

## 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  
Anita Wade, Zoning Clerk*



### MEMORANDUM

To: Development Review Board

From: Mary O'Neil, AICP, Principal Planner

Date: April 4, 2017

RE: ZP17-0780CA/CU 557 Riverside Avenue / 29 Intervale Road

**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:** ZP17-0780CA/CU (29 Intervale Rd.);  
ZP17-0861CA (557 Riverside Avenue.)

**Location:** 29 Intervale Road / 557 Riverside Avenue

**Zone:** E-LM **Ward:** 1E

**Date application accepted:** February 13, 2017

**Applicant/ Owner:** Roger Charlebois /  
Related Property LLC

**Request:** Construction of buildings for self storage units, site improvements including stormwater utility installation.

#### Background:

##### 29 Intervale Road

- **Zoning Permit 00-651;** Lot Line Adjustment with 35 Intervale Road. No development included. June 2000.
- **Zoning Permit 78-512 / COA77-77;** convert the existing sand pit on Intervale Road, north of 29 Intervale Road at the railroad track into a junk yard. Also erect a 60' x 120' metal building on the site. Approved December 1977.

##### 557 Riverside Avenue

- **Zoning Permit 05-467CA / COA99-019A;** construction of two connected industrial buildings to replace two previous buildings. Driveway regrading and connection to city sewer system included. Approved May 2005.
- **Zoning Permit 78-173;** demolish present building and construct new metal building of approximately same size on site. Approved October 1978.



- Request to the Zoning Board of Adjustment to erect a 60' x 100' metal building to be used as a repair garage and for the storage of more than two unregistered vehicles. Approved September 1972.

**Overview:** Although individual parcels, both properties are owned by the same person. The applicant hopes to convert a portion of an existing warehouse to self storage (5076 sf, 28 storage units) and construct five new buildings to create a total of 121 mini-storage units. Site improvements will include stormwater utility infrastructure, LED lighting, security fencing, landscaping and new paving. Self-storage is a Conditional Use in the E-LM zoning district.

**Recommendation:** Conditional Use and Certificate of Appropriateness **approval**, per the following findings and conditions:

**I. Findings**

**Article 3: Applications, Permits and Project Reviews**

**Part 3: Impact 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.*

As new nonresidential square footage is proposed, Impact Fees are required. **Affirmative finding as conditioned.**

**Section 3.3.3 Exemptions and Waivers**

*(a) Exemptions*

*The following types of development are exempt from this Part:*

- Alterations to an existing use provided that such alteration occurs entirely within an existing building and within the same square footage.*

The conversion of 5,076 sf. of warehouse to self storage will not incur Impact Fees per this standard. The remaining new square footage (12,900 per Table Plan C2-01) will be assessed for Impact fees. Per that calculation, the following estimated fees will be due:

SF of Project 12,900

Department	Offices & Other	
	Rate	Fee
Traffic	0.658	8,488.20
Fire	0.193	2,489.70
Police	0.341	4,398.90
Parks	0.407	5,250.30
Library	0.000	0.00

Schools	0.000	0.00
<b>Total</b>	1.599	<b>\$ 20,627.10</b>

**Affirmative finding as conditioned.**

**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.**

**Part 5: Conditional Use Review**

**Section 3.5.6 Review Criteria**

**(a) Conditional Use Review Standards** (as adopted by City Council 8.10.2015)  
*Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:*

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

The addition of self storage units will have no identified impact on existing or planned public utilities, facilities or services. The site itself is an existing industrial/warehouse location. **Affirmative finding.**

- 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;*

As noted, this is an existing, developed industrial/warehouse site; consisting of related activities across multiple parcels with common ownership. Although self-storage is a different animal than general warehouse, the site specifically hosts storage activities currently.

From the Municipal Development Plan:

- *Implement measures to treat stormwater runoff from existing development, and require new development to treat stormwater through the use of acceptable best management practices. (MDP, Natural Environment, Page II-12.)*
- *(Along Riverside Avenue); Ways must be found to ... contain stormwater. Strong erosion control measures are necessary to protect steep slopes and water quality. (MDP, Land Use Plan, Page I-25.)*
- *Promote and support locally owned and controlled small businesses... (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 proposed self storage units will be within a complex of industrial and warehouse uses with similar characteristics. No new nuisance impacts are anticipated. **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 mini storage units are proposed within an existing industrial/warehouse complex with access from Industrial Road. Engineering analysis estimates 31 daily weekday trips and 3 peak AM/peak PM trips; negligible increase of traffic onto Riverside Avenue. Little if any additional demand is expected on utilities, facilities, or services. Any additional traffic impacts will be mitigated through the payment of impact fees.

