design:*

Trash compacters will have a gated fence surround. The mailbox will be relocated to an adjacent area as part of this proposal. Substantial landscaping and the addition of fences will screen and buffer impacts to abutting properties. A bike rack will be added to the northerly entrance. Mechanical equipment will be relocated to the roof of the building and screened with an enclosure. **Affirmative finding.**

### **Part 3: Architectural Design Standards**

#### **Section 6.3.2 Review Standards**

*(a) Relate development to its environment*

*1. Massing, Height and Scale*

**Density Study**, Plan 02, illustrates the similarity between this building, with proposed additions and other buildings in the area. **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 new glassed entrance portico will both identify the principle formal entry, but provide a striking complement to the streetfront of the building. **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 additions are both consistent with the existing building design and complementary in appearance. The new formal entrance will provide a warm and bright welcome. New landscaping and an improved parking area will satisfy the needs of employees and visitors alike. **Affirmative finding.**

*(e) Quality of Materials;*

Specific definition for wall sections are provided in Plan 06a. Exterior walls will be pre-finished insulated metal wall panels, aluminum storefront windows, spandrel glass, pvc roofing membrane and insulated sectional steel doors (at delivery bays.) All 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. Motion sensor activated security lighting has been included within the lighting plan. The addition of a fire access lane will accommodate any emergency vehicles. Details about water access and suppression systems were discussed at Technical Review. **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 1 parking space per 1,000 s.f. of gross floor area. The addition of 14,200 s.f. will require 14 new parking spaces. (14,200 / 1,000.) Existing conditions provide 58 parking spaces; proposed parking count is 86 parking spaces for an increase of 28 parking spaces; exceeding the requirement. **Affirmative finding.**

**II. Conditions of Approval**

1. Based on submitted new square footage of new nonresidential space, 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):

SF of Project		
	14,200	
Department	<u>Industrial</u>	
	Rate	Fee
Traffic	0.255	3,621.00
Fire	0.190	2,698.00
Police	0.341	4,842.20
Parks	0.411	5,836.20
Library	0.000	0.00
Schools	0.000	0.00
<b>Total</b>	1.197	<b>\$ 16,997.40</b>

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. Light fixtures shall be adjusted to meet the requirements of Section 5.5.2; particularly maximum footcandle measurements within the parking lot area



shall not exceed 4 fc; those on walkways 2 fc. A revised photometric shall be supplied **prior to release of the zoning permit** to confirm these revisions.

4. Written approval of the EPSC and Stormwater Plan by the Stormwater Engineering team shall be a requirement **prior to release of the zoning permit**. [Final approval received 6.6, 2017.]
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. Any changes to the curb cut will require approval (and potentially a curb cut permit) from the Department of Public Works. No work shall be executed within the public right-of-way without prior approval of DPW.
8. 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.
9. Per the Conservation Board's recommendations:
  1. New plantings, including additional evergreens such as arborvitae, should be added along the northern property boundary in a staggered configuration.
  2. To the northwest of that line, the area should be left unmanaged to allow understory growth providing for wildlife habitat in that corridor.
  3. If the fence is to be extended, it should be staggered as well. The fence should be installed in such a way as to avoid additional tree clearing. Tree clearing should be limited to the triangular spot shown on the site plan.

These recommendations shall be incorporated into a revised landscaping plan, to be submitted to staff for review and approval **prior to release of the zoning permit**.

10. 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.**