**Affirmative finding as conditioned.**

*and*

5. *The utilization of renewable energy resources;*  
No part of the application prohibits the use of wind, water, solar, geothermal, or other renewable energy resource. **Affirmative finding.**

*and*

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances.* **Section 2.7.8, Withhold Permit** will require that the administrative officer deny all zoning permits or certificates of occupancy for any property with an uncorrected zoning violation or with expired zoning permits without a final certificate of occupancy. Instead of withholding or denying a zoning permit, the administrative officer may grant such permit subject to the condition that the uncorrected zoning violation is corrected or the expired zoning permit is closed out with a final certificate of occupancy. Such action shall take place fore the issuance of a final certificate of occupancy on the new permit. The applicant is encouraged to address any open permits issued for either property since July 13, 1989 and seek certificates of occupancy. **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 is providing new lighting and landscaping on site, in addition to enhanced stormwater mitigation plan. No further mitigation measures are identified. **Affirmative finding.**

2. *Time limits for construction.*

The permit will be valid for 2 years from the date of approval. The applicant has not requested phasing. **Affirmative finding as conditioned.**

3. *Hours of operation and/or construction to reduce the impact on surrounding properties.* This is within an existing industrial site with current hours of operation 7:00 am-7:00 pm. The proposed new use (mini storage) is proposed to be available 24/7 via an automated security system. Given the limited anticipated trips associated with self storage and the dearth of residential neighbors, no significant impact is anticipated to neighboring properties. **Affirmative finding.**
  4. *That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions,*  
Any alteration to the use will be reviewed under the regulations in effect at the time of application. **Affirmative finding as conditioned.**
- and*
5. *Such additional reasonable performance standards, conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*  
This is at the discretion of the Board.

#### **Article 4: Zoning Maps and Districts**

##### **Section 4.4.3 Enterprise Districts**

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

*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.*

The introduction of self-storage units are an accessory commercial use at this industrial/warehouse complex, consistent with this general definition for the zoning district. **Affirmative finding.**

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

###### **Table 4.4.3-1**

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 5 min <sup>3</sup>	Side 0 <sup>2</sup>	Rear 10% <sup>2</sup>	
<b>Light Manufacturing</b>	2.0 FAR	80%	Front 5 min	Side 0 <sup>2</sup>	Rear 10% <sup>2</sup>	45'
<b>29 Intervale Rd.</b>	< 2 FAR	57.35% existing, 77.9% proposed	No buildings within 5' of frontage. New edge of pavement approx. 9'.	Does not abut residential zoning district.	Structural setback met; pavement may encroach into setback up to 5' from property boundary; shown at approx. 32' from rear property line.	One story bays <45'.
<b>557 Riverside Avenue</b> (Involvement limited to access and new paving)	As Existing	Existing 74.99% Proposed 75.1%	No change	No change	No change	N/A

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.*

Warehouse/self-storage is a Conditional Use in the E-LM Zoning District. See Section 3.5.6, above.

**Article 5: Citywide General Standards**

**Section 5.1.1 Uses**

**(d) Conditional Uses**

Warehouse, Self Storage is a Conditional Use in the E-LM Zoning District. See Section 3.5.6, above.

### **Section 5.2.1 Existing Small Lots**

Not applicable.

### **Section 5.2.2. Required Frontage or Access**

These are existing parcels with pre-established street frontage and access points. **Affirmative finding.**

### **Section 5.2.3 Lot Coverage Requirements**

See Table 4.4.3-1, above.

### **Section 5.2.4 Buildable Area Calculation**

The development is not within the RCO, WRM, RM, WRL or RL zoning district. 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 5.5.2 Outdoor Lighting**

The applicant proposes LED wallpacks at the mini storage buildings and an existing warehouse; and four full cut-off pole mounted fixtures around the site. Per the provided photometric, maximum illumination levels do not exceed these standards. Pole height is proposed to be 16'; less than the 25' maximum. There is no measureable light spill across uninvolved boundary lines. **Affirmative finding.**

## **Article 6: Development Review Standards**

### **Part 1: Land Division Design Standards**

No land division is proposed. Not applicable.

### **Part 2: Site Plan Design Standards**

#### **Sec. 6.2.2 Review Standards**

#### **(a)Protection of Important Natural Features:**

There are no identified natural features at this site. A Stormwater Plan and an Erosion Prevention and Sediment Control Plan are under the review of the Stormwater Program; their approval will be a condition of the permit. **Affirmative finding as conditioned.**

#### **(b) Topographical Alterations:**

The installation of the drainage/stormwater utility will require some soil exploration prior to construction to assure site stability. The grading and drainage plan is subject to DPW/Stormwater program review and approval. **Affirmative finding as conditioned.**

#### **(c ) Protection of Important Public Views:**

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

**(d) Protection of Important Cultural Resources:**

Not applicable.

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

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

**(e) Brownfield Sites:**

29 Interval Road appears on the Vermont Department of Environmental Conservation's Hazardous site website.

The report refers to petroleum sheens on the Winooski River more than 15 years ago which opened the Charlebois property as a Site listing, but were never confirmed to have originated from this site or from gas stations on Riverside Avenue. Further communication between that Division and the consulting engineering team have provided rich interchange between parties about site characteristics, past development, and proposed methods to address stormwater. Vt DEC was satisfied with the exchange and will assign a *Sites Management Activity Completed* designation for Site #20002828 in the near future. There remains no concern from DEC about the proposed development.

The applicants are not proposing stormwater infiltration as part of the new treatment. The plan includes a sand filter with underdrain as opposed to infiltration and also a water quality unit which acts as an oil/grit separator. This will be a significant improvement from current site conditions.

The approval of Burlington's Stormwater Program Engineer will be required. **Affirmative finding as conditioned.**

**(g) Provide for nature's events:**

*Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.*

New stormwater infrastructure is proposed as part of this application. Both the EPSC and the Stormwater Plan will require written approval of the Stormwater program.

*Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.*

The applicant currently addresses on-site snow management.

**Affirmative finding as conditioned.**

**(h) Building Location and Orientation:**

The mini-storage buildings are arranged within the existing industrial site; most located behind existing buildings. None front a road. **Affirmative finding.**

**(i) Vehicular Access:**

Access remains as existing. **Affirmative finding.**

**(j) Pedestrian Access:**

There are no sidewalks on Intervale Road. The proposed use is not associated with pedestrian traffic, as users will be transporting storage items in vehicles. The development will, however, introduce pavement access to storage units and formalize 7 new parking spaces. **Affirmative finding.**

**(k) Accessibility for the Handicapped:**

This is not a requirement for the proposed use; however single story storage units with full overhead doors will presumably offer easy accessibility. **Affirmative finding.**

**(l) Parking and Circulation:**

The complex has an existing pattern of circulation throughout the buildings. The proposed self storage buildings will profit from that access and infrastructure. Per Table 8.1.8-1, 7 new parking spaces are provided. See Plan C2-01. **Affirmative finding.**

**(m) Landscaping and Fences:**

Plan C5-02 includes landscaping improvements, which will help visibly screen new pavement from Intervale Road. **Affirmative finding.**

**(m)Public Plazas and Open Space:**

There are no public plazas or open space on this site. Not applicable.

**(o) Outdoor Lighting:**

*Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.*

See Section 5.5.2, above.

**(p) Integrate infrastructure into the design:**

Storage buildings do not typically have mechanical equipment, mailboxes or utility connections. Lighting will be provided along each building. **Affirmative finding.**

**Part 3: Architectural Design Standards**

**Sec. 6.3.2 Review Standards**

**(a)Relate development to its environment:**

***1. Massing, Height and Scale:***

This is an industrial/warehouse complex. Although most buildings are Butler style metal commercial structures of greater scale, the storage units are not incompatible tucked behind the existing warehouses. **Affirmative finding.**

## **2. Roofs and Rooflines.**

Shallow pitched gable roofs are proposed; typical for the type of storage structure. **Affirmative finding.**

## **3. Building Openings**

The storage buildings typify the model: Garage doors are the predominant feature along entire building facades. Functionally, this defines the use. **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:**

There will be little visibility of these elongated buildings from Intervale Road or Riverside Avenue. One would have to enter the site to see the buildings, as situated. The buildings themselves are characteristically austere. **Affirmative finding.**

### **(e) Quality of materials:**

Storage buildings, whether for large manufacturing or small scale use are typically pre-engineered packages consisting of metal frame and siding to be installed on prescribed concrete slab. For their use, the materials are of expected durability. **Affirmative finding.**

### **(f) Reduce energy utilization:**

Other than installed vapor barrier and insulated slab, the storage units themselves are not expected to be energy rated. The proposed LED light fixtures will have positive impacts for energy usage. **Affirmative finding.**

### **(g)Make advertising features complementary to the site:**

Any 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:**

Unit entrances will be adequately lit and observable from within the complex. The storage units will be accessible 24 hours a day via an automated security system.

All construction will meet applicable building and life safety code as defined by the building inspector and the fire marshal. **Affirmative finding.**

## **Article 8: Parking**

The parking requirement for the new use is as following:

5,000 sf manufacturing (existing)                      1 space/1000 sf = 5 parking spaces

121 storage units at 1 space /100 units =

Total spaces provided:

2 parking spaces

7 spaces

The spaces are identified as follows: 3 on the south of the existing building proposed as storage; 2 on the south of existing building, north side of site; and 2 on the east side of the same building.

See Plan C2-01.

No change to parking or use at 557 Riverside Avenue.

**Affirmative finding.**

## **II. Conditions of Approval**

1. Impact fees, based upon the net new storage area will be required. See Article 3 Part 3 for an estimate based upon submission information. The applicant shall confirm that area for a final assessment.
2. **Section 2.7.8, Withhold Permit** will require that the administrative officer deny all zoning permits or certificates of occupancy for any property with an uncorrected zoning violation or with expired zoning permits without a final certificate of occupancy. Instead of withholding or denying a zoning permit, the administrative officer may grant such permit subject to the condition that the uncorrected zoning violation is corrected or the expired zoning permit is closed out with a final certificate of occupancy. Such action shall take place fore the issuance of a final certificate of occupancy on the new permit. The applicant is encouraged to address any open permits issued for either property since July 13, 1989 and seek certificates of occupancy.
3. The grading and drainage plan is subject to DPW/Stormwater program review and approval **prior to release of the permit.**
4. The Erosion Prevention and Sediment Control Plan will require written approval by the Stormwater Division **prior to release of the permit.**
5. Any signage will require a separate sign permit.
6. The boundary survey/plat shall be filed in the City's land records to correct boundary lines for all related properties.
7. 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.